



NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fíadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2025-36**

**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 **Cathal & Katherine de Lacy of The Old Forge, Maglass, Ballymacellogett, Tralee, County Kerry, V92 Y5P6** 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**:

- **Common Pipistrelle** **Pipistrellus Pipistrellus**
- **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 **Cahervalish, Ballymakegoge, The Spa, Tralee, County Kerry, V92 NPP2**, for **Cathal & Katherine de Lacy**.
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 (**Preliminary and Dusk-Dawn Bat Survey Report, Ballymakegoge, The Spa, Tralee, Co. Kerry (Oakwin)**), 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 **1st January-31st March 2025, inclusive**.
6. The works will be supervised by bat ecologist: **Maurice O'Connor**
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**, william.hunt@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 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)

27 November 2024

Any query in relation to this derogation should be sent to wildlifelicence@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-2025-36

Derogation Holder: Cathal & Katherine de Lacy

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