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APPENDIX 6-5

BAT DEROGATION LICENCE

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Derogation Number
DER-BAT-2026-250

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 **Ethan Roche** of **K King Construction, Technology House, Galway Technology Park, Parkmore, County Galway** 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**

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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 **Knocknacarra, County Galway (Grid Ref.: M 26657 24672)** for **Ethan Roche**
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. In addition, the Minister reserves the right to revoke the derogation where updated information indicates that the basis upon which the derogation was granted has materially changed.
4. The mitigation measures outlined in the application report **(Bat Derogation Licence Supporting Document Kingston Knocknacarra West LRD)** 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 **8th July 2026 – 31st December 2027, inclusive.**
6. The works will be supervised by bat ecologist(s): **Caroline Kelly**
7. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
8. The derogation is based upon information provided in the application. Where this information may cease to be accurate due to the passage of time or changes to the circumstances giving rise to the need for the derogation, the derogation holder is responsible for notifying the NPWS.
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 Regional Manager – Rebecca Teesdale,** rebecca.teesdale@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 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

Fiona O' Mahony.

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

08 July 2026

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

National Parks & Wildlife Service LICENCE

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Derogation Assessment

Name of Applicant: Ethan Roche

Location/Name of Project: Knocknacarra, Co Galway Grid Ref: M 26657 24672

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.	☐

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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 imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined on page two of the accompanying report titled "Bat derogation licence Supporting Document", a derogation is required to facilitate proposed works at Rahoon, Knocknacarra, Galway, Co. Galway.

The objective of the works involves the demolition or modification of all the existing structures on the site to facilitate construction of a large-scale residential development proving 133 residential units and public spaces.

The report further outlines the proposed works sit under the Galway City Development Plan 2023-2029 with the land zoned for residential use and will help to deliver on the objective of "compact growth on existing brownfield and infill sites." The development will also create "attractive, liveable, and well-designed urban centre that integrates into the community" and will assist with Galway's population growth targets

The applicant has provided evidence as to 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.

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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 demolition and/or modification of two farm buildings containing small roosts to facilitate the construction of a large-scale residential development in Knocknacarra, Galway City.

The specific situation that needs to be addressed is that small numbers of Soprano pipistrelles were observed during bat surveys in 2024 emerging from the structures. The buildings are currently in poor condition and if left will only continue to fall into a state of disrepair.

The alternative solutions suggested by the applicant are: firstly to do nothing, secondly to retain the structures in which the roosts were identified in their current condition, and thirdly to retain and refurbish the structures and reinstate the bat roosts.

1. "Do-Nothing" scenario: If the development were to not go ahead, the derelict buildings would remain in place and likely continue to be used as a low suitability roosts. The structures would continue to deteriorate. This would also result in the lack of provision of housing as outlined in Test 1 and is therefore considered an unsatisfactory alternative under Test 2. Furthermore the structures are currently due to its state of dereliction and poses a risk to users of the land. Also if the 'do-nothing' scenario were to be adopted the roost structure would continue to degrade over time and become less suitable for bats to use. **This is not a viable option as it has already been outlined in Test 1 that the development of the housing development is essential to assisting in meeting current and future demand for housing in the City and wider County**.

2. Alternative 1: Structure retention: This option would encompass the retention of the two existing structures on the site. They would continue to fall into an increasing state of disrepair and would become less suitable as roosts overtime. Their continued presence would mean the optimal layout of roads and structures for the proposed development would not be possible and need to be reconfigured. Once the site was developed, the two structures would pose ongoing health and safety hazards in and a visual eyesore at the centre of the development. **Based on the above, this is not a viable option as constructing the housing development around the existing structures that host the roosts would pose a public health risk to future residents of the housing development and would be detrimental to optimal site layout. In addition the retention would mean the site was not in compliance with Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.**

3. Alternative 2: Retention and refurbishment of existing structures and reinstatement of bat roosts: As the two structures identified as containing roosts are proposed to be refurbished or demolished and replaced by new

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structures, the option to integrate roosting habitat within the new structures (i.e. in the roof spaces, under roof tiles or within the stone walls either by leaving open crevices or by integrating bat roosting space within the new walls) was considered. **This option is not considered feasible due to the lack of control on the potential roost spaces once the development is operational, as new owners and any subsequent owners into the future may not be in favour of roosting bats on their property.**

As mitigation it is proposed to recreate roosting space in public areas within the proposed development, in the form of bat boxes, considering that these can be a suitable replacement for small roosts like the ones identified. These roosts can be monitored more easily and will be located along retained commuting habitat.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 31 of the accompanying report *a number of alternative solutions, including the "do-nothing alternative" were examined by the applicant.*

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant's problem against the effects of a derogation on the species concerned, it is 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.

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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)

A small pipistrelle roost is present within two buildings on site. Both common and soprano pipistrelles are widespread and abundant in Ireland and are in favourable conservation status. These species are also adaptable and quick to occupy new roosting features.

Suitable and proportionate mitigation has been proposed, including the provision of alternative roosts in the form of bat boxes. Providing these mitigation measures are implemented, I am satisfied that the works will not be detrimental to the maintenance of the populations of the species in question 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.

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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**	☐

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The following conditions should be attached to the derogation:

1.
2.
3.
4.

[add additional conditions where required]



Signed: Date: July 8, 2026

Position: Ecologist