



APPENDIX 6-4

BAT DEROGATION LICENSE



Rialtas na hÉireann
Government of Ireland



Arna chomhchistiú ag
an Aontas Eorpach
Co-funded by the
European Union



Tionól Reigiúnach
Oirthir agus Lár-Tíre
Eastern and Midland
Regional Assembly



Fáilte
Ireland



Comhairle Contae
Ros Comáin
Roscommon
County Council



The Hodson Bay Waterfront Park Project is co-funded by the Government of Ireland and the European Union through the EU Just Transition Fund



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National Parks and Wildlife Service

**Derogation Number
DER-BAT-2026-261**

**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 **Roscommon County Council of Aras an Chontae, Roscommon, County Roscommon, F42 VR98** 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 **Hodson Bay, Barry More, County Roscommon** for **Roscommon County Council**
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 Hodson Bay Waterfront Park and Marina Redevelopment**) 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 November – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Aoife Joyce, Clare Mifsud, Saoirse Fitzsimons & Kate Leahy**
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 Conservation Ranger – Ethan Devaney**, ethan.devaney@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 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)

22 July 2026

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



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Derogation Assessment

Name of Applicant: Roscommon County Council

Location/Name of Project: Hodson Bay, Barry More, Co. Roscommon

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 four of the accompanying report titled "Bat Derogation Licence", a derogation is required to facilitate proposed works within the townland of Barrymore, northwest of Athlone, Co. Roscommon

The objective of the works as outlined in the report involves the redevelopment of the Hodson Bay Waterfront park and the demolition of an existing water sports building on the site and construction of a new pavilion. The works also involve the redevelopment of the existing marina, a landscaped plaza and promenade. The report notes on Page 18 that the proposed area for development is identified as a "key recreational, tourism, and amenity destination" and will also "significantly enhance public access to Lough Ree and the River Shannon, improve sustainable transport connectivity, and support the growth of low-intensity tourism."

The redevelopment of the site will also improve public access to the River Shannon and includes walking and cycling routes, promoting sustainable travel and tourism which aligns with the Roscommon County Development Plan 2022 – 2028.

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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National Parks and Wildlife Service**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: Hudson Bay Waterfront Park and Marina Redevelopment.

The specific situation that needs to be addressed is the removal / exclusion of a bat roost

The alternative solutions suggested by the applicant are:

1. Under a 'Do-Nothing' scenario, the existing building and associated bat roost would be retained. While this would avoid direct impacts on the identified roost, it would also prevent the delivery of the proposed development and its associated benefits. As outlined under Test 1, the development will deliver significant public, social, economic and environmental benefits, including enhanced recreational infrastructure, improved public access to the lakeshore, and support for sustainable tourism. Failure to proceed with the development would therefore undermine the policy objectives of the Roscommon County Development Plan 2022–2028 and the Hodson Bay/Barrymore Area Plan. The 'Do-Nothing' option does not represent a satisfactory alternative, as it fails to deliver the imperative reasons of overriding public interest established under Test 1.]

2. Structure retention [The option of retaining the existing building, while progressing the remainder of the development, has been fully considered. However, this approach is not feasible for the following reasons: The building occupies a central and functionally critical location within the site layout, and its retention would constrain the delivery of the proposed waterfront redevelopment, including the pavilion, promenade, and associated public realm improvements; Retention would result in a fragmented and suboptimal site layout, undermining the coherence and usability of the overall development; It would conflict with the objectives of the Roscommon County Development Plan and the Hodson Bay/Barrymore Area Plan, which promote integrated, high-quality tourism and recreational infrastructure. As such, building retention would not allow the scheme to achieve its stated objectives and is therefore not considered a satisfactory alternative]

3. Design Modification/Avoidance Measures Options to modify the design to avoid impacts on the roost (e.g. partial retention, exclusion zones, or incorporation of the existing structure into the final layout) were also considered. However, these options are not viable due to: The need to demolish the structure to accommodate



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the proposed pavilion and associated infrastructure; Health, safety, and design constraints associated with retaining an unsuitable and ageing structure within a high-use public space. Given the nature of the proposed development and the condition and location of the existing building, avoidance of roost removal cannot reasonably be achieved.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 11 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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National Parks and Wildlife Service**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 soprano pipistrelle roost is present within one of the buildings on site. This species is widespread and abundant in Ireland and is in favourable conservation status. This species is also adaptable and quick to occupy new roosting features.

Suitable and proportionate mitigation has been proposed, including the erection of bat boxes and sensitive lighting.

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] |

Kate Greaney

Signed: .

Date: July 22, 2026

Position: Ecologist