

**Derogation Number
DER-BAT-2026-xx**

**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 **Martin Ryan of Limerick Twenty Thirty, The GPO Building, Gardens International, Henry Street, Limerick, County Limerick, V94 01W7** 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**



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Cleeves Riverside Quarter, Limerick, County Limerick** for **Martin Ryan**
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 (**Supporting Document – Bat Derogation Licence Application Cleeves Riverside Quarter, Co. Limerick**) 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 **30th April 2026 – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Sara Fissolo & Pat Roberts**.
7. Orientation of the bat house and internal layout shall be modified as per conditions below to minimise potential light spill into and disturbance of underground compartment and reduce high levels of airflow into the structure from the west. NPWS will be happy to detail this further if any additional clarification is necessary.
8. Advice from project engineer is required prior to construction as to ensure the best balance between preventing potential flooding of underground chamber and floor area and maintaining high humidity inside the underground compartment and bat house. This may require consideration of barrier membrane or other sealing methods.
9. The building should be rotated 180 degrees from its original specifications. As such the door for human access would now face northwest and the gable end with the bat access point would face southeast.
10. An additional bat access point will be added into the wall of the now northeastern side of the building.
11. Instead of a steel door containing an access grill for bats, a lockable solid steel door with no openings will be used. This is to reduce light entering the roost and minimise potential for antisocial behaviour, predator entry or other disturbance to the interior of the roost. LHB access will be via two VWT style access points.
12. A Vincent Wildlife Trust design anti predator (tipping platform) access opening for LHBs be located on the gable end (now southeast side of the building) as well as what is now the northeast side of the building.
13. The underground chamber will be 2 m in depth (not the 1m suggested) and the roof of which shall be a surface with suitable gripping points for LHBs to hang from.
14. After construction, conditions in and around the Clonmacken bat house will be monitored to ensure:
 - External light levels around the building are below 1 Lux. If this is not being achieved measures such as planting, screening or adaption of nearby lighting will be undertaken.
 - Humidity levels inside the building will be assessed after construction to ensure they are suitable for lesser horseshoe bat roosting (60-70%). If humidity is at unsuitable levels measures will be put in place to correct this.
15. Future use of the bat house will be monitored so that any potential problems preventing or limiting usage may be addressed in consultation with NPWS.

16. The council ensure that adequate yearly budget is made available as required for maintenance, repairs and monitoring of the bat house. This is to ensure that at all times the bat house is kept in suitable condition for bats using or which may wish to use the bat house at any point throughout the year.
17. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
18. 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.
19. 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.
20. 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.
21. The local **NPWS Regional Manager – Aine Lynch**, aine.lynch@npws.gov.ie, must be contacted prior to construction to ensure design conditions have been met, and if bats are detected on site during the course of the work, under the terms of this derogation. Any results from monitoring should be shared with NPWS staff.
22. 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 of the derogation or the 31st January each year**, should the derogation run for longer than one calendar year. Additionally a report will also be submitted detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return** and should be submitted to wildlife.reports@npws.gov.ie



NPWS

An tScribhís Páircenna
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)

30 April 2026

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



Derogation Assessment

Name of Applicant: Martin Ryan

Location/Name of Project: Cleeves Riverside Quarter, County Limerick

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 checked="" 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 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 “Supporting Document”, the derogation is required to facilitate proposed works in the Docklands of Limerick City, at the former Cleeves factory.

The objective of the proposed works, comprising phase 2 of the overall masterplan involves the stabilisation and repair of the Flaxmill protected structure on the site. The report further outlines on page five from a policy context, regeneration of the site is “promoted at national, regional and local policy level” and also “prioritised for investment under the Urban Regeneration and Development Fund”

The overall objective of the masterplan as noted on page 17 of the report is to “is to revitalise and transform the Cleeves site and surrounding area to deliver a World Class Waterfront development in Limerick’s urban core”. This transformation will support the local economy through business investment, local employment opportunities and address housing needs.

The applicants have provided evidence as to the nature and scale of the overriding public interest reasoning 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):

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:

- A. Demolition of a number of structures to facilitate development including (i) Salesians Secondary School and Fernbank House; (ii) 2 no. houses on North Circular Road; (iii) Residual piers from the basin of the reservoir; (iv) Upper Reservoir on Stonetown Terrace comprising 2 no. concrete water tanks, pump house and liquid storage tank; (v) 1960's lean-to building structures adjoining the Cold Store (former Weaving Mill); (vi) c20th rear lean-to of the Flaxmill Building; (vii) c.1960s office building adjoining the Packing Store and Cheese Plant on North Circular Road; (viii) Cluster of buildings including altered part of the Linen Store, the former Linen Store, Storage Building, and Office/Lab building at O'Callaghan Strand / Stonetown Terrace with partial retention of existing stone wall; (ix) warehouse on the Shipyard site; and (x) partial removal of stone boundary wall defining the Cleeves site adjoining O'Callaghan Strand / Stonetown Terrace. Some of the demolition works / partial demolition works overlap with Phase I works associated with the emergency stabilisation and repair of the Flaxmill building.

- B. Construction and phased delivery of:
 - 1. Residential Development in 4 development 'zones' within the site ranging in height from 3 – 7 storeys (with screened service plant at roof level) comprising; (a) 234 no. residential units; (b) 270 no. student bedspaces with ancillary resident services at ground floor level; (c) 256sqm of commercial floorspace; and (d) a creche. The specific development details of each proposed development zone comprise the following:
 - i. Salesians Zone – 1 no. building with 2 no. blocks extending to 6 and 7 storeys comprising 146 no. apartments (76 no. 1 bed; and 70 no. 2 bed); a creche; undercroft car and bicycle parking; reception area, plant rooms, and refuse storage, with screened external plant at roof level; 20 no. 3 storey 3 bed triplex units; and 30 no. car parking spaces for the dedicated use of the adjoining Salesians Primary School.
 - ii. Quarry Zone – 1 no. Purpose Built Student Accommodation building with 3 no. blocks extending to 6 and 7 storeys comprising 270 no. bedspaces with study rooms, shared areas, exercise room, reception area, plant rooms, refuse storage and bicycle parking all at ground floor level and

screened external plant at roof level. Provision is made for communication antennae on the rooftop of one block. Consent is also sought for use of the PBSA accommodation, outside of student term time, for short-term letting purposes.

- iii. Stonetown Terrace Zone – 1 no. building extending to 5 storeys comprising 38 no. apartments (6 no. studios; 12 no. 1 beds; and 20 no. 2 beds) with plant rooms and refuse storage at ground level, ancillary infrastructure at basement level at northern end of the block, with screened external plant at roof level; 9 no. 3-storey 3-bed townhouses; and a dedicated secure bicycle storage facility.
 - iv. O’Callaghan Strand Zone – 1 no. building extending to 4 / 5 storeys comprising 21 no. apartments (9 no. 1 bed and 12 no. 2 bed) with an open roof structure accommodating communal open space and plant; and 256qm of commercial ground floorspace intended to accommodate Class 1, Class 2 and / or Class 3 uses, with provision for car parking in the undercroft.
2. Dedicated mobility hub with canopy including double stacker bicycle parking; and EV Charging spaces, within the Shipyard Zone. A dedicated pedestrian/cycle link connects North Circular Road with Condell Road. The remaining area of the zone shall accommodate temporary car parking and a temporary external event space to be used on a periodic basis as the need arises, pending future redevelopment proposals as detailed in the Masterplan (Stage IV).
 3. Extensive provision of Public Realm including creation of the Reservoir/Quarry Park, the Flaxmill Square and the Riverside Corridor. Significant areas of civic and green spaces are provided, incorporating formal and informal play space; nature based SuDs, permeability and access; provision of heritage interpretative panels; and a riverside canopy functioning as an outdoor event space.
 4. 3 no. dedicated bat houses; and
 5. All ancillary site development works including (a) water services, foul and surface water drainage and associated connections across the site and serving each development zone; (b) attenuation proposals; (c) raising the level of North Circular Road between Fernhill and O’Callaghan Strand; (d) temporary construction access to the Quarry site including provision of a temporary bridge across the reservoir; (e) refuse collection store (f) car and bicycle parking; (g) public lighting; and (h) all landscaping works.

The specific situation that needs to be addressed is the project will entail

1. The destruction of resting (not breeding) places of a population of two lesser horseshoe (*Rhinolophus hipposideros*) and small roost (<5 individuals) of soprano pipistrelle (*Pipistrellus pygmaeus*).
2. Potential disturbance to a small soprano pipistrelle roost counting approx. 6-8 bats that will be retained as part of the development but could be subject to disturbance during construction and operation.

The alternative solutions suggested by the applicant are:

A do-nothing scenario was considered. If the proposed development was not to go ahead, the habitats within the site would likely be retained and remain available to bats. However, due to its prominent location within Limerick City, the site is likely to be utilised or redeveloped in some form that would likely result in an alteration of use of the site by the small number that currently use it. Such a scenario where the bat roosts were retained

would likely not be supported at national, regional and local policy level for the redevelopment of this city centre location.

Substantial mitigation has been incorporated into the proposals for the development site and these will assist in minimising the impact. An impact is, however unavoidable if the development is to proceed hence the requirement for derogation. To mitigate this off site mitigation is proposed by way of a new bat house to be constructed at a key location (Clonmacken) to maximise potential usage by lesser horseshoe and other bat species. This mitigation was suggested by NPWS, the developers have committed to it and having it in place before demolition works begin at the main site. NPWS regional staff support this proposal and see it as a potential positive for the bat species particularly LHBS locally and at a strategic location to potentially open up movement of LHB between the north and south of Limerick. Such movement is a key conservation concern and will be assisted by the development.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on pages 17-18 of the accompanying report.

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.



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="" 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)

Roosts for Lesser horseshoe bat (LHB) and soprano pipistrelle bat were identified on site. LHB is in unfavourable conservation status nationally, while the soprano pipistrelle is in favourable conservation status.

Although the proposed renovations will remove the roosting opportunities, the planned mitigation measures include retention of roosting space in the buildings, additional night roosting locations for LHB and the creation of a new bat house further to the west outside the boundary of the site. Thus, increasing the roosting opportunities and enhancing the long-term suitability of the area for bats. Particularly in area which is a pinch point for LHB movement.

Provided the mitigation measures are implemented in full and the conditions of this licence are followed, 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.



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. Orientation of the bat house and internal layout shall be modified as per conditions below to minimise potential light spill into and disturbance of underground compartment and reduce high levels of airflow into the structure from the west. NPWS will be happy to detail this further if any additional clarification is necessary.
2. NPWS shall be consulted prior to construction to ensure design conditions have been met.
3. Advice from project engineer is required prior to construction as to ensure the best balance between preventing potential flooding of underground chamber and floor area and maintaining high humidity inside the underground compartment and bat house. This may require consideration of barrier membrane or other sealing methods.
5. The building should be rotated 180 degrees from its original specifications. As such the door for human access would now face northwest and the gable end with the bat access point would face southeast.
6. An additional bat access point will be added into the wall of the now northeastern side of the building.
7. Instead of a steel door containing an access grill for bats, a lockable solid steel door with no openings will be used. This is to reduce light entering the roost and minimise potential for antisocial behaviour, predator entry or other disturbance to the interior of the roost. LHB access will be via two VWT style access points.
8. A Vincent Wildlife Trust design anti predator (tipping platform) access opening for LHBs be located on the gable end (now southeast side of the building) as well as what is now the northeast side of the building.
9. The underground chamber will be 2 m in depth (not the 1m suggested) and the roof of which shall be a surface with suitable gripping points for LHBs to hang from.
10. After construction, conditions in and around the Clonmacken bat house will be monitored to ensure:
 - External light levels around the building are below 1 Lux. If this is not being achieved measures such as planting, screening or adaption of nearby lighting will be undertaken.
 - Humidity levels inside the building will be assessed after construction to ensure they are suitable for lesser horseshoe bat roosting (60-70%). If humidity is at unsuitable levels measures will be put in place to correct this.
11. Future use of the bat house will be monitored so that any potential problems preventing or limiting usage may be addressed in consultation with NPWS.
12. Any results from monitoring should be shared with NPWS staff.
13. The council ensure that adequate yearly budget is made available as required for maintenance, repairs and monitoring of the bat house. This is to ensure that at all times the bat house is kept in suitable condition for bats using or which may wish to use the bat house at any point throughout the year.

Signed:

Date: April 30, 2026

Position: Ecologist