



**NPWS**

An tSeirbhís Páirceanna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

# **Application for Derogation Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended**

**Revision 2.0 – July 2025**

- This form can be used by any individual or Company applying for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (“the Regulations”) **or** any individual applying on behalf of the Minister for Housing, Local Government and Heritage under Regulation 54(A) of the Regulations.
- Note this application form is not for Domestic Dwelling Derogations (bats within private homes) which can be found here > ([3D Application Form](#))
- Please ensure that you answer questions fully in order to avoid delays and/or your application being rejected on the basis that it does not contain sufficient information and detail for the application to be considered further.
- Please read and familiarise yourself with the [NPWS Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)
- Please read and familiarise yourself with the [European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive](#)
- Please also note that the responses to these questions are supplementary to the documentation required for the NPWS to be in a position to consider your application. A complete application should include both the application form and an associated report. Failure to supply either will result in your application being returned and/or refused.
- In circumstances in which a derogation is given on foot of this application, the Applicant is responsible for ensuring compliance with the conditions of any such derogation, even though they may employ another person to act on their behalf. To carry out any activity without, or not in accordance with, a derogation granted under regulation 54 or 54A of the Regulations constitutes a criminal offence, subject to prosecution.
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit: [reg54derogations@npws.gov.ie](mailto:reg54derogations@npws.gov.ie)
- Please note – applications, associated reports and derogations will be published on the NPWS website and/or the Department’s Open Data website.
- Where any applicant is applying for a derogation to carry out surveys, please ensure to list all qualified ecologists and trainees under their supervision. See section 1(c) of Part A.

## Part A: The Applicant - Personal Details

These questions relate to the person responsible for any proposed works and who will be the **Applicant**. **If this application is being submitted on behalf of a third party, please also complete Part B below.**

### 1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Miss	Emma	Fitzgerald
<b>(b)</b> Company Name, if applicable	MKO	
<b>(c)</b> Address Line 1	Tuam Rd	
Address Line 2		
Town	Galway	
County	Co. Galway	
Eircode	H91VW84	
<b>(d)</b> Contact number	[REDACTED]	
<b>(e)</b> Email address	[REDACTED]	
<b>(f)</b> Address where works are to be carried out if different from (b) above.		
Address Line 1	All of Ireland	
Address Line 2		
Town		
County		
Eircode		

### Details of Person Submitting Application on Behalf of Applicant/Derogation Holder

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant should be entered below:

### 1. (b) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Miss	Emma	Fitzgerald
<b>(b)</b> Company Name	MKO	
Address Line 1	Tuam Rd	
Address Line 2		
Town	Galway	
County	Co. Galway	
Eircode	H91VW84	
<b>(c)</b> Contact number	[REDACTED]	
<b>(d)</b> Email address	[REDACTED]	
<b>(e)</b> Relationship to Applicant	Applicant	

## For Survey Derogations Only

1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held  
e.g. Supervisor/Trainee

Forename(s)	Surname	Supervisor or Trainee
Emma	Fitzgerald	Supervisor
Rudraksh	Gupta	Trainee
Viorel	Anitei	Trainee
Katy	Beckett	Trainee
Megan	Doyle	Trainee
Emily	Fair	Trainee
Caitrin	Farren	Trainee
Mairead	Kavanagh	Trainee
Deepali	Mooloo	Trainee
Timothy	O'Ceallaigh	Trainee
Matthew	Kieran	Trainee
Adam	Scott	Trainee
James	Sturt	Trainee
Malena	Thren	Trainee
Patrick	Hehir	Trainee
Niamh	Rowan	Trainee
Cuan	Feely	Trainee
Andrew	McCarthy	Trainee
Niamh	Leahy	Trainee
Kate	Johnson	Trainee
Amy	McDermott	Trainee
Bea	Jackson	Trainee
Jack	Coffey	Trainee
Juliane	Kohlstruck	Trainee
Mark	Whelan	Trainee
Ryan	McGee	Trainee
Chandra	Walter	Trainee

## Part B: Species covered by the Derogation

1. **Species of Animal:** Please indicate which species is/are the subject of the application:

- Bat
- Otter
- Kerry Slug
- Natterjack Toad
- Dolphin
- Whale
- Turtle
- Porpoise

2. Please detail the exact species (scientific name):   All Bat Species  

3. Please provide the maximum number of individuals affected\*           

4. Please provide the maximum number of breeding or resting sites affected\*           

5. Please provide the maximum number of eggs to be taken\*           

6. Please provide the maximum number of eggs to be destroyed\*           

\*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

I am applying for a precautionary disturbance licence to survey potential roosts (i.e. buildings, trees) to determine the presence of bats and to survey confirmed roosts to gather additional information on them. The licence would cover all ecologists trained in bat surveys which have previously held a licence from NPWS, as well as untrained ecologist under the condition they are accompanied by their experienced colleagues.

The inspection survey work is necessary to inform impact assessments on potential protected species present within a site and is the first step in informing further survey effort on a site, and any recommended mitigations. The staff covered under the licence will act in the interest to protect roosting bats and will not cause unnecessary disturbance on a roost: the licence is intended to cover staff in the performance of their work, in the event that a roost is found in a previously unknown location. Bats can be found during inspections at any time of the year: there are no satisfactory alternatives to carrying out inspections under a precautionary licence.

7. **Species of Plant:** Please indicate which species is/are the subject of the application:

- Killarney Fern
- Slender Naiad
- Marsh Saxifrage

8. If you previously received a derogation for any species of animal or plant, please state derogation number and confirm that you have made a return to NPWS on the numbers actually affected by that derogation.

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**9. Proposed Dates for Activities:** Please indicate the timeframe that you propose to carry out the activities. Dates set by NPWS may differ from dates proposed here. *A derogation will only be issued with a start and end date within a calendar year.*

Start Date:	01.01.2026
End Date:	31.12.2026

## Part C: Nature of the Derogation.

1. Please tick which prohibition(s) the application for a derogation relates to:

Regulation 51	
Deliberately capture or kill any specimen of the relevant species in the wild	<input type="checkbox"/>
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input checked="" type="checkbox"/>
Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
Damage or destroy a breeding or resting place of such an animal, or	<input type="checkbox"/>
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"/>
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
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"/>

**Further information should be provided in the format set out in Part E: Template for Supporting Information**

## Part D: Derogation Tests

**Note: The following summary information must be provided by the applicant in all cases, and will be used to determine if a derogation can be provided. Further information must be provided in the format set out in Part E: Template for Supporting Information**

### Test 1: Reason for the Derogation

1. Please tick which reason(s) below explains how this application qualifies under Regulation 54(2)(a-e) or Regulation 54A(2)(a-e) of the European Communities (Birds and Natural Habitats) Regulations: Please provide a summary of how the application meets the 3 conditions required to provide a derogation. Note that in all cases additional information must be provided (see Part E).

<b>a.</b>	In the interests of protecting wild flora and fauna and conserving natural habitats <b>(proceed to 2a)</b>	<input type="checkbox"/>
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<b>b.</b>	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property ( <b>proceed to 2b</b> )	<input type="checkbox"/>
<b>c.</b>	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>proceed to 2c</b> )	<input checked="" type="checkbox"/>
<b>d.</b>	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 ( <b>proceed to 2d</b> )	<input type="checkbox"/>
<b>e.</b>	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 ( <b>proceed to 2e</b> )	<input type="checkbox"/>

**2a.** In the interests of protecting wild flora and fauna and conserving natural habitats:

i) Please state the wild flora, fauna or habitats that require protection and /or conservation.

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ii) Please summarise how the interests of protection and conservation of the species/habitat concerned justify affecting another species under strict protection.

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**2b)** To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property:

i) Please summarise the nature of the potential damage, why it is considered “serious” and how this outweighs the conservation interest of the species under strict protection.

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**2c)** 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:

i) Where the reason is for public health and public safety, summarise the evidence provided to support this reason (e.g. documentary evidence of the risk from a chartered structural engineer, tree surgeon, Garda Síochána, qualified health professional etc.)

I am applying for a precautionary disturbance licence to allow me to inspect potential bat roost features, including buildings and trees, in order to determine the presence or absence of bats, and to undertake surveys of confirmed roosts to gather additional information where required. This licence is sought to enable me to carry out inspection surveys lawfully in situations where bats may be present, but roost locations are not yet known.

These inspection surveys are necessary to inform ecological impact assessments for proposed developments and represent the initial step in determining whether further survey work or mitigation measures are required. All survey activities will be undertaken in accordance with best practice guidance, with due care taken to avoid unnecessary disturbance to bats or damage to roosts. Any works will be carried out sensitively and only to the minimum extent required to confirm roost presence and status.

The purpose of this licence is to provide legal cover for precautionary inspections carried out in the course of my professional duties, particularly where bats may be encountered unexpectedly during surveys. Bats may be present at potential roost sites at any time of year, and there are no satisfactory alternatives to undertaking such inspections under a precautionary disturbance licence.

Over the past year, I have undertaken relevant training and gained practical experience through shadowing licensed bat ecologists on multiple surveys, including roost inspections and activity surveys. This experience has provided me with the necessary skills to identify potential roost features, recognise signs of bat presence, and carry out surveys in a safe and sensitive manner. Details of this training and supervised survey work are provided within the supporting documentation submitted with this application, demonstrating that I have attained an appropriate level of competence to undertake the proposed survey activities independently.

ii) Where the reason is 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”, summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

**2d)** 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:

i) Please summarise the objective(s) of the proposed activities making reference to those listed above and how the the purpose of such activities overrides the interests of strict protection of the species. <sup>1</sup>

**2e)** 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

i) Please clearly state the objective of the activity and verify that this reason is being chosen as the objective of the activity does not match reasons a-d listed above.

ii) Please summarise how the activity will result in the taking or keeping of limited numbers of specimens of the species, how it will be applied on a selective basis and to a limited extent, and how it will be done under strictly supervised conditions.

**Test 2: Absence of Alternative solutions**

**2.** Please summarise the alternative solutions that have been considered and why these solutions are deemed unsatisfactory. This must include the option of the “do-nothing” alternative and evidence should be objective and robust. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	Choosing not to apply for a precautionary licence is not a viable option. Irish bat survey guidance (Marnell, Kelleher & Mullen, 2022, p. 27) notes that although a licence is not strictly required when searching for previously unknown roosts,

<sup>1</sup> Note that this reason may be appropriate for when research involves surveys that may cause disturbance of species under strict protection. But the sole purpose of the surveys should be for research and education or the other reasons listed above under 1d.

	<p>surveyors are required to withdraw immediately if bats are discovered. This restriction would significantly limit the ability to complete essential roost assessments. As such, proceeding without a licence would prevent the collection of the information needed to inform ecological assessments and responsible project design.  </p>
<p>  Restricting inspections to certain times of year  </p>	<p>  Limiting inspections to specific seasons is not a workable alternative. Bats may be encountered at any time of the year, and the potential for disturbance cannot be completely avoided. While surveys are always carried out with care, particularly during sensitive periods such as maternity and hibernation, licensing remains essential to allow surveys to proceed lawfully should an unexpected roost be found. Seasonal restriction would also delay or prevent timely ecological assessment for active development proposals.  </p>
<p>  Not carrying out inspections at all  </p>	<p>Forgoing inspections would result in incomplete bat survey data. Preliminary roost assessments are the first step in determining whether additional surveys (e.g., dusk/dawn activity surveys) are required and are fundamental to identifying species presence, roost type, and potential impacts. Without these inspections, there is a significant risk that important bat use of a site would go undetected, preventing appropriate mitigation measures from being designed and undermining the ecological impact assessment process. This approach is therefore incompatible with best practice and conservation objectives.</p>
<p>Applying for individual, project-specific precautionary licences</p>	<p>Submitting a separate licence application for each inspection is not practical or proportionate. As practising ecologists, we regularly undertake roost assessments across a wide range of projects. Requiring project-specific licences would create unnecessary administrative burden for us and NPWS, slow down survey programmes, and potentially reduce the capacity to influence project design in ways that benefit bat conservation. A single precautionary licence is the most efficient, resource-effective, and conservation-supportive solution.</p>

\* Please insert additional rows above if needed

### Test 3: Impact of a Derogation on Conservation Status

3. Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided where relevant. Mitigation measures being relied upon must ensure that the derogation will not be 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. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

The purpose of this application is to ensure that any bat roost inspections undertaken are carried out lawfully and with full regard for the protection of bats and their conservation status. The derogation is being sought on a precautionary basis, and all work will be carried out in strict accordance with recognised best-practice guidelines to avoid unnecessary disturbance.

We are trained ecologists, experienced in conducting bat inspections and handling, and our survey methodology strictly adheres to established standards designed to minimise disturbance. Inspections will be carried out carefully, and disturbance will be limited to what is unavoidable when identifying the presence of bats within potential roost features. On this basis, it is not anticipated that the proposed survey work will negatively affect the favourable conservation status of any bat species.

If bats are encountered during inspections, this will be appropriately recorded and reported to NPWS as part of the licence return process. Such reporting contributes to national datasets and ensures transparency and continued monitoring of bat populations.

Our work follows up-to-date best-practice guidance, including but not limited to:

- Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th Edition (Collins, 2023)
- The Bat Worker's Manual, 3rd Edition (Mitchell-Jones & McLeish, 2004)
- Ecological and Behavioural Methods for the Study of Bats, 2nd Edition (Kunz & Parsons, 2009)
- Handbook of Biodiversity Methods (Hill, 2005)
- Bats and Appropriate Assessment Guidelines (BCI, 2012b)
- UK Bat Mitigation Guidelines V1.2 (Reason & Wray, 2025)
- Bat Mitigation Guidelines for Ireland v2 (Marnell, Kelleher & Mullen, 2022)
- Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (NRA, 2006a)
- Guidelines for the Treatment of Bats During the Construction of National Road Schemes (NRA, 2006b)
- Bat Surveys – NIEA Specific Requirements (Northern Ireland Environment Agency, 2017)

These methodologies have been widely applied across Ireland and the UK and have been demonstrated to be effective in ensuring that survey work does not compromise bat conservation status when implemented correctly.

Taken together, the precautionary approach, informed survey practice, and commitment to minimising disturbance provide assurance that the derogation will not be detrimental to maintaining bat populations at favourable conservation status within their natural range.

## Part E: Template for Supporting Information

This application form should provide a summary of the evidence that the applicant has provided. In all cases, it is necessary to provide separate supporting information so that the assessment of the application can be undertaken in a robust and comprehensive manner. Applicants should refer to guidance provided by the NPWS and the European Commission whilst preparing this application form and the supporting information.

It is essential that supporting information is prepared in a consistent manner using the template below so that NPWS officials assessing the application can locate the relevant evidence to determine if the three Tests can be met. Failure to provide sufficient evidence will result in the application being refused.

The structure of the Supporting Information should be as follows:

- 1) Table of Contents
- 2) Introduction
  - a. Objective of the proposed works (for example, as part of construction of a national road, repair of roofing, undertaking surveys etc.)
  - b. Name, qualifications and relevant experience of scientific staff, including trainees, (e.g. ecologist) involved in the preparation of the application and those responsible for carrying out the proposed activity.
  - c. If this application is for the carrying out of surveys that may cause disturbance, qualifications of all involved must be provided and trainees must be clearly identified.
- 3) Background to proposed activity including location, ownership, type of and need for the proposed activity, planning history, policy context, zoning in relevant Development plan (or equivalent), etc.
- 4) Full details of proposed activity to be covered by the derogation (including a site plan). The site may be inspected by an NPWS representative, so the details given should clearly reflect the extent of the project. This information will be used to compare site conditions with the Method Statement.
- 5) Ecological Survey and site assessment (Not required for applications to carry out surveys)
  - a. Pre-existing information on species at location and environs.
  - b. Status of the species in the local/regional area (relevant to the consideration of the impact on the population at the relevant geographic scale (Test 3))
  - c. Objective(s) of survey
  - d. Description of Surveys Area
  - e. Survey methodology (including evidence as to how the methodology represents best practice and is appropriate to the Objective). Methodology should include survey maps, details of timing, climate, equipment used and identify any uncertainties or difficulties encountered.
  - f. Survey results including raw data, any processed or aggregated data, and negative results as appropriate. Photographs and maps must be provided where site-specific features are referred.
  - g. Population size class assessment.
- 6) Evidence to support the Derogation Tests
  - a. Test 1 - Reason for Derogation:
    - i. There should be a clear explanation as to why a specific reason(s) has been selected in the application form.

- ii. Applicants are advised to read the guidance published by the NPWS '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.1.
- b. Test 2 - Absence of Alternative Solutions
  - i. Applicants must list the alternatives to the proposed activity that have been considered, including the do-nothing alternatives in a clear and objective manner. A basic requirement is that these alternatives should be compared in terms of their impact on the species subject to strict protection. It should be clear to NPWS officials as to why the chosen approach has been selected.
  - ii. Applicants are advised to read the guidance published by '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.2.
- c. Test 3 - Impact of a derogation on Conservation Status
  - i. Applicants should include details of the population at the appropriate geographic scale and an evaluation of how the proposed activity will affect the conservation status both before and after mitigation measures have been applied.
  - ii. Full and detailed descriptions of proposed mitigation measures that are relevant to the potential impact on the target species. Evidence that such mitigation has been successful elsewhere should be provided, where available.
  - iii. Applicants are advised to read the guidance published '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.3.

7) Monitoring the impacts of the derogations

- a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
- b. Applicants should provide details of proposed reports to be submitted to the NPWS including the results of monitoring.
- c. Applicants are advised to read the guidance published by the European Commission "[Guidance document on the strict protection of animal species of Community interest under the Habitats Directive](#)" with specific reference to Section 3.4.

## Part F. Declaration

I declare that all of the foregoing particulars are, to the best of my knowledge and belief, true and correct. I understand that the deliberate killing, injuring, capturing or disturbing of protected species, or damage or destruction of their breeding sites or resting places or the deliberate taking or destroying of eggs is an offence without a derogation and that it is a legal requirement to comply with the conditions of any derogation I may be granted following this application. I understand that NPWS may visit to check compliance with a derogation.

Please note that under Regulation 5 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 an authorised officer may enter and inspect any land or premises for the purposes of performing any of their functions under these Regulations or for obtaining any information which they may require for such purposes.

**Signature of the Applicant**

Emma Fitzgerald

**Date**

21/01/2026

**Name in BLOCK LETTERS**

Emma Fitzgerald

### PRIVACY STATEMENT

See Privacy Statement at [www.npws.ie/licences](http://www.npws.ie/licences)

npws.ie

Department of Housing, Local Government and Heritage



An Roinn Títhíochta,  
Rialtais Áitiúil agus Oidhreachta  
Department of Housing,  
Local Government and Heritage