



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
- 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
Mr	John	Curtin
(b) Company Name, if applicable	Eire Ecology	
(c) Address Line 1	8a. St. Patrick St.	
Address Line 2		
Town	Portumna	
County	Galway	
Eircode	H53 X571	
(d) Contact number	[REDACTED]	
(e) Email address	[REDACTED]	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1		
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
Mr	John	Curtin
(b) Company Name	Eire Ecology	
Address Line 1	8a. St. Patrick St.	
Address Line 2		
Town	Portumna	
County	Galway	
Eircode	H53 X571	
(c) Contact number	[REDACTED]	
(d) Email address	[REDACTED]	
(e) Relationship to Applicant	Same	

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): [Common pipistrelle (*Pipistrellus pipistrellus*)• Soprano pipistrelle (*Pipistrellus pygmaeus*)• Nathusius' pipistrelle (*Pipistrellus nathusii*)• Leisler's bat (*Nyctalus leisleri*)• Brown long-eared bat (*Plecotus auritus*)• Daubenton's bat (*Myotis daubentonii*)• Whiskered bat (*Myotis mystacinus*)• Natterer's bat (*Myotis nattereri*)• Lesser Horseshoe bat (*Rhinolophus hipposideros*)] _____

3. Please provide the maximum number of individuals affected* [N/A] _____

4. Please provide the maximum number of breeding or resting sites affected* [N/A] _____

5. Please provide the maximum number of eggs to be taken* [N/A] _____

6. Please provide the maximum number of eggs to be destroyed* [N/A] _____

*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.

We conduct ecological surveys throughout Ireland. This licence request is for general roost disturbance. The licence is not sought for roost removal or destruction, only temporary disturbance for survey, inspection, or ECoW purposes.

- no roost destruction is proposed
- disturbance is temporary, supervised, and limited in duration
- no maternity or hibernation roosts will be disturbed except where unavoidable and justified

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.

DER-BAT-2025-177

Der/Bat 2023-07

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:	19/02/2026
End Date:	19/02/2028

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).

a.	In the interests of protecting wild flora and fauna and conserving natural habitats (proceed to 1a)	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property (proceed to 1b)	<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 (proceed to 1c)	<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 (proceed to 1d)	<input checked="" 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 (proceed to 1e)	<input type="checkbox"/>

1a. 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.

N/A

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

N/A

1b) 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.

N/A

1c) 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.)

In my professional capacity as an ecologist, I am regularly required to inspect trees and structures that are proposed for felling, demolition, or repair due to public safety concerns. These inspections are often necessary to inform risk assessments and mitigation measures prior to works proceeding.

Where bats are known or suspected to be present, access to roost features may be required to accurately assess the risk to both bats and the public. In such circumstances, temporary disturbance of bat roosts may be unavoidable in order to ensure that works are carried out safely and in compliance with wildlife legislation

- 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.

In my role as Lead Ecologist with Éire Ecology, I undertake bat surveys for commercial and private developments, including pre-construction surveys, construction-phase environmental supervision, and post-construction monitoring of bat roosts.

These activities are essential to ensure that development projects comply with planning conditions and wildlife legislation, and to facilitate the implementation of appropriate mitigation and monitoring measures. Access to bat roosts may be required to accurately determine roost status, extent, and usage, and to inform evidence-based decision-making. Any disturbance arising from such access is temporary, strictly supervised, and undertaken only where necessary.

- 1d)** 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. ¹

As Co-Chair of Bat Conservation Ireland, and in my professional capacity as a bat ecologist, I am involved in structured research, monitoring, and educational activities relating to bat ecology and roost use. These activities include supervised inspections of bat roosts and the monitoring of bat boxes as part of ongoing research and conservation programmes.

I manage a bat box monitoring scheme at Derrycrag Woods, Woodford, Co. Galway, where regular counts and inspections are undertaken to collect data on species presence, roost occupancy, and seasonal use. These activities contribute to a broader understanding of bat ecology and inform best-practice conservation and mitigation measures.

¹ 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.

Access to roosts and bat boxes for the purposes of research and monitoring may result in temporary disturbance, and a roost disturbance licence is therefore required to ensure that such activities are carried out lawfully, under strictly supervised conditions, and in accordance with current best practice. The information gathered through this work directly supports bat conservation, education, and evidence-based decision-making.

1e) 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.

N/A

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.

N/A

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	<p>The do-nothing alternative would involve refraining from accessing bat roosts and avoiding any activity that could result in disturbance. While this option would avoid disturbance entirely, it is considered unsatisfactory as it would prevent the applicant from carrying out essential professional duties as a bat ecologist.</p> <p>In particular, the do-nothing option would:</p> <ul style="list-style-type: none"> ▪ prevent accurate assessment of bat roost status and usage, ▪ limit the ability to inform risk assessments for public safety-related works,

	<ul style="list-style-type: none"> ▪ hinder compliance with planning conditions and wildlife legislation for development projects, and ▪ restrict the collection of data necessary for research, monitoring, and conservation-led decision-making. <p>In many cases, non-intrusive or external survey methods alone are insufficient to determine roost extent, function, or seasonal use. Where access to roost features is necessary to obtain this information, the do-nothing option would result in poorer ecological outcomes and increased risk of inadvertent impacts to bats during subsequent works.</p> <p>For these reasons, the do-nothing alternative is not considered a satisfactory solution. </p>
<p>External Inspections and Non-Intrusive Survey Methods Only</p>	<p>An alternative approach would be to rely solely on external inspections and non-intrusive survey methods, such as visual inspection from a distance, emergence and re-entry surveys, or remote monitoring.</p> <p>While these methods are used wherever possible and form the first stage of bat assessment, they are not always sufficient to determine:</p> <ul style="list-style-type: none"> ▪ the full extent of a roost, ▪ the function of a roost (e.g. day roost, transitional roost, maternity or hibernation use), ▪ connectivity between roost features and adjacent structures, or ▪ the level of risk posed by proposed works. <p>In certain circumstances, access to roost features is necessary to obtain accurate information to inform mitigation, risk assessment, and compliance with wildlife legislation. Where non-intrusive methods alone cannot provide this information, reliance on this alternative would result in uncertainty and potentially poorer outcomes for bat conservation.</p> <p>For these reasons, exclusive reliance on non-intrusive survey methods is not considered a satisfactory alternative in all cases </p>

Test 3: Impact of a Derogation on Conservation Status

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

This application relies on both imperative reasons of overriding public interest and the need to facilitate research and education, as access to bat roosts is required in the applicant's professional role to address public safety and legal compliance in development-led works, and to undertake structured research, monitoring, and conservation-focused activities.

The activities proposed under this derogation are limited to **temporary and controlled disturbance at bat roosts** for the purposes of ecological survey, inspection, research, education, and environmental supervision. **No roost destruction, modification, or permanent exclusion of bats is proposed**, and no activity will result in the loss of roost function.

Any disturbance arising from activities carried out under this licence will be:

- **Short-term and reversible**,
- **Strictly supervised by a suitably qualified bat ecologist**, and
- **Undertaken only where necessary**, following a site-specific risk assessment.

Disturbance will be avoided during sensitive periods (including maternity and hibernation) wherever possible, and where access during such periods is unavoidable, it will be **minimised in duration and extent**, in accordance with the *Bat Mitigation Guidelines for Ireland (2022)* and current best practice.

No activity will result in:

- mortality of bats,
- injury to individuals,
- abandonment of roosts, or
- reduction in reproductive success.

The scale of disturbance permitted under this licence is such that **no population-level effects** are anticipated at the local, regional, or national scale. The conservation status of bat species in Ireland will therefore **not be adversely affected**, and favourable conservation status will be maintained within their natural range.

The granting of this licence will, in practice, support bat conservation by enabling:

- accurate identification and assessment of roosts,
- informed mitigation design for development projects, and
- improved protection of bat populations through evidence-based decision-making.

On this basis, the proposed activities will not be detrimental to the maintenance of bat populations at a favourable conservation status, as required under Regulation 54 of the Regulations.

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

John Curtin

Date 19/02/2026

Name in BLOCK LETTERS

JOHN CURTIN

PRIVACY STATEMENT

See Privacy Statement at 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