



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	[Patrick	[Mulholland
(b) Company Name, if applicable	[]	
(c) Address Line 1	[Ladestown,	
Address Line 2	[
Town	[Mullingar,	
County	[Co. Westmeath	
Eircode	[N91C6Y6	
(d) Contact number	[██████████	
(e) Email address	[██████████	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	[Carrickwood	
Address Line 2	[
Town	[Mullingar	
County	[Co. Westmeath	
Eircode	[N91 H5X4	

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
[Dr	[Ross	[Donnelly-Swift
(b) Company Name	[Ross Swift Ecology Ltd.	
Address Line 1	[Hillsboro	
Address Line 2	[
Town	[Newbridge	
County	[Kildare	
Eircode	[W12TP20	
(c) Contact number	[██████████	
(d) Email address	[██████████	
(e) Relationship to Applicant	[Ecological Consultant	

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
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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): [Pipistrellus pygmaeus]

3. Please provide the maximum number of individuals affected* [55]

4. Please provide the maximum number of breeding or resting sites affected* [1]

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.

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.

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:	15 th February 2026
End Date:	31 st March 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 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 checked="" 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 2a)	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property (proceed to 2b)	<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 2c)	<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 2d)	<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 (proceed to 2e)	<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.)

The redevelopment of the existing house is required to bring the property back into viable residential use. Although the roof remains intact, the building as a whole is in poor structural condition and is continuing to deteriorate. If left undeveloped, the house is likely to become fully derelict, which would pose safety concerns and further reduce its long-term suitability for both human occupation and wildlife. The site is also highly visible from Lough Ennell and
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accessible from a popular amenity area; without intervention, the building's decline would negatively affect the visual and environmental quality of the wider landscape.

The works cannot be carried out without disturbing the existing Soprano Pipistrelle (*Pipistrellus pygmaeus*) maternity roost. The roost is located directly above a garage structure that contains an asbestos roof, which must be removed under controlled conditions. Any refurbishment, demolition, or asbestos-related works in this area will inevitably cause disturbance to the roost and will result in the loss of the existing roost structure. Avoidance is therefore not feasible.

The proposed redevelopment involves demolishing the existing dwelling and constructing a new house that is more sensitive to its lakeside setting. The new design incorporates a green roof to reduce visual impact from Lough Ennell, improve runoff control, enhance energy efficiency, and provide additional ecological value on the site. These measures represent a significant environmental improvement over the existing structure.

While the removal of the current roost will temporarily impact the local Soprano Pipistrelle population, the surrounding landscape is of high ecological value and supports strong foraging and commuting habitat. It is highly unlikely that bats will abandon the area. To ensure continuity of roosting opportunities and to facilitate the re-establishment of a maternity roost, a suite of mitigation and compensation measures is proposed. These include the installation of permanent, integrated bat boxes within the structure of the new dwelling, as well as the provision of additional bat boxes on mature trees during the construction phase. These measures will provide both interim and long-term roosting options and are designed to exceed the ecological functionality of the existing roost.

Given the structural condition of the building, the presence of asbestos, the need to prevent further dereliction, and the environmental benefits of the proposed redevelopment, there is no satisfactory alternative to the works. The derogation is therefore required to allow the project to proceed in a manner that safeguards bat conservation and delivers a net ecological gain on the site.

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- 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.

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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. ¹

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	The house would remain unoccupied and would continue to deteriorate over time. The building is already in poor condition and is showing clear signs of structural decline. Without intervention, it is likely to become fully derelict. This would

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.

	<p>increase safety risks, reduce the building's long-term viability for residential use, and diminish the visual and environmental quality of the site, which is highly visible from Lough Ennell and accessible from a popular amenity area.</p> <p>While the Do-Nothing option would avoid immediate disturbance to the existing Soprano Pipistrelle roost, it would not protect the roost in the medium to long term. As the structure continues to degrade, the roost itself will become increasingly vulnerable to weathering, water ingress, structural failure, and eventual collapse.</p> <p>In addition, the garage beneath the roost contains an asbestos roof that must be removed for health and safety reasons. Leaving the site unmanaged would allow this risk to persist and worsen. The presence of asbestos means that even routine maintenance or emergency stabilisation works would inevitably disturb the roost, making the Do-Nothing option neither safe nor sustainable.</p> <p>The Do-Nothing alternative also fails to deliver the environmental improvements associated with the proposed redevelopment, including the green roof, enhanced ecological features, improved runoff management, and reduced visual impact on Lough Ennell. These benefits would not be realised under a Do-Nothing approach.</p> <p>For these reasons, the Do-Nothing option is not considered a satisfactory alternative. It would ultimately lead to greater ecological risk, increased disturbance to bats in the future, and the continued decline of the building and surrounding landscape.</p>
<p>Bat roost in roof</p>	<p>Retaining the existing house and attempting to refurbish it in its current form is not a viable option. The building requires significant structural and fabric refurbishment to bring it back into residential use. Any such works particularly to the roof structure where the Soprano Pipistrelle roost is located would inevitably cause substantial disturbance to the roost. The scale of intervention required to stabilise and upgrade the building would be comparable to, or greater than, the disturbance associated with full redevelopment.</p> <p>The existing house is also not suitable for sensitive integration into the surrounding landscape. Its current form and materials result in a greater visual impact on Lough Ennell SAC/SPA. Retaining the</p>

	<p>structure would prevent the delivery of key environmental improvements, including the proposed green roof, which has been specifically designed to reduce visual prominence, enhance ecological value, and provide nature-based benefits such as improved runoff control and increased habitat diversity.</p> <p>The new design intentionally removes the attic space and replaces it with a combination of green roof and limited pitched roof elements. This approach reduces the building's massing and visual profile while also eliminating the attic void that currently supports the roost. Attempting to retrofit the existing house to achieve similar environmental performance or visual integration would require extensive reconstruction and would still not achieve the same ecological or landscape benefits.</p> <p>Given the poor condition of the existing building, the need for major refurbishment, and the location of the roost within the roof structure, retaining the house is not a feasible alternative. It would result in unavoidable disturbance to the roost while preventing the delivery of a more environmentally sensitive and ecologically enhanced development. For these reasons, the option to retain and refurbish the existing house is not considered a satisfactory alternative.</p> <p>]</p>
<p> Bat roost in the boat house </p>	<p>A small boathouse is located within the development site boundary, positioned directly within the waters of Lough Ennell. While, in theory, its redevelopment could provide an opportunity to incorporate bat-friendly features into a redesigned roof structure, this option is not considered viable for several reasons.</p> <p>Firstly, the boathouse lies entirely within the Lough Ennell SAC/SPA. Any construction, alteration, or refurbishment works in this location would take place within a highly sensitive European site and would carry a significant risk of disturbance to qualifying habitats and species. This includes potential impacts on aquatic habitats, bird species for which the SPA is designated, and the broader ecological integrity of the lake system. Undertaking works in this location would therefore introduce a level of environmental risk far greater than that</p>

	<p>associated with the proposed redevelopment of the existing house.</p> <p>Secondly, the boathouse would require substantial structural modification to make it suitable as a replacement bat roost. Its current form does not provide the thermal stability, internal volume, or structural characteristics required to support a maternity roost for Soprano Pipistrelle. Achieving these conditions would necessitate extensive reconstruction, all of which would occur within the SAC/SPA and would likely trigger additional statutory assessments and consents.</p> <p>Furthermore, relocating the roost to the boathouse would not align with the natural behaviour or habitat preferences of the local bat population. The existing roost is associated with the main dwelling, which provides a more typical roosting environment for the species. Forcing a relocation to a structure within the lake environment would introduce unnecessary ecological uncertainty and may not result in successful long-term occupation.</p> <p>For these reasons, the option of redeveloping the boathouse to serve as an alternative roost is not considered a satisfactory alternative. It would create greater ecological risk, require significant intervention within a European site, and is unlikely to provide a suitable or sustainable roosting environment for the species.</p>
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* 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 proposed derogation will result in the unavoidable loss of an active maternity roost for Soprano Pipistrelle (*Pipistrellus pygmaeus*). Bat activity increased throughout the survey period, confirming the building's role as a maternity site during the breeding season. The loss of this roost represents a temporary impact on the local population.

At a national level, the conservation status of Soprano Pipistrelle is assessed as Favourable in the 2025 Article 17 Report. The species is listed as Least Concern, with an increasing population trend, a stable range, and a stable habitat trend. The species is widespread and well-established in the Irish landscape, including the high-quality foraging and commuting habitats surrounding Lough Ennell.

The redevelopment of the existing house requires full demolition due to its deteriorated condition and the scale of refurbishment required. As the roost is located within the roof structure, its loss is unavoidable. However, the surrounding landscape provides excellent foraging habitat, and it is highly unlikely that the local bat population will abandon the area. The proposed mitigation and compensation measures are designed to ensure continuity of roosting opportunities and to support the re-establishment of a maternity roost on site.

To compensate for the loss of the existing roost, permanent integrated bat boxes will be incorporated into the structural design of the new dwelling. These features provide stable microclimatic conditions suitable for maternity roosting and are widely recognised as effective long-term compensation measures for Soprano Pipistrelle. During the construction phase, external bat boxes will be installed on mature trees to provide immediate alternative roosting opportunities prior to any disturbance.

Additional mitigation measures have been incorporated into the project design to avoid impacts on Lough Ennell SAC/SPA, including a sensitive lighting plan and the installation of a green roof to reduce visual and ecological impacts. All works will be undertaken under the supervision of a suitably qualified bat specialist, with timing restrictions applied to avoid disturbance during the maternity season.

Taking into account the species' favourable conservation status nationally, the high ecological value of the surrounding landscape, and the robust suite of mitigation and compensation measures proposed, the derogation is not expected to have a significant negative impact on the conservation status of Soprano Pipistrelle at either the local or wider population level. The provision of both interim and permanent roosting features will ensure that the species can continue to utilise the site and remain active in the area once the development is complete. |

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

| *Ross Donnelly-Swift*

Date

| 10/02/26

Name in BLOCK LETTERS

| Ross Donnelly-Swift

PRIVACY STATEMENT

| See Privacy Statement at www.npws.ie/licences

npws.ie

