



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
	Simon	Gallivan
(b) Company Name, if applicable	Nomis Amo Ltd	
(c) Address Line 1	27	
Address Line 2	Demense Rd	
Town	Killarney	
County	Kerry	
Eircode	V93 A5W6	
(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	Aghadoe House	
Address Line 2	Aghadoe	
Town	Killarney	
County	Kerry	
Eircode	V93 DK00	

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	Mick	O'Connor
(b) Company Name	Ecology Research and Solutions Ltd.	
Address Line 1	12	
Address Line 2	Cahernane Meadows	
Town	Killarney	
County	Kerry	
Eircode	V93K8W6	

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): *Plecotus auratus*, *Pipistrellus pygmaeus*, *Pipistrellus pipistrellus*, *Rhinolophus hipposideros*, *Nyctalus leisleri* _____

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.

It was an unoccupied roost, one individual *Plecotus auratus* was detected on a static recorder on one occasion. The other species were only recorded flying outside the building and are included as best practise under the precautionary principle. Further details are in the report

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:	06/10/2025
End Date:	20/01/2026

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	<input checked="" type="checkbox"/>

	beneficial consequences of primary importance for the environment (proceed to 2c)	
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.

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

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.

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 proposed works at Aghadoe House are required in the interests of public health and safety, as confirmed by the accompanying structural engineer's report (Sheehan, 2025). That report identifies extensive wet-rot decay, water ingress through porous chimneys and failed valleys, and complete failure of several flat roofs. These defects have rendered sections of the roof structurally unsound, creating a risk of falling masonry, timber or slates, and potential injury to occupants, contractors, or visitors. The engineer notes that although immediate collapse has not yet occurred, progressive deterioration will inevitably lead to structural failure if untreated. High winds could dislodge loosened roof elements, creating a hazard to persons and property below. The building is currently uninhabitable and unsafe for occupancy without urgent intervention. Accordingly, the works are essential to eliminate a demonstrable safety risk and to prevent further endangerment arising from unstable roof fabric. The proposed re-roofing and structural repairs are limited to those necessary to stabilise the building, prevent debris fall, and restore structural integrity, while simultaneously protecting the existing bat roost through phased, ecologically supervised methods. This justification is consistent with Regulation 54(2)(c) of the *European Communities (Birds and Natural Habitats) Regulations 2011* (as amended), which permits derogation where actions are necessary in the interests of public health and public safety. It also aligns with NPWS (2022) *Bat Mitigation Guidelines for Ireland, Category C*, recognising that emergency or essential works to address health-and-safety hazards may proceed under licence, provided appropriate mitigation is implemented

- 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. 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	Leaving the roof in its current state was considered but rejected as entirely unsatisfactory. The structural engineer’s report (Sheehan, 2025) identifies advanced wet rot, porous chimneys, failed valleys, and

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>complete failure of the flat-roof sections. These defects pose an ongoing risk of falling debris and eventual structural collapse, particularly during high-wind events.</p> <p>Failure to act would endanger any person entering or working near the building and would accelerate internal deterioration of historic fabric. From an ecological standpoint, inaction would also ultimately destroy the existing bat roost, as roof voids would become increasingly damp and uninhabitable. The <i>do-nothing</i> option therefore fails on both safety and conservation grounds</p>
<p>Partial Repairs or Temporary Stabilisation</p>	<p>Carrying out localised or temporary patch repairs (e.g. replacing only visibly decayed timbers, applying sealants, or installing temporary coverings) was assessed. However, the engineer’s report confirms that decay is extensive and systemic: defects occur throughout the valleys, hips, and wall-plate junctions. Temporary measures would not restore structural stability or remove the safety hazard.</p> <p>Moreover, repeated short-term interventions would require multiple access events to roost areas, increasing disturbance risk to bats. This approach would not meet health-and-safety obligations under building regulations and would provide no lasting conservation benefit.</p>
<p>Restriction of Access or Building Closure</p>	<p>It was considered whether public safety could be achieved by sealing off or fencing the affected areas rather than undertaking full repairs. This is not viable. The defects are located in elevated roof areas, and falling material could extend beyond exclusion zones. Long-term fencing or vacancy would not remove the hazard and would lead to continued deterioration, contravening statutory duties under the <i>Planning and Development Acts 2000–2023</i> to maintain Protected Structures in a safe condition.</p>
<p>Full Demolition and Rebuild</p>	<p>Demolition of defective roof sections and</p>

	<p>reconstruction in modern materials was discounted as disproportionate and contrary to conservation policy. The house is a Protected Structure of regional importance; demolition would result in permanent loss of historic fabric and architectural character. It would also eliminate the existing bat roost, contrary to the objectives of the Habitats Directive</p>
<p>Abandon the building.</p>	<p>Abandoning Aghadoe House and leaving it unoccupied was considered as a potential way to avoid immediate disturbance to bats. However, this is not a satisfactory or lawful alternative.</p> <p>Firstly, abandonment would not address the underlying public safety risk. The engineer's report (Sheehan, 2025) identifies active structural decay in roof timbers, porous chimneys, and failing flat roofs. These elements could shed debris or collapse, posing ongoing danger to any person accessing the property, including inspectors, emergency services, or members of the public. Simply vacating the building would not remove this hazard.</p> <p>Secondly, allowing the structure to remain vacant and deteriorate would accelerate heritage loss. As a Protected Structure under the <i>Planning and Development Acts 2000–2023</i>, the owner has a statutory duty to maintain the property in a safe, weather-tight condition. Failure to do so could lead to enforcement action and contravention of planning and heritage legislation.</p> <p>Thirdly, abandonment would worsen ecological outcomes. Continued water ingress and decay would render the roof voids damp and unsuitable for bats, leading to eventual loss of roosting opportunities. The progressive collapse of roost features would cause greater long-term harm to bats than the proposed controlled, supervised repairs.</p>

	For these reasons, abandonment is not a feasible or acceptable alternative. It fails to meet public safety obligations, breaches conservation law, and offers no ecological benefit.
--	--

* 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 works are required on public health and safety grounds due to the structural defects and risk of roof failure identified by Sheehan (2025). They will be undertaken in a manner that retains the existing bat roost resource and prevents any net loss of roosting opportunities at Aghadoe House. With mitigation in place, the only predicted effects on the population are short-term, localised disturbance and temporary displacement during specific phases of roof repair. There will be no deliberate killing or injury and no permanent reduction in roost capacity.

To achieve this, the project will begin in October, after the maternity season has concluded, and will:

- Phase the roof in discrete sections so that roosting refuge remains available at all times;
- Employ soft-strip methods and hand tools around known or potential roost features under supervision of a licensed bat ecologist; and
- Avoid toxic treatments, including synthetic woodworm preservatives, opting instead for controlled removal and replacement of affected timbers (Sheehan, 2025).

Roost features will be retained and enhanced: existing access points will be maintained or reinstated in their original locations; equivalent or greater internal crevice and ridge-void space will be provided; and only bat-safe membranes and finishes (bitumen 1F felt or TLX Batsafe) will be used. Supplementary features such as integrated bat access tiles and external multi-chamber boxes will be installed in advance to provide immediate alternatives. The lighting strategy will preserve dark corridors (low-intensity, warm spectrum, downward-shielded). The ecologist will supervise key stages, carry out pre-start checks, deliver daily toolbox talks, and enforce a stop-work protocol if bats are encountered unexpectedly. Post-works monitoring will confirm continued use of the retained and re-provided roosts and allow adaptive measures if required (NPWS, 2022; Collins, 2023; EUROBATS, 2018).

This phased approach is well established in conservation practice. In Ireland, the *Bat Mitigation Guidelines for Ireland* (NPWS, 2022) reference multiple successful cases where sectional roof repair under ecological supervision allowed colonies to persist on site. In the UK, The Vyne project (Historic England, 2020) demonstrated that phased reroofing with access-slate reinstatement enabled pipistrelle and long-eared colonies to remain throughout the works. A meta-analysis of 109 projects found that 67 % of colonies re-used retained or modified roosts following such mitigation, far exceeding success rates for new-box replacements alone (Berthinussen et al., 2021).

Taken together, these measures are standard, evidence-based, and demonstrably effective. The proposed works will remove an identified structural hazard while maintaining roosting potential. On that basis, the derogation will not be detrimental to the maintenance of the species at favourable conservation status in its natural range; population-level effects are predicted to be negligible, with a likely neutral to positive site-level outcome due to improved long-term roost security and material durability (European Commission, 2021; Habitats Directive 92/43/EEC; S.I. No. 477 of 2011).

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

Date

Name in BLOCK LETTERS

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

