



**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
Mr	Finian	Hanley
<b>(b)</b> Company Name, if applicable	McHugh Property Holdings Ltd	
<b>(c)</b> Address Line 1	35-37 Dominick St Lower	
Address Line 2		
Town	Galway	
County	Galway	
Eircode	H91D2V4	
<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	Coolagh Road	
Address Line 2	Menlough	
Town	Galway	
County	Galway	
Eircode	H91 ET6N	

### 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
Ms	Aoife	Joyce
Ms	Clare	Misfud
Ms	Saoirse	Fitzsimons
Ms	Nora	Szijarto
Ms	Sara	Fissolo
<b>(b)</b> Company Name	MKO	
Address Line 1	Tuam Road	
Address Line 2		
Town	Galway	
County	Galway	
Eircode	H91 VW84	



## 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\*  1

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

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.

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.

Related to this project: DER-BAT-2024-187, DER-BAT-2025-29

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:	1 <sup>st</sup> of January 2026
End Date:	31 <sup>st</sup> March 2026 / 1 <sup>st</sup> November 2026 – March 2027

## Part C: Nature of the Derogation.

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

<b>Regulation 51</b>	
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 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"/>
<b>Regulation 52</b>	
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"/>
<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.)

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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.

The site comprises three structures located on a large urban site. Planning permission has been granted for new residential development. A small bat roost was found hosting one bat, however a licence is requested to demolish the buildings and effectively remove the roosting place identified.

There is an identified need to add significant additional student accommodation to the existing student accommodation in Galway City to serve the city’s three third level institutes: University of Galway, the Atlantic Technological University (ATU) and Galway Technical Institute (GTI). It is expected that the student population will continue to increase over the coming years with CSO projections indicating the 20-24 years cohort will grow to 342,400 by 2026 and 387,000 by 2036. It is forecast that Galway’s 20-24 age group will increase by 2,100 by 2026. There is clear recognition that student reliance on the private rental market impacts the availability and supply for mainstream and social housing needs. Therefore, there is an urgent need to meet student accommodation demand through the provision of purpose-built student accommodation. The continued demand for student accommodation is recognised in the Galway City Development Plan 2023-2029 with the stated aim of supporting the provision of new student accommodation in appropriate locations.

The proposed development comprises 84 no. apartments 586 no. student bedspaces on a greenfield site along the Coolough Road in the north of the city. The proposal would assist in meeting the demand for student accommodation in Galway City over the coming years.

The resting place identified was in use by a single individual. The loss of this roost is not expected to affect the conservation status of the species and compensation has been included in the design to retain roosting availability suitable to soprano pipistrelle bats within the site, as detailed in test 3. ]

- 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>

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<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.

**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	If the development were to not go ahead, the dwelling would remain in place and likely continue to be used as a low suitability roost. This would result in the lack of provision of student housing as outlined in Test 1.
House retention	<p>This option would encompass the retention of the existing one-off single house on site and the redevelopment of the remainder of the site. This option is not feasible for the following reasons:</p> <ul style="list-style-type: none"> <li>○ The subject site is zoned ‘Residential’ in the extant Galway City Development Plan 2023-2029 and is factored into the core strategy housing yield</li> </ul>

numbers for the City's development up to 2029.

- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended). There is a renewed focus in the 2024 Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Galway, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.
- The Urban Development and Building Heights Guidelines published by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), are intended to set out national planning policy guidelines on building heights in relation to urban areas. The Guidelines contain Specific Planning Policy Requirements (SPPR) that must be complied with by the relevant planning authority under Section 28 (1c) of the Planning and Development Act 2000 (as amended). The requirement to

	<p>comply with SPPRs has been established in recent case law following the judgement of Conway v An Bord Pleanála &amp; Ors [2023] IEHC 178. It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000.</p> <p>Therefore, having regard to the above, the retention of the existing one-off single house on site and the redevelopment of the remainder of the site is not viable as the site would not be in compliance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and the Urban Development and Building Heights Guidelines.</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.

One soprano pipistrelle bat was recorded emerging from one building on the site. A small number of droppings were recorded within the roof of the structure. The bat was recorded exiting a gap in the fascia board positioned below the roof containing bat droppings. The structure does not contain a significant roost (i.e. maternity), it is suspected the roost is an opportunistic roost or satellite roost. A pre-commencement survey will be carried out, to identify any potential changes in the baseline since these surveys were undertaken in June 2024. This will include the inspection of all structures proposed for demolition. Demolition works will commence at an appropriate time of year, as agreed with a suitably licenced ecologist.

The site does not provide high quality foraging/ commuting habitat as it is located within an urban location, however the landscape and lighting plan have both been designed in collaboration with project ecologists to avoid significant effects on wildlife by design and mitigate any unavoidable impacts. Treelines have been retained with the purpose of maintaining commuting corridors for birds and bats, the loss of the small roost will be mitigated with the provision of bat boxes, lighting has been limited and directed away from suitable bat features wherever possible and 35% of the site will be left as open habitat. The proposed landscaping scheme sensitively responds to the site's environmental and ecological constraints. Options to limit impacts on biodiversity beyond the do nothing scenario have been explored and applied where feasible, in line with safety standards, lighting standards and residential development requirements.

Implementation of the recommended mitigation within the supporting document (Bat Survey Report provided with the application) will ensure that there will be no negative impacts to potential roosting bats when works will be undertaken. Alternative roosting locations will be provided which gives roosting opportunity to other bats species also. No significant impacts are anticipated on the local population of soprano pipistrelle bats.

## 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** 05/02/2026

**Name in BLOCK LETTERS**

NORA SZIJARTO

**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