



NPWS

An tArdáilín Párlamainn
Náisiúnta agus Fíadhbhíola
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
	Michelle and Gary	McNamara
(b) Company Name, if applicable		
(c) Address Line 1	Tinerana Stables	
Address Line 2	Tinerana Beg	
Town	Ogonnoloe,	
County	Co. Clare	
Eircode	V94 E2WF	
(d) Contact number		
(e) Email address	██████████	
(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
	Ruth	Minogue
(b) Company Name	Minogue Environmental Consulting Ltd	
Address Line 1	Gort na habhann	
Address Line 2	Ballymalone	
Town	Tuamgraney	
County	Clare	
Eircode	V94 XHD7	
(c) Contact number	██████████	

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, Nyctalus Leisleri, Myotis daubentonii, Rhinolophus hipposideros

3. Please provide the maximum number of individuals affected*
roost of Long brown eared bats estimated 6-10 in total. Other species may be roosting or using the stables as a day roost/feeding roost.*

4. Please provide the maximum number of breeding or resting sites affected* 2 stables

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.

6-8 Long brown eared bats confirmed using Stable B, 2-3 confirmed using Stable A. Additional survey work undertaken in May/June 2025 confirmed continued use of stables by all species listed above. No visual confirmation of bats exiting but static bat detectors recorded all species above. No significant change in population of each species based on 2023 survey data. Slight increase in Lesser Horseshoe Bats in one stable, however confined to likely foraging or resting over 2 main nights.

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.

Yes, 2024-91. Return report submitted

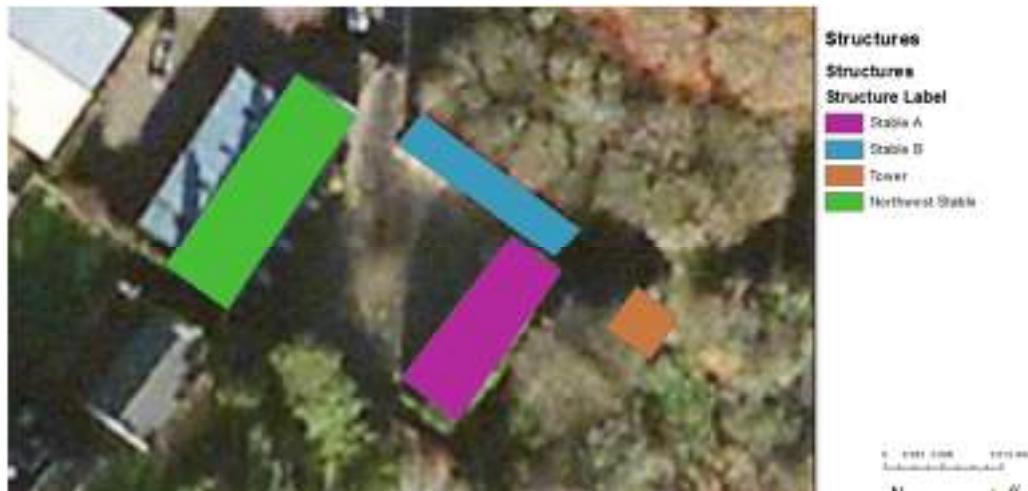
Yes, 2024-91. Return report submitted

This application requests the extension of DER BAT to start from 1st January 2026 to **30th September 2026 to DER-BAT-2026-27**

A returns report under DER BAT 2025 291 was issued in December 2025.

Updates to work shown below. On site meeting with NPWS DCO David Lyons on 31st March 2026 agreed with addition of hotbox to completed Stable B. Bat tile in Stable A and B. Leave Tower structure for time being.

Tinerana Stables site visit 25th march 2026. DER-BAT-2026-27



Stable B – roofing almost complete, I suggested hot box be provided here also. Will be finished by end March :

Stable B Interior – looking west, loft complete, membrane, floor, opening installed. About 1 more day to complete roof tiles.



Stable B Interior – looking east. Current access. Access door will be provided from the 9m bat loft space internally and letterbox opening installed on the Western Gable per license.



Stable B: south roof (facing lane, away from courtyard)



Stable A:

Stable A: membrane and attic complete. Floor of attic not installed, or opening along southern gable (letterbox) nor roof tiles. The exterior wall had to be taken down as was so unstable due to river stone so builder just propping it up internally. Wants to stabilise and build up the walls before adding more weight from the roof tiles and floor of loft. This Stable A is to have a hotbox under the license.



Stable A from lake view:



Stable A looking to where 9m bat loft will be closed off with letterbox access on the gable near the grassland



Tower:

Roof on tower, poor condition, No programme for works here. Put up static this week (25th march to see if any activity with temps increasing). Builder could insert bat tiles in roof now, I am thinking they can get in and out pretty handy now anyway. We could discuss?



Corrugated Shed (northwest stable) no works proposed but builder has been using it for storage of wood. Brown Long Eared bat found roosting on Tuesday 24th, contact made and relocated to end stall room in this building, and released at night per license.



Results from static detector put down by treeline lane by lake summer 12th 15th June 2025.
No LSH recorded over the 3 night period.

The reason the extension is being applied for is as follows:

The works have been proceeded far slower than anticipated in the past 6 weeks due to the rainfall.

- 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:
End Date:

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 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.

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 building is proposed to be used as a house for the family and provision of housing during the housing crisis will alleviate this stress. In the absence of these works, the fabric will decline further and the roost space which supports several bat species will be adversely affected in terms of increased light via tile slippage/loss, changes in ambient conditions due to gaps in roof and increased draughts/exposure to rain and wind. Failure to undertake these works will result in further decay of the areas of the building most affected, namely roof tiles, timber joists and chimney features. The outcome would be adverse effects on bats due to declining roost condition and/or loss of roosts. In addition, this application provides detailed mitigation measures, discussed with NPWS rangers to

avoid adverse effects to roosting bats, and provide enhanced roosting space for bat species in the attic space, accompanied by enhancement measures.

As per detail above site visit with NPWS DCO on 31st March agreed new hotbox in large completed Stable B. Stable A wall collapsed to taking longer but letterbox access on gable, plus bat tile to be included. Hedging has been ordered by owner and will be planted along the wall to the lake in next four weeks.

- 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.

Given the architectural merit of the stables, the housing crisis and urgent need for family houses, there are no satisfactory alternatives that would enable the same level of conservation and reuse of existing buildings, long-term sustainability and provision of mitigation measures including timing of works and roost retention and provision.

- 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

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- 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.

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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.

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.

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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 (Alternative 1) would mean that the works are not undertaken. The outcome of this alternative would be as follows:</p> <ul style="list-style-type: none"> • Without works to maintain the roof and roof structure, proposed as part of the works, there will be continued decline and deterioration of the buildings, this will adversely affect the roof and supporting structures. Over time, the decline will affect the suitability of the building for bats via increased light, change in ambient conditions and temperature etc. • .
	<p>Alternative 2 would be the demolition of the buildings and replacement with a new build. The outcome of this alternative would be as follows:</p> <p>Given the current condition of the buildings under the proposal, the potential alternative of demolition of the structures will result in total loss of this roosting space for species. Although the survey results of 2023 and 2025 do not indicate a significant roost ie: maternity</p>

	<p>colony. The results indicate use of the buildings as roosting for the bat species. The demolition of the stables will result in total loss of the roosting habitat and the accompanying opportunity to enhance and improve the roosting space within the roof of the stables, as agreed in meetings with NPWS</p>
	<p>Alternative 3 is the renovation of the building to reuse as a family home and alternative timing of works to avoid works to roof when bats are most vulnerable to disturbance. The outcome of this alternative is as follows:</p> <ul style="list-style-type: none"> • The alternative design incorporates specific attic space, designed as a hot box space for Lesser Horseshoe Bats and access for these species plus long brown eared. This alternative design altered the roost space from that proposed in the 2019 planning application to a more appropriate location within Stable A(southern section) at the south east gable and attic space, closer to existing woodland vegetation, close to the lough shore and further away from other buildings. • Both lofts in Stable A and Stable B will retain a 9m length of each loft to be used as a bat roost. The entire existing width and height of the loft space in each stable will be retained within the 9m sections for use as a bat roost. The bat loft space will be sectioned from the remainder of the loft space by a stud wall. The existing timber roost, which allows for an uncluttered and unobstructed loft space will be retained. A doorway within the stud partition will be provided for access to the bat roost. • A bat hotbox will be provided within Stable A and Stable B-this will be

plywood plates over the 3 rafters with a plywood plate either side from the roof ridge, with a large rectangular access area maintained for the bats; this will enhance roosting conditions within the stable by reducing light into this part of the building and decreasing draughts. Specific access design (letterbox) on Stable A gable will facilitate access by Lesser Horseshoe Bats and long brown eared bats post works.

- This alternative (Alternative 3) combined with altering works to avoid most sensitive times for bats allows bats to return to the roost unhindered after works have been completed. This alternative is considered the most appropriate in terms of minimising and ameliorating impacts on bat species using the building.

The building is proposed to be used as a house for the family and provision of housing during the housing crisis will alleviate this stress. In the absence of these works, the fabric will decline further and the roost space which supports several bat species will be adversely affected in terms of increased light via tile slippage/loss, changes in ambient conditions due to gaps in roof and increased draughts/exposure to rain and wind. Failure to undertake these works will result in further decay of the areas of the building most affected, namely roof tiles, timber joists and chimney features. The outcome would be adverse effects on bats due to declining roost condition and/or loss of roosts. In addition, this application provides detailed mitigation measures, discussed with NPWS rangers to avoid adverse effects to roosting bats, and provide enhanced roosting space for bat species in the attic space, accompanied by enhancement measures. Given the architectural merit of the stables, the housing crisis and urgent need for family houses, there are no satisfactory alternatives that

	<p>would enable the same level of conservation and reuse of existing buildings, long-term sustainability and provision of mitigation measures including timing of works and roost retention and provision. There is no satisfactory alternative identified and Alternative 3 as described above provides the</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.

This application addresses potential impacts on the local bat population and/or their roosts arising from the proposed works at Tinerana Stables, Tinerana, Ogonnolloe, Co Clare. The strategy outlined in this report includes measures to avoid and minimise disturbance to bats. In light of the size of the roost(s) identified, the nature and setting of the proposed development, the mitigation strategy proposed (see Section 4) along with the fact that the bat species are well established in the area and currently classified as 'Least Concern', it can be concluded that, with the implementation of the proposed mitigation measures, the renovation of the existing stables and conversion to a family home will not have a detrimental impact on the maintenance of the local bat population. Therefore, this will ensure that the national population remains at a favourable conservation status within their natural range¹.

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

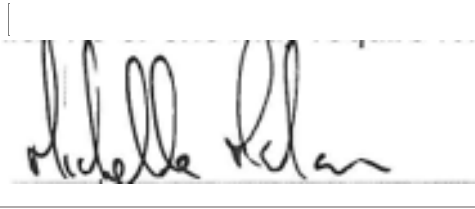
- a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
- b. Applicants 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

31st
March
2026

Name in BLOCK LETTERS

Michelle McNamara

See Privacy Statement at www.npws.ie/licences

npws.ie

