



**NPWS**

An tArdáilín Páircanna,  
Náisiúna agus Fíadhbána  
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	Kevin	Cotter
<b>(b)</b> Company Name, if applicable	Ballymore Group	
<b>(c)</b> Address Line 1	One Royal Canal House	
Address Line 2	Royal Canal Park	
Town	Dublin	
County	Dublin	
Eircode	D15DKW4	
<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		
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
	Bryan	Deegan
<b>(b)</b> Company Name	Altemar	
Address Line 1	50 Templecarrig Upper	
Address Line 2		
Town	Delgany	
County	Wicklow	
Eircode		
<b>(c)</b> Contact number	[REDACTED]	
<b>(d)</b> Email address	[REDACTED]	
<b>(e)</b> Relationship to Applicant	Project Ecologist	



## 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 pipistrellus    

3. Please provide the maximum number of individuals affected\*     1    

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

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.

- Licence No. C 158/2021 translocation of frogs.
  - Licence No.: DER/BAT 2023 – 126- Removal of bats in Greenore Co. Co. Louth.
  - Licence No.: Der/Bat (151-2024)- Removal of bats from Central Mental Hospital.
  - Altemar have also been involved in the translocation of 7 badgers at the Glass Bottle site in Ringsend (Dr Chris Smal)

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:	Planning Dependant Q1-2026 (approx.)	
End Date:	Planning Dependant Q1- 2028(approx.)	

## 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 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 1a)</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 1b)</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 1c)</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 1d)</b>	<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 ( <b>proceed to 1e</b> )	<input type="checkbox"/>
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**1a.** In the interests of protecting wild flora and fauna and conserving natural habitats:

i) Please state the wild flora, fauna or habitats that require protection and /or conservation.

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

**1b)** To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property:

i) Please summarise the nature of the potential damage, why it is considered “serious” and how this outweighs the conservation interest of the species under strict protection.

**1c)** In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment:

i) Where the reason is for public health and public safety, summarise the evidence provided to support this reason (e.g. documentary evidence of the risk from a chartered structural engineer, tree surgeon, Garda Síochána, qualified health professional etc.)

- 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 proposed development will deliver a large-scale residential scheme at Confey, Leixlip, Co. Kildare, providing 305 no. residential units, including houses and apartments/duplex units, together with a childcare facility, commercial/retail units, and a pub/café. The site is located within a designated development area and represents a strategic residential development that supports national, regional, and local planning policy objectives to address housing demand and population growth.

The project represents a significant investment in housing infrastructure and will contribute to the delivery of much-needed residential accommodation in a well-serviced and accessible location. The development will also provide supporting community infrastructure, including childcare provision, local services, and high-quality public open space, contributing to the creation of a sustainable and integrated community. These socio-economic benefits are of clear public interest and long-term regional value.

While the proposed works will result in the loss of one tree confirmed to support a bat roost (Tree No. T3) and the removal of other trees onsite, the ecological impact is considered to be localised and of low conservation significance. The confirmed roost is limited to a single common pipistrelle (*Pipistrellus pipistrellus sensu lato*) and does not represent a maternity or significant aggregation roost. The surrounding landscape contains alternative suitable roosting and foraging habitats for bats, and the loss of this feature is not considered significant at a local or regional scale. The development layout incorporates public open space and a c. 1.4 ha linear park, which will contribute to maintaining ecological connectivity within the site and the wider landscape. Although some existing trees and habitats will be removed to facilitate the development, the incorporation of new planting and landscaping measures, together with bat-sensitive lighting and the installation of bat boxes, will provide replacement roosting opportunities and support continued bat activity within the area.

In summary, the social and economic benefits of the proposed residential development, particularly in addressing housing need and providing supporting community infrastructure, are considered to outweigh the limited and mitigated ecological impacts associated with the loss of a single bat roost. The project will deliver long-term benefits of regional importance and is consistent with established planning policy.

- 1d)** For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants:

- i) Please summarise the objective(s) of the proposed activities making reference to those listed above and how the the purpose of such activities overrides the interests of strict protection of the species. <sup>1</sup>

- 1e)** To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule

- i) Please clearly state the objective of the activity and verify that this reason is being chosen as the objective of the activity does not match reasons a-d listed above.

- 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 site would remain undeveloped in the short term, retaining existing habitat and roosting features, including the Ash tree (T3) identified as supporting a single common pipistrelle ( <i>Pipistrellus pipistrellus sensu lato</i> ) roost. However, as the lands are zoned for residential development and form part of a wider growth area within Confey, it is highly likely that they would be developed for a similar purpose in the future. This option would

<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.

	<p>therefore only delay, rather than prevent, the eventual loss of habitats, while also foregoing significant socio-economic benefits, including the provision of much-needed housing and associated community infrastructure. The arborist report identified T3 as being in poor condition and unlikely to surpass 10 years meaning that should the development not be built the tree may continue to be used as a opportunistic bat roost but will eventually become less suitable as the tree deteriorates over time. For these reasons, the do-nothing option is not considered a satisfactory or sustainable alternative.</p>
Alternative Site Locations:	<p>Alternative sites were considered in the context of planning policy and land availability; however, such sites may not be suitably zoned, serviced, or located to accommodate a development of this scale. The application site is located within an area designated for residential development, with access to existing infrastructure and road networks, making it a highly suitable and sustainable location. Development of an alternative greenfield site elsewhere would likely result in equal or greater environmental impacts and would not represent efficient or policy-compliant land use. Therefore, the chosen site represents the most appropriate location for the proposed development.</p>
Alternative Layouts:	<p>The site layout has been developed and refined to minimise ecological impacts where feasible, including the integration of public open space, a linear park, and landscape planting to maintain ecological connectivity. Tree removal has been limited to those necessary to facilitate the development, infrastructure, and access requirements. The retention of the Ash tree (T3) containing the identified bat roost was considered; however, the arborist report identified T3 as being in poor condition and requiring felling on safety grounds, in addition to its location within the proposed development footprint. As such, the tree cannot be retained without compromising both public safety and the viability and functionality of the scheme. Consequently, alternative layouts were not capable of avoiding the loss of the identified roost while still achieving the project objectives.</p>
Conclusion	<p>The proposed development represents the least-impacting feasible solution, located within a serviced and policy-supported residential development area. All realistic alternatives, including the do-nothing option, alternative sites, and alternative design approaches, have been considered and found to be unsatisfactory in meeting the project's housing, social, and</p>

	infrastructural objectives while achieving a lower ecological impact.
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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.

With mitigation measures, the proposed works, namely the construction of a residential development and associated site infrastructure, will have an overall minor impact on local bat populations of common pipistrelles (*Pipistrellus pipistrellus sensu lato*), given the survey results which confirm the presence of a single individual roosting within an Ash tree (T3) and the availability of alternative suitable roosting habitats in the surrounding landscape.

The presence of a common pipistrelle roost within a tree on site is not unexpected. This species is widespread and commonly encountered throughout Ireland and is frequently recorded during bat surveys (NPWS, 2019). Common pipistrelles are highly adaptable, utilising a range of habitats including woodland edges, hedgerows, riparian corridors such as the nearby Royal Canal, agricultural land, and urban environments for both foraging and roosting. The national population is considered stable, with favourable conservation status in terms of range, population, and habitat, and no significant threats identified at a national level (NPWS, 2019). The species is known to utilise a wide variety of roost types, including trees, buildings, and other structures, indicating a high degree of flexibility in roost selection.

The supporting information document submitted alongside this application outlines measures to avoid and minimise disturbance to bats during the works, including the provision of suitable alternative roosting opportunities such as bat boxes and sensitive lighting design and the incorporation of green infrastructure (e.g. open space and the proposed linear park), will help maintain foraging and commuting opportunities within the site. In addition to this it is recommended that a prefelling tree inspection is conducted and the tree is felled in an appropriate time of year, supervision by a suitably qualified ecologist.

In light of the small scale and low conservation significance of the roost (a single individual, with no evidence of a maternity or significant roost), the condition of the tree (identified as requiring removal on safety grounds), the nature and setting of the proposed development, and the mitigation strategy proposed, it can be concluded that the development, when implemented in accordance with these measures, will not have a detrimental impact on the maintenance of the local common pipistrelle population. Therefore,

## 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**

15/04/2026

**Name in BLOCK LETTERS**

Bryan Deegan

### 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 Tíochta,  
Rialtais Áitiúil agus Oidhreachta  
Department of Housing,  
Local Government and Heritage