NPWS
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Application for Derogation

Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended

Revision 2.0 – July 2025



- This form can be used by any individual or Company applying for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 ("the Regulations") **or** any individual applying on behalf of the Minister for Housing, Local Government and Heritage under Regulation 54(A) of the Regulations.

- Note this application form is not for Domestic Dwelling Derogations (bats within private homes) which can be found here > (3D Application Form)

- Please ensure that you answer questions fully in order to avoid delays and/or your application being rejected on the basis that it does not contain sufficient information and detail for the application to be considered further.

- Please read and familiarise yourself with the NPWS Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants

- Please read and familiarise yourself with the European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive

- Please also note that the responses to these questions are supplementary to the documentation required for the NPWS to be in a position to consider your application. A complete application should include both the application form and an associated report. Failure to supply either will result in your application being returned and/or refused.

- In circumstances in which a derogation is given on foot of this application, the Applicant is responsible for ensuring compliance with the conditions of any such derogation, even though they may employ another person to act on their behalf. To carry out any activity without, or not in accordance with, a derogation granted under regulation 54 or 54A of the Regulations constitutes a criminal offence, subject to prosecution.

- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit: reg54derogations@npws.gov.ie

- Please note – applications, associated reports and derogations will be published on the NPWS website and/or the Department's Open Data website.

- Where any applicant is applying for a derogation to carry out surveys, please ensure to list all qualified ecologists and trainees under their supervision. See section 1(c) of Part A.

Part A: The Applicant - Personal Details

These questions relate to the person responsible for any proposed works and who will be the **Applicant**.
If this application is being submitted on behalf of a third party, please also complete Part B below.

1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Tim	Cullinan
(b) Company Name, if applicable	Tipperary Milling Ltd.	
(c) Address Line 1	Tipperary Milling Ltd.	
Address Line 2	Woodville	
Town	Ballymackey, Nenagh	
County	Co. Tipperary	
Eircode	E45 TY03	
(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		
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
Mr	Donnacha	Woods
(b) Company Name	Wingspan Ecology	
Address Line 1	55 Burnaby Heights	
Address Line 2		
Town	Greystones	
County	Co. Wicklow	
Eircode	A63 VK74	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	
(e) Relationship to Applicant	Consultant Ecologist	

For Survey Derogations Only

1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held e.g. Supervisor/Trainee

Forename(s)	Surname	Supervisor or Trainee

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): Common pipistrelle (*Pipistrellus pipistrellus*); Soprano pipistrelle (*Pipistrellus pygmaeus*), Natterer's bat (*Myotis nattereri*), Brown long-eared bat (*Plecotus auritus*).

3. Please provide the maximum number of individuals affected* Common pipistrelle = 7; Soprano pipistrelle = 3, Natterer's bat = 15, Brown long-eared bat = 10.

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

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.

DER-BAT-2026-264 (currently active); DER-BAT-2026-273 (currently active); DER-BAT-2026-159 (currently active); DER-BAT-2026-49 (currently active); DER-BAT-2026-45 (currently active); DER-BAT-2026-10 (return completed); DER-BAT-2025-357 (return completed); DER-BAT-2025-285 (return completed); DER-BAT-2022-138 (return completed).

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:	24/07/2026
End Date:	31/12/2027

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	☐
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☒
Deliberately take or destroy eggs of the relevant species in the wild	☐
Damage or destroy a breeding or resting place of such an animal, or	☐
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.	☐
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
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.	☐

Further information should be provided in the format set out in Part E: Template for Supporting Information

Part D: Derogation Tests

Note: The following <u>summary</u> 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 1a)**	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property **(proceed to 1b)**	☐

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 1c)**	☒
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 1d)**	☐
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 1e)**	☐

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.)

This application for derogation qualifies under Regulation 54(2)(c) of the European Communities (Birds and Natural Habitats) Regulations for the following reasons:

- The proposed development is required to remove an existing risk to public safety.
- The proposed development is of overriding public interest in meeting climate targets and tackling the climate crisis.

In the interests of public health and safety

The proposed development site encompasses a derelict house (Woodville House built c.1780) and associated ancillary outbuildings including a stone barn (Barn A). Woodville House is in an advanced state of dereliction with collapse of various internal features (floors, ceilings, stairs etc.). As per an Architectural & Historical Impact Assessment completed by Arthur Gibney & Partners:

"*The house is currently in a poor state of repair with significant dilapidation internally due to prolonged water ingress at roof level. This has led to the collapse of a portion of the roof in the central stairs area and subsequent collapse of the floors and ceilings below due to rotting of timbers over time. Many of the rooms have been affected by the failure of the roof*".

The house is situated within a working farm and adjacent to Ballaghveny Landfill. The house is visible from the public road and there is potential for access from members of the public (e.g. anti-social behaviour for which there is evidence of past activity and/or public accessing due to historic nature of the building). The house in its current state comprises a significant health and safety risk to the public due to potential for continued structural collapse within the building.

The stone outbuilding, Barn A, is also in a poor state of repair. There is a large gap in the sheeting at the rear of the roof and the loft flooring timbers are rotting due to water ingress. There are also smaller gaps in the roof material allowing for further water ingress. The building does not have any remaining windows or doors and many of the interior timber lintels are in poor condition with evidence of on-going collapse. The building is currently being used as storage for machinery. In its cur-rent state the building comprises a significant health and safety risk due to potential for floor collapse.

Reasons of overriding public interest

The proposed development would directly contribute to Ireland's source of renewable energy and reduce reliance on fossil fuels. The proposed development anaerobic digestion process would capture methane gases. Methane is a potent greenhouse gas that contributes to climate change if allowed to escape to the atmosphere. The proposed development would also reduce waste going to landfill by utilis-ing this as a resource for energy production. This below highlights the main legislative and policy drivers with regard to Anaerobic Digestion (AD).

Drivers such as climate change, energy security, carbon foot-printing and waste recycling are to the forefront of the European Union's (EU) legislative agenda. The long-term goal for the EU is to become a zero-waste society that seeks to use waste as a resource. Other EU legislations such as the Waste Framework Directive (2008/98/EC) and the Landfill Directive (1999/31/EC) are also driving Europe to-wards a resource efficient, low carbon economy that encourages the use of the AD process of organic materials. These were transposed into Irish legislation by the European Union (Landfill) Regulations 2020 (S.I No. 321 of 2020).

In Ireland, the current national waste management guidance document takes the form of the “Waste Action Plan for a Circular Economy (2020)” work. This document underpins the previous “A Resource Opportunity – Waste management policy in Ireland (2012)”.
The proposed development AD process will contribute towards Irelands waste management policy by utilising waste as a resource. There is a new growing demand for AD infrastructure in Ireland that will facilitate the country’s successful implementation of a low carbon economy. The EU Commission have highlighted Ireland as one of the best States for Biogas potential.
The EU Directive Promotion of the Use of Energy From Renewable Sources (2018/2001) set a target to achieve a share of at least 32% of energy from renewable sources in the Union’s gross final consump-tion of energy by 2030. Ireland was required under the previous Directive (2009/28/EC) to ensure that 16% of total final energy consumption came from renewable sources by 2020 as set out in the National Renewable Energy Action Plan. A report from the Sustainable Energy Authority of Ireland (SEAI) deter-mined that Ireland did not meet the defined target, reaching a share of 13.5% that year.
Having failed its 2020 renewable energy targets, the Irish state may need to purchase extra credits or face substantial fines.
The proliferation of AD technology throughout the country would greatly assist with this challenge. Biogas is a sustainable indigenous energy source that can reduce our emissions and will create jobs in rural Ireland. An AD Biogas industry could provide a diverse and long-term revenue stream for the Irish farming community.
Ireland’s Transition to a low Carbon Energy Future 2015 – 2030 (Ireland’s Energy White Paper 2015) document sets out Irelands ambition to transition to a low carbon economy by 2050 and acknowledges AD as a possible technology to assist in the delivery of this objective. Ireland’s National Biomethane Strategy goes so far as to state that “without biomethane, Ireland is unlikely to meet its legally binding climate targets”.
7-xviii Ireland’s agricultural sector is by far the largest contributor of the country’s Green House Gas (GHG) emissions, accounting for c. 38% of the total. If AD technology at the On-Farm scale size was supported in Ireland the GHGs emitted from Irelands agricultural sector would be significantly reduced.
In the European Union, pig farming is a major agricultural industry and large pig farms are now the norm. The pig production sector in Ireland contributes 7.9% to the gross agricultural output and is the third most important agricultural sector. It is estimated that 3.2 million m3 of pig manure is produced in Ireland annually, containing 13 kilotonnes of nitrogen and 2.5 kilotonnes of phosphorus. Pig manure is therefore an excellent fertiliser for grass and other crops and has traditionally been landspread for this purpose (Xie et al., 2011).
Environmental legislation, such as the EU Nitrates Directive, has placed constraints on the land application of pig manure. The AD of pig slurry sufficiently stabilises the nutrient content of the slurry meaning that it may be landspread and abide by the criteria set out in the EU Nitrates Directive.

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.

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. [1]

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.

[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.

Alternative Solution	Reasons for "Unsatisfactory"
Do-Nothing	The buildings in their current state comprise a risk to public health and safety. In addition, under this scenario the subject buildings wound continue to structurally deteriorate leading to eventual collapse and loss of existing bat roosts and roosting resource. As such, the do-nothing scenario is unsatisfactory
Renovation of subject buildings on-site and no new development	The potential for the renovation of the existing subject buildings on-site (Woodville House and Barn A) with no further development was considered. This alternative is not financially viable and is there-fore not a viable alternative. The renovation of Woodville House from its advanced derelict state would be financially onerous without the accompanying development. As noted in an Architectural & Historical Impact Assessment completed by Arthur Gibney & Partners: "*Currently the house is unlikely to return to residential use and so the proposal to renovate and restore the house and provide it with a meaningful day to day use is an appropriate way of ensuring its survival*". Furthermore, under this scenario an application for derogation licence would also be required for works to the buildings containing recorded bat roosts. This scenario is therefore unsatisfactory.
Construction of proposed anaerobic digester facility and no works to subject buildings	The potential for the construction of the proposed anaerobic digester facility and no works to the subject buildings was considered. The buildings in their current state comprise a risk to public health and safety. In addition, under this scenario the subject buildings wound continue to structurally deteriorate leading to eventual collapse and loss of existing bat roosts and roosting resource. As such, this scenario is unsatisfactory

* 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.

Roosting bats were recorded in two buildings within the proposed development site during surveys – Woodville House and Barn A, comprising 4no. species: common pipistrelle, soprano pipistrelle, Natterer's bat and brown long-eared bat.

The overall trend for the national population of common and soprano pipistrelle in Article 17 reporting (NPWS, 2025) is as follows:

- Range = Favourable
- Population = Favourable
- Habitat for species = Favourable
- Overall Assessment of Conservation Status = Favourable
- Overall trend in Conservation Status = Improving

The overall trend for the national population of brown long-eared bat in Article 17 reporting (NPWS, 2025) is as follows:

- Range = Favourable
- Population = Favourable
- Habitat for species = Favourable
- Overall Assessment of Conservation Status = Favourable
- Overall trend in Conservation Status = Stable

The overall trend for the national population of Natterer's bat in Article 17 reporting (NPWS, 2025) is as follows:

- Range = Favourable
- Population = Unknown
- Habitat for species = Favourable
- Overall Assessment of Conservation Status = Favourable
- Overall trend in Conservation Status = Stable

Mitigation measures have been designed in respect to the proposed renovation works to ensure that there will be no negative impacts to potential roosting bats as a result of the proposed development (as detailed in Section 6 above). Roosting habitat will be provided in the attic space of the existing Woodville House and Barn A is to be retained as-is with only essential structural works to avoid further deterioration. No significant impacts are anticipated on the local populations of common pipistrelle, soprano pipistrelle, Natterer's bat and brown long-eared bat.

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** 18th September 2026

Name in BLOCK LETTERS DONNACHA WOODS

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage