NPWS

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
	John	Rowe
(b) Company Name, if applicable		
(c) Address Line 1	Macetown	
Address Line 2		
Town	Navan	
County	Co. Meath	
Eircode	Grid reference - N 85648 63757	
(d) Contact number		
(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	Ian	Douglas
(b) Company Name	ID Environmental Consultants Ltd	
Address Line 1	Arodstown House	
Address Line 2		
Town	Summerhill	
County	Meath	
Eircode	A83 DC03	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	
(e) Relationship to Applicant	Project 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): Pipistrellus pipistrellus

3. Please provide the maximum number of individuals affected* 4

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

5. Please provide the maximum number of eggs to be taken* NA

6. Please provide the maximum number of eggs to be destroyed* NA

*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.

NA

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.

NA

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:	Winter 26/27, subject to Planning approval
End Date:	Winter 26/27, subject to Planning approval

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.

NA

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

NA

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.

NA

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.)

NA

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 reason for seeking this derogation falls under Regulation 54(2)(c), in the interests of public health and safety and for imperative reasons of overriding public interest.

The proposed development involves the refurbishment and restoration of an existing derelict two-storey house and associated outbuildings to provide habitable accommodation, together with associated wastewater treatment infrastructure and ancillary site works. The project will secure the long-term preservation and beneficial reuse of an existing derelict structure that would otherwise continue to deteriorate, contributing to the sustainable use of the rural built heritage and supporting rural housing objectives. The development will provide social and economic benefits through the provision of residential accommodation, investment in the local area, and the retention of a traditional building that forms part of the local rural landscape. The works will also improve the safety, structural integrity, and long-term viability of the building.

Bat surveys confirmed the presence of a small common pipistrelle (Pipistrellus pipistrellus) day/transitional roost within the structure. The roost is not a maternity, hibernation, or other roost of high conservation significance. While the proposed works may result in the loss of existing roosting features, a comprehensive package of mitigation and compensation measures will be implemented under ecological supervision including timing restrictions on works, protection procedures should bats be encountered, retention of suitable commuting habitat, and the installation of integrated bat roosting features within the completed development.

Common pipistrelle is widespread and abundant in Ireland and is considered to be of Least Concern at national and European levels. The proposed mitigation measures will minimise the potential impact on the local population and ensure that the species continues to be maintained at favourable conservation status within its natural range. Accordingly, it is considered that the social and economic benefits arising from the redevelopment and longterm conservation of the existing building constitute imperative reasons of overriding public interest, and that these benefits outweigh the limited impact on the protected species, while maintaining the species at a favourable conservation status within its natural range.

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]

NA

[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.

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.

NA

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.

NA

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 Alternative	The do-nothing alternative would involve retaining the existing derelict house and associated outbuildings in their current condition. This would not achieve the objectives of the proposed development, which seek to restore and bring the existing derelict property back into beneficial use as residential accommodation. Continued lack of maintenance would result in further deterioration of the buildings and would not address the existing condition or safety issues associated with the property. The do-nothing alternative was therefore not considered a viable option.

Retain Building A in its existing condition whilst restoring the remainder of the site	The option of retaining Building A in its existing condition while restoring the remainder of the site and associated outbuildings was considered. While this approach would avoid direct refurbishment works to the building containing the confirmed bat roost, it would not necessarily avoid disturbance to the roost arising from adjacent construction activities associated with the restoration of the wider site. Furthermore, retaining Building A in its current condition would not provide the residential accommodation function intended by the proposed development and would therefore not achieve the overall objectives of the project. This alternative was therefore not considered practicable.
Development on an alternative greenfield site	Development on an alternative greenfield site was also considered. While this option could avoid temporary disturbance to the existing bat roost, it would require the development of previously undeveloped land, resulting in additional land take and the potential loss or disturbance of semi-natural habitats. Development on an alternative site would also forgo the opportunity to restore and beneficially reuse an existing derelict building and would not represent the sustainable reuse of an existing rural structure. This alternative was therefore not considered necessary or preferable where the existing building can be retained and restored while implementing appropriate measures to minimise disturbance to the roost.
Conclusion	Having considered the above alternatives, the proposed restoration of the existing derelict house represents an approach that allows the objectives of the development to be achieved while retaining the building containing the confirmed common pipistrelle roost. The anticipated impact on the roost is temporary disturbance associated with the refurbishment works rather than permanent loss of the building or roosting structure. Subject to the implementation of appropriate mitigation measures, the proposed development will allow the existing property to be restored and brought into beneficial use while minimising impacts on the protected species.

* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

2. 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.

No evidence of a maternity colony, hibernation roost, significant aggregation or roost of high conservation significance was identified. Four common pipistrelle (Pipistrellus pipistrellus) bats were recorded using the building, and the roost is considered to represent a small summer/day roost. Day roosts are generally used by bats for resting during the active season and may be occupied by individual bats or small groups, with bats often moving between a number of roosting locations. The recorded roost size of four individuals is small in comparison with typical summer roosts of pipistrelle bats. Overall, the survey results indicate that the building is used on a low-level basis and there was no evidence of maternity use or other specialised roosting behaviour. Overall bat activity associated with the site was low, and no significant foraging activity was recorded.

These impacts will be addressed through the following mitigation and compensation measures;

Bat Roosting Features

- Contractors must be made aware of the potential presence of bats and act with vigilance when disturbing fascia/soffits and roof slates/sheets.
- Demolition of the buildings noted as containing roosting habitat should take place between 1st September – 1st May (Marnell et al., 2022).
- Bat boxes will need to be provided as part of the site development to offset the loss of a minor day roost. This will be specified in the derogation licence application. A total of 5 bat boxes will be required to offset the loss of this minor roost. Specifications for the types and settings of bat boxes are provided below:
- 3x schwegler bat boxes (model 1FF) and 2x 1FS Schwegler Large Colony Bat Boxes should be installed around the site.
- Alternatively, 3 built-in bat roosts, such as the Schwegler Bat Tube 1FR and 2FR, could be built into the stonework of some of the buildings on the site.
- Bat boxes should be placed in areas where no artificial lighting has been installed and away from high walls or any other feature that would lead to predation from cats.
- Bat boxes should be at least 3m off the ground;
- Sheltered from strong winds and exposed to the sun for part of the day (usually south, southeast or southwest).

Lighting and Disturbance

To minimise potential disturbance to commuting or foraging bats:

- Any necessary external lighting should be directional, low intensity, and designed to avoid light spill onto adjacent vegetation, rooflines, and boundary features.
- Minimise lighting to what is strictly required for health and safety purposes, and review existing lighting to ensure any additional lighting does not result in cumulative lighting impacts, increased sky glow, or over-lighting.
- Avoid lighting on key habitat features. Features important for bats, such as hedgerows, treelines, watercourses, and riparian areas, are key ecological corridors and should be kept dark or near-dark. Buildings and sheds, particularly older buildings, may contain bat roosts, and these should not be lit up.
- All luminaires should lack UV elements when manufactured. Do not use metal halide or fluorescent sources.
- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce the blue light component.
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.
- Internal luminaires can be recessed where installed in proximity to windows to reduce glare and light spill.
- Column heights should be carefully considered to minimise light spill.
- Only luminaires with an upward light ratio of 0% and with good optical control should be used.
- Luminaires should always be mounted horizontally, i.e. no upward tilt.
- As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.
- Dimming or part night lighting should be considered. A control management system can dim (typically to 25% or less) or turn off groups of lights when not in use.

Timber Treatment (Applicable to Entire Roof Space)

To avoid potential harm to bats from chemical exposure:

- Only bat-safe timber treatment products shall be used in the roof space.
- Where replacement timbers are required, pre-treated (pressure-treated/tanalised) timber should be used, as this ensures adequate drying prior to installation.
- If on-site timber treatment is necessary, only products listed as bat-safe (see Appendices) shall be used, and sufficient drying time must be allowed prior to installation.
- The use of solvent-based or non-approved timber treatment chemicals is strictly prohibited.
- Pre-treated timber is the preferred approach, as it reduces risks associated with chemical vapours and insufficient curing time. Predicted Residual Impacts of the Proposed Development

Consequently, subject to the implementation of the proposed mitigation and compensation measures and compliance with the conditions of the derogation licence, the granting of the derogation licence will not be

detrimental to the maintenance of the population of common pipistrelle at a favourable conservation status within its natural range.

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** 21/09/2026

Name in BLOCK LETTERS Ian Douglas

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie



Department of Housing, Local Government and Heritage