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	Stephen	Foley
(b) Company Name, if applicable	South Dublin County council	
(c) Address Line 1	Beaver Lodge	
Address Line 2	The Priory	
Town	Donabate	
County	Dublin	
Eircode	K36 HP22	
(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	Lucan House,	
Address Line 2	Lucan Demesne	
Town	Lucan	
County	Dubllin	
Eircode	K78 VP44	

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
Dr	Emma	Boston
(b) Company Name	AECOM Ltd	
Address Line 1	The Clarence Street West Building	
Address Line 2	2 Clarence Street	
Town	Belfast	
County	Antrim	
Eircode	BT2 7GP	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	

(e) Relationship to Applicant	Employee

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): Brown long-eared bat (*Plecotus auritus*) Whiskered bat (*Myotis mystacinus*) Common pipistrelle (*Pipistrellus pipistrellus*) Soprano pipistrelle (*Pipistrellus pygmaeus*) and Leisler's bat (*Nyctalus leisleri*).

3. Please provide the maximum number of individuals affected*Brown long-eared estimated roost size 50, Whiskered bat estimated roost size 5, Common Pipistrelle Individual roosting bats, Soprano pipistrelle individual roosting bat, liesler bat individual roosting bat.

4. Please provide the maximum number of breeding or resting sites affected* One structure (Stable Building S06) containing one brown long-eared bat maternity roost, one whiskered bat maternity roost and occasional day roosts used by common pipistrelle, soprano pipistrelle and Leisler's bat.

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.

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:	November 2026
End Date:	November 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.

N/A

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

N/A

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.

N/A

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.)

Structural assessments of the Stable Building have identified deterioration of the structure, including defects to the roof and associated building fabric that require repair to ensure the safe use and long-term preservation of the building. The Stable Building forms part of the historic Lucan House Demesne and has been identified for refurbishment and adaptive reuse as part of the wider Lucan House Masterplan. Without intervention, the condition of the building is likely to continue to deteriorate, increasing the risk of further damage to the historic fabric and limiting its future use.

The proposed works are necessary to address health and safety risks associated with the condition of the structure, facilitate safe public access and secure the long-term conservation of the building. The refurbishment will bring the currently underutilised structure back into active use as a farm shop, café, exhibition and events space with associated public facilities, delivering significant social, cultural, educational and economic benefits to the local community and visitors to Lucan House Demesne.

In addition, the proposed redevelopment forms a key component of South Dublin County Council's wider strategy for the restoration and enhancement of Lucan House Demesne. The project will preserve an important heritage asset, improve public access to the estate and provide enhanced recreational, community and visitor facilities. As such, the proposed works are considered necessary for imperative reasons of overriding public interest, including social, cultural, heritage and economic benefits, while also ensuring the long-term protection and sustainable management of the historic Stable Building.

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 works are required to facilitate the conservation, repair and long-term preservation of the historic Stable Building within the Lucan House estate. The structures form part of an important architectural and cultural heritage resource and have deteriorated such that intervention is required to secure their future use and prevent further deterioration.

The project will provide significant public benefits through the protection and preservation of built heritage assets, ensuring their continued contribution to the cultural, educational and historical value of the estate. The proposed works will also facilitate the sustainable management and future use of the buildings while preventing further structural decline. The conservation interest of the affected bat species has been fully considered. The proposed works have been designed to minimise impacts on bats through a range of mitigation measures, including timing restrictions, ecological supervision, the installation of bat roosting features and the provision of suitable replacement roost habitat within the attic space. As a result, the favourable conservation status of the species will be maintained

while delivering significant public benefits associated with the preservation of an important heritage asset.

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]

N/A

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.

N/A

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.

N/A

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 do-nothing option would result in the continued deterioration of the Stables. Without intervention, the condition of these historic buildings would worsen, potentially leading to the loss of important architectural heritage and a reduction in the long-term suitability of the structures for bats.
Demolition of the Stable Building	Demolition of the Stable Building would result in the complete loss of an important historic structure and the permanent loss of all existing bat roosts within the building. This option would be contrary to the objectives of the Lucan House Masterplan, which seeks to conserve and enhance the historic built heritage of the estate. The proposed refurbishment and adaptive reuse of the building provides a more sustainable solution by retaining the existing structure, preserving its heritage value and incorporating dedicated replacement roosting features to ensure the continued use of the building by bats. Consequently, the proposed development delivers benefits for both the public and the long-term conservation of bat populations.

* 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.

The proposed works have the potential to result in the temporary disturbance of roosting bats and the loss or modification of roosting features within the Stable Building. The following species have been confirmed roosting in the Stable Building in 2025 and/or 2026 emergence surveys: brown long-eared bat, whiskered bat, common pipistrelle, soprano pipistrelle, and Leisler's bat.

A range of mitigation measures will be implemented to minimise impacts on bats throughout the proposed works. These measures will include supervision by a suitably qualified bat ecologist, pre-construction inspection of affected roost features where appropriate, soft stripping of roost features, and adherence to timing restrictions as outlined in the Method Statement. Should bats be encountered during works, procedures outlined in the Method Statement will be followed and works will cease in the affected area pending ecological advice.

To compensate for the loss of roosting habitat, suitable replacement roosting opportunities will be provided within the Site including a section of the attic that will be used as dedicated brown long-eared maternity bat roost, roost features incorporated into the roof for whiskered bats, and bat boxes installed throughout the scheme. These measures will ensure that bat roosting habitat remains available in the local area and that the ecological functionality of the Site for bats is maintained in the long term (See Method Statement for details).

A dark corridor will be retained at the rear of the Stable Building to facilitate the continued use of existing bat flight paths to and from the confirmed roosts. The affected roosts are considered to be of local importance, and the works are not expected to result in a significant reduction in the local or regional populations of any bat species. The area surrounding Lucan House will continue to provide extensive foraging and commuting habitat, including mature trees, parkland and riparian habitats associated with the River Liffey.

Taking account of the mitigation and compensation measures proposed, the derogation will not be detrimental to the maintenance of the populations of the affected bat species at a favourable conservation status within their natural range. The impact of the proposed works is expected to be temporary and localised, and the conservation status of the species will be maintained following completion of the project.

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** 19th October

Name in BLOCK LETTERS Stephen Foley MRIAI

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
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