



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
[Dr]	[Samantha]	[Ball]
(b) Company Name, if applicable	[]	
(c) Address Line 1	[Marine and Freshwater Research Centre]	
Address Line 2	[Atlantic Technological University]	
Town	[Galway]	
County	[Galway]	
Eircode	[H91 T8NW]	
(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
[]	[]	[]
(b) Company Name	[]	
Address Line 1	[]	
Address Line 2	[]	
Town	[]	
County	[]	
Eircode	[]	
(c) Contact number	[]	
(d) Email address	[]	
(e) Relationship to Applicant	[]	

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): All bat species, targeted at Pipistrellus nathusii and Nyctalus leisleri

3. Please provide the maximum number of individuals affected* 256 (n=128 of each species)

4. Please provide the maximum number of breeding or resting sites affected* It is anticipated that 13 roosts (countrywide) of Nyctalus leisleri will be sampled from and 6 roosts of Pipistrellus nathusii.

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.

Works will be carried out country wide. We are targeting two bat species Pipistrellus nathusii and Nyctalus leisleri to collect samples from. While the number of Pipistrellus nathusii roosts in Ireland is limited, Nyctalus leisleri roosts are numerous and widespread. As an estimate, for Nyctalus leisleri, we will be sampling from only a small number of roosts (n=13) to a maximum of 20% of a roost if a maternity roost, after consulting with Bat Conservation Ireland and Irish Bat Ecologists (pers comms; 2025). As it is estimated that there are up to 50 individual bats per roost (Greenaway & Hutson 1990), sampling 20% of 13 roosts would result in sampling from 130 individuals. Using this survey design, two individuals will be surplus to requirement and will be released (n=128 bats per species). Pipistrellus nathusii estimates vary widely, from 4,100-6,900 to an upper estimate of 22,200 individuals (Roche & Langton 2024). However, there are only a few known colonies on the island of Ireland. Roosts for this species vary in size ranging from c. 40 individuals up to several hundred individuals. Assuming 110 individuals per roost where 20% were sampled from (as per above), from 6 roosts would result in sampling from 132 individuals. Using this survey design, four individuals will be surplus to requirement and will be released.

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-2025-229. Return has been made at time of current application

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:	01.04.2025
End Date:	31.10.2027

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	<input checked="" 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 type="checkbox"/>
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	<input type="checkbox"/>
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	<input type="checkbox"/>

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

Part D: Derogation Tests

Note: The following summary information must be provided by the applicant in all cases, and will be used to determine if a derogation can be provided. Further information must be provided in the format set out in Part E: Template for Supporting Information

Test 1: Reason for the Derogation

1. Please tick which reason(s) below explains how this application qualifies under Regulation 54(2)(a-e) or Regulation 54A(2)(a-e) of the European Communities (Birds and Natural Habitats) Regulations: Please provide a summary of how the application meets the 3 conditions required to provide a derogation. Note that in all cases additional information must be provided (see Part E).

a.	In the interests of protecting wild flora and fauna and conserving natural habitats (proceed to 2a)	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property (proceed to 2b)	<input type="checkbox"/>
c.	In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment (proceed to 2c)	<input type="checkbox"/>
d.	For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants (proceed to 2d)	<input checked="" type="checkbox"/>
e.	To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule (proceed to 2e)	<input type="checkbox"/>

2a. In the interests of protecting wild flora and fauna and conserving natural habitats:

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

NA

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

NA

2b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property:

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

NA

2c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment:

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

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.

NA

2d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants:

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

The ‘GREENBAT; Migratory bats and offshore wind energy in Ireland’ project, funded by the NPWS and Sustainable Energy Authority of Ireland (SEAI) aims to determine whether Irish bat species are migrating in/out of Ireland. This will be achieved with the following objectives, for which a derogation licence is required for:

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.

- i) Catching and handling of *Pipistrellus nathusii* and *Nyctalus leisleri* all over Ireland via mist nets, harp traps, hand nets and by directly removing from bat boxes by hand.
- ii) Collecting a wing biopsy sample from 128 *Pipistrellus nathusii* and 128 *Nyctalus leisleri*, as determined via power analysis. This will be bought forward for genomic analysis.
- iii) Collecting a small hair sample from the back of captured bats to be used for stable isotope analysis.

This research is important as currently there is a paucity of information on whether or not Irish bats are migrating in/ out of Ireland. This knowledge gap is alarming, as studies worldwide have demonstrated that wind farms can cause high instances of bat mortality, particularly for migratory species. Given Irelands proposed offshore windfarm development plans, it is vitally important to understand whether our bat species have the potential to be negatively impacted by these developments.]

2e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule

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

NA	
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- 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	
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Test 2: Absence of Alternative solutions

2. Please summarise the alternative solutions that have been considered and why these solutions are deemed unsatisfactory. This must include the option of the “do-nothing” alternative and evidence should be objective and robust. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	If the catching of bats and sampling from these individuals doesn't go ahead, then we will have a gap in our knowledge on bat migration in an Irish context. This research project is currently trying to

	close this bat by providing vital information in relation to offshore wind farm planning.
Opportunistic sampling from cadavers	This project will be using tissue samples for genomic based applications (ddRAD sequencing). To ensure accurate data, high quality DNA needs to be obtained from fresh samples. This is particularly important given the innovative use of ddRAD sequencing to identify migration potential in our target species.
Use of non-invasively collected faecal material	Given the current level of knowledge on bat migration and the genomics of migratory species in Ireland, it is not yet possible to conduct genomic level research using non-invasive samples (i.e., faecal material). Dr. Emma Teeling, a bat and molecular ecology specialist, was consulted (spring 2024) to assess the feasibility of obtaining sufficient DNA from bat faecal samples for downstream genomics applications, as a replacement to tissue samples. However, due to the lower quality and quantity of DNA typically extracted from faecal material, it was determined that this approach would not be suitable for our current study.

* 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.

No severe impacts are anticipated to the population. All bats will be captured, sampled from (tissue and hair) and released back to the site of capture within a short of a time frame as possible (~60 mins). Mild, potential impacts to individuals have been outlined below:

1. Bleeding= As precautions will be taken to ensure that no veins or arteries are included within the sampling area, we do not expect bleeding to occur as a result of taking a wing biopsy sample. In the event that bleeding occurs, direct pressure is to be applied to the area with sterile gauze until the bleeding stops.
2. Stress= As all animals will be assessed prior to inclusion in the study according to the Animal Welfare Score Sheets purposely designed for the GREENBAT project, it is not expected that the procedure will cause a high level of stress in individuals. These score sheets have been approved by ATU's Animal Welfare Board and have been reviewed by the hrpa.
3. Infection= There is the potential for infection to occur. Given that fresh equipment (gloves, biopsy tool) will be used for each individual, we expect this to occur in a very small number of bats only, if any.
4. Energetic costs= Healing will likely cause a small increase in energetic cost needs. As the wound is small (3mm) this is likely to be a negligible amount.

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

| Samantha Ball

Date

| 17.11.25 |



Name in BLOCK LETTERS

| SAMANTHA BALL |

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage



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