



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]	[Thomas]	[Gorman]
(b) Company Name, if applicable	[Inishoo Management]	
(c) Address Line 1	[Westport Estate]	
Address Line 2	[]	
Town	[Westport]	
County	[Mayo]	
Eircode	[F28 TW64]	
(d) Contact number	[]	
(e) Email address	[]	
(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): _____

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

4. Please provide the maximum number of breeding or resting sites affected* 30+

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

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

*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.

Surveys in 2025 found 8 of the 9 species of bat regularly using the grounds for feeding (lesser horseshoe bat not recorded). While a number of trees have been noted as having high roosting potential (map included in MKO report), there are no active roosts within the walls or buildings. However, occasional resting places within the walled garden have been marked. These will be kept, and the walls surrounding them repaired. As no bats, roosts, or resting places will be directly affected, we are applying for the derogation on a precautionary basis.

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.

Current: DER-BAT-2025-230

Previous: DER-BAT-2024-124 - MKO.

DER-BAT-2024-54-MKO, DER-BAT-2024-103, DER-BAT-2023-38, DER-BAT-2023-85, DER-BAT-2024-66, DER-BAT-2024-95

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:	1 st January 2026
End Date:	31 st Dec 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 type="checkbox"/>
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input type="checkbox"/>
Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
Damage or destroy a breeding or resting place of such an animal, or	<input checked="" type="checkbox"/>
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	<input type="checkbox"/>
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 checked="" 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 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.

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

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.

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.)

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- 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.

This derogation is required on a precautionary basis for beneficial economic and environmental reasons. No bat roosts have been located within structures listed for renovation, and renovations will be carried out with the assistance of a full-time ecologist and use bat-friendly construction methods such as directed lighting and suitable roofing materials. The project will also turn amenity grasslands and sheep pasture to native meadows, alongside rejuvenating 55ha of mixed broadleaved forest to native woodland.

Westport Estate is located on the east edge of Clew Bay SAC and covers approximately 450 acres of grassland, ancient woodland, wetlands, fresh water and coastal habitats. The house and grounds are of international historical importance and provide a major source of tourism, employment, and recreation to Westport, Co. Mayo. Westport House, the coach house and associated outbuildings, and the walled garden are all in need of urgent repair. Detailed drawings of the repairs are included in this application.

These repairs are due to take place as part of a major Fáilte Ireland project, called the Clew Bay Destination and Experience Development Plan. The Restoration and Interpretation of Westport Estate will involve structural renovations to the walled garden, the coach house, Westport House, and a wider landscaping of the estate using local native plants grown in a recently developed native nursery. Approximately 130 species of wildflower, grass, and tree are being grown for the Wild Realms gardens and the wider estate.

Coach house and walled garden

The coach house and walled garden are both in a state of disrepair and will continue to degrade should no work go ahead. Structural works are required for public safety and the maintenance of heritage structures. Works are required in the coach house where bat activity has been previously detected, which are justified for architectural conservation reasons. No bat activity was detected within the coach house or surrounding buildings in 2025.

The walls in the walled garden require repair due to deterioration over time and damaged sustained during storm Eowyn. Occasional resting places have been identified within the walls and these are at risk of collapse. One resting place was damaged by a falling tree during storm Eowyn. The walled garden is located on the main access path between Hotel

Westport (The Grace) and Westport House, posing a risk to visitors should the wall be left in its current state. In this regard, works are required for public safety, the maintenance of heritage structures, and the protection of resting places.

Westport House

The vast majority of the works required within the house do not include areas with roosting potential. The cellar was identified as the most likely area of bat activity and the works there are limited to system upgrades. No bat activity was detected within the cellar, tunnels, or roof spaces during 2025. Two old droppings were recorded in the boiler room.

Trees

The wider landscaping of the estate will require the felling of trees, either due to an arborist's recommendation for public safety, or for landscape design reasons. No roosts were identified within these trees and the derogation application is precautionary. The number of trees to be felled has been significantly reduced from the original designs. Dusk surveys throughout 2025 have identified a number of trees from which bats are emerging and these will be protected. The landscape design for the estate will turn large areas of amenity grassland to species rich meadow and gardens planted with native, locally sourced plants, while the beech/sycamore dominated woodlands will be regenerated with native trees.

Social / economic reasons

The Restoration and Interpretation of Westport House & Estate will provide a major boost to both tourism and employment in the Westport area. The project will include the opening of a new hotel 'The Grace', a new museum exhibiting Grace O'Malley and the history of Westport town, and the creation of three new gardens planted with locally sourced native plants, designed by Mary Reynolds. This will attract tourists and improve the biodiversity value of areas of the estate that are currently dominated by non-native and invasive plants. It is estimated that the project will create 110 direct jobs at Westport Estate, growing to €13m of revenue and c 317,000 visitors per annum (50% international). Failte Ireland estimate that overseas tourists spend on average €677 each, while domestic tourists generate €228 each, and that every €1m of tourist expenditure supports 22 jobs in the tourism sector.

- 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

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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.

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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.

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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	There are no viable alternatives to the planned works. The repair works to the buildings and walls have been designed with specialist architecture in mind and if the works are not carried out, the stability of the structures will be compromised. There is high risk of further damage occurring. The walled

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.

garden and the roof of the house have both suffered recent storm damage.

In this case, the '**do nothing**' scenario would be the continued deterioration of the structures, leading to the loss of cultural heritage, a risk to public safety, and the loss of potential roosting sites.

While no roosts were identified within trees, tree felling has been significantly reduced from the original plans to accommodate the potential roosting habitat they provide (>300 trees down to 201). The trees marked for removal have been done so primarily on the advice of an arborist for health and safety, or where ash dieback has set in. Standing deadwood will be valued where it is not an apparent risk to public safety. The design of the gardens and wider estate restoration have incorporated as much of the existing vegetation as is possible. In addition, the planned project will see the planting of thousands of native trees within the gardens and estate, and the slow conversion of non-native mixed broadleaved forest to native forest. During the restoration works, if any disturbance to bats is likely, alternative artificial boxes will be erected, and all areas will be surveyed by an ecologist prior to works commencing.

The walled garden is the location of one of the three 'Wild Realms', which are a core part of the tourism project underway at Westport Estate. The structural integrity of the walls is therefore of immediate public safety concern. The south wall also runs alongside a path that will be open to the public and connects Westport Town to Westport Quay. This section of wall is in disrepair and suffered further damage during storm Eowyn. In addition to this, one of the outbuildings where a day roost has been identified has been stricken by a fallen tree. The '**do**

	<p>nothing' approach for the walled garden would likely see the collapse of sections of the walls and outbuildings in the near future, leading to the loss of both the roost and the historical value of the building.</p> <p>The Coach House will have an attached extension for the Grace O'Malley Museum. The 'do nothing' approach would lead to the continued degradation of the coach house, which would impact tourism value, risk the loss of cultural heritage, and be of public safety concern. While bats have only occasionally used the attic space of the coach house, continued degradation would likely lead to the space becoming unsuitable.</p>

* 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.

We are applying for this license in the interests of protecting Chiroptera in the locality. We are adopting mitigation measures for any disturbances to bats that may occur during the planned works. Primarily, pre-commencement surveys will be conducted by the full-time project ecologist before any planned works. The following mitigation measures will also be applied:

- Construction work on the roofs of the coach house and Westport House will not occur during the bat maternity season (May-Aug), nor will work be carried out on wintering areas, such as the outbuildings in the walled garden and the cellar of the house, between November and April
- Bat boxes will be erected to accommodate any disturbance caused during construction
- The continued degradation of the roof structures is likely to diminish the potential of roosting areas. Roof restoration will be sympathetic to bats in their design, creating better value roosting areas
- Bat-friendly construction materials will be used
- Water tanks within roofs will remain covered
- The creation of new habitat with roosting potential
- Erecting bat boxes on the new buildings
- Suitable lighting arrangements will be made to ensure that bats are not disturbed during construction
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Further consideration to the favourable conservation of bats is adopted in the wider estate designs, such as lighting being directed away from trees and water bodies, and the enhancement of existing linear features and the expansion and conversion of non-native forest to native forest. There is also a large-scale operation underway to remove invasive species such as Japanese knotweed, rhododendron, laurel, and bamboo, replacing these areas with native forest. The planned landscaping features will create large areas of wildflower meadow, planted with native, local seed, alongside the creation of hedges and woodland. This will increase foraging and roosting opportunities across the wider estate.

It is not anticipated that the planned works will negatively impact the favourable conservation status of Chiroptera at Westport Estate. Upon completion of the works, the estate should provide better quality habitat than the current state.

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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

| 19/12/25 |

Name in BLOCK LETTERS

| Thomas Gorman |

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage



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