



NPWS

An tSeirbhís Páircenna
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**

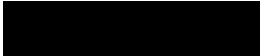

Revision 2.0 – July 2025

- 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.


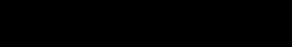
1. (a) Name of Applicant

| | | |
|---|---|---------|
| Title (Mr/Mrs/Miss/Ms/Dr) | Forename(s) | Surname |
| Mr | Mairtin | Lydon |
| (b) Company Name, if applicable | Lydon | |
| (c) Address Line 1 | Unit 702 Kilshane Ave | |
| Address Line 2 | NW Business Park | |
| Town | Ballycoolen | |
| County | Dublin 15 | |
| Eircode | D15 E670 | |
| (d) Contact number |  | |
| (e) Email address |  | |
| (f) Address where works are to be carried out if different from (b) above. | | |
| Address Line 1 | CYPRESS GROVE HOUSE | |
| Address Line 2 | CYPRESS LAWN | |
| Town | DUBLIN 6W | |
| County | DUBLIN | |
| Eircode | D6W YV12 | |

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 | Bryan | Deegan |
| (b) Company Name | Altemar | |
| Address Line 1 | 50 Templecarrig Upper | |
| Address Line 2 | | |
| Town | Delgany | |
| County | Wicklow | |
| Eircode | | |
| (c) Contact number |  | |
| (d) Email address |  | |

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, Pipistrellus pygma s

3. Please provide the maximum number of individuals affected* 2

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

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.

Licence No. C 158/2021 translocation of frogs.

Licence No.: DER/BAT 2023 – 126- Removal of bats in Greenore Co. Co. Louth.

Licence No.: Der/Bat (151-2024)- Removal of bats from Central Mental Hospital.

Altamar have also been involved in the translocation of 7 badgers at the Glass Bottle site in Ringsend (Dr Chris Smal

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: | Planning Dependant Q4-2025 (approx.) |
| End Date: | Planning Dependant Q1-2027 (approx.) |

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.

The proposed works involve the redevelopment of the 2.66 ha site at Cypress Grove House, Templeogue, to provide a high-quality Large-Scale Residential Development comprising 171 residential units, a crèche, public and communal open spaces, pedestrian and cycle routes, internal roads, parking facilities, and associated infrastructural upgrades. The project also includes the refurbishment of Cypress Grove House, a Protected Structure (RPS 222), ensuring its long-term conservation and integration into a modern residential environment.

The development will deliver substantial public benefits, particularly through the provision of much-needed housing at a time when Ireland is experiencing a severe housing shortage. By supplying new residential units within a serviced urban area, the project will help meet local and regional housing demand. In addition, the scheme will provide social benefits by creating high-quality community spaces, supporting childcare through the provision of a crèche, and enhancing overall urban amenity. The development will also generate employment opportunities during both the construction phase and ongoing operational management, contributing to the local economy.

To deliver the proposed layout, the removal of an ash tree on site confirmed to support a Soprano Pipistrelle (*Pipistrellus pygmaeus*) and a Common Pipistrelle (*Pipistrellus pipistrellus*) roost is unavoidable. The roost is small in scale and located within a tree that must be cleared to accommodate essential elements of the development, including the internal road network and building footprint.

The project represents an overriding public interest due to its contribution to urgently needed housing, enhanced social infrastructure, job creation, and the conservation of a protected historic structure. All works will be undertaken in full compliance with wildlife legislation, with appropriate mitigation measures implemented as outlined in the accompanying ecological report to ensure that impacts on bats are minimised and effectively managed.

- 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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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.

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.

ii) Please summarise how the activity will result in the taking or keeping of limited numbers of specimens of the species, how it will be applied on a selective basis and to a limited extent, and how it will be done under strictly supervised conditions.

Test 2: Absence of Alternative solutions

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

| Alternative Solution | Reasons for “Unsatisfactory” |
|----------------------|---|
| Do-Nothing | Under a “do nothing” scenario, the site would remain in its current condition, and the proposed 171-unit residential development, crèche, and associated infrastructure would not be delivered. This would fail to meet critical local and regional housing needs and would leave Cypress Grove House a Protected Structure without the refurbishment required to ensure its long-term conservation. Housing provision, community facilities, and improvements to the site’s accessibility and environmental quality would not be realised. If this development did not go ahead, as the site is zoned as residential it would likely remain the same for a period until it is developed in the future. |

| | |
|---|---|
| <p>Redesigning the Development to Avoid the Roost</p> | <p>Retaining the trees that support the bat roosts was examined. However, they lie directly within areas required for the construction of internal roads, residential buildings, and associated infrastructure. Adjusting the layout to fully avoid these trees is not feasible without significantly compromising site functionality, circulation, and the integration of open spaces. Avoidance would also restrict the placement of key residential units and conflict with the required density, accessibility, and design standards.</p> |
| <p>Alternative Site Location</p> | <p>Relocating the entire development to another site is not considered viable, as the project pertains specifically to the zoning, layout, and redevelopment opportunity available at Cypress Grove House. The use of this site enables the delivery of housing within serviced urban lands, supports compact growth, and allows for the refurbishment of a Protected Structure. Selecting an alternative site would not fulfil these planning and conservation objectives and would undermine the purpose of the current proposal.</p> |
| <p>Conclusion</p> | <p>Given the constraints of the site layout, the position of the roost trees, and the requirement to deliver housing and community facilities while refurbishing a Protected Structure, no satisfactory alternative exists that would avoid impacts on the confirmed bat roost. The proposed derogation, together with the mitigation measures outlined in the accompanying ecological report, will ensure that impacts are minimised and that the conservation status of the species is maintained in the wider area.</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.

With mitigation measures, the proposed works at Cypress Grove House, namely the construction of 171 residential units, crèche, internal roads, parking, landscaping, and the refurbishment of the Protected Structure, will have an overall minor impact on local bat populations of Soprano Pipistrelle (*Pipistrellus pygmaeus*) and Common Pipistrelle (*Pipistrellus pipistrellus*). Surveys recorded the presence of a small opportunistic day roost of these species in a boundary tree along the northern end of the site, and alternative suitable roosting habitat is retained mature trees to the east and lost roosting habitat will be replaced by bat boxes installed in suitable locations on site.

The presence of individual Soprano and Common Pipistrelle roosts in a tree on site is not unexpected. Both species are widespread throughout Ireland and are commonly encountered during bat surveys (NPWS, 2019). They are highly adaptable, foraging across woodland, parkland, riparian areas, farmland, and urban environments (NPWS, 2019). National populations are currently stable or increasing, with no identified pressures or threats affecting their conservation status. Pipistrelle bats regularly utilise a wide variety of roosts, from small individual roosts behind ivy on trees to larger colony roosts in buildings.

The ecological report submitted alongside this application outlines specific measures to avoid and minimise disturbance to bats during the works, including supervised tree removal, timing restrictions, and the provision of compensatory roosting structures where required. Given the small size of the roost, the nature and location of the proposed works, the mitigation strategy proposed, and the widespread and adaptable nature of pipistrelle bats, it can be concluded that the development, when implemented in line with these mitigation measures, will not have a detrimental impact on the maintenance of the local bat population.

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

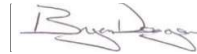
- a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
- b. Applicants 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

15/12/2025

Name in BLOCK LETTERS

BRYAN DEEGAN

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage



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