



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	Barry	Walls
(b) Company Name, if applicable	BW Ecology	
(c) Address Line 1	Tullymountain	
Address Line 2		
Town	Ramelton	
County	Donegal	
Eircode	F92A588	
(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
Dr	Barry	Walls
(b) Company Name	BW Ecology	
Address Line 1	Tullymountain	
Address Line 2		
Town	Ramelton	
County	Donegal	
Eircode	F92A588	
(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 |

3. Please provide the maximum number of individuals affected* | N/A |

4. Please provide the maximum number of breeding or resting sites affected* | N/A |

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.

| N/A |

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.

| Most recent annual national bat handling licence C064/2025 (returns submitted and confirmed, Dec 2025)

| Most recent annual bat national derogation (survey) licence der-bat-2025-243 (returns submitted and confirmed, Dec 2025) |

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:

End Date:

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 checked="" 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 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"/>
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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.

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

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.

N/A

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.)

Not applicable to this survey licence application- no such site/project-specific information
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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 activity does not itself constitute development or alteration of any structure, but is a necessary precursor to ensuring that any future works are appropriately designed to avoid adverse effects on Annexed bat species. The proposed derogation is sought for imperative reasons of overriding public interest, namely to allow safe and controlled access to existing structure(s) for the purpose of detailed inspection(s), undertaken as part of statutory ecological assessment and/or bat surveying.

The inspection is required to generate robust, evidence-based baseline information necessary to inform planning compliance, environmental assessment, and public safety obligations, all of which constitute matters of social and economic importance and are of primary importance for the environment, within the meaning of Article 16 of the Habitats Directive.

Specifically, the inspection will establish the presence, absence, condition, and potential use of the structure by Annexed bat species, and will directly inform:

- the avoidance of inappropriate or harmful works,
- the design and timing of proportionate mitigation or protection measures, and
- the prevention of inadvertent damage or disturbance to bat roosts in subsequent works.

Without access to a structure, any assessment would be based on incomplete or speculative information, increasing the risk of incorrect conclusions and unintended impacts on protected bat species and their habitats. In this context, the derogation supports the long-term conservation objectives of the species by ensuring that future decisions are informed by accurate ecological data rather than assumption.

While bats are afforded strict protection under the Wildlife Acts and Annexed with the Habitats Directive, the activities proposed under this derogation are strictly limited in scope, temporary in nature, and non-destructive, and will be undertaken solely for the purpose of environmental protection, regulatory compliance, and public safety, by the suitably qualified personnel in accordance with current best-practice guidelines.

The public interest in informed environmental decision-making, the avoidance of unintended harm to protected species, and compliance with statutory obligations clearly outweighs the minimal and short-term risk of disturbance associated with the proposed inspection. Accordingly, the derogation is proportionate, justified, and necessary to achieve outcomes that are ultimately beneficial to both public interest objectives and the conservation status of the species concerned.

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

N/A

- 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.

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.

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 option (no inspection undertaken)	<p>The “do-nothing” alternative is not satisfactory as it would result in the absence of reliable, site-specific ecological information on the internal condition and potential use of the structure by bat species. This option would therefore fail to meet the evidential standard required to support a legally robust Appropriate Assessment screening or decision under Regulation 54.</p> <p>In the absence of verified inspection data, any assessment or decision-making would necessarily rely on assumptions or</p>

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.

	<p>incomplete information, increasing the risk of inadvertent disturbance or damage to bat roosts at a later stage. This approach would be contrary to the precautionary principle, best practice ecological assessment, and the objectives of Regulation 54, which require impacts on strictly protected species to be identified, assessed, and avoided where possible. Furthermore, the do-nothing option may allow ongoing safety risks and structural deterioration to persist, potentially resulting in greater long-term impacts to both public safety and the protected species than a limited, controlled inspection undertaken under licence.</p>
<p>Avoiding internal inspections / not applying for a derogation licence</p>	<p>Avoiding internal inspection is not a satisfactory alternative, as external inspection and desk-based assessment alone cannot confirm the presence, absence, or status of bat roosts within enclosed or concealed features such as roof voids, cavities, crevices, or complex internal structures. Non-intrusive techniques and activity surveys may indicate bat activity in the wider area but cannot reliably determine roost use within the structure, particularly where roosts may be intermittent, transitional, or seasonally occupied. Irish best-practice guidance (Marnell, Kelleher & Mullen, 2022) explicitly recognises that licensed access may be required to adequately assess potential roosts, noting that unlicensed withdrawal upon encountering bats can prevent the collection of sufficient information. Without licensed access, the assessment would remain incomplete and legally vulnerable and would not meet the standard required to support robust environmental decision-making.</p>
<p>Reliance on external inspection and desk-based assessment only</p>	<p>External inspection and desk-based assessment are insufficient to satisfy legislative and best-practice requirements where internal features may support bat roosts. Such methods cannot identify concealed roosting opportunities or confirm internal usage, particularly in structures with restricted visibility or complex internal geometry. As a result, this approach cannot provide the accurate, site-specific evidence required to inform avoidance, mitigation, or protection measures, nor can it adequately support competent authorities in meeting their obligations under the Habitats Directive and Regulation 54.</p>
<p>Use of non-intrusive survey techniques only (e.g. activity surveys)</p>	<p>While activity surveys can provide useful contextual information, they cannot determine roost location, type, or status within a structure. Activity data alone cannot distinguish between commuting, foraging, or roosting behaviour, nor can it confirm intermittent or seasonal use of internal features. Accordingly, this option does not provide a satisfactory alternative to inspection where the objective is to establish the presence or absence of roosts within the structure.</p>
<p>Restricting inspections to specific times of year to avoid disturbance</p>	<p>Restricting inspections to specific seasons does not constitute a satisfactory alternative, as bats may be present at any time of year, including during transitional periods. While seasonal considerations inform how inspections are carried out, they do not remove the need for licensed access. Inspections will be undertaken by the licensed ecologist, with strict adherence to best practice, and with immediate withdrawal where bats are encountered and/or once sufficient information has been obtained. Timing alone cannot eliminate the potential for disturbance and therefore does not remove the requirement for a derogation.</p>
<p>Applying for project-specific licences on a case-by-case basis for each inspection</p>	<p>Applying for individual, project-specific licences for each inspection would place a disproportionate administrative burden on both NPWS and the applicant, potentially delaying surveys and limiting the ability of the bat ecologist to meaningfully influence project design, avoidance measures, and mitigation strategies at an early stage.</p>

	This approach could reduce, rather than enhance, opportunities for bat conservation by constraining timely access to information required to inform environmentally responsible outcomes.
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* 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 derogation will not have any adverse effect on the maintenance of the population of the species concerned at a favourable conservation status within its natural range; no mortality, injury, destruction of roosts, or impairment of roost functionality will occur as a result of the proposed activities. The activity to which the derogation relates is strictly limited to temporary, non-destructive inspection works and does not involve the loss, modification, or permanent disturbance of any bat roost or supporting habitat.

Any potential impacts are confined to the risk of short-term disturbance to individual bats, should they be present at the time of inspection. This risk will be minimised through the implementation of robust, standardised mitigation measures, in line with current best-practice guidance and the conditions of the derogation licence. All works will be undertaken by the suitably qualified and licensed bat ecologist, with inspections conducted in a controlled and precautionary manner. Where bats or evidence of bat roosting are encountered, works will cease immediately once sufficient information has been gathered, and the area will be left undisturbed.

The inspection methodology will be proportionate and restricted to the minimum necessary to achieve its purpose. No destructive works will be undertaken, no roost features will be altered, and access routes and inspection techniques will be selected to avoid or minimise disturbance. The timing of inspections will take account of seasonal sensitivities, insofar as practicable, and inspection duration will be kept as short as possible.

The information obtained through the inspection will directly inform avoidance measures, mitigation design, and protection strategies for any future works, thereby reducing the risk of inadvertent harm to bats and their roosts. In this way, the derogation contributes positively to the long-term conservation of the species, ensuring that future decisions are based on accurate, site-specific ecological evidence rather than assumption. Licensed inspections, undertaken in accordance with NPWS guidance and established ecological practice, will ensure no measurable negative effects on local or wider bat populations, due to their temporary nature and the effectiveness of mitigation measures applied. Such approaches are widely accepted as consistent with the conservation objectives of Annex IV species.

Taking account of the limited scale, temporary duration, precautionary methodology, and associated mitigation measures and best practice, the proposed derogation will not be detrimental to the maintenance of bat populations at a favourable conservation status. On the contrary, it will support informed environmental assessment and decision-making, which is essential to safeguarding the conservation interests of the species over the longer term.

Accordingly, the derogation complies with Article 16 of the Habitats Directive in that it will not result in a deterioration in the conservation status of the species concerned, either locally or at a wider population level.]

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 [14/1/26]

Name in BLOCK LETTERS

[Dr Barry Walls]

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