



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
	Aine	McHugh
(b) Company Name, if applicable	Donegal County Council	
(c) Address Line 1	National Roads Office,	
Address Line 2	Drumlonagher,	
Town	Donegal Town	
County	Co. Donegal	
Eircode	F94 DK6C	
(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	<p>There are eight total locations across Sections 1 and Section 2 of the Proposed Development as described below, including one tree and seven buildings.</p> <p>Section 1 of Proposed Development (Ballybofey/Stranorlar): One tree: BT17 (ITM 613272, 895415), Seven Buildings: Building S1 B13a (ITM: 612111, 894501); Building S1 14a (ITM: 612139, 894462); Building S1 14b (ITM: 612151, 894459); Building S1 B17 (ITM: 612462, 894939); Building S1 B21a (ITM: 613921, 895894); Building S1 B22b (ITM: 614468, 896819),</p> <p>Section 2 of Proposed Development (Letterkenny): Building S2 B20b (ITM: 622394, 911289)</p>	
Address Line 2		
Town	Section 1: Stranorlar/ Ballybofey Section 2: Letterkenny	
County	Donegal	
Eircode	No Eircode, New sections of road (See Figures 3-1 and 3.2 provided in Section 3 of supporting document ref: Section 1 and 2 - Supporting Information for Derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011.	

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:

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): |

Tree BT17: Soprano pipistrelle (*Pipistrellus pygmaeus*);

Building S1 B13a: Soprano pipistrelle (*Pipistrellus pygmaeus*);

Building S1 14a: *Pipistrellus* species;

Building S1 14b: Daubenton's (*Myotis daubentoniid*) & *Pipistrellus* species;

Building S1 B17: Lesser noctule (*Nyctalus leisleri*) & Soprano pipistrelle (*Pipistrellus pygmaeus*);

Building S1 B21a: Lesser noctule (*Nyctalus leisleri*) & Soprano pipistrelle (*Pipistrellus pygmaeus*);

Building S1 B22b: Soprano pipistrelle (*Pipistrellus pygmaeus*.)

Building S2 B20b: Common pipistrelle (*Pipistrellus pipistrellus*). |

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

Tree BT17: Soprano pipistrelle; 3 confirmed in 2023, 1 confirmed in 2025.

Building S1 B13a: Soprano pipistrelle 1 confirmed (3 maximum);

Building S1 14a: *Pipistrellus* species 2 confirmed (3 Maximum);

Building S1 14b: Daubenton's 2 confirmed and maximum & *Pipistrellus* species 1 confirmed and maximum;

Building S1 B17: Lesser noctule 1 confirmed & Soprano pipistrelle 3 confirmed (5 maximum);

Building S1 B21a: Lesser noctule 1 confirmed and maximum & Soprano pipistrelle 2 confirmed and maximum;

Building S1 B22b: Soprano Pipistrelle 1 confirmed and maximum;

Building S2 B20b: Common pipistrelle 1 confirmed and maximum |

4. Please provide the maximum number of breeding or resting sites affected* | 8 |

5. Please provide the maximum number of eggs to be taken* | 0 |

6. Please provide the maximum number of eggs to be destroyed* | 0 |

*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.

DER-BAT-2025- 332: 15/10/2025 – 31/12/2025 **(Was for bat tree BT17 (now included in this application). Works will not be completed by end period return will be submitted.**

DER/BAT 2024- 10 (survey licence); 10/01/2024 – 31/12/2024 Return confirmed and no bats encountered during surveys within roosts. |

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 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.

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

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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.)

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 N13, N14 and N15 national primary roads form part of the Trans-European Network – Transportation (TEN-T) in Donegal. The TEN-T network is a selection of strategic transport corridors throughout the European Union (EU) that have been identified to play a key role in the mobility of goods and passengers through the EU.

In 2024, the EU adopted Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (Text with EEA relevance), hereafter, the ‘TEN-T Regulation’.

As stated in the TEN-T Regulation, “The overall objective of the development of the trans-European transport network is to establish a single multimodal Union wide transport network of high quality.”

The proposed development involves the targeted and appropriate intervention on three sections of the TEN T Priority Route and national road network in Donegal. The following three sections form the Proposed Development:

- Section 1 – N15/N13 Ballybofey/ Stranorlar Bypass:
- Section 2 – N56/N13 Letterkenny to Manorcunningham:

- Section 3 – N14 Manorcunningham to Lifford/Strabane/A5:

The three sections were identified as the highest priority sections requiring intervention in the TEN-T Corridor Needs Study, Donegal (November 2015).

The sections within the Proposed Development collectively have serious deficiencies in safety, alignment, journey time and journey reliability. Both urban and rural sections have little or no adequate active travel and/or Vulnerable Road User (VRU) facilities. The TEN-T PRIPD will address these issues.

The Proposed Development is supported by international, national, regional and local plans and policies, including:

- TEN-T Regulations
- National Planning Framework, including the 2025 First Revision
- National Development Plan, including the 2025 review
- Northern and Western Regional Assembly Regional Spatial and Economic Strategy
- County Donegal Development Plan 2024-2030
- Ballybofey/ Stranorlar Area Plan 2024-2030

For further discussion, please refer to the accompanying supporting information reports, ref: Section 1 and 2 - Supporting Information for Derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011.

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

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.

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.

- 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	Does not meet Policy at international, national regional and local level.
Do -Minimum Alternative	An online improvement scheme does not provide the appropriate cross-section and junctions required to achieve the level of service, journey time reliability, safety and economic benefit required in the project objectives.
Do Something Non-Road Improvement Alternatives The options that have been considered as alternatives to improving/ upgrading the existing road include: <ul style="list-style-type: none"> ▪ Improved broadband ▪ Staggering worktimes and localised improvements ▪ Alternative forms of transports ▪ Improved public transport 	Improved broadband, alternative working times/localised improvements and alternative forms of transport have been discounted as reasonable alternatives to address the needs of the proposed development or meet the project objectives.
Route Corridor Alternatives	The route selection process has looked at a number of alternative route options through a Multi Criteria Assessment (MCA). This has assessed each route option under a number a criteria and the process has eliminated the other route options as having a greater impact or not achieving the objectives of the proposed development.
Further discussion	For further discussion, please refer to the accompanying supporting information report, ref: ref: Section 1 and 2 - Supporting Information for

	Derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011.
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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.

All roosts discovered within Section 1 and Section 2 of the Proposed Development are categorised as temporary roosts, likely night roosts or feeding roosts which can be considered of low conservation significance. The roosts are not considered to be maternity or hibernation roosts based on field surveys conducted by experienced and licenced bat surveyors.

Where roosts of low conservation significance are to be lost to development, bat boxes may provide an appropriate form of mitigation. In such cases, the type of bat box provided should be appropriate to the species (Marnell et al, 2022). As per (Marnell et al, 2022). Woodcrete (cement and sawdust) bat boxes, such as those manufactured by Schwegler (available from NHBS at www.nhbs.com) appear to be at least as successful as wooden boxes in attracting bats and have the advantage of being far more durable and thus needing less maintenance.

Two to four bat boxes per effected structure and tree of similar design to the above will be erected on trees that remain in the surrounding area of each effected structure or tree, so as to create alternative roosts and an ecological network link into remaining vegetation for the displaced bats.

The population potentially impacted is considered to be much less than 1% of the local population as described in the NRA (2009) guidance. The four bat species are also listed as having Favourable Conservation Status.

Given the above, it is not considered that the removal of the roosts will detrimentally affect the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended prior to mitigation measures.

For further information please refer to the accompanying supporting information report, ref: Section 1 and 2 - Supporting Information for Derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011.

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	03/12/2025
Name in BLOCK LETTERS	AINE MC HUGH		

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 Oidhreacht
Department of Housing,
Local Government and Heritage