



NPWS

An tSeirbhís Páircanna
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
	JBA Consulting Ltd	
(b) Company Name, if applicable	JBA Consulting Scientists and Engineers Limited	
(c) Address Line 1	Unit 24, Grove Island	
Address Line 2	Corbally	
Town	Limerick	
County	Limerick	
Eircode	V94 312N	
(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	Countrywide, including all counties of Ireland	
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
Ms	Anne	Mullen
(b) Company Name	JBA Consulting Scientists and Engineers Ltd.	
Address Line 1	Unit 24, Grove Island	
Address Line 2	Corbally	
Town	Limerick	
County	Limerick	
Eircode	V94 312N	
(c) Contact number	[REDACTED]	
(d) Email address	[REDACTED]	
(e) Relationship to Applicant	Employee	

For Survey Derogations Only

1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held e.g. Supervisor/Trainee

Forename(s)	Surname	Supervisor or Trainee
Patricia	Byrne	Supervisor
William	Mulville	Supervisor
Anne	Mullen	Supervisor
Dominic	Tilley	Supervisor
Johanna	Healy	Trainee
Mia	Heigh	Trainee
Matt	Hosking	Trainee
Jai	Dolan	Trainee
Olly	Lynch-Milner	Trainee
Abbie	Doyle	Trainee

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 Irish 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.

JBA Consulting wishes to apply for a survey licence pertaining to surveys of bat roosts. The employees listed above will part in surveying for bats which may cause disturbance. These surveys typically form part of our work, with particular respect to impact assessment on bat species. Surveys that require internal building inspections may cause disturbance to roosting bats either from visual inspection, endoscope inspection or the accidental discovery of a roost which was previously unknown. This license is being applied for to ensure compliance with Regulation 54. Please refer to supporting documentation for further details.

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.

Survey Licence Derogations

DER-BAT-2025-231

DER-BAT-2025-233

DER-BAT-2025-234

DER-BAT-2025-235

Returns for these licenses have been made to NPWS in accordance with Condition 7 of the licenses.]

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: 31/01/2026
 End Date: 31/12/2026

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 checked="" type="checkbox"/>
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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.

The intention of this survey licence is to allow for surveys to be conducted for all Irish bat species, and to allow for a possibility that these bat species will be encountered. Species JBA have encountered during previous surveys and worked with include Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Leisler's Bat *Nyctalus leisleri*, Brown Long-eared Bat *Plecotus auritus*, Natterer's Bat *Myotis nattereri*, Daubenton's Bat *Myotis daubentonii*, Whiskered Bat *Myotis mystacinus* and Lesser Horseshoe Bat *Rhinolophus hipposideros*, in order of increasing to decreasing frequency of observation in surveys. This may be taken as an indication of the species that we anticipate we may encounter and need a survey licence for, during ecology work in JBA.

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

As part of JBA's surveys conducted for bat species, which can include internal inspections of buildings/structures/trees for potential bat roosts, and any follow-up surveys if roosts have been identified. This enables for a proper population estimate to be conducted and enable an impact assessment to be undertaken and provide mitigations for said roost. A survey licence is needed to enable these activities, which aim to conserve and protect these species.

-Without a detailed internal inspection (which may result in roosts being located and at risk from disturbance), surveys may not be able to fully determine the bat usage and roost potential of a building or structure, reducing the effectiveness in mitigating impacts, protecting and conserving the bat species and their roosts.]

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.

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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.)

Please note: Frequently, unless there is documentary evidence of the safety of an older building, we may exclude internal inspections for safety of staff (IROPI) e.g. presence of asbestos, presence of areas of instability, dry rot and dangerous items such as dirty needles underfoot or potential for squatters (all of these have been encountered in sites at which we have surveyed) and restrict surveys to external surveys, with internal inspections delayed until the building has been made safe. This is on a case by case basis.]

- 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 internal inspections of bat roosts should be interpreted in the context of the overall project, to identify roosts which could be impacted by the development. Adequate surveys, including internal inspections, are sometimes required to characterise the roost (size and type and exact location). The survey itself is required to support the project (which may impact on a roost and thus require an assessment of overriding public interest in the context of the nature and type of the roost identified, as part of a further derogation licence). Roost inspections are sometimes also required to support general baseline information on bats (e.g. biodiversity audit) outside of a development context this (e.g. to gain detailed information on hibernation size, or locations of bats or reproductive rates) this is gathered to monitor the population in order to protect the roost, and provide detailed information to the client to ensure ongoing protection of a roost.

The survey is typically conducted to assess the ecological impact of housing and other developments, as well as bat surveys to inform baseline biodiversity surveys. Surveys for developments may involve the need to assess roosts, especially in developments which refurbish old buildings. These projects (e.g. housing/roads/office spaces/business developments/sport facilities/flood relief works) support local, regional and national policies e.g. -deliver new residential units supporting national and local strategies to address the housing crisis; promotion of sustainable urban development; support flood works or other important infrastructure. Hence, this project and survey derogation and subsequent derogations aspect may fall under those both an economic and social nature. Proper and adequate surveys are required to ensure this occurs.]

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.

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”
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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.

Do-Nothing	Without internal roost surveys e.g. using an endoscope the usage of the structure by bats, locations and type of roosts present may not be accurately determined. This can result in a negative outcome for bats and missed opportunities for mitigation measures that could be implemented to protect identified roosts if surveys were conducted.
Emergence surveys only	-While emergence surveys can give an indication of the presence of bats and numbers, they will not accurately reveal the exact locations and may underestimate the population size of roosts. A bat emergence survey that resulted in no observations, may result in a false negative if no internal roost inspections are conducted, especially in seasonally constrained. Without a roost survey it may be difficult to determine the exact location and nature of the roost (e.g. maternity/hibernation/satellite).
Static detectors only	While a static detector allows for the determination of which bat species are present with minimal disturbance, it will not be able to determine to population size of the bats and whether roosts are present. For example, one bat may call 500 times resulting in 500 recorded calls, and recorded bats may not necessarily be roosting at that location.

* 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 possible impacts that may arise from the survey activities arising from this derogation application:

- Disturbance: Inspections may temporarily disrupt roosting or breeding behaviours potentially impacting survival of juvenile bats.
- Impacts on roost integrity and microclimate alteration: Inspecting crevices, especially if multiple surveyors are present may interfere with the roost microclimate by affecting humidity and temperature. I.e. the body heat off a surveyor may increase the temperature of a roost which the bats may respond to and wake.
- Potential displacement or roost loss: Disturbance as a result of inspections may result in displacement of bats and roost loss. If surveys/disturbance are repeated, this may stress the bats resulting in abandonment of roost.

The following mitigations will be employed during surveys to minimise these impacts:

- Surveys will be conducted during adequate survey periods to minimise disturbance at sensitive times for bats.
- Efforts will be made to reduce noise, light and vibration disturbances within roost features.
- The surveys will adhere to best practice guidelines for bat surveys in Ireland.
- Adequate training in bat roost inspection and bat roost feature identification, and supervision by an experienced member of staff will be provided to trainee staff.

Potential impacts from this derogation may extend beyond those impacts directly associated with the roost inspection and surveys. As mentioned, JBA typically works on housing developments and renovations of existing buildings that may have bat roost potential, surveys for which are the subject to this derogation licence. If unmanaged, these projects when they reach the construction stage may result in the permanent loss of identified roosts at the worst-case scenario, and at a minimum potential disturbance of said roosts. Mitigations for these will be designed and implemented at a project level. These risks underscore the need for a survey licence for JBA to undertake bat roost surveys to adequately inform impact assessments and prescription of suitable mitigation measures.

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

Anne Mullen

Date

28/01/2025

Name in BLOCK LETTERS

ANNE MULLEN

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage



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