NPWS

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
(b) Company Name, if applicable	Údarás na Gaeltachta	
(c) Address Line 1		
Address Line 2		
Town	Na Forbacha	
County	Co. na Gaillimhe	
Eircode	H91 TY22	
(d) Contact number		
(e) Email address		
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Colaiste Lurgan	
Address Line 2	Kilroe East	
Town	Inverin	
County	Co. Galway	
Eircode	Grid reference M 08911 22641	

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	Ian	Douglas
(b) Company Name	ID Environmental Consultants Ltd	
Address Line 1	Arodstown House	
Address Line 2		
Town	Summerhill	
County	Meath	
Eircode	A83 DC03	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	
(e) Relationship to Applicant	Project Ecologist	

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

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

3. Please provide the maximum number of individuals affected* 1

4. Please provide the maximum number of breeding or resting sites affected* 1 (Resting)

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

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

*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.

NA

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.

NA

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:	Spring 2027, subject to Planning approval
End Date:	Winter 2027, subject to Planning approval

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	☐
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☐
Deliberately take or destroy eggs of the relevant species in the wild	☐
Damage or destroy a breeding or resting place of such an animal, or	☒
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.	☐
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
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.	☐

Further information should be provided in the format set out in Part E: Template for Supporting Information

Part D: Derogation Tests

Note: The following <u>summary</u> 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 1a)**	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property **(proceed to 1b)**	☐
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 1c)**	☒
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 1d)**	☐
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 1e)**	☐

1a. 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.

NA

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

NA

1b) 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.

NA

1c) 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.)

NA

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 reason for seeking this derogation falls under Regulation 54(2)(c), in the interests of public health and safety and for imperative reasons of overriding public interest.

The proposed development involves the demolition of the existing dwelling on the site and the construction of a new emergency accommodation building, part three-storey and part two-storey in height, providing temporary accommodation and associated support facilities. The development will also include the provision of a new boundary wall, landscaping works, a children's play area, connections to existing site services and all associated ancillary site development and enabling works. The proposed development will provide an important social infrastructure function through the provision of emergency accommodation and associated support facilities. The delivery of appropriate emergency accommodation represents a significant social and public interest benefit, providing temporary accommodation for people experiencing an immediate need for accommodation and associated support services. The development will also make effective use of an existing developed site and existing service connections, allowing the required accommodation to be provided within an established urban environment. The development will require the demolition of the existing dwelling, which has been confirmed to support a single common pipistrelle (Pipistrellus pipistrellus) day roost. During the dusk emergence survey undertaken on 4 August 2026, a single common pipistrelle was observed emerging from the apex/eaves area of the southern elevation of the building. No additional emergence events were recorded, and only one further observation of a single common pipistrelle commuting across the site was made during the survey. Overall, bat activity associated with the site was low.

The proposed works will result in the loss of the confirmed day roost and therefore require a derogation licence. However, the impact is limited to the loss of a single low-level roosting opportunity used by an individual common pipistrelle. The impact will be minimised through a comprehensive package of mitigation measures, including appropriate timing of demolition works, ecological supervision where required, contractor awareness of the potential presence of bats, procedures for the safe handling of any bats encountered during works, and the use of bat-safe materials and timber treatments.

The common pipistrelle is a widespread and frequently recorded species in Ireland. The proposed mitigation and compensation measures will ensure that suitable alternative roosting opportunities are maintained at the site and that the proposed works do not adversely affect the maintenance of the species at favourable conservation status within its natural range. Accordingly, it is considered that the significant social and public interest benefits associated with the provision of emergency accommodation and associated support facilities constitute imperative reasons of overriding public interest. These benefits are considered to outweigh the limited impact on the protected species, particularly given the low level of bat activity recorded, the nature of the confirmed roost and the comprehensive mitigation and compensation measures proposed.

1d) 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]

NA

1e) 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.

NA

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.

NA

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 Alternative	Under the do-nothing alternative, the existing dwelling would remain in its current condition and continue to deteriorate, and the proposed emergency accommodation facility would not

[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.

	be delivered. This option would fail to meet the objectives of the project, namely the provision of additional emergency accommodation and associated support facilities to address an identified social and accommodation need. The do-nothing option would therefore not provide a satisfactory means of achieving the objectives of the proposed development.
Alternative Design Retaining Existing Roost Features In Situ	Alternative design approaches that sought to retain the existing dwelling and the confirmed bat roost entirely in situ were also considered. However, the proposed development requires the demolition of the existing dwelling to facilitate the construction of the purpose-designed emergency accommodation building and associated facilities. Retaining the existing dwelling solely to avoid impacts on the identified roost would prevent the proposed development from being delivered in its intended form and would not achieve the accommodation objectives of the project.
Alternative Timing and Construction Methods	Alternative construction methods and timings have been considered. Where practicable, demolition works affecting the existing roost will be scheduled outside the principal bat activity period, with the proposed demolition period targeted between 1st September and 1st May. Contractors will be briefed regarding the potential presence of bats and will be required to exercise particular vigilance when disturbing roof, eaves, fascia, soffit and other building features. Ecological supervision will be undertaken where required. However, no reasonable construction method or timing would allow the existing dwelling to be demolished and the proposed development constructed while completely avoiding the loss of the confirmed roost. The use of appropriate timing,

	ecological supervision and replacement roosting provision therefore represents a more appropriate approach than retaining the existing building solely to avoid the loss of a single low-level day roost.
Alternative Location	An alternative location was also considered. The proposed development is specifically intended to provide emergency accommodation and associated support facilities on the subject site. Relocating the development would require the identification and development of an alternative site and would not necessarily provide the same combination of accessibility, existing services and suitability for the intended use. Development at an alternative location could also result in additional environmental effects associated with new land take, infrastructure provision and construction. The use of the existing developed site therefore represents an appropriate and efficient means of delivering the required accommodation. .
Conclusion	Consequently, no satisfactory alternative has been identified that would achieve the objectives of the proposed development while completely avoiding impacts on the confirmed common pipistrelle roost. The proposed scheme represents the least damaging option while allowing the significant social and public interest objectives of the development to be achieved. Appropriate mitigation and compensation measures will be implemented to ensure that the impact on the species is minimised and that suitable replacement roosting opportunities are provided..

* 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.

A dusk emergence survey undertaken on 4th August 2026 confirmed the presence of a single common pipistrelle (*Pipistrellus pipistrellus*) day roost within the existing dwelling. One individual was observed emerging from the apex/eaves area of the southern elevation of the building at approximately 21:45. No further emergence events were recorded during the survey. A single common pipistrelle was subsequently observed commuting across the site at approximately 22:03.

No evidence of a maternity colony, hibernation roost, significant aggregation or roost of high conservation significance was identified. The survey results indicate that the building is used by an individual common pipistrelle on a low-level basis, consistent with a day roost. Overall bat activity associated with the site was low, and no significant foraging activity was recorded.

The proposed demolition of the existing dwelling will result in the loss of the confirmed day roost. Potential impacts therefore include the loss of the existing roosting location and potential disturbance to bats during demolition. These impacts will be minimised through the implementation of appropriate mitigation measures and compensated through the provision of suitable replacement roosting features.
Mitigation measures will include:

- Demolition works affecting the existing roost will, where practicable, be undertaken between 1st September and 1st May, subject to the conditions of the derogation licence and confirmation by the appointed ecologist that the timing remains appropriate;
- Contractors will be made aware of the potential presence of bats and will exercise particular vigilance when disturbing fascia, soffits, eaves, roof slates, sheets and other potential roosting features;
- Ecological supervision of demolition works affecting the existing roost location where required;
- Immediate cessation of works in the affected area and consultation with a suitably qualified ecologist should a bat be encountered during works;
- Appropriate procedures for the safe management and release/relocation of any bat encountered, in accordance with the derogation licence and advice from the appointed ecologist;
- Use of bat-safe construction materials and timber treatment products;
- Avoidance of unnecessary disturbance to bats during construction; and

- External lighting will be designed to minimise light spill onto potential bat roosting, commuting and foraging areas. Lighting will be directional, low intensity and limited to that required for health, safety and operational purposes. Warm-spectrum LED lighting and appropriate optical controls will be used where feasible, with lighting directed away from building features and vegetation.
- Compensation measures will include the provision of five replacement bat boxes within the development site, comprising: 3 × Schwegler 1FF bat boxes; and 2 × Schwegler 1FS Schwegler Large Colony Bat Boxes.
- The replacement bat boxes will be installed in suitable locations and, where practicable, at least 4 m above ground level, sheltered from prevailing winds and positioned to receive some direct sunlight during the day. They will be located away from direct artificial lighting and features that could increase the risk of predation.
- Where roof-space or timber elements form part of the completed development, only bat-safe timber treatment products will be used.

The confirmed roost is considered to be of limited local significance, based on the observation of a single emerging individual and the absence of evidence of maternity, hibernation or significant roosting activity. The surrounding site also provides limited foraging and commuting habitat, with no significant foraging activity recorded during the survey. The site is situated within an established urban environment and is subject to existing artificial lighting from street lighting and surrounding development.

Consequently, subject to the implementation of the proposed mitigation and compensation measures and compliance with the conditions of the derogation licence, the granting of the derogation licence will not be detrimental to the maintenance of the population of common pipistrelle at a favourable conservation status within its natural range.

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** 10/08/2026

Name in BLOCK LETTERS Ian Douglas

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie



Department of Housing, Local Government and Heritage