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

Application for Derogation Under the European Communities

(Birds and Natural Habitats) Regulations 2011 – 2021

Prepared by the Department of Housing, Local Government and Heritage

npws.ie

- This form is to be used by any person applying for a derogation under Regulation 54 or by the Minister under Regulation 54(A)
- Please ensure that you answer questions fully in order to avoid delays
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit
- Please note – applications/reports received and derogations issued may be published on the NPWS website and/or the Department's Open Data website

Applications may be submitted by email: reg54derogations@npws.gov.ie

Part A. The Applicant: Personal Details

These questions relate to the person responsible for any proposed works and who will be the **named person on the derogation.** As the named person on the derogation you will be responsible for ensuring compliance with the derogation and its conditions, even though you may employ another person to act on your behalf.

If this application is being submitted on behalf of a third party please also complete Part B below.

1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Leo	Delaney
(b) Address Line 1	45 Mespil Road	
Address Line 2	Dublin 4	
Town	Dublin	
County		
Eircode	D04 W2F1	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	
(e) Address where works are to be carried out if different from (b) above.		
Address Line 1	Coolevally, Shankill,	
Address Line 2	Dublin 18,	
Town	Dublin	
County	Dublin	
Eircode		

Part B. Details of Person Submitting Application on Behalf of Applicant.

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant should be entered below:

1. (a) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Cathal	O'Brien
(b) Company Name	Scott Cawley Ltd.	
Address Line 1	College House,	
Address Line 2	71-73 Rock Road,	
Town	Blackrock,	
County	Dublin	
Eircode	A94F9X9	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	
(e) Relationship to Applicant	Scott Cawley Ltd. were engaged by the client to conduct emergence survey on the consented site in Coolevally, Shankill in which multiple trees roosts prior to remedial works. A Bat Conservation Plan to support	

	the derogation licence application was subsequently prepared which is attached for further information to support a derogation licence application. Following grant of the licence (DER/BAT 2024 – 137), pre-works emergence surveys were completed and works completed on one tree know to contain a soprano pipistrelle roost. The client requested Scott Cawley Ltd., to submit an extension to the licence in light of further works on the peripheral branches of the same tree on 7th February 2025 prior to 1st March. This licence extension application is supported by submission of an amended Bat Conservation Plan following completion of the works under the derogation (DER/BAT 2024 – 137).

Part C. The Application

1. **Species of Animal:** Please indicate which species is affected by the proposed works:

- Bat ☒
- Otter ☐
- Kerry Slug ☐
- Natterjack Toad ☐
- Dolphin ☐
- Whale ☐
- Turtle ☐
- Porpoise ☐

2. Please detail the exact species (scientific name): *Pipistrellus pygmaeus*

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

4. Please provide the maximum number of breeding or resting sites affected* 1 tree with multiple PRFs

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.

Two veteran trees with multiple features to support bat roosts, four of which are confirmed roots.

7. **Species of Plant:** Please indicate which species is affected by the proposed works:

- 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 2020-73 (as amended) – over 40 bats were affected; DER/BAT 2019 – 120 (amended) – 0 bats were affected; DER/BAT 2022-38 (amended) – 0 bats were affected.

9. **Proposed Dates for Works:** Please indicate the timeframe that you propose to carry out works. Dates set by NPWS may differ from dates proposed here.

Start Date:	24/03/2025
End Date:	30/04/2025

10. Please tick which reason below explains How this Application Qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations:

a.	In the interests of protecting wild flora and fauna and conserving natural habitats	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	☐
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	☒
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	☐
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	☐

11. Report Checklist: Please append a detailed report to support this application and ensure that it contains the following information:

11.1	Explanation as to why the derogation sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.	☒
11.2	Evidence that actions permitted by a 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 as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.	☒
11.3	Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere.	☒
11.4	As much information as possible to allow a decision to be made on this application.	☒

Part D. 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 his or her functions under these Regulations or for obtaining any information which he or she may require for such purposes.

Signature of the Applicant: **DATE:** 20/03/2025

Name in BLOCK LETTERS: CATHAL O'BRIEN

PRIVACY STATEMENT

Please note that under Data Protection legislation Wildlife Licencing Unit staff may only discuss derogation applications with the applicant, and not with any third party. See Privacy Statement at www.npws.ie/licences

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