



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](http://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](mailto: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
Miss	Clifford	Sinéad
(b) Address Line 1	Callinafercy East	
Address Line 2	Click or tap here to enter text.	
Town	Milltown	
County	Kerry	
Eircode	V93C7K3	
(c) Contact number	0879638615	
(d) Email address	sclifford@slrconsulting.com	
(e) Address where works are to be carried out if different from (b) above.		
Address Line 1	Along N22 Baile Bhurine to Macroom bypass route	
Address Line 2	Click or tap here to enter text.	
Town	Click or tap here to enter text.	
County	Cork	
Eircode	Click or tap here to enter text.	

## 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
Miss	Clifford	Sinéad
(b) Company Name	SLR Environmental Consulting Ireland	
Address Line 1	7 Dundrum Business Park	
Address Line 2	Windy Arbour	
Town	Dublin	
County	Dublin	
Eircode	D14 N2Y7	
(c) Contact number	0873908349	
(d) Email address	sclifford@slrconsulting.com	
(e) Relationship to Applicant	N/A	

## Part C. The Application

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

- |                                     |                 |
|-------------------------------------|-----------------|
| <input checked="" type="checkbox"/> | Bat             |
| <input type="checkbox"/>            | Otter           |
| <input type="checkbox"/>            | Kerry Slug      |
| <input type="checkbox"/>            | Natterjack Toad |
| <input type="checkbox"/>            | Dolphin         |
| <input type="checkbox"/>            | Whale           |
| <input type="checkbox"/>            | Turtle          |
| <input type="checkbox"/>            | Porpoise        |

2. Please detail the exact species (scientific name): Common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, brown long-eared bat, Daubenton's bat, Leisler's bat, lesser horseshoe bat (very unlikely but small potential), Natterer's bat, whiskered bat. \_\_\_\_\_

3. Please provide the maximum number of individuals affected\* Unknown

4. Please provide the maximum number of breeding or resting sites affected\* 29

5. Please provide the maximum number of eggs to be taken\* N/A

6. Please provide the maximum number of eggs to be destroyed\* N/A

\*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

N/A

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

- |                          |                 |
|--------------------------|-----------------|
| <input type="checkbox"/> | Killarney Fern  |
| <input type="checkbox"/> | Slender Naiad   |
| <input type="checkbox"/> | 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-KERRY-SLUG-2022-82 (Amended 16/03/2023)

May be others under the following email addresses:

sclifford@slrconsulting.com

sinead.clifford@ftco.ie

sinead.clifford@mwp.ie

cliffordsinead@gmail.com

- 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: 26/05/2025  
End Date: 10/09/2025

- 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	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<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	<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	<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	<input type="checkbox"/>

- 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.	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>
11.4	As much information as possible to allow a decision to be made on this application.	<input checked="" type="checkbox"/>

#### 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:** Sinéad Clifford

**DATE:** 08/05/2025

Name in BLOCK LETTERS: SINÉAD CLIFFORD

**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](http://www.npws.ie/licences)

8 May 2025

Attention: To whom it may concern  
Wildlife Licencing Unit,  
National Parks and Wildlife Service  
Department of Housing, Local Government and Heritage.

SLR Project No.: N/A

## **RE: Application for Derogation Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021**

### **1.0 Background**

I have worked in ecological consultancy since 2016, with a primary focus on bats. I have carried out a variety of bat surveys since this time to support projects such as impact assessment and biodiversity management plans. I have experience surveying bats (including use of endoscope) both in Devon and Somerset in the UK (shadowing licence holders), and in Ireland.

### **1.1 Additional Information to Support Application**

#### **1.1.1 Additional information for: 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:**

- 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***

The application qualifies under option c, in the interest of public health and safety. If the condition of the bat boxes is not checked, there is a risk of them falling and injuring members of the public (e.g. road maintenance personnel, fishermen).

#### **1.1.2 11.1 Explanation as to why the derogation licence 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.**

#### **Background**

SLR are commissioned to carry out post-construction monitoring of bat mitigation measures along the the N22 Baile Bhuirne to Macroom road development, namely underpasses and bat boxes. Under section 24.11.15 of Schedule 4 of the Works Requirements for the scheme, monitoring of the bat boxes is to be carried out for two years following construction; that period commences this summer 2025.

The bat boxes have been installed at four water crossings along the scheme:

Location	No. Boxes	Location	Types
Bohill	11	51.95242, -9.16591	Bricks: 5

Location	No. Boxes	Location	Types
			Standard: 4 Cavity: 2
Laney river	4	51.90339, -8.94089	Bricks: 4
Sullane river	4	51.89675, -8.93597	Bricks: 4
Foherish river	6	51.91366, -9.01847	Bricks: 4 Standard: 2

### **Consideration of alternatives**

1. Emergence survey - given the location (under water crossings) and quantity (25 boxes total), an emergence survey wouldn't be feasible for health and safety reasons (i.e. working by water at night). There is also a risk of bats, particularly individuals, being missed. There may be some bats that don't emerge during an emergence survey also, resulting in a false negative result.
2. Passive acoustic monitoring - The use of static bat detectors for a passive survey would also be redundant as it would only detect calls but not confirm if they were of bats emerging from the bat boxes.
3. Do nothing - The bat boxes were installed as compensation/enhancement at watercourse crossings following the installation of the road scheme.
  - The condition of the bat boxes must be checked to ensure they are fit for purpose and not damaged. Not carrying out these checks could result in a loss of roosting habitat for bats.
  - There will be no other infrastructure or trees at these water crossings to host these bat boxes and, thus, no other roosting habitat available if the installed boxes are not checked and maintained.
  - If the condition of the bat boxes is not checked, there is a risk of them falling and injuring members of the public (e.g. road maintenance personnel, fishermen).
  - One of the primary aims of the checks is to ensure the position of the bat boxes is functioning and to determine if they need to be moved or mended; without these checks this information cannot be collated. As such, there is a risk of the boxes remaining in an unsuitable location and not fulfilling the intended purpose (i.e. to provide roosting habitat for bats).

### **Reason for Derogation Being Sought**

All bat species are listed under Annex IV of the EC (Birds and Natural Habitats) Regulations 2011 – 2021, with lesser horseshoe bat receiving additional protection under Annex II. As such, works which could capture or kill them, damage or destroy their roosts or disturb them at important parts of their life cycle cannot take place without first obtaining a Derogation<sup>1</sup>.

<sup>1</sup> <https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation>





The bat boxes were installed week commencing 23<sup>rd</sup> September 2024<sup>2</sup>. While its possible they are not yet occupied, we will need to treat them with the same sensitivity as a confirmed roost due to the *potential* of occupancy.

Therefore, as there is no suitable alternative and a risk of disturbing bats during the checks, I wish to request a Regulation 54 Derogation to allow for inspection of these bat boxes.

**1.1.3 11.2 Evidence that actions permitted by a derogation licence 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.**

Surveys will follow CIEEM approved guidance, including:

- Mitchell-Jones, A.J. & McLeish, A.P. (eds). 2004., 3rd Edition Bat Workers' Manual, JNCC, Peterborough, ISBN 1 86107 558 8;
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6;
- Bat Conservation Ireland (2012) Wind Turbine/Wind Farm Development Bat Survey Guidelines, Version 2.8, December 2012. Bat Conservation Ireland, [www.batconservationireland.org](http://www.batconservationireland.org);
- Bat Conservation Trust (2015). Method Statement for the Appropriate Use of Endoscopes by Arborists;
- Nature Scot (2021). Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation.

Inspections will be restricted to the periods of May-early September to avoid the hibernation/torpor period where the risk of disturbance (and fatality) is greater.

- The exterior and surrounds of the bat box will be first inspected for evidence of bat use, such as guano (bat droppings), fur, grease marks, or other signs inside the box (e.g., claw marks on the box walls).
- A non-intrusive visual inspection (by eye and with the aid of a torch) of the bat box cavities will be carried out to check for the presence of bats.
- Only where there is difficulty in confirming presence/absence visually, an endoscope will be used.
  - The endoscope will be inserted slowly and without force into the cavity entrance, no more than one third of the way into the cavity, to aid the survey but to avoid contact with any bats that may be present.
  - The brightness of the endoscope will be kept to a minimum to avoid potential disturbance
  - If any signs of bat activity or bats are observed, the endoscope will be withdrawn immediately.

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<sup>2</sup> Liaised with Louis O'Sullivan and Jay Cornish by email.



- The following data will be recorded:
  - **Box ID/Number:** Unique identifier for each bat box.
  - **Date and Time:** The date and time of inspection.
  - **Location (GPS Coordinates):** Document the precise location of the box.
  - **Box Condition:** Notes on structural integrity, entrance hole, and other relevant features.
  - **Bat Activity:** Record any presence of bats or evidence of past activity (guano, fur, etc.).
  - **Species Identification (if applicable):** List species identified, if possible.
  - **Environmental Notes:** Any environmental factors observed, such as habitat conditions or disturbances.

**1.1.4      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.**

There will be no impact to the bat roosts or the bats present. Thus, there will be no requirement for mitigation measures.

Regards,

**SLR Environmental Consulting (Ireland) Ltd**



**Sinéad Clifford**  
Associate Ecologist  
Ecology Team Lead



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