



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
	Leo	Delaney
(b) Company Name, if applicable	Cairn Homes PLC	
(c) Address Line 1	45 Mespil Road	
Address Line 2	Dublin 4	
Town	Dublin	
County	Dublin	
Eircode	D04 W2F1	
(d) Contact number	01 696 4600/ 0862038324	
(e) Email address	leo.delaney@cairnhomes.com	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Coolevally, Shankhill	
Address Line 2	Dublin 18	
Town	Dublin	
County	Dublin	
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
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	01 9639193	
(d) Email address	cobrien@scottcawley.com	

(e) Relationship to Applicant	Scott Cawley Ltd. were engaged by the client to conduct emergence survey on the consented site in Coolevally, Shankill in 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 known 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). The current extension application, submitted in August 2025, seeks consent to carry out further remedial works to CRT1 and CRT2 in accordance with the updated Bat Conservation Plan. Previous derogation licences granted for the site include DER/BAT 2020–73 (as amended) and DER/BAT 2022–38 (as amended), in addition to DER/BAT 2024–137.
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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
Cathal	O'Brien	Supervisor
Alison	Bourke	Trainee
Carla	Deane	Trainee
Simon	O'Carrol	Trainee
Gregor	Wood	Trainee
Bea	Jackson	Trainee
Wayne	Daly	Supervisor

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 pygmaeus, Pipistrellus pipistrellus and Nyctalus leisleri.

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

4. Please provide the maximum number of breeding or resting sites affected* 2 trees 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.

All figures are made available in the Supporting information ; Bat conservation report that has been submitted with this application

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 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; DER/BAT 2024–137 – 1 soprano pipistrelle roost affected; DER/BAT 2024–137 (February 2025 extension) – further works to CRT1 completed with no additional roost loss; current application (August 2025) seeks a second extension to DER/BAT 2024–137 for further remedial works to CRT1 and CRT2.

- 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:	01/09/2025
End Date:	31/11/2025

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 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)	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property (proceed to 2b)	☐

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)	☒
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)	☐
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)	☐

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.

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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.)

For CRT1 (T111 – Monterey pine), the site (south) facing branches are required to be lightly pruned towards the crown as part of enabling works for the construction phase, in order to eliminate strike risk to construction personnel and plant and to prevent obstruction to the safe installation of scaffolding. In addition, removal of a damaged branch from the northern canopy and installation of two flexible bracing systems to support a cracked heavy lateral limb on the western side are required to prevent potential branch failure. These works are being carried out in accordance with the recommendations of a qualified arborist, as documented in the Arboricultural Assessment and Method Statement for the site.

For CRT2 (T113 – Monterey cypress), canopy reduction of between 2–5 m (depending on branch length and weight) is required to remove broken or unstable branches that pose a risk of failure. An aerial inspection during pruning will also be undertaken to assess for additional structural defects which, if identified, may necessitate further crown reduction. These works are necessary to ensure the safety of site operatives and the public, and are based on the findings of the arborist's professional assessment.

- 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.

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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

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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.

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.

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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 (no pruning or bracing)	This would involve retaining CRT1 and CRT2 in their current state. However, both trees present documented structural defects that create unacceptable health and safety risks. In particular, CRT2 (T113 Monterey cypress) sustained major branch failure during Storm Eowyn in 2025, with a large branch landing across the footpath. Further unstable limbs, identified in the Tree Schedule Report and Tree Survey & Works Plan (Charles McCorkell Arboricultural Consultancy, May 2025), require canopy reduction and removal to prevent hazard. CRT1 (T111 – Monterey pine) requires targeted pruning of overhanging branches and installation of flexible bracing to address a cracked heavy lateral limb and to reduce the risk of limb failure. Not undertaking pruning and bracing is not a satisfactory alternative as it would leave these hazards unaddressed, placing site operatives, the public, and property at risk.

Amend project design to avoid works to CRT1 and CRT2	Retaining the trees untouched would require a redesign of the consented development, amendment to planning permission, and demolition of partially constructed buildings. This would compromise the project objective to deliver housing at the approved scale and density and is therefore not a satisfactory alternative
Alter scaffold configuration to avoid CRT1	Adjusting or omitting scaffolding in this location would avoid the necessity for pruning, but would prevent safe access to the exterior of the building for construction works. This would present unacceptable health and safety risks for construction personnel and compromise the delivery of the project.

* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

2. 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 application relates to specific impacts on:

- CRT1 (T113 – Monterey pine) – a soprano pipistrelle (*Pipistrellus pygmaeus*) day roost used by two bats, arising from remedial works to overhanging branches on the site’s southern-facing side.
- CRT2 (T111 – Monterey cypress) – day roosts of up to three Leisler’s bats (*Nyctalus leisleri*) and up to four common pipistrelles (*Pipistrellus pipistrellus*), which may be indirectly affected by nearby works.

The strategy outlined in this report includes measures to avoid and minimise disturbance to bats, and the provision of alternative roosting sites during and after construction. The roosts in CRT1 and CRT2 are small in size, supporting only a few individuals, and together account for a negligible proportion of the estimated local population. This conclusion is based on emergence survey data from 2020–2025, which indicates that local foraging and commuting activity involves multiple bat species and significantly higher numbers than those roosting in CRT1 and CRT2.

In terms of national conservation status (NPWS, 2019), soprano pipistrelle and common pipistrelle are classed as Least Concern, while Leisler’s bat is classed as Near Threatened. For clarity, these are the Irish Red List statuses, not the global IUCN assessments.

Given:

1. the small roost sizes relative to the local bat population,
2. the conservation status of the species concerned (as above), and
3. the proven effectiveness of the mitigation strategy outlined in Section 4 of this report,

it is concluded that the proposed works will not be detrimental to the maintenance of soprano pipistrelle, common pipistrelle, or Leisler’s bat at a favourable conservation status in their 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

14/08/2025

Name in BLOCK LETTERS

CATHAL O'BRIEN

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage



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