



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
	Michael	Guiney
(b) Company Name, if applicable		
(c) Address Line 1	KILGOBBIN CASTLE Co. Dublin	
Address Line 2	Kilgobbin,	
Town		
County	Dublin	
Eircode	D18 K5W7	
(d) Contact number	086 7750700	
(e) Email address		
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1		
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
	Ruth	Minogue
(b) Company Name	MEC Ltd	
Address Line 1	Ballymalone	
Address Line 2	Tuamgraney	
Town	Tuamgraney	
County	Clare	
Eircode	V94XHD7	
(c) Contact number	0866026043	
(d) Email address	ruth@minogue.ie	
(e) Relationship to Applicant	client	

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
[]	[]	[]
[]	[]	[]
[]	[]	[]
[]	[]	[]
[]	[]	[]
[]	[]	[]
[]	[]	[]
[]	[]	[]
[]	[]	[]
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[]	[]	[]
[]	[]	[]
[]	[]	[]

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): _____

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

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

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

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

*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.

Based on preliminary roost inspection, emergent survey of 4th July 2025 in optimum weather conditions and static detector deployment over 1x night (4-5th July) the vegetation and crevices provide roosting opportunities for very low numbers of common pipistrelle bats, with one common pipistrelle confirmed flying from the upper level of the castle from the vegetation over to the

The condition of the castle with two extant walls, the upper parts covered in vegetation do not afford roosting conditions for larger numbers of bat species, for example maternity roosts.

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.

Yes, most recently the following:

DER Bat 24 -91 Drominagh Co Tipperary

- 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:	1 st September 2025
End Date:	30 th November 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.)
- 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.

This derogation is being sought under item (i) due to poor structural condition of the castle, in the absence of works it is at risk of further deterioration and collapse. There is risk that whilst the castle is on private lands, its location adjacent to Ballybogan Road could result in risk of masonry collapsing or damage to mature trees that form the boundary. The second item (ii) relates to public interest and the historical and conservation significance of the castle and this derogation is being sought on these grounds also. Due to

The Conservation Management Plan for Kilgobbin Castle was prepared by the project team under a Community Monuments Fund grant in 2023. The conservation management plan was commissioned to assess the condition of the structure and make recommendations for conservation works to contribute to a better understanding of the building through improved presentation and repairs to conservation best practice.

The following works to be carried out under a CMF grant in 2025:

1. Removal of vegetation and ivy from the castle ruin.
2. Temporary propping of remains of barrel vault and failing window heads
3. Excavation of fallen rubble stone and sorting for reuse
4. Masonry repairs and consolidation of the remains of the castle including the repairs to walls tops and repointing.

The works will maintain the integrity of the surviving building for future generations, will be open to public in agreement with the landowner and allow further research into this significant historic building, only 2 upstanding castles constructed along the boundary of the Pale that survives and dates from the 15th Century. It is a National Monument Recorded Monument DU.025-01701- Tower House.

The works proposed outweighs the conservation interest in that survey results indicate very low usage of the building by common pipistrelle bats. Based on the survey results the removal of vegetation is a low impact given the survey results showing very low use levels of the structure, likely as a night roost by an individual common pipistrelle bat (Bat Mitigation Guidelines 2022). Vegetation removal will be done under supervision and bat survey in advance of scaffolding will be undertaken by project ecologist.

The works will not require the full mortar application across all stonework and retention of crevices and cavities will be identified under supervision by the ecologist and conservation specialist. . Vegetation will re establish over time on the structure post works. This is identified as a low, temporary impact to the bat species identified.

The presence of Common pipistrelle is not unexpected. These two bat species are widespread and commonly occurring throughout the country and are “*commonly encountered during bat surveys*” (NPWS, 2019). Common pipistrelle are also “*very general in their habitat preference, foraging in woodland, riparian habitats and parkland, along linear features in farmland, and in towns and cities*” (NPWS, 2019). The national

population of this species is increasing and no existing pressures or threats to the conservation status of this species at a national level have been identified. Overall, the future prospects for this species in terms of range, population and habitat are Good (NPWS, 2019).

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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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”
1. Do-Nothing	In the absence of the proposed works (ie Do Nothing) the structural condition of the building

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.

	will continue to decline with ongoing loss of historic features of significance. There is risk of full or partial collapse of the extant two walls. This would result in complete loss of any roosting opportunities in the castle and the outcome would be adverse impacts on the local bat population and risk of potential masonry onto public road and /or damage to adjacent mature treeline.
2. Alternative timing of vegetation removal	In order to assess the structural condition of the castle at the upper elevations, vegetation removal is required in line with the scope of works. This could be deferred to later in the season, such as November however, this would result in the works not being completed by end of October 2025 which is a requirement for grant approval under the Community Monuments Fund 2025. In the absence of the works being completed, which are in line with best conservation practice, the grant will not be issued, and in fact works will not be scheduled at all. This will result in the same effects on bat species as outlined under Do Nothing.
3. Supervision of vegetation removal in September 2025 and identification of suitable crevices and cavities for retention	Once the scaffolding is erected, vegetation is proposed for removal at the upper elevations of the castle. Given the survey data indicates the castle functions as a minor roost in line with the Bat Mitigation Guidance, the mitigation proposed for this application includes supervision by the ecologist Ruth Minogue of scaffolding erection (to ensure access by bats at night) plus supervision of the vegetation removal on site should bats be disturbed in September. Immediately adjacent to the castle is a mature treeline and a small building with access for bats should any be disturbed and fly away. Given the open aspect of the castle, attempting to capture disturbed bats at height in open conditions is not possible. Therefore this alternative, whereby vegetation clearance is done later in the activity season (mid Sept) under supervision and mitigation is advanced as the most appropriate and suitable option.

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.

Without bat mitigation measures, the proposed works namely the removal of vegetation and works to the castle to stabilise and do works in line with the scope of works, will have an overall minor impact on local bat populations of Common pipistrelles given the survey results that show the castle is used as a night roost by this species in low numbers and the presence close by of other buildings that have high bat roost suitability.

Mitigation measures relate to phased timing of vegetation removal to September and the supervision of scaffolding erection to ensure access for bats is not prevented, the supervision of vegetation removal and the identification of appropriate crevices /cracks for retention in consultation with the project architects to ensure structural stability is provided for the building whilst retaining suitable roosting crevices for these bat species.

The presence of Common pipistrelle roosting is not unexpected. This species are widespread and commonly occurring throughout the country and are “commonly encountered during bat surveys” (NPWS, 2019). Common pipistrelle are also “very general in their habitat preference, foraging in woodland, riparian habitats and parkland, along linear features in farmland, and in towns and cities” (NPWS, 2019). The national population of this species is increasing and no existing pressures or threats to the conservation status of this species at a national level have been identified. Overall, the future prospects for this species in terms of range, population and habitat are Good (NPWS, 2019). Stone (2015 et al) also demonstrates the wide variety of alternative roosts that pipistrelles can use, ranging from individual roosts behind ivy on trees to substantial colony roosts in inhabited dwellings (Stone et al. 2015).

The strategy outlined in the supplementary report includes measures to avoid and minimise disturbance to bats. In light of the size of the roost(s) identified, the nature and setting of the proposed works, the mitigation strategy proposed (see Section 4.4) along with the fact that the bat species are well established in the area and currently classified as 'Least Concern', it can be concluded that, with the implementation of the proposed mitigation measures, the development will not have a detrimental impact on the maintenance of the local bat population. Therefore, this will ensure that the national population remains at a favourable conservation status within 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 [10/07/2025]

Name in BLOCK LETTERS

[MICHAEL GUINEY]

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