



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
[Mr]	[Kevin]	[Traynor]
(b) Company Name, if applicable	[Rycroft Developments Ltd.]	
(c) Address Line 1	[Ardee House]	
Address Line 2	[River Road]	
Town	[Dublin 15]	
County	[Dublin]	
Eircode	[D15 HW26]	
(d) Contact number	[]	
(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
[Mr]	[Brian]	[Keeley]
(b) Company Name	[Wildlife Surveys Ireland Ltd.]	
Address Line 1	[Golashane Nature Reserve]	
Address Line 2	[Maio, Tierworker]	
Town	[Kells]	
County	[Meath]	
Eircode	[A82VE86]	
(c) Contact number	[0876753201]	
(d) Email address	[briankeeley@gmail.com]	
(e) Relationship to Applicant	[Consultant ecologist / bat specialist]	

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): | Leisler's bat (*Nyctalus leisleri*) Common pipistrelle (*Pipistrellus pipistrellus*) Soprano pipistrelle (*Pipistrellus pygmaeus*) Brown long-eared bat (*Plecotus auritus*) | _____

3. Please provide the maximum number of individuals affected* | 55 | _____

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

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.

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.

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.*

| September | _____

Start Date:

31st December 2025

End Date:

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)	☐
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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.)

Test 1 – Reason for Derogation (1c: Public Health and Public Safety)
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Two of the structures on site that support bat roosts must be removed on urgent health and safety grounds.

1. Burnt-Out Structure

- One building (Address – “Carraig”, Tandys Lane, Adamstown) has been subject to fire damage and is now burnt out and structurally unsafe.
- The structure poses a significant risk of collapse, making it unsafe for nearby residents, the public, and contractors entering the site.
- It presents an immediate public safety hazard, requiring demolition to eliminate the risk of injury or further deterioration.

2. Structurally Unsound 150-Year-Old Building

- A second building (stone walled shed) , over 150 years old, has been identified as structurally unsound following professional inspection.
- Its age and condition mean that it can no longer be safely retained or adapted for reuse.
- The risk of partial or full structural failure presents a danger to the public and any future occupants of the development site.

- 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.

Test 1 – Reason for Derogation (1c: Reasons of Overriding Public Interest - Housing Context)

1. Addressing the Housing Crisis

- Dublin faces an acute housing shortage, with demand far outstripping supply.
- Lack of housing leads to rising rents, homelessness, and overcrowding, undermining social cohesion and wellbeing.
- The development will provide much-needed new homes for families, key workers, and vulnerable groups.

2. Public Health and Social Wellbeing

- Inadequate housing contributes to poor physical and mental health, insecurity, and inequality.
- Secure, affordable housing is recognised by the State and EU as a fundamental social need.
- Delivering homes directly supports the right to housing and human dignity.

3. Economic Competitiveness and Sustainability

- Dublin is the economic centre of Ireland; failure to provide housing threatens jobs, investment, and long-term growth.

- Adequate housing supply is essential for retaining key workers in health, education, and emergency services.
- Without intervention, the shortage undermines Ireland's ability to meet national and EU economic objectives.

4. Reducing Commuting and Climate Impacts

- Without homes in Dublin, people are forced to commute long distances, increasing traffic congestion, emissions, and environmental degradation.
- Building sustainable homes in Dublin supports Ireland's climate action targets and reduces sprawl into more sensitive rural habitats.

5. Alignment with Government and EU Policy

- Housing delivery is a national strategic priority, reflected in *Housing for All* and other State policies.
- EU law allows derogations when projects serve the health, safety, or fundamental needs of society, which applies to housing provision.
- This development aligns with long-term planning policy, climate objectives, and sustainable urban development goals.

Conclusion for Test 1

1. The removal of the unsafe structures is necessary to protect public health and safety, in accordance with Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). Retaining them is not an option due to the significant risks they pose.

While the buildings currently support bat roosts, their unsafe condition requires urgent action. The derogation is therefore sought to allow removal under controlled conditions, with appropriate mitigation and compensation measures (e.g. provision of alternative roosts, timing of works, ecologist supervision) to ensure the conservation of the species is safeguarded.

2. The removal of bats from the roost site is justified by imperative reasons of overriding public interest, namely:
 - alleviating Dublin's housing crisis,
 - safeguarding public health and social wellbeing,
 - ensuring economic stability, and
 - supporting sustainable urban development in line with national and EU objectives.

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”
Do-Nothing	- Retaining the existing structures would leave bat roosts undisturbed but would also retain unsafe buildings that pose a serious health and safety hazard. - The burnt-out building is at immediate risk of collapse, while the 150-year-old building is structurally unstable and unsafe for retention.

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.

	• In addition, a “do nothing” approach would prevent the delivery of urgently needed housing on a site specifically designated for residential use under the approved SDZ masterplan, directly conflicting with statutory planning objectives. The main Leisler’s bat roost may become unusable to bats within a number of years. The barn will also decline in stability. The remaining houses may withstand decades of decline if unchanged.
Avoidance of all roosts	• Avoidance of all bat roost locations within the site was considered. • However, the roosts are located in key structures that overlap with the approved SDZ layout and density parameters. • Avoidance would require major deviation from the SDZ framework, which would be contrary to proper planning and development and undermine the strategic intent of the masterplan. • It would also substantially reduce the quantum of housing delivered, failing to meet the SDZ’s role in addressing Dublin’s housing shortage.
Avoidance of the main roost buildings	• Redesign to retain the burnt-out and structurally unsafe buildings was examined. • This option is not viable because: ○ Both structures are unsafe and unsuitable for reuse or integration. ○ Their removal is necessary to eliminate health and safety risks. ○ Retention would conflict with the approved SDZ layout and density, which has been determined through the statutory planning process. As such, avoidance of these buildings is not a reasonable or feasible alternative.

* Please insert additional rows above if needed

In line with Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), robust mitigation and compensation measures will be implemented to minimise harm to bats and ensure compliance with conservation objectives.

1. Timing of Works

- Works affecting roost sites will be scheduled outside the key bat breeding and hibernation periods (i.e. undertaken during appropriate seasonal windows, as guided by an ecologist).
- Any necessary exclusion or relocation will be carried out under supervision of a licensed bat specialist.

2. Pre-Construction Checks

- A qualified ecologist will conduct pre-demolition surveys immediately prior to works to confirm the status of bat usage.
- If active roosts are identified, appropriate exclusion methods (e.g. one-way exit devices) will be installed to allow bats to leave safely without re-entry.

3. Provision of Alternative Roosts

- Artificial bat roosts (bat boxes, bat bricks, or bat lofts) will be installed on site or in suitable nearby locations prior to the removal of existing roosts.
- These will be designed to accommodate the species recorded and located in ecologically appropriate positions (e.g. along commuting routes, near foraging habitats).
- This ensures no net loss of roosting opportunities.

4. Habitat Enhancement

- Landscaping will include night-scented plants and insect-rich habitats to enhance bat foraging opportunities.
- Dark corridors will be maintained to facilitate safe commuting routes between roosting and feeding areas, with lighting designed in line with bat-friendly best practice (low-level, directional, warm spectrum).

5. Monitoring and Reporting

- Post-construction monitoring will be undertaken by a licensed bat ecologist for at least two bat activity seasons.
- Monitoring will assess bat activity levels and usage of new roosts, with reports submitted to the NPWS (National Parks and Wildlife Service).
- If mitigation is found to be insufficient, adaptive measures will be implemented to ensure long-term effectiveness.

6. Commitment to Compliance

- All works will be carried out under the supervision of a licensed bat ecologist in full compliance with derogation conditions issued by the NPWS.
- Contractors will be briefed on the presence of bats and legal responsibilities through a site-specific ecological induction.

Conclusion for Test 2

Given that the site is part of an SDZ masterplan with an approved layout and density, retention of unsafe structures is not consistent with proper planning and development. No feasible alternatives exist that would both avoid impacts on bat roosts and deliver the objectives of the SDZ. The removal of the roosts is therefore the only viable

solution, subject to the implementation of appropriate mitigation and compensation measures (as set out under 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.

In the absence of any mitigation, there is the potential that individual bats would be injured or killed during demolition. Mitigation should ensure that no bats are injured. There is the potential for roost loss following the demolition of all buildings. At a future date, some of the buildings will provide roost opportunities for common pipistrelles and soprano pipistrelles and less potential for Leisler's bats and brown long-eared bats. There will be a loss of habitat surrounding the replacement roosts created as a stand-alone structure, a rocket box and a variety of other roost types. The species of bats concerned are common and widespread and will continue to roost and feed in the overall area. Where housing is at its densest, feeding will be reduced or removed. A proportion of the roosts provided will be used, while some will remain unused for much of the time but may serve as occasional roosts. The maternity roost structure may require modifications over time to ensure suitability as this may not be achieved with any initial design.

Conclusion for Test 3

The combination of careful timing, pre-demolition exclusion, advance provision of replacement roosts, habitat enhancement, and ongoing monitoring will ensure that while unsafe structures must be removed for public safety, bats will continue to have suitable roosting and foraging opportunities. These measures will minimise impacts, secure the conservation status of bats locally, and allow the development to proceed in compliance with the Regulations.

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

[06/08/25]

Name in BLOCK LETTERS

[KEVIN TRAYNOR]

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