



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
Ms	Eamonn	Meskell
(b) Company Name, if applicable	NPWS	
(c) Address Line 1	Dromyrourk	
Address Line 2		
Town	Killarney	
County	Kerry	
Eircode	V93 N673	
(d) Contact number		
(e) Email address	Eamonn.Meskell@npws.gov.ie	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Torc Cottages	
Address Line 2		
Town	Killarney	
County	Kerry	
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
	Colette	Murray
(b) Company Name	Southern Scientific Services	
Address Line 1	4 Park Business Centre	
Address Line 2		
Town	Farranfore	
County	Kerry	
Eircode	V93E220	
(c) Contact number	0831429141	
(d) Email address	colette@southernscientificireland.com	
(e) Relationship to Applicant	Appointed Ecologist	

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
Colette	Murray	Supervisor
Kate	Handel	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 and Nyctalus leisleri

3. Please provide the maximum number of individuals affected* 30 + 34

4. Please provide the maximum number of breeding or resting sites affected* 1

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.

DER-BAT-2025-263 – no return report yet as ongoing.
DER-BAT-2025-31 – no return report yet as ongoing

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: 01/10/2025
End Date: 31/03/2026

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.)

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- 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.

The proposed development involves the construction of a nature education centre, and all ancillary site development works at Torc Cottages, Killarney National Park, Killarney, County Kerry. Renovation of the building will allow for the provision of an education centre within the national park, with reduced requirement for additional construction resources, reducing cost and carbon footprint and promoting green development.

Following an emergence survey, the building was identified as a roost for both Soprano pipistrelles and Leisler’s bats. The roost was classified as a maternity roost for both Soprano pipistrelle and Leisler’s bats due to the number of bats emerging (> 20 individuals of both species). The bats were recorded emerging from a gap around a window frame and from a gap between the gutter and the roof. It can be deduced that the bats were roosting in the roof cavity space as no bats were observed in the upper floor of the building. Although retention of the roost in-situ is recommended in the mitigation, the current roost will be damaged due to the required renovation works on the building, hence the reason for derogation.

Renovation of the building provides an opportunity to improve the roost for both species through the replacement of the roof lining with the more suitable bitumen materials. Additionally, space will be provided for a Lesser horseshoe bat roost within the loft space, an Annex II species that has been recorded foraging and commuting within the site boundary. Additionally, vegetation removal is minimal and the recommended lighting will prevent disturbance of any other bat species using the area. |

- 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	The building will be retained in derelict condition, preventing its use as an education centre within the National Park. Without maintenance, it is expected that the building will eventually become unsuitable for bat roosting due to the continued deterioration of the roof over time. The lining within the roof at present is known to be unsuitable for roosting bats, with many becoming stuck in the material as it begins to degrade.
Proceed without mitigation	Commencing the project without implementing the suggested mitigation could result in direct harm and/or disturbance to Soprano pipistrelle and Leisler’s bats that are currently using the building as a roost. Additionally, other bat species such as Lesser horseshoe bat, which was recorded foraging/commuting beside the building, could be disturbed as a result of a removal of habitat and/or implementation of unsuitable lighting.

* Please insert additional rows above if needed

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.

Soprano pipistrelle bats and Leisler's bats were detected emerging from the front of the building during the emergence surveys, indicating that a roost is present on site. Since no bats were observed inside the building, it can be deduced that the bats are roosting between the roof tiles and the internal wooden slats. Given the number of individuals recorded emerging during the emergence survey (> 20 individuals) and the nature of the structure, the roost can be considered a maternity roost for both species ((Reason and Wray, 2023)). Leisler's bats were not recorded during the first emergence survey on the 11th of June, however, this species is known to roost swap. One roost is often occupied for only a few days before the colony moves to another roost. The bats are very vocal prior to emergence and are particularly noisy on hot summer days, producing a loud metallic sounding call.

Although both static locations recorded 8 bat species, activity was significantly higher to the west of Torc Cottage (Static 2) where 600 bat passes were recorded in contrast to 302 for Static 1. The hedgerow to the west of Torc Cottage is considerably more sheltered from noise and light disturbance and, therefore, is more suitable for bats. Additionally, this western hedgerow provides a high-quality, continuous linear habitat that is well-connected to the wider landscape. Static 1 was placed in an area that is more exposed to human activity as it borders the driveway to the eastern end of Torc Cottage which is currently occupied. It can, therefore, be expected that more sensitive species such as Lesser horseshoe bat, will be recorded less frequently here. Common pipistrelle and Soprano pipistrelle, which are less sensitive to anthropogenic disturbance, were the most commonly recorded species by Static 1.

However, the mitigation below recommends that the roost be retained within the roof. A modified roof tile will be installed to allow the bats to access the roof cavity spaces between the tiles and the internal wooden slats. Renovation of the building provides an opportunity to improve the roost for both species through the replacement of the roof lining with the more suitable bitumen materials. Additionally, a bat box will be erected on the eastern facing wall at the front of the building, close to where the current entry/exit point is located. A space within the loft area will be modified for use as a Lesser horseshoe bat roost, given the presence of the species in the area. Tree roosts may also be damaged as a result of the project, through the removal of trees to accommodate the integrated constructed wetland. These trees will need to be removed through soft felling to allow bats to make their way out of the trees. This should ideally be carried out in September or October to avoid maternity or hibernation roosts.

There is potential for disturbance for commuting and foraging bats in the area. However, mitigation recommends specific lighting for the operational phase of the project and limits

the use of artificial light during the construction phase. Additionally, there will be limited removal of vegetation and hedgerows/treelines currently on site will be enhanced through the planting of native species to complement the current composition.

The mitigation provided in Section 2.8 of the supporting document will ensure that bat populations in the area are not adversely impacted as a result of the proposed development.

Derogations require the submission of a report to the NPWS on the activity carried out and details of numbers and species affected. To this effect, a report will be prepared addressing all conditions specified in the derogation licence, confirming that all mitigation measures were adhered to and implemented as specified in Section 2.8. A repeat bat activity survey will be carried out at a suitable time of year to establish whether bats are roosting in the bat box and investigate whether bat activity has changed around the site during the operational phase of the development. |

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

14/10/2025

Name in BLOCK LETTERS

COLETTE MURRAY

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