



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	Paul	Amerlynck
(b) Company Name, if applicable	Homeland	
(c) Address Line 1	38 Palmerston road	
Address Line 2	Rathmines	
Town	Rathmines	
County	Dublin	
Eircode	D06 YW68	
(d) Contact number	0874841426	
(e) Email address	pamerlynck@homelandprojects.ie	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	St Joseph's House	
Address Line 2	Leopardstown road	
Town	Leopardstown	
County	Dublin	
Eircode	A94 Y7F4	

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
Dr.	William	O'Connor
(b) Company Name	Ecofact	
Address Line 1	Tait Business Centre	
Address Line 2	Dominic Street Limerick	
Town	Limerick	
County	Ireland	
Eircode	V94 NW81	
(c) Contact number	087-2605574	

(d) Email address	William.oconnor@ecofact.ie
(e) Relationship to Applicant	Consultant

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

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 pipistrellus

3. Please provide the maximum number of individuals affected* <5

4. Please provide the maximum number of breeding or resting sites affected* 0

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.

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.*

Start Date:

1 st October 2025

End Date:

31 st December 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.)

The subject building is the Protected Structure St. Joseph’s House, which has been vacant and derelict for some time. The building was severely fire-damaged on 31st May 2024, when intruders gained access, set a mattress alight, and caused a fire that required intervention by Dublin Fire Brigade and An Garda Síochána. The roof of the building is now in poor repair and parts of it have collapsed. Prior to the applicant taking control of the site, unauthorised access was frequent, with young people
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entering the unsafe building, starting fires, and leaving litter and debris. This created a significant danger to life for intruders, as well as to adjoining residential properties from the risk of further fire and vandalism. The internal areas have since been cleared out for health and safety reasons, but the structure remains unsafe and in need of urgent repair. The restoration and redevelopment of St. Joseph's House is clearly in the public interest. It will prevent ongoing health and safety risks associated with an unsecured and derelict fire-damaged building, protect neighbouring properties from risk of fire and anti-social behaviour, and secure a Protected Structure from further irreversible damage. Planning permission for the redevelopment has already been granted, and the works are therefore also in line with local authority policy and the statutory planning process. In summary, there is a demonstrable risk to public safety if this structure is not secured and restored. Evidence of fire damage, reports of Garda and fire service attendance, and the structural instability of the building provide clear justification that these works are required in the interests of public health and public safety. |

- 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 works will deliver both social and environmental benefits of overriding public interest. From an ecological perspective, the development includes a comprehensive mitigation package, including the installation of a generous scheme of Schwegler 3FF bat boxes on retained mature trees. This measures will ensure that the loss of the existing minor roost within St. Joseph's House is offset by a net gain in roosting opportunities on the site. In addition, the landscaping of the completed development will include new native tree and shrub planting, designed in accordance with the All-Ireland Pollinator Plan. This will significantly improve foraging and commuting opportunities for bats and enhance wider site biodiversity compared with the current highly disturbed and degraded baseline.

The roost recorded at St. Joseph's House is a minor day roost of Common Pipistrelle bats, with only two to three individuals confirmed (<5). This is not a maternity or significant roost, and the survey findings, together with previous studies, confirm that the site is of limited ecological importance for bats. It is acknowledged that small roosts are strictly protected under the Habitats Directive, but in this case the scale of the conservation interest is low and the proposed mitigation ensures no net loss of roosting potential. Indeed, if the building were not secured and restored, there is a high risk that further fire damage or structural collapse would result in the complete loss of roosting opportunities.

The public interest also relates to the urgent need to secure and restore St. Joseph's House, a Protected Structure, and to deliver much-needed housing in accordance with planning permission already granted. The site is zoned for residential development and the proposed scheme will contribute to meeting housing demand in Dublin, which is a matter of significant social and economic importance. The redevelopment will therefore deliver clear public benefits while also improving the ecological baseline through roost compensation, landscaping, and biodiversity enhancement.

In this case, the overriding public interest in securing a fire-damaged protected structure and delivering new housing clearly outweighs the minor conservation interest of the small roost affected. The proposal will ultimately provide beneficial consequences of primary importance for both the environment and the community. |

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	There would be a loss of the minor roost.

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.

Install a bat loft and bat access tiles.	This is problematic in a listed building and will require ongoing maintenance. This would also not be proportional in relation to the loss of the minor roost.
Placing bat boxes on the walls of the building	This was also considered but is again problematic in a listed building and was less feasible than the bat loft option due to impacts on the building.

* 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.

The potential impact on the local bat population is negligible, given that the roost affected within St. Joseph's House has been confirmed as a very small day roost of Common Pipistrelle bats, with only two to three individuals recorded. No maternity roosts or significant roosts were identified. Common Pipistrelle is one of the most widespread and urban-tolerant bat species in Ireland, and the loss of a single minor roost will not have any measurable effect on the conservation status of the species at a local or national scale.

The proposed mitigation and compensation measures will ensure that there is no loss of roosting opportunity and, in fact, will provide a net ecological gain. A generous bat box scheme is proposed, including the installation of multiple Schwegler 3FF boxes on retained mature trees across the site. These boxes are a proven, durable design widely used in Ireland and across Europe, and are specifically recommended in the Bat Mitigation Guidelines for Ireland (Marnell et al., 2022). Such measures have consistently been shown to provide effective long-term roosting opportunities for pipistrelle species and other crevice-dwelling bats. The developer has retained the mature trees on site, ensuring high-quality, shaded, and secure installation locations where the bat boxes can be expected to achieve a high rate of uptake.

The timing of works will also avoid any risk to bats. Roof works on St. Joseph's House will be scheduled for the winter months (October to March), when bats are not expected to be using the roost. The bat boxes will be installed prior to or at the same time as roof works, ensuring that replacement roosting habitat is available immediately, with no temporal gap. The mitigation measures will be overseen by Dr. Will O'Connor (MCIEEM, CEnv), an

experienced bat ecologist, to ensure that all measures are correctly implemented and monitored.

Taking all mitigation into account, the derogation will not be detrimental to the maintenance of the populations of Common Pipistrelle or other bat species at favourable conservation status in their natural range. On the contrary, the provision of multiple high-quality bat boxes, in combination with retained and enhanced landscaping, will increase roosting and foraging opportunities compared to the current baseline of a single small fire-damaged roost. The proposal therefore satisfies the requirements of the Habitats Directive and provides a clear case for the granting of a derogation licence.

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

| Paul Amerlynck |

Date

| 03.09.25 |

Name in BLOCK LETTERS

| PAUL AMERLYNCK |

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