



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
Rev	Peter	Lavelle
(b) Company Name, if applicable	Building Surveyors & Fire Engineers (PLBS)	
(c) Address Line 1	Doonard Lower, Tarbert, Co. Kerry.	
Address Line 2		
Town		
County		
Eircode		
(d) Contact number	087 6811515	
(e) Email address	plavelle@plbs.ie	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Ballykilty Manor (various buildings)	
Address Line 2		
Town	Quin	
County	Co. Clare	
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
Dr	Tina	Aughney
(b) Company Name	Bat Eco Services Limited	
Address Line 1	Ulex House, Drumheel	
Address Line 2	Lisduff	
Town	Virginia	
County	Cavan	
Eircode	A82XW62	
(c) Contact number	086 4049468	
(d) Email address	tina@batecoservices.com	

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): (): *Rhinolophus hipposideros, Plecotus auritus, Myotis nattereri, Pipistrellus pygmaeus*]

3. Please provide the maximum number of individuals affected* [approx. 100 individuals affected for combined range of bat species listed]

4. Please provide the maximum number of breeding or resting sites affected* [2 maternity roosts, 2 satellite roosts, 3 day roosts, 1 night roost]

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.

[Yes – returns have been made for bat Eco Services Ltd. all licences finished and received to-date.]

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:
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.

ii) Please summarise how the interests of protection and conservation of the species/habitat concerned justify affecting another species under strict protection.

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.

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 proposed development relates to a proposal to submit a planning permission application to renovate and extend the existing Ballykilty Manor House and out-buildings to provide a new Boutique Hotel of 19 No. Bedrooms, Reception area, Offices, Function Room, Lounge Bar, Kitchen, Restaurant/Dining Room, Car Park, Waste-Water Treatment Plant, external Photo-Voltaic Solar Panel Bank, Store Rooms and Plant Rooms together with all ancillary services.

The works will also include, the upgrade of the existing main entrance gate and bridge to the property, the driveway from the entrance to the main house, the provision of a new service road to serve the plant areas at the rear of the main building, the demolition of some derelict structures, as well as the landscaping of the property to include the removal of some trees, the planting of new trees, shrubs and hedgerows.

The proposed works will further include the provision of the new Café building within the existing Walled Garden, as well as the upgrade and repair of its existing stone walls and the landscaping and planting of the grounds within the walled garden.

All other ancillary works required to complete the project are also deemed to be included as shown on the relevant drawings.

This proposal is in the interest of public health and public safety and will have socio-economic benefits for the area of Quin, Co. Clare.

EXPLANATION

The proposed works will prevent the continued dereliction of the buildings located within the proposed development area. The array of buildings within the proposed development site are a Health & Safety concern with numerous break-ins documented and continuous maintenance work required to reduce vandalism and access to the structures. **Therefore the interested are of Public Health & Safety primarily.**

A heritage report was prepared Gilleece (2022) and this document details on the significance of Ballykilty House along with its setting and context relative to architectural and historical character. This provides evidence of the importance of the importance of this estate for the Quin, Co. Clare.

Gilleece, D. (2022) Heritage Report: Ballykilty Manor House, Bunratty Upper, Quin, County Clare. Unpublished report.

This report is also supported by a photographic evince of the current state of Ballykilty House and the derelict condition of the structure.

Gilleece, D. (2022) Photographic Survey at Ballykilty Manor House, Bunratty Upper, Quin, County Clare. Unpublished report.

A photographic survey was also undertaken by PLBS to provide evidence on the derelict condition of the buildings within the proposed development area; Please consult this document as part for evidence for Test 1.

PLBS (2025) Photographic Survey: Ballykilty Manor House, Quin, Co. Clare: Walled Gardens & Outbuildings. Unpublished report.

The proposed development will provide a boutique hotel development for Quin, Co. Clare bringing economic benefits to the area. **Therefore, the secondary reason is of Social & Economic nature for the locality.**

A document has been prepared by PLBS on the Economic and Social Benefit Analysis of the proposed development of the proposed development for the Shannon Region of Ireland. This is a detailed document the provided information on the following economic impacts:

- Direct Economic Impacts;
- Indirect Economic Impacts;
- Induced Economic Impacts;
- Regeneration impacts.

PLBS (2025) Economic & Social Benefit Analysis: Ballykilty Manor House, Quin, Co. Clare. Unpublished report.

- ii) Where the reason is for “other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”, summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

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- Regeneration impacts.

PLBS (2025) Economic & Social Benefit Analysis: Ballykilty Manor House, Quin, Co. Clare. Unpublished report.]

An Derogation Licence is being sought due to the importance of the site for local bat roosts, to ensure that alternative bat roosts are provided, that the exclusion is completed in a manner to protect bats from harm and undertaken at the correct time of year and to ensure that local bat populations are conserved within a proposed Lesser Horseshoe Bat Conservation Zone. The development of a Lesser Horseshoe Bat Conservation Zone will have biodiversity benefits for local bat populations.

The lesser horseshoe bat is mainly found in counties on Ireland's western seaboard (Mayo, Galway, Clare, Limerick, Kerry and Cork) and its strongholds are found in County Kerry, west Cork and County Clare. The lesser horseshoe bat is Ireland's only Annex II listed bat species (EU Habitats Directive [92/43/EU]). There are a total of 41 SACs designated for this species and these are distributed in the six primary counties of its distribution.

A roost monitoring scheme is operated by NPWS and managed by Bat Conservation Ireland (BCIreland). BCIreland carried out analysis of the lesser horseshoe bat database in 2012, and concerns were expressed about the state of deterioration of many of its roosting sites (McAney, 2014; Roche *et al.*, 2015) as well as the finding that there are genetically distinct clusters within the Irish population (Dool *et al.*, 2013) that are likely to have arisen due to landscape connectivity constraints.

In Roche *et al.* (2015), the status of the roosting resource of the lesser horseshoe bat was closely examined and the results highlighted a number of locations in Ireland where clusters of roosts or hibernacula appear to have declined, including in parts of Co. Clare. The modelled Core Area for the lesser horseshoe bat is a relatively small area and it is restricted to the Counties on the western seaboard (5,993km²). Given this small range, significant impacts on this species may occur even with small levels of habitat modification or changes to roost availability (Roche *et al.*, 2014).

The principal location of lesser horseshoe bat records in Co. Clare are distributed through the centre of the county from north to south. However, with the increasing use of bat static recording units, records are increasing being documented in other parts of the county (e.g. south-west along the coast). There are 17 SACs designated for lesser horseshoe bats in the county and this represents 41% of all SACs designed for this species in Ireland. This emphasizes the importance of the county for this species of bat.

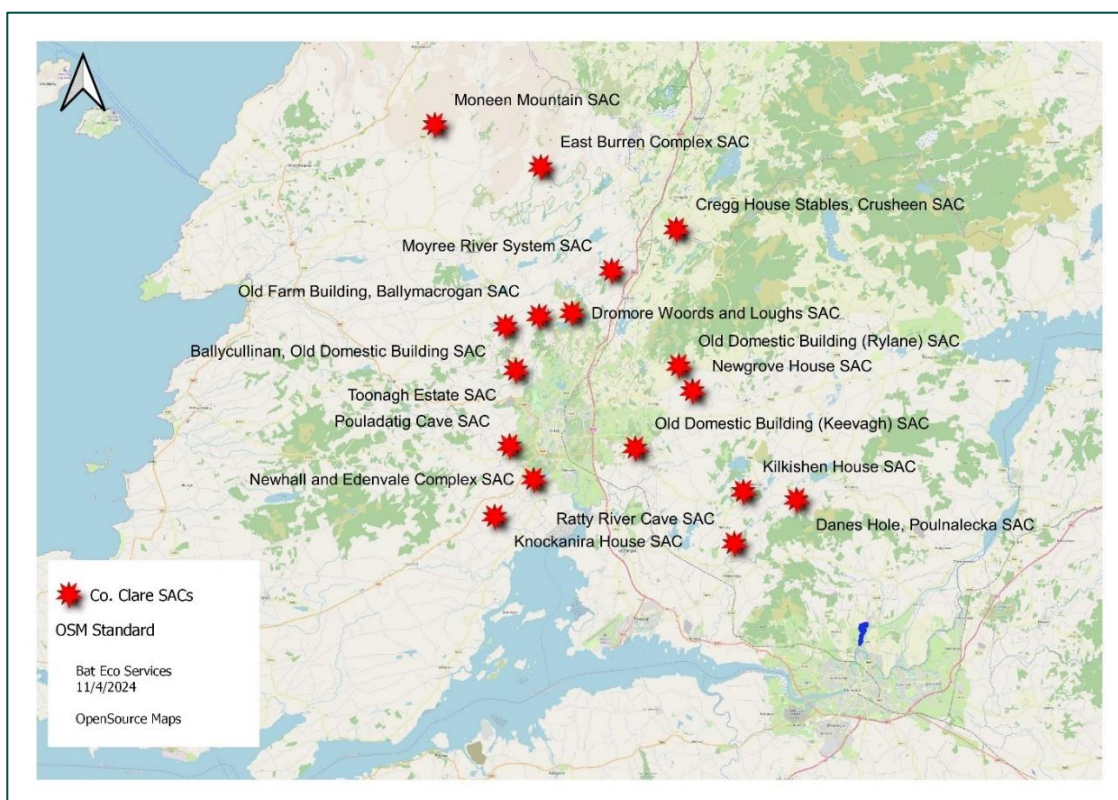


Figure 9a: SACs, designated for lesser horseshoe bats located in County Clare.

Co. Clare is one of the primary stronghold counties for the Irish lesser horseshoe bat population. Both the NPWS Lesser horseshoe bat database and additional records held by Bat Conservation Ireland are mapped and displayed on the figure below.

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.

EXPLANATION

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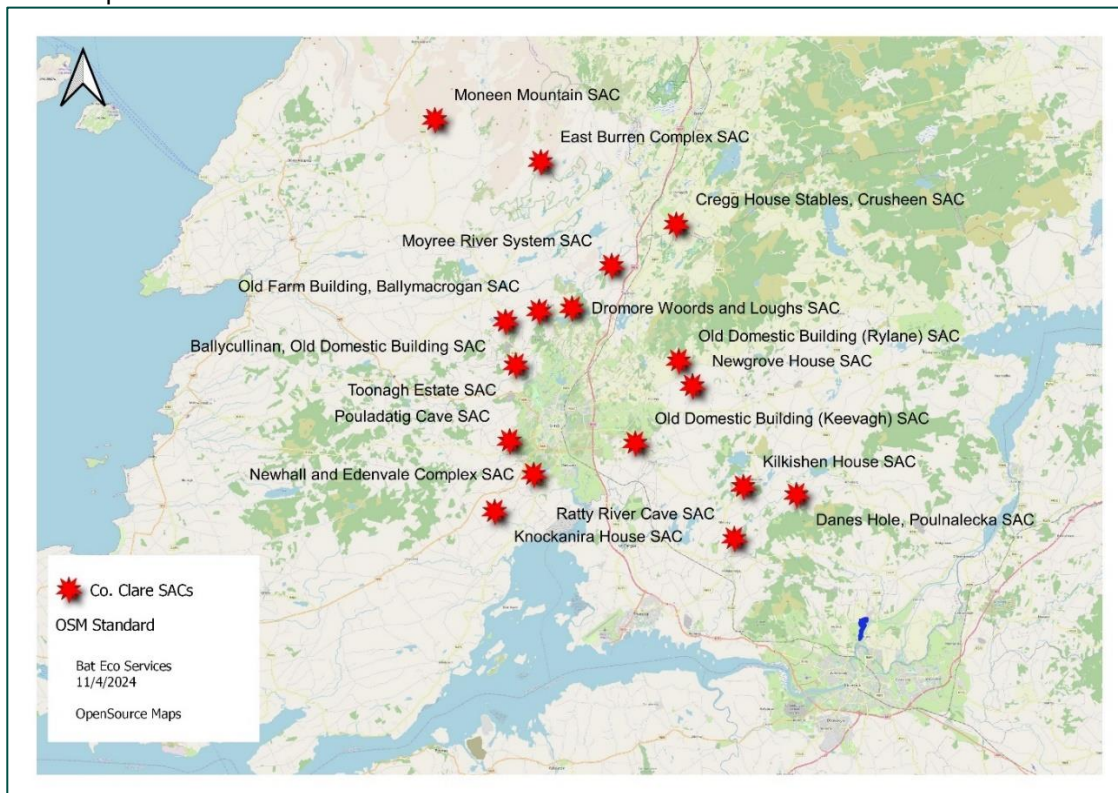


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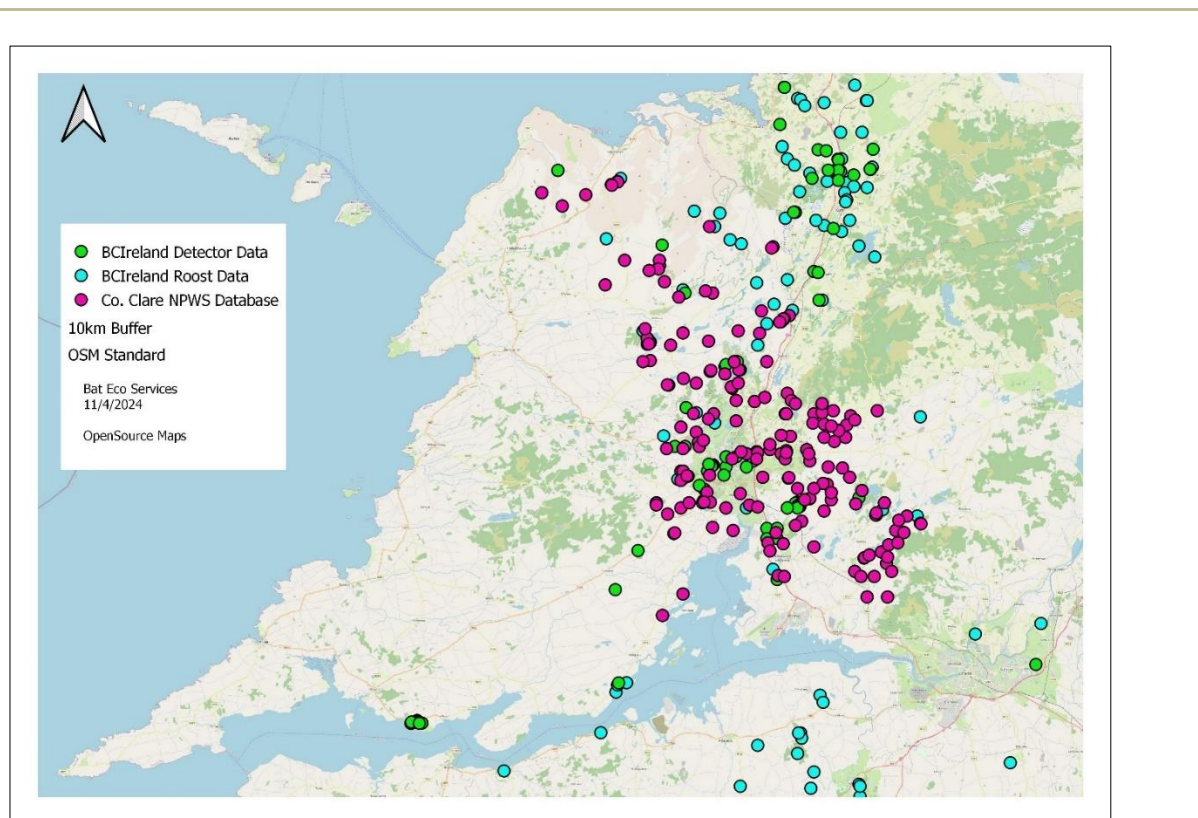


Figure 9c: Known distribution of lesser horseshoe bats in County Clare (NPWS) along with adjoining counties (NPWS & BCireland data).

This bat species will typically feed on a range of insects including midges, crane flies, caddisflies, lacewings and moths (McAney, 2016). The BCireland Landscape Model indicates that the species' habitat preference is for areas with broadleaf and mixed woodland and that a mosaic of habitats is important (Roche *et al.*, 2014). It tends to commute along distinct linear habitat features such as stonewalls and hedgerows and avoids flying out in the open. It travels short distances from summer roosts to foraging areas, typically 2km.

Therefore the Conservation Zone will include the Bat House, essential commuting and foraging habitat, direct landscape connection with the River Rinn and additional alternative roosts (Pump House and Bat Box Scheme) (Please see Figure 10a under Bat Mitigation Measures). This Conservation Zone will also ensure connectivity to the wider landscape and therefore to the wide array of additional known roosting sites. The client has committed to implementing the bat mitigation measures described in the bat survey report that relates to this Conservation Zone and this is a positive measure to conserve local lesser horseshoe bat populations and will also benefit other bats species recorded within the proposed development 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.

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.

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	This will cause the buildings to continue to deteriorate, which will increase the health and safety concerns, reduce the suitability of the buildings as bat roosting. There will be loss of cultural heritage to the Quin area of Co. Clare. A missed opportunity to set up a Lesser horseshoe bat conservation zone that would increase the foraging and commuting habitat for this species, which will also benefit other local bat populations with great connection to the wider landscape. The latter point is an important future conservation concern as the lesser horseshoe bat population is becoming more fragmented. Positive measures to ensure landscape connectivity along with the existing bat house and the proposed Lesser Horseshoe Bat Pump House (Daytime Roost) will ensure roosting resources will be supported.

Temporary Patch-up work	Patch-up works are not an economically viable option for the owner of the estate.]
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* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

2. Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided where relevant. Mitigation measures being relied upon must ensure that the derogation will not be detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

The proposed development works of buildings will result in the following:

- Renovation of Ballykilty House which result in the loss of a lesser horseshoe bat maternity roost and potential loss of the maternity roost of brown long-eared bat and satellite roosts for Natterer's bat and soprano pipistrelles. Due to the morphological requirements of lesser horseshoe bats, it is not possible to retain the roosting requirements for this species to be compatible with the proposed renovation works. However, it is possible to retain roosting requirements for other bat species as part of proposed renovation works. Measures will be recommended to incorporate such roosting requirements in order to reduce the overall potential negative impact of the proposed development on local bat populations. A bat house was purposely built to cater for lesser horseshoe bats and a separate report has been prepared in relation to this structure.
- Renovation of stables will result in the loss of satellite and day roosts. The roosting sites are located within the internal walls of the stone structure (i.e. crevices) and renovation of this building will not facilitate roosting sites. However, alternative roosting will be provided in the form of suitable bat boxes and bat tubes within the external walls of the proposed lesser horseshoe bat Day Roost.
- Renovation of the bar building will result in the loss of satellite and day roosts. However, it is possible to retain roosting requirements for other bat species as part of proposed renovation works. Measures will be recommended to incorporate such roosting requirements in order to reduce the overall potential negative impact of the proposed development on local bat populations.
- Removal of pump house will result in the loss of a night roost for lesser horseshoe bat. However, a replacement roost building will be recommended to mitigate for this and this will be located in the woodland area adjacent to the River Rinn. This will be in the form of a Day Roost structure which will also include bat tubes to provide alternative roosting for other bat species.

The operation of the proposed development site as a hotel will have the following potential Operation Impacts:

There will be an increase in human activity (noise and light levels) (Operational Operations) as a result of the proposed development and due to the high level of bat biodiversity and bat activity, it is considered that this will impact on local bat populations.

Due to the fact that bats are nocturnal mammals outdoor lighting will impact on local bat populations. Therefore, the lighting plan is an important element of the proposed development that needs to consider its potential impact on commuting and foraging bats. Consultation was undertaken and measures have been agreed in order to reduce this potential impact of outdoor lighting on commuting and foraging bats, especially lighting located adjacent to boundary habitats with particular reference to the lesser horseshoe bat requirements.

Another element to mitigate for the impact of the lighting is the loss of foraging and connectivity in the immediate landscape. Therefore, an extensive landscape plan is required to ensure that there is a continuous “dark” commuting routes from the Bat House, other alternative roosting sites to preferred foraging areas of the adjacent woodland and the River Rinn. It is also important that the proposed landscaping provide a “dark” buffer of tall vegetation along the external boundary of proposed lighting to reduce the impact of lighting.

Bat mitigation measures are presented in order to reduce the potential impact of renovation works, the lighting scheme for the proposed development with additional measures relating to tree felling and the erection of a bat box scheme. Additional bat conservation measures are also presented for the conservation of local lesser horseshoe bat populations (e.g. erection of a day roost). Therefore the potential impact of the proposed development is greatly reduced as a result of the mitigation measures agreed to be implemented by the client. If the mitigation measures are strictly implemented, the scale of impact is likely to be reduced to Slight Negative impact on local bat populations.

Conservation Status

The conservation status of each of the bat species recorded roosting in the proposed development area is presented in Section 3.2 of the supporting report. Please consult this section of the report in relation to the national and county status of each bat species recorded. This, in summary, provides evidence of healthy bat population in the proposed development area and the wider landscape.

a) Lesser horseshoe bat

It is deemed that the works will not be detrimental to the maintenance of the local lesser horseshoe bat population. Indeed, the proposed works will ensure the long-term conservation area for this species, which will also benefit other bat species. A bat house was constructed for this species and monitoring has shown that it is used by this bat species. An additional pump house (Lesser Horseshoe Bat Pump House or Day Roost) will be constructed to provide additional roosting in the landscape while foraging and commuting will be conserved and connected to the wider landscape.

The lesser horseshoe bat is mainly found in counties on Ireland’s western seaboard (Mayo, Galway, Clare, Limerick, Kerry and Cork) and its strongholds are found in County Kerry, west Cork and County Clare. The lesser horseshoe bat is Ireland’s only Annex II listed bat species (EU Habitats Directive [92/43/EU]). There are a total of 41 SACs designated for this species and these are distributed in the six primary counties of its distribution.

Co. Clare is one of the primary stronghold counties for the Irish lesser horseshoe bat population. The principal location of lesser horseshoe bat records in Co. Clare are distributed through the centre of the county from north to south. However, with the increasing use of bat static recording units, records are increasingly being documented in other parts of the county (e.g. south-west along the coast). There are 17 SACs designated for lesser horseshoe bats in the county and this represents 41% of all SACs designated for this species in Ireland. This emphasizes the importance of the county for this species of bat.

Fialas & Roche (2025) indicate that roosting resource of lesser horseshoe bat populations is in a healthy position in the Ennis and greater Ennis environment which includes Quin.

a) Brown long-eared bat

It is deemed that the works will not be detrimental to the maintenance of the local brown long-eared bat population. Indeed, the proposed works will ensure the long-term alternative roosting. This species of bat has been recorded roosting in the Bat House and additional alternative roosting will also be suitable for this bat species. The bat box type to be erected include the 1FF design which was frequently documented by the VWT bat box monitoring scheme to be utilised by brown long-eared bats, particularly those erected in Portumna Forest Park (McAney & Hannify, 2015). The proposed works will ensure the long-term stability of the local brown long-eared bat population in the local area by providing roosts, commuting habitat and foraging habitat.

Natterer’s bat species will roost in crevices of stone walls. Bat Tubes will be incorporated in buildings as part of the bat mitigation measures and these alternative roosting tools are designed to mimic such sites and therefore will be provided as alternative roosting sites. In addition, the Miramere bat boxes are designed for tree roosting bat species such as Natterer’s bats. Therefore the long-term roosting will be ensured within the proposed development site and the long-term conservation of the local Natterer’s bat population. Therefore it is deemed that the proposed works will not be detrimental to this bat species.

In relation to the roosts recorded for soprano pipistrelles and Leisler’s bat, the mitigation requirement is “Flexibility over provision of bat boxes, access to new buildings etc. No conditions about timing or monitoring”.

Therefore, it is considered that the temporary disturbance of this roost will not impact on the favourable conservation status of the natural range of soprano pipistrelle and will not have a detrimental effect on the local bat population of either bat species. Indeed, the alternative bat roosting (i.e. bat box scheme) will ensure the long-term stability of the local bat populations. In addition, two tree roosts for this species were also recorded and these will not be disturbed. In relation to alternative roosts, this species of bat regularly roost in bat boxes and bat tubes. Bat Eco Services have completed a large number of successful bat box schemes across the country. But the uptake of the bat box scheme for this project within 4 months of erection is one of the best examples of success. Additional information on bat boxes as a suitable bat mitigation measures is presented below.

Bat boxes and bat tubes will also provide alternative roosting for Daubenton's bats. This species has been frequently documented by Bat Eco Services to use both bat tubes and bat boxes during routine monitoring of mitigation measures. Therefore it is deemed that the proposed works will not be detrimental to this bat species. Evidence in relation to uptake of bat boxes is presented in the Appendices.

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

Dr Tina Aughney

Date

[12th
August
2025

Name in BLOCK LETTERS

[Dr Tina Aughney

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