

ENVIRONMENTAL IMPACT ASSESSMENT REPORT

VOLUME III APPENDICES

Appendix 7-4 Bat Derogation Licence Application Form –
Phase II (1)





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	Martin	Ryan
(b) Company Name, if applicable	Limerick Twenty Thirty	
(c) Address Line 1	The GPO Building, Gardens International	
Address Line 2	Henry Street	
Town	Limerick	
County	Limerick	
Eircode	V94 01W7	
(d) Contact number	061 557207	
(e) Email address	martin.ryan@limerick2030.ie	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Cleeves Riverside Quarter	
Address Line 2		
Town	Limerick	
County	Limerick	
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
Ms	Sara	Fissolo
Mr	Pat	Roberts
(b) Company Name	MKO	
Address Line 1	Tuam Road	
Address Line 2		
Town	Galway	
County	Galway	
Eircode	H91 VW84	
(c) Contact number	091 735 611	
(d) Email address	sfissolo@mkoireland.ie ; proberts@mkoireland.ie	

(e) Relationship to Applicant	Contracted Ecologist consultant
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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 pygmaeus, Rhinolophus hipposideros

3. Please provide the maximum number of individuals affected* 8, 2

4. Please provide the maximum number of breeding or resting sites affected* 10 resting locations

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.

Four active roosts were identified within the site:

- One lesser horseshoe bat was observed entering the Coldstore building, west of the Flaxmill, from the ground floor during a dawn re-entry survey, however no confirmation of its day roosting location was possible: the entrance is well connected to the whole interior.
- A small soprano pipistrelle roost counting approx. 6-8 bats was identified within the western rock face of the Quarry Site – this roost will be retained.
- Two lesser horseshoe bats were found to be roosting within a derelict classroom building at the back of the Salesians School.
- Another active roost was found within the Salesians, in the interior yard of the convent. Based on the evidence found in 2025 and the previous surveys undertaken in 2023, the location consistently hosts a small pipistrelle summer roost (*Pipistrellus* sp.).

In addition, a number of other LHB perches were found in buildings around the site, where fresh droppings were found in 2025. The site is completely accessible to bats and is likely to present other resting sites (i.e. night perches/opportunistic roosting) but no evidence of other breeding sites was found.

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-2025-169 ongoing, for same LHBs

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: TBD – following grant of planning permission

End Date: TBD – following grant of planning permission

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.
- 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 roosts identified are located in a derelict site in the centre of Limerick City, which is proposed for redevelopment.

The proposed development includes phase 2 of a Masterplan for the development of the Cleaves Site in Limerick City. The Masterplan, published in 2023 was prepared in response to the requirements for a coordinated and holistic approach to development on the Cleaves Site (5.30 hectares) as detailed in the Limerick Development Plan 2022 – 2028. It provides a broad framework for LTT’s vision for the future and creative re-use of this strategic city centre site and its valuable assets, providing a flexible and phased approach to development.

To allow for redevelopment, existing buildings and warehouses, with the exception of two protected structures, will need to be demolished. The structures present roosting availability for bats as they have open access and are mostly not in use and derelict. The structures cannot be retained as they are, as they impede redevelopment.

- 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.

Regeneration of the Cleaves site is promoted at national, regional and local policy level, providing a solid planning framework for its development. The site is prioritised for investment under the Urban Regeneration and Development Fund (URDF), with enabling infrastructure and governance reforms supporting its transformation. There are a number of more strategic and generic policies and objectives influencing the approach to development on the site. The proposed development has been carefully considered and designed in the context of such strategic policy, mindful of environmental and social, obligations and targets. The proposed development provides for 232 no. new residential units and 270 no. new student bedspaces. It will contribute towards the government’s target deliverance of housing, achieving compact growth and a high quality, sustainable development. This provision is in the context of a housing crisis in Limerick and in Ireland.

Chapter 3: Project Need & Spatial Planning Policy (Draft) prepared for the EIAR in support of the planning application of the development is provided in support of this application.

- 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
- 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.

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.

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	If the proposed development was not to go ahead, the habitats within the site will likely be retained in the short term and remain available to bats as is. This is unsatisfactory for the reasons listed in 2c ii. Due to its prominent location within Limerick City, the site is likely to be eventually used for a different development.
Retain existing roosts unaffected, completely avoid disturbance	The nature of the site does not feasibly allow for all roosts to be unaffected whilst also allowing for redevelopment. The buildings on site are derelict and will need to be removed for any development or change of use to occur, which cannot happen around them in the same density proposed. A level of disturbance during construction is considered unavoidable due to the scale of works required. Not redeveloping the site is considered unsatisfactory due to its prime location and the opportunity to regenerate a central area of Limerick City which currently lays derelict.
Different development	The development was designed in line with planning development standards to maximise use of its prime location for residential and public realm uses. The development goals have influenced the overall approach to the development proposal from masterplan concept to detailed design, resulting in a development with an acute focus on compact growth and mixed-use brownfield regeneration, adaptive re-use, reversal of vacancy and dereliction and sustainable travel. The designs were carried out in consideration of the local biodiversity, bats in particular, and incorporated mitigations and compensations to maintain the used of the site for roosting but also commuting and foraging as much as compatible with human use. Any alternative redevelopment proposal within the site would result in similar impacts to the current proposal's.
Alternative compensatory measures and mitigations	A number of compensatory measures and mitigations were considered during the development design. These are provided in the further information document attached. In summary, all feasible and satisfactory mitigations considered were applied to the design. Feasibility was determined considering the likelihood of upkeep of compensatory roosts by bats, the potential disturbance of any alternative roosting habitat during operation (i.e. tampering, lighting), the potential disturbance during construction works, the constraint of providing public amenity spaces in line with planning requirements, and the jurisdiction of the developer.

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 proposed development is not anticipated to affect the conservation status of the species encountered roosting on site due to the small number of individuals affected, the provision of compensatory roosting habitats and other mitigations provided during construction and operation to avoid mortality and limit disturbance.

Soprano Pipistrelle

A small roost (non breeding) of this species, will be lost as a result of the proposed development. However, following the implementation of mitigation as described above, no significant effects resulting from the loss of roosting, foraging or commuting habitat, direct mortality or disturbance, are anticipated.

According to the latest Article 17 reporting (2019), soprano pipistrelle are in favourable conservation status and the granting of this derogation licence will not result in any effect on that status as there will be no reduction in roosting resource and no significant disturbance.

Lesser Horseshoe Bat

A small (non breeding) population of approximately two bats utilises a number of locations throughout the site for roosting. Following the implementation of mitigation as described above, no significant effects resulting from the loss of roosting, foraging or commuting habitat, direct mortality or disturbance, are anticipated.

According to the latest Article 17 reporting (2019), lesser horseshoe are in inadequate conservation status. This is found in relation to their range, habitats and future prospects. It is noted that the population of only two bats is afforded National Importance due to the urban location of the population and location within their range. Thus it was important to ensure that roosting, foraging and commuting habitat was retained on the site following the redevelopment. This has been achieved through informed design and bespoke mitigation. As such, the granting of this derogation licence will not result in any effect on that status as there will be no reduction in roosting resource and no significant disturbance.

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

Name in BLOCK LETTERS

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