



**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](mailto: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	Eamon	McElroy
<b>(b)</b> Company Name, if applicable	Dublin Port Company	
<b>(c)</b> Address Line 1	Alfie Byrne Road, North Wall	
Address Line 2	Dublin	
Town	Dublin	
County	Dublin	
Eircode	D03 Y6A2	
<b>(d)</b> Contact number	[REDACTED]	
<b>(e)</b> Email address	[REDACTED]	
<b>(f)</b> Address where works are to be carried out if different from (b) above.		
Address Line 1	Dublin Harbour	
Address Line 2	Dublin Port	
Town	Dublin	
County	Dublin	
Eircode	D03 Y6A2	

### 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	Anthony	McNally
<b>(b)</b> Company Name	RPS Consulting UK & Ireland	
Address Line 1	Elmwood House	
Address Line 2	74 Boucher Road	
Town	Belfast	
County	Antrim	
Eircode	BT12 6RZ	
<b>(c)</b> Contact number	[REDACTED]	
<b>(d)</b> Email address	[REDACTED]	
<b>(e)</b> Relationship to Applicant	Ecological Consultancy Services	



## 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): Cetaceans

3. Please provide the maximum number of individuals affected\* <10

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.

The number of individuals entering Dublin Harbour is very low (9 porpoise sightings within the Harbour since 2017 in extensive MMO monitoring by IWDG, and zero other cetaceans). Dedicated porpoise surveys indicate a potential population of 138 individuals in Dublin Bay with frequent occurrence at the dump site. There have only been very occasional dolphin detections at the dump site and no other cetaceans. The duration and spatial extent of project activity at the dump site is very small, and the potential for affecting porpoises or other cetaceans is therefore very limited and likely to involve a very small number of individuals.

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-CETACEAN-2025-06 received 17 October 2025. Derogation has not expired yet and the works to which it relates have been delayed for operational reasons. Therefore this application is to provide for a later start of same works and completion of this phase by 31 March 2026, at which time all necessary returns will be made to NPWS.

**9. Proposed Dates for Activities:** Please indicate the timeframe that you propose to carry out the activities. Dates set by NPWS may differ from dates proposed here. *A derogation will only be issued with a start and end date within a calendar year.*

Start Date:	01/01/2026
End Date:	31/12/2026

## Part C: Nature of the Derogation.

1. Please tick which prohibition(s) the application for a derogation relates to:

<b>Regulation 51</b>	
Deliberately capture or kill any specimen of the relevant species in the wild	<input type="checkbox"/>
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input checked="" type="checkbox"/>
Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
Damage or destroy a breeding or resting place of such an animal, or	<input type="checkbox"/>
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.	<input type="checkbox"/>
<b>Regulation 52</b>	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
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.	<input type="checkbox"/>

**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).

<b>a.</b>	In the interests of protecting wild flora and fauna and conserving natural habitats <b>(proceed to 2a)</b>	<input type="checkbox"/>
<b>b.</b>	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property <b>(proceed to 2b)</b>	<input type="checkbox"/>

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 <b>(proceed to 2c)</b>	<input checked="" type="checkbox"/>
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 <b>(proceed to 2d)</b>	<input type="checkbox"/>
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 <b>(proceed to 2e)</b>	<input type="checkbox"/>

**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.)

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

Dublin Port is the largest and most important port in the country, identified as a core port of international significance in the TEN-T Guidelines, and part of the EU’s Core transport network. This project is necessary to secure the development of Dublin Port to meet projected growth, and changed trade patterns and larger vessels in the post Brexit scenario. It is essential that capacity constraints do not emerge which could lead to supply chain inefficiencies, impacts on merchandise trade in and out of Ireland, or on the national tourism sector. Dublin Port is also a significant focal point for employment in Dublin, both directly through businesses operating in the port and regionally through enterprises supported by the trading activity carried out at the port.

Detailed project environmental assessments in an EIA and a NIS have been completed, complemented by an Annex IV risk assessment by IEC on behalf of DHLGH. They have confirmed that the project when implemented with the recommended appropriate mitigation will not have any significant environmental impacts, including on sites of European importance and their conservation objectives, nor on Annex IV species in need of strict protection.

- 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. <sup>1</sup>

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<sup>1</sup> 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 Alternative	<p>In the absence of the capital dredging works, port investment would fail to deliver the required capacity identified by Dublin Port’s Masterplan, and fail to provide for the future anticipated growth. This would have a critical impact upon national and regional economies, particularly by way of trade, employment and associated taxes for societal benefit. This in turn, will undermine the port’s ability to contribute towards achieving the sustainable transport objectives of National Port Policy.</p> <p>The deepening of the navigation channel and basins is required for the safe passage of vessels, and accommodating large vessels into the future. The berthing pockets are required to provide sufficient depth of water at all stages of the tide, for vessels berthed at the Port. This is also essential for the safe and effective operation of the proposed port facilities. Should the pockets not be dredged to the required depths then this would result in the limited capacity of these berths to accommodate large vessels into the future.</p> <p>Additionally, the Do-Nothing scenario would result in loss of predicted revenue following capacity constraints which would inhibit the attainment of</p>

	<p>objectives specified within the Masterplan; including the integration of the port with the city, by way of the promotion of sustainable linkages, and the amelioration of the visual impact of the port upon its landward surroundings. It would further hinder the growth of the port's existing vessel operators and prohibit any potential for new operators from residing at the port.</p> <p>This alternative is not satisfactory.  </p>
Loading - Backhoe Dredger	<p>  Suitable for removal of stiff material (gravels and clays) that are likely to be encountered and more mobile to allow avoidance of port vessel traffic.</p> <p><b>This alternative is satisfactory.</b>  </p>
Loading - Bucket Ladder Dredger	<p>  Less suitable for removal of gravels and clays that are likely to be encountered.</p> <p>This alternative is not satisfactory.  </p>
Loading - Clamshell Dredger	<p>  Less suitable for removal of gravels and clays that are likely to be encountered.</p> <p>This alternative is not satisfactory.  </p>
Loading - Plough Dredger	<p>  Unsuitable on environmental grounds due to large volumes of sediment released into the water column which could settle in the adjacent South Dublin Bay and Tolka Estuary SPA.</p> <p>This alternative is not satisfactory.  </p>
Loading - Trailing Suction Hopper Dredger (TSHD)	<p>  TSHD is the preferred option. A TSHD is a self-propelled, fully contained vessel which uses a drag head to pump dredged sediment directly into a hopper.</p> <p><b>This alternative is satisfactory.</b>  </p>
Loading - Pipeline Dredger	<p>  Not suitable due to the distance between the loading area and the final destination at this site (the licensed disposal site at Burford Bank).</p> <p>This alternative is not satisfactory.  </p>

<p>Loading - Injection Dredger</p>	<p>Not suitable at this site on environmental grounds. This is because it has the potential to release large volumes of sediment into the water column which could settle in the adjacent South Dublin Bay and Tolka Estuary SPA.</p> <p>This alternative is not satisfactory.</p>
<p>Disposal and Re-use – Beneficial Engineering Re-use</p>	<p>The physical characteristics of the sandy Clay which makes up the dredged marine sediments renders them unsuitable for forms of engineering works, other than for reclamation purposes which is addressed below.</p> <p>Beneficial re-use of the dredged marine sediments was considered for beach re-nourishment, particularly at sites along the northern shoreline of Dublin Bay where erosion is taking place. However, the grading of the marine sediments to be dredged is too fine to be suitable for this type of use.</p> <p>Consideration was given to use for Land Creation/Reclamation. Dublin Port Company is focussed on the redevelopment of brown-field sites within the Dublin Port Estate. Consequently, there is no further requirement for fill material within the Dublin Port Estate.</p> <p>Consideration was given to use for Flood / Coastal Protection Works. The physical characteristics of the sandy clay which makes up the dredged material makes them unsuitable for coastal protection works.</p> <p>The alternative of Beneficial Engineering Re-use is not satisfactory.</p>
<p>Disposal and Re-use – Wetland Habitat Creation/Enhancement</p>	<p>Fine dredge material can be used for habitat creation and re-nourishment projects such as mudflat recharge or salt marsh restoration. These types of projects however, typically require small quantities of sediment (e.g. 1,000m<sup>3</sup> - 5,000m<sup>3</sup>) (UKMSAC, 2001). A search of the greater Dublin area did not identify any suitable sites for this type of beneficial re-use.</p> <p>This alternative is not satisfactory.</p>

<p>Disposal and Re-use – Sediment Cell Maintenance</p>	<p>The Dublin Harbour Capital Dredging Project has been designed to ensure that the sand and gravel fractions of the marine sediments to be dredged are not lost from the natural Dublin Bay sediment cell. The offshore disposal site to the west of the Burford Bank has been selected to keep the sands and gravels deposited at the site within the natural Dublin Bay sediment cell. Over time, the fine sand fraction will migrate from the site, particularly as a result of storm action, and will remain part of the natural coastal processes regime of Dublin Bay. The site is also dispersive with respect to silts and clays. Silts and clays disposed of at the offshore disposal site will be dispersed in a north-south direction to the wider Irish Sea.</p> <p>The use of this site to dispose of sand and gravel fractions as part of the Dublin Harbour Capital Dredging Project would result in no environmental impacts given its current use for this purpose under the ABR project. Whilst, the extent to which sand and gravel fraction are deposited within Burford Bank would be greater, this would have no discernible environmental impact within Dublin Bay or on the qualifying interests of the Rockabill to Dalkey Island SAC.</p> <p>This has been identified as a feasible re-use option for the coarser portion of the dredged materials, as these will remain within the cell to replenish its coastal processes. It is a partial technology alternative as it is not suitable for the finer materials.</p> <p><b>This alternative is satisfactory.</b></p>
<p>Disposal and Re-use – Agricultural Use</p>	<p>Again, the physical characteristics of the sandy clay which makes up the dredged material makes them unsuitable for agricultural use.</p> <p>This alternative is not satisfactory.</p>
<p>Disposal on Land</p>	<p>This disposal option would require the dredger to bring the dredge spoil ashore, either by barge or by pumping. The material would then be temporarily stored in a designated hard standing or lagoon area to allow for dewatering/drying before subsequent transfer by road to a landfill site. Even following a period of settlement, the dredged sediment would be likely to be considered a wet material for the purposes of</p>

	<p>land-filling. Landfill space is in very short supply and it is often the case that landfill sites are only licensed to receive relatively small volumes of wet waste (e.g. 500m<sup>3</sup>) per week. Due to the large quantity of material arising from the dredging activities, this option is considered to be unfeasible on a technical basis.</p> <p>This alternative is not satisfactory  </p>
<p>  Incineration  </p>	<p>  There are no suitable incineration facilities in Ireland capable of accepting the proposed type or quantity of dredge spoil. The dredge spoil would therefore need to be transported to mainland Europe. This option is considered to be unreasonable and has been ruled out due to prohibitive cost and having regard to the proximity principle.</p> <p>This alternative is not satisfactory.  </p>
<p>  Disposal at Sea  </p>	<p>  Chemical sediment and eco-toxicological sampling and analysis programme confirmed that the marine sediments are classified as Class 1 (uncontaminated, no biological effects likely). The dredged marine sediments are therefore suitable for disposal at sea.</p> <p>The closest licenced offshore disposal site is located at the approaches to Dublin Bay to the west of the Burford Bank. This site is currently being used to dispose of dredge spoil arising from the ABR Project under Dumping at Sea Permit S0024-01 as granted by the EPA in September 2016. The site is also used by DPC for the disposal of dredge spoil arising from maintenance dredging. The site is similarly used for the disposal of dredged spoil from Dun Laoghaire and Howth Harbours. No other dredging campaigns disposing of spoil at the spoil disposal site will take place at the same time as the Dublin Harbour Capital Dredging Project.</p> <p>As discussed above under Disposal and Re-use - Sediment Cell Maintenance, the use of this site to dispose of sand and gravel fractions as part of the Dublin Harbour Capital Dredging Project would result in no discernible environmental impact within Dublin Bay or on the qualifying interests of the Rockabill to Dalkey Island SAC. This is supported by extensive environmental monitoring</p>

	<p>with respect to the dumping of dredged spoil from the ABR Project and numerous dredging campaigns as summarised in the supporting documents with this application.</p> <p>The licenced offshore disposal site has been proven to be suitable for the safe disposal of dredge spoil arising from the Dublin Harbour Capital Dredging Project. The site also has the advantage that it is dispersive for clays and silts but sands and gravel are retained within the natural Dublin Bay sediment cell (see section on Environmental Enhancement - Sediment Cell Maintenance above).</p> <p>There are no other licenced offshore disposal sites within the Greater Dublin Bay Area. The opening of a new disposal site further offshore would have no additional environmental benefit, and would lead to unnecessary increases in energy usage to transfer dredged marine sediments further offshore. Further it would lose sands and gravels from the natural Dublin Bay sediment cell and it may have a greater impact on fisheries interests.</p> <p><b>This alternative is satisfactory.</b>  </p>
Final Alternative Selected	<p>As described above, the preferred alternative is for capital dredging to be carried out primarily by TSHD, with support of a backhoe dredger in some areas. An estimated 500,000m<sup>3</sup> of dredge spoil will be disposed of at the Burford Bank dump site spread over multiple winter seasons during the course of the dredging project.</p>

\* 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.

In relation to dredge spoil disposal at the dump site, an Environmental Impact Assessment and Natura Impact Assessment found that, when mitigation measures are applied there will be no adverse effects on marine mammals, nor on the protected porpoise population in the Rockabill to Lambay Island SAC. IWDG concluded that full implementation of the NPWS Guidelines will minimise the acoustic impacts of dredging and will result in no significant impacts to marine mammals or on the conservation objectives of the Rockabill to Dalkey Island SAC.

A risk assessment of the effects to species listed in Annex IV which occur within the project site was undertaken by Independent External Consultants on behalf of DHLGH. The potential for injury or disturbance to Annex IV species as a result of the proposed capital dredging project was considered to be low, and further reduced by the implementation of mitigation as outlined in the Risk Assessment, and included in the MMMP for the capital dredging project. It concluded that the proposed capital dredging project will not give rise to significant impact to species listed under Annex IV of the Habitats Directive.

The potential impacts that could arise from capital dredging and disposal that have been considered in attached documents include underwater noise impacts, increased turbidity levels, and vessel-strikes. Dredge loading operations will be confined to Dublin Harbour. Harbour porpoise rarely enter the harbour area. The extremely low frequency of such an event and the implementation of NPWS Guidance (DAHG, 2014) through the MMMP will ensure no impact during dredge loading operations. Other cetaceans do not frequent the confined shallow waters of Dublin Port.

The operation of dredgers on silty material results in underwater noise levels in the same range as shipping traffic. While the dredger is operating suction equipment, it is travelling at slow speed. Underwater noise measurements during previous dredging campaigns by Dublin Port have shown that increased sound pressure associated with spoil disposal at Burford Bank will only be above ambient within a very small area (radius <100m). The outer reaches of the navigation channel within Dublin Bay extends into the Rockabill to Dalkey Island SAC and given the busy nature of Dublin Port and shipping lane, the presence of an additional vessel and associated noise, is extremely unlikely to be significant. The increased noise above ambient levels generated by the TSHD during spoil disposal at the dump site will be of short duration. The duration of the release of sediment loads is typically 10 to 20 minutes.

Multiple monitoring studies of sediment plumes have been completed during dumping operations at the Burford Bank disposal site, during both maintenance and ABR/MP2 capital dredging programmes as outlined in supporting documents. They show that on release of sediments from the dredger/barge they disperse rapidly, both spatially (200-400m) and temporally (typically less than 20 minutes) and return to baseline levels, and no impact is observed outside the immediate dumping zone in accordance with sediment dispersion models.

The risk of injury or mortality is considered extremely low as marine mammals are exposed to considerable vessel traffic on a daily basis and are aware of their presence. Collisions are unlikely due to the slow speed of the TSHD, and any animals in the area would have sufficient time to avoid any collisions and thus injury or mortality. The chance of actually releasing dredged material on top of a marine mammal is extremely unlikely. As per best practice, effort watches by the on-board MMO are continued during dumping operations, and when necessary the dredger is diverted to locations within the dump site where MM are absent in a surrounding 500m mitigation zone. The MMMP also provides that dumping may not proceed if a MM is within 100m of the dumping location. The short duration of the release of dredged material (around 10-20 minutes) and the slow movement of the vessel during spoil release, in association with all other mitigation in the MMMP will ensure no impact on MM.

To minimise any disturbance effects on Annex IV species' populations, the NPWS Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (DAHG, 2014) shall be applied to dredging and dumping operations as set out in documents supporting this application. Therefore, based on the current evidence base, it is considered that the proposed Dublin Harbour Capital Dredging works will not result in injury of any harbour porpoise, whales or dolphins, or to any significant disturbance. Therefore the proposed capital dredging works will not offend the system of strict protection of harbour porpoise, whales or dolphins under Article 12 of the Habitats Directive. |



## 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** 11/11/2025

**Name in BLOCK LETTERS**

Anthony McNally

**PRIVACY STATEMENT**

See Privacy Statement at [www.npws.ie/licences](http://www.npws.ie/licences)

npws.ie

Department of Housing, Local Government and Heritage



An Roinn Títhíochta,  
Rialtais Áitiúil agus Oidhreachta  
Department of Housing,  
Local Government and Heritage