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Water Safety Clare  
c/o 44, Primrose Gardens  
Clarecastle  
Co. Clare  
V95 C8C3

Gavin Rea  
c/o Department of Housing, Local Government and Heritage

Dear Gavin

The following is in reply to your letter dated 3/3/2026 with regard to the proposed temporary use of a Pinger to provide limited control over the interaction between the lone dolphin known as "Dusty" and our younger group of trainee lifesavers.

Apologies for the delay with this reply. I am sure you will appreciate that WS Clare are a voluntary group who deliver lifesaving education and training throughout our county. We have a "layperson's" knowledge of marine and environmental science and do not know where to source all relevant research.

My reply addresses each heading in order as outlined by you in your correspondence.

## **Test 2**

This lone dolphin has had a presence at a number of venues along the west coast. (Fanore, Doolin, Aran Islands) for 20 years approx. but has had a more regular presence at the White Strand, Miltown Malbay, during the past 10 years or so. However, when at this location she spends most of her time in the deep channel beside Freagh Island, which is located approximately 1 kilometer north of the White Strand. "Dusty's" noted human interactions and appearances during lifesaving training sessions began approximately 6 years ago. While "Dusty" shows up during many activities at the White Strand, it is only her presence while our groups of 8 to 14 year olds are training, which is the safety concern of Water Safety Clare.

### **Alternative one: Lifeguards / Skilled adults in the water.**

Lifeguards on duty at White Strand Beach have a responsibility to protect all beach users and not only those participating in Water Safety Clare training. During Nipper

Lifesaving Training (the proposed time for use of a Pinger), there can be up to 134 children, divided into various sub groups, training in the water and on the beach. This extra in-water supervision by the Lifeguards is in addition to the supervision of all other beach users.

White Strand beach is often extremely busy with other users during training times, partly due to the family members of Nippers staying around and using the beach.

White Strand typically has two lifeguards on duty at any given time during the Summer months and therefore it is not practical to ask lifeguards to dedicate their attention solely to the young lifesavers if the dolphin is close. The use of additional lifeguards is not practical due to the high demand for lifeguards along other Co. Clare waterways. Lifeguards are employed by and answerable to Clare County Council and are responsible for every member of the public on the beach. Therefore, if the beach is busy, they cannot offer this extra level of support during lifesaving training.

It is worth repeating a section from the original application form to highlight the effectiveness of this measure when it is used, as follows: "When the dolphin shows up, the lifeguards paddle their rescue boards further out into the bay in an attempt to distract her from the younger groups of children closer to the shore. Dusty sometimes follows but this is for limited periods. Dusty returns to where there are higher levels of activity among the training group"

This practice is inconsistent and compromises the work of the lifeguards who have a responsibility for all beach users.

With regard to using adults to assist with extra safety measures it must be highlighted that due to Child Welfare and Garda Vetting requirements, Water Safety Clare cannot simply ask anyone to help during Nipper Lifesaving hours. Any parent who has indicated they have sufficient skills and availability to support lifesaving training must complete Child Welfare Training and Garda Vetting and is most likely already assisting.

While WS Clare has a large number of qualified coaches and others trained to support lifesaving training, the use of a Pinger is suggested as an additional layer of safety, to temporarily deter Dusty from coming close to the children during the specific lifesaving training hours.

Many of our trained coaches and helpers, many of whom are the parents of our Nippers, have open water experience and some have been beach lifeguards. However, their Beach Lifeguard qualifications are out of date.

Paddling and using Rescue Boards is a skill that requires ongoing practice. Many of our helpers do not have this skill or are out of practice. Having adults present who can use the boards efficiently is erratic and cannot be depended on due to work and other commitments.

**Alternative two: Use of rescue boats.**

WS Clare's members have observed that "Dusty" is attracted to the noise / activity of boat engines in general. Whenever WS Clare Rescue Boat training has overlapped with Nipper training, the lone dolphin has followed the boat out into the bay. The overlap of Rescue Boat and Nipper training is rare due to the logistics for those involved. Some of the issues outlined in the original application include:

- There are local County Council by-laws in operation with regard to the use of motorised vehicles at the White Strand.
- Although, water safety craft are exempt from these, members of the public have complained about fumes from the engines, noise pollution and general safety concerns. Added to this, one could argue that the noise of the rescue boat is in fact adding more noise pollution to the bay relative to the use of a Pinger.
- Many open water swimmers regularly swim out into the bay and the fear of collisions, even when applying the utmost caution, is another serious safety consideration.

WS Clare have discussed in detail, the use of Rescue Boats during Nipper training to draw the dolphin out into the wider and deeper bay area. Additional issues with regard to the use of the Rescue Boats include:

- They are not suitable for use in shallow water as a safety measure. The Nippers train in shallow water close to the beach. This is also where most other water users are.
- Before a boat is launched it is a requirement to have a minimum of at least one qualified boat driver and one qualified crew member, which gives rise to the associated issue of the availability of suitably trained personnel.
- Many WS Clare members who are trained in the use of the Rescue Boats are also employed as lifeguards and are likely on duty elsewhere. The availability of trained boat users is limited to late evenings due to work commitments by the adults involved. Such timing does not suit beach usage and tides are an ongoing determining factor as to when training for this young group can take place.

### **Test 3**

In Version 1 (July 2025) Guidance for Applicants document, Annex IV lists protected species. To our knowledge, there are none of the named animals present.

#### **Additional Information Requested.**

- **The total number of proposed Pingers used at any one time?** One pinger attached to the middle marker buoy will likely suffice. This is in line with specifications outlined by the manufacturer. Please refer to the buoy placement map provided in original application.
- **The zone of influence (i.e. the distance the sound will travel and thus the area potentially impacted by the Pinger)?** The sound specification of the proposed Pinger

is 100m from where it is set up. Please refer to buoy placement map provided in original application.

- **If overlapping zones of influence will occur if more than one Pinger is to be used?** One Pinger should suffice and this is in line with the manufacturers' guidelines.
- **If these overlapping areas will significantly impact marine mammal species?** We are unaware of any other marine mammal species within the defined area of use. There is no data available to indicate that the use of a Pinger will 'significantly impact marine mammal species'. Research literature is outlined within the original application form to this effect. Much research indicates that Pingers are used as a conservation measure to protect marine mammals internationally.
- **Any proposed mitigation measures to reduce potential negative impact on marine mammal species?** It is intended that during use of a Pinger during Nipper lifesaving training, a record will be kept of any sighted marine species, including the presence, behaviour and return of Dusty. This monitoring system will include all items outlined in your correspondence. Training to ensure accurate monitoring will be designed and provided in consultation with the relevant experts from the National Parks and Wildlife Service.

In the original application form, WS Clare has outlined its intention to engage with the Irish Whale and Dolphin Group to support the monitoring of the proposed Pinger use and to provide scientific findings in relation to its use in this exceptional circumstance.

Specific dates, days and times for the use of the Pinger will be provided in advance of the start of this seasons open water Nipper Training sessions. Pinger use will be strictly limited to the stated timescales.

WS Safety Clare will sign any proposed agreement with specific conditions outlined.

WS Clare has also discussed hosting an information evening talk at our Training Centre during the Summer months in regard to the lone dolphin. Having already hosted a presentation in regard to water quality and testing, this will be a continuation of our attempts to promote environmental awareness.

I trust the above provides you with the additional information required for you assessment of our Derogation application. Please revert with further queries if required.

Regards

Brendan Mc Grath (WS Clare Chairman)

