



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	Brendan	Mc Grath
(b) Company Name, if applicable	Water Safety Clare	
(c) Address Line 1	c/o 44, Primrose Gardens	
Address Line 2		
Town	Clarecastle	
County	Clare	
Eircode	V95 C8C3	
(d) Contact number	[REDACTED]	
(e) Email address	[REDACTED]	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	White Strand	
Address Line 2		
Town	Miltown Malbay	
County	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
Mr	Brendan	Mc Grath
(b) Company Name	Water Safety Clare	
Address Line 1	Lifesaving Training Centre	
Address Line 2	White Strand	
Town	Miltown Malbay	
County	Clare	
Eircode		
(c) Contact number	[REDACTED]	
(d) Email address	[REDACTED]	
(e) Relationship to Applicant	Chairman of WS Committee	

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): *Tursiops truncatus* (Common bottlenose dolphin). _____

3. Please provide the maximum number of individuals affected* | **One Solitary Dolphin named locally as “Dusty”**. **This project is in connection with the control of one solitary bottlenosed dolphin** | _____

4. Please provide the maximum number of breeding or resting sites affected* | **Nil** | _____

5. Please provide the maximum number of eggs to be taken* | **Nil.** | _____

6. Please provide the maximum number of eggs to be destroyed* | **Nil** | _____

*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.

This application for one site only, during very limited but specific times and extends to a maximum distance of 100m from the beach at White Strand Miltown Malbay, Co. Clare.

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.

N/A

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

Start Date:	1 st June, 2026
End Date:	22 nd August, 2026
	Note: The proposed technology will only be In place for two hours during low to mid tides on Sundays, Tuesdays and Thursdays, during the stated period. Weather dependant).

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	<input type="checkbox"/>
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration (This involves limited “location” disturbance only and does not impact breeding, rearing, hibernation or 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"/>
Regulation 52	
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).

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

Water Safety (WS) Clare teaches and trains 100s of people (children through to adults) annually in both swimming and lifesaving. This service provided is an essential part of developing both interest and skills in water safety across the region. This ultimately provides the basis to support lifesaving and lifeguarding services along the Clare coastline (and beyond).

WS Clare offer two types of lifesaving training as follows:

1. In the form of Water Safety Weeks whereby children of all ages are taught the basic skills of swimming and lifesaving over a week-long course.

2. In the form of the Sport of Lifesaving, where children from the age of 8 through to adults, develop lifesaving skills on a weekly basis during the Summer.

WS Clare has a purpose-built Lifesaving Training at the White Strand in Miltown Malbay, which stores the various types of lifesaving equipment, including rescue tubes, paddle boards and rescue boats.

White Strand, Miltown Malbay is therefore the preferred venue for all levels of lifesaving training for this area, due to its proximity to our training centre. This beach is also preferred due to the sheltered nature of the bay, offering safe sea conditions for much of the Summer.

“Dusty” as this solitary dolphin is now known, has lived along the Clare coast for 25 years, from Fanore, to Doolin and in recent years close to the Whitestrand, Miltown Malbay. She has also lived in and around the Aran Islands.

In recent years this dolphin has been attracted to water-based activities at Whitestrand Beach. This has become a safety concern for people participating in lifesaving training. Coaches and organisers are very aware that she is a wild animal, who has been observed attacking individuals and aggressively tail swishing at people in the water in the different areas she visits along the Clare coast, including Whitestrand.

Members of our 8- to 14-year-old lifesaving group, in particular, called Nipper Lifesavers, have become increasingly frightened if Dusty is close by, due to her large size and the proximity to which she comes to participants during lifesaving training sessions - often in very shallow water. Participants in this group swim and paddle rescue boards up to 100m offshore. However, some panic and freeze when she is nearby resulting in growing health and safety concerns among coaches, other participants and parents.

Injury and other more serious incidents are now major health and safety concerns for Water Safety Clare.

The previously mentioned aggressive behaviour has occurred in very shallow water in Whitestrand, even when there was no prior interaction with the dolphin whatsoever. This has frightened some to the extent that they will not go in the water if there is any sight of Dusty being present.

Even if not involved in direct contact with Dusty, other children see and hear what has happened and develop fears and reservations.

WS Clare lifesaving participants are informed in regard to the dolphin being a wild animal who is in her environment. Contact with the dolphin is discouraged and children are advised not to approach her when she comes into shallow water.

Lifeguards, when on duty, at the White Strand display the Red Flag as a warning to the public when the dolphin is in the bay.

All Coaches in situ are qualified to Water Safety Ireland (WSI) standards, and many have Beach Lifeguard experience. The majority are also very ocean and beach environment aware. Coaches have, however, become increasingly concerned with the risk associated with Dusty during lifesaving training.

The use of a pinger was proposed and discussed at a WS Clare meeting, as a possible solution to the health and safety concerns for continued lifesaving training at this venue. The use of this technology was researched in advance of an initial trial during the Summer of 2025 to determine suitability.

Research indicates that pingers are commonly used as a conservation measure to deter, and therefore protect dolphins from becoming tangled in fishing nets.

The proposed 2026 plan for use of the pinger at Whitestrand is for a 2-hour period on 3 set days per week (a maximum of 6 hours in a week), during the months of June, July and August, to try and deter Dusty from swimming close to the younger lifesavers (under 8 – 14-year-olds). The area covered extends out to a maximum of 100m from the beach.

The times propose are considered to be very short for the pinger to be in use, in a very small and shallow area of the inside bay – thereby mitigating any significant impact on this dolphin in the larger bay area. Please see the additional information provided with supporting research outlined in this document.

- 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.

In addition to the reason of public health – the wider social benefits of continued lifesaving services provided in Whitestrand, Co.Clare should also be considered.

Co.Clare Beaches are becoming increasingly popular for those living in Ireland and tourists alike. Beaches are becoming busier, which will require continued and possibly increased levels of water safety services to support general public health, tourism and recreation.

The continued success of Clare Water Safety to provide lifesaving skills across the county relies on its ability to provide teaching and training of lifesaving in Whitestrand, Miltown Malbay.

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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.

| |

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.

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.

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	<p>The dolphin in close proximity to children in lifesaving training is a health and safety concern, which creates panic among the participants and anxiety for both coaches and parents on shore.</p> <p>Doing-nothing could result in a serious injury or water safety incident, related to the interaction between the solitary dolphin and the lifesaving participants.</p>
Lifeguards/ Skilled adults in the Water	<p>The Lifeguards on duty at Whitestrand offer water safety support while children are doing lifesaving training.</p> <p>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 for limited periods.</p> <p>Dusty returns to where there are higher levels of activity among the training group. Training of younger lifesavers often include up to 134 participants. These are broken into groups and spread across the beach. Therefore, lifeguards cannot possibly offer the required additional support to sufficiently protect all of our lifesaving participants.</p> <p>Lifeguards are also responsible for every member of public on the beach, therefore if the beach is busy, they cannot offer this level of support during lifesaving training.</p>
Use of Rescue Boats	<p>There are local County Council By- Laws in operation with regard to the use of motorised vehicles at the White Strand.</p> <p>Even though water safety craft are exempt from these bylaws, members of the public have complained about fumes from the engines, noise pollution and general safety concerns.</p> <p>Many people regularly swim far out into the bay and the fear of collisions, even when applying the utmost caution, is a safety consideration.</p>

<p>Taking Everyone out of the water when the dolphin arrives</p>	<p>This is not a solution, because, how long the dolphin stays in the shallow waters is unpredictable. This could mean that children regularly may not receive their lifesaving training during the summer. Further stress and anxiety are created when children are asked to evacuate the water.</p> <p>It also means that children are standing waiting, often becoming cold and unwilling to return to the water.</p>
<p>Using other venues</p>	<p>As stated, WS Clare have a purpose-built training centre at this venue for the past 12 years. Lifesaving and swimming teaching / training has been taking place at this venue for approximately 80 years.</p> <p>The venue is relatively safe and is not as exposed to the elements as other nearby beaches. This includes limited large wave conditions and no rip currents. It is a small bay which makes it easier to control from a safety point of view.</p> <p>All other beaches nearby are more exposed and have conditions (rips and waves) that are dangerous, more so for very young participants.</p> <p>Other venues such as Lahinch and Spanish Point are extremely busy with other water users, leading to concerns for safety.</p> <p>Much of the equipment used for Lifesaving Training is expensive and bulky and is not practical to move for each training session.</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.

After using a Pinger on a trial basis during the Summer of 2025, the pinger appeared to work successfully for the short duration employed, whereby sightings of the dolphin in the shallow water during lifesaving training were less. However, there were occasions when “Dusty” did by- pass.

Following training during this trial period, Dusty always returned to the White Strand area when the pinger was removed at the end of training sessions. This is based on verbal reports of WS Clare members in situ for periods of time after training had ended and who reside at the location. This is indicative that the short use of the pinger did not have any long-term consequence on the presence of the dolphin in the bay.

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:

SUPPORTING INFORMATION

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- (1)
- a. **Objective of the proposal:** To safeguard young lifesaving participants during their training sessions at White Strand, Miltown Malbay for limited and set periods of time.
 - b. **Name, qualifications and relevant experience of volunteers:** All WS Clare coaches hold the relevant National qualifications required to deliver lifesaving training sessions. Many also have Beach Lifeguard experience. One WS Clare Coach is also a qualified Marine Scientist (PhD in Marine Science) who supported the research for the pingers.
- 2) **Background to the proposed activity:** After a number of serious safety concerns during the past number of years, due to interactions with “Dusty”, a solitary bottlenose dolphin, WS Clare have acknowledged the need to have additional precautions in situ when our 8 to 14 year old lifesavers are training.
- The incidents include witnessed attacks and tail swishing by the dolphin at people in the water, even when not approached by the particular swimmers.

The dolphin's size when in close proximity also give arise to concerns.

WS Clare members, young and old are all aware of Dusty's history. The majority of this is good. However, the negative incidents and the witnessed close interactions between the dolphin and people are also impacting the safety perceptions of our members.

- 3) **The Site:** White Strand is a sheltered small bay on the west coast of Co. Clare. It is a very popular beach due to its general safety and facilities. It is a Blue Flag beach and has lifeguards on duty during the Summer months (See Map 1 below).

Water Safety Clare have been teaching swimming and lifesaving at this venue for 80 years approximately and boast a purpose-built lifesaving training centre at the venue. This centre also incorporates public toilets, outdoor hot shower facilities and the Lifeguard station.

Along with teaching our 8- to 12-year-old members, WS Clare is also involved in the delivery of other training and events at this venue. These include:

- Water Safety and Swim weeks, at which 300 attend annually. This involves two full weeks of relevant training activities.
- Senior Lifesaving advanced training on 5 days a week from May to the end of September annually.
- Junior Lifesaving training on 4 days a week from June until the end of August.
- Joint host of the Malbay Swim annually, which attracts approximately 100 swimmers, novice to experienced, to race over set distances within the bay.
- Beach Lifeguard training courses and revalidations.
- Surfing Instructor training courses and revalidations.

The above activities involve many participants annually. However, our main safety concerns arise in regard to interactions between with the dolphin and our 8- to 12-year-old group, which is why this proposal is very focused and for limited and specific times. Not all participants react negatively when the dolphin being present.



Map 1: Overview of White Strand, Miltown Malbay, Co. Clare.

The Pingers will only be in the water during the 8- 14-year-old training sessions. This will be for a 2-hour duration on Sundays, Tuesdays and Thursday during the months of June, July and

August. The times have to vary with the tides because this group, for safety and logistical reasons, can only train between half tide and low tides on the stated days.

The Pingers used will be as specified and highlighted later in this additional information section. They will be attached to three temporary markers, set to mark courses during the sessions. They will only be put into the water immediately before the training session begins. Map 2 shows the triangular course used and its approximate position.

You will note how close these will be to the shore.

Both markers and pingers will be removed immediately after training.



Map 2: The yellow marks indicate the approximate location of the markers and pingers during training sessions.



- ✓ **REDUCE INTERACTIONS WITH PORPOISES AND DOLPHINS.**
- ✓ **"SEAL SAFE " RANDOMIZED FREQUENCY PINGER.**
- ✓ **MEETS ALL EUROPEAN AND US PINGER REGULATIONS.**

OPERATING SPECIFICATIONS

- Frequency: 60 kHz–120 kHz
- Sound pressure level: 145 decibels.

BATTERY

- Alkaline 1.5v C cell.

BATTERY LIFE

- 12 months based on 12 hours use per day.

DIMENSIONS

- 140 mm (5.5 inches) long x 50 mm (2 inches) wide.

WEIGHT

- 78 grams / 2.75 ounces
- 150 grams / 5 ounces (with battery).

OPERATION

- Hands-free water activated capacitance switch
- Works in salt or fresh water.

EXTERNAL CASING

- Highly durable UV resistant copolymer.

INTERNAL HOUSING

- Tough thermoplastic polymer.

PINGER SPACING

- Space Pingers every 200 meters on the net.

FEATURES

No need to add anything to our Pinger – simply tie them on to your net and start fishing.

Randomized frequencies means no Porpoise or Dolphin habituation to pinger.

Combining a high strength external copolymer carrier with super tough internal thermoplastic polymer housing, we offer the world's toughest most dependable Pinger.

Internal electronic capsule is locked inside the external housing – the internal electronic capsule cannot fall out while Pinger is attached to your net.

Smallest, lightest, safest Dolphin Pinger on the market.

Batteries are easy and fast to remove and replace.

Seals and sea lions cannot hear this Pinger eliminating the "dinner bell effect".

Meets all European and USA Pinger regulations.

Hands-free operation. Turns on and off instantly as Pinger enters and leaves the water.

Dolphin Pinger is easily and quickly attached to net ropes of all size. No need to thread ropes through our casing means faster, easier attaching and removing.

Easy to see battery level LED indicator with Red LED low battery warning.

Easy to replace widely available Alkaline batteries.

Advanced optimised sound generation ensures a consistent output of 145 decibels.

Tested to 1000 meters depth.

12 months warranty.

4) Evidence to support the Derogation Tests:

We trust we have outlined the safety reasons for proposing the use of pingers at the White Strand venue. This solitary dolphin, while attractive and mostly friendly has attacked and tail swished aggressively at some of our younger lifesaving participants. There are eye witness accounts of this behaviour at the White Strand. However, there is also video evidence of this type of behaviour to be found on You Tube at other venues.

Having researched the product to be used we adjudged this to be the best research supported item on the market and one which meets European standards.

Other research to support the absence of long-term negative impact on the dolphin has been included in the Scientific Report below. We have been unable to source any research about the use of pingers being used solely for the safety of swimmers. Much of the research we have sourced concerns the use of pingers to keep dolphins away from fishing nets, thus protecting both the nets and the dolphins.

Test 2 - Absence of Alternative Solutions:

In The Test 2 outline of the application form of pages 11 and 12 above, we have outlined strategies used and their outcomes.

The White Strand has been used by WS Clare for 80 years for lifesaving activities. Today, the activities delivered are more varied, for bigger numbers and to much higher standards than ever.

The historical association with White Strand, the safety of the venue and the numbers that attend were guiding reasons for WS Clare to build a purpose-built lifesaving centre at the location. This centre, in association with Clare Co Co also includes a number of public amenities and a modern lifeguard station.

The safety of the venue has been highlighted within the application. Other venues nearby are not suitable due to the presence of large waves, rips and big numbers of other water users. Much of the equipment used for advanced lifesaving training is expensive, bulky and difficult to transport.

The defined area of usage of pingers is near the White Strand beach and is in relatively shallow water. The bottom is sandy throughout. The outer bay will not be impacted. This, combined with the limited time usage of this technology will ensure the least amount of impact on any marine species, and in particular this dolphin. We have been unable to source any research into the impact of this type of technology on other species.

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.

5) Monitoring the impacts of the derogations

WS Clare will undertake to design and complete a Data Sheet approved by the National Parks and Wildlife services and submit this as requested.

In a conversation with Dr Simon Berrows, the possibility of carrying out supervised scientific research in regard to the effectiveness of the pingers has been discussed. This research will be available to guide other such applications in the future.

An offer to carry out this research has been made by the **IWDG**. It has been suggested that interns could be deployed to carry out some scientific behavioural observations. Any such research will be in liaison with the National Parks and Wildlife Service.

6) Scientific Report

Produced by Dr. Triona McGrath (BSc and PhD in Marine Science and a Water Safety Clare member).

Background to Pingers

Active sound emitters ('pingers') are used worldwide as a conservation measure to protect cetaceans from becoming entangled in fishing nets (i.e. bycatch). There are numerous studies published in scientific peer-review articles which have indicated that the use of pingers has coincided with significant reduction in by-catch of various species of cetaceans (e.g. Berninsone et al., 2022; Dawson et al., 2013). Pingers are also used to reduce the economic cost of dolphins removing or damaging caught fish, known as depredation (e.g. Dawson et al., 2013; Reeves et al., 2001).

Dawson et al. (2013) reviewed studies conducted to determine the effectiveness of pingers as management tools to protect cetaceans. They found significant reductions in bycatch of harbour porpoise *Phocoena phocoena*, franciscana *Pontoporia blainvillei*, common *Delphinus delphis* and striped dolphin *Stenella coeruleoalba*.

A study was carried out on the use of pingers on bottlenosed dolphins in the Shannon Estuary (Leeney et al., 2007), which observed (in 75% of trials) that both continuous pingers and responsive pingers acted as a deterrent for bottlenose dolphins, making them increase their distance from the sound source. The sound frequency of the pingers used in this Irish study were between 20 and 160 Hz (sound level 165 dB) and authors reported that these frequencies are sufficient to deter bottlenose dolphins. It should be noted that authors of this study were affiliated to the Shannon Dolphin and Wildlife Foundation, the Galway Mayo Institute of Technology Dublin, Bord Iascaigh Mhara, Galway and the Centre for Ecology and Conservation, University of Exeter, Cornwall.

Product Information

The Pingers purchased by Water Safety Clare to support its lifesaving training is the Future Oceans Netguard Dolphin Pinger 60-120 kHz.

The factsheet for this Pinger is available here: [FO-NetGuard-Dolphin-Pinger-60-120kHz-Jan23.pdf](#). The operating specifications are a sound frequency of 60 – 120kHz, with a sound pressure level of 145 decibels.

As outlined in the product specification, this is designed to 'reduce interactions with porpoises and dolphins', while also 'meeting all European and USA Regulations'. This type of pinger is in fact mandated in Norway, Poland and European fisheries, to protect dolphins from getting caught in fishing nets.

Future Oceans indicate through published projects and collaborations, that they play a critical role in ensuring the long-term health of cetacean populations worldwide (Future Oceans Projects - Acoustic Marine Pingers - Bycatch Reduction).

Concerns over the Use of Pingers

Sound Frequency and impact on dolphin hearing

Concern: The impact of pingers on the hearing of the dolphin. **Solution:** The sound frequency of the pingers purchased by Water Safety Clare (60- 120 Hz) meets all European Regulations, and is a similar frequency used in many scientific papers on the use of pingers as a conservation tool for cetaceans (e.g.

Leeney et al., 2007). Typically pingers with a sound pressure $\leq 150\text{ dB}$ are considered low intensity sound emitters (e.g. Reeves et al., 2001). The sound pressure for the pingers used by WS Clare is 145 dB. In addition, the pingers will only be put in the water for a maximum of 6 hours every week between the start of June and mid-August (this is equivalent to only 3.6% if any given week).

Solution: Gotz and Janik (2013) report that a solution to the concern on the impact on cetacean hearing is 'by decreasing sound exposure', which is the approach taken by WS Clare (where pingers are not in place for 96.4% of the week).

Impact on other aquatic animals

Concern: Impact of pingers on other aquatic animals

Solution: A study by Gotz and Janik (2013) reported that Fish and invertebrates have less sensitive hearing than marine mammals and fewer efforts have been made to quantify the effects of noise on these taxa. Furthermore, the limited time that the pingers would be in place in Whitestrand Beach is extremely small, and would therefore pose minimal risk to other aquatic life.

Impact of pingers on dolphin access to preferred habitat

Concern: The impact of pingers on preventing access to preferred habitat. In the review of multiple pinger studies, Dawson et al. (2013) stated that if pingers were permanently on and set in preferred habitats, they could deny animals access to important habitats.

Solution: The pingers used by Water Safety Clare are only to be used for a maximum of 6 hours in any week (3.4% of a week), therefore they would not deter Dusty from the shallow waters in Whitestrand Beach for 96.4% of any given week. Furthermore, Clare Water Safety have already discussed the possibility of a research project with Simon Berrow (Irish Whale and Dolphin Group) to monitor the presence and return of Dusty during and after lifesaving training

References

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Dawson, SM, Northridge, S, Waples DM and Read A. (2013). To ping or not to ping: the use of active acoustic devices in mitigating interactions between small cetaceans and gillnet fisheries. *Journal: Endangered Species Research* 19(3):201-221. DOI: 10.3354/esr00464. n19:201

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Ruth, Leeney, Simon Berrow, David Mcgrath, Brendan John Godley (2007). Effects of pingers on the behaviour of bottlenose dolphins. *Journal of the Marine Biological Association of the UK* 87(01). DOI: 10.1017/S0025315407054677.

Reeves RR, Read AJ, Notarbartolo-di-Sciara G (2001) Report of the workshop on interactions between dolphins and fisheries in the Mediterranean: evaluation of mitigation alternatives. IWC SC/53/.

Conclusions

We trust we have provided all of the information required to allow an informed decision in regard to the granting of a licence for the 2026 Summer season at the White Strand.

We believe there is a necessity for WS Clare to use the referred to pinger for the improved safety of our very young members. This technology is judged to be unnecessary for other WS Clare activities at the White Strand venue.

This is an unusual situation whereby there is a solitary bottlenosed dolphin “Dusty” in our locality who interacts with members of the public and who is attracted to activity in the water.

The proposed area of use is a confined section of the White Strand area. It is a shallow, sandy area within 100m from the shoreline.

The times for use have been outlined and are limited to a maximum of 6 hours per week during the months of June, July and August, 2026.

We have outlined published research in regard to the use of pingers and conclude they are safe for dolphins and observations from our pilot exercise in 2025 indicate they do not deter their return to the area once the pingers are removed.

The offer of carrying out scientific research by IWDG, if required, has also been outlined.

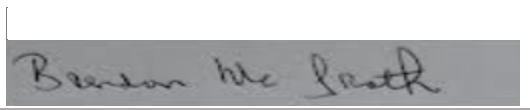
Overall, the use of pingers as presented is a public health measure, particularly for our younger lifesaving participants (largely 8- to 12-year-olds) and will contribute to the continued safety and enjoyment of lifesaving in the area.

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 | 29/1/2026

Name in BLOCK LETTERS

| **Brendan Mc Grath** |

