



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 Miss	Forename(s) Rachel	Surname Haynes
(b) Company Name, if applicable	Queen's University Belfast, funded through National Parks and Wildlife Service	
(c) Address Line 1	Railway Lodge	
Address Line 2	Killelton	
Town	Camp	
County	Kerry	
Eircode	V92W1R8	
(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	Multiple locations around Castlemaine Harbour, Inch, Dingle and Caherdaniel.	
Address Line 2		
Town		
County	Kerry	
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	Forename(s)	Surname
Miss	Rachel	Haynes
(b) Company Name	Queen's University Belfast	
Address Line 1	Railway Lodge	
Address Line 2	Killelton	
Town	Camp	
County	Kerry	
Eircode	V92 W1R8	
(c) Contact number	[REDACTED]	
(d) Email address	[REDACTED]	

(e) Relationship to Applicant	I am the PhD student conducting day to day management of the following Munster Technological University placement students:
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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
Clara	Cummins	MTU placement student
Kai	Cochrane	MTU placement student
Liam	Ryan	MTU placement student
Ríoghnach	Timmins	MTU placement student

Part B: Species covered by the Derogation

1. **Species of Animal:** Please indicate which species is/are the subject of the application:

- Natterjack Toad ☐

2. Please detail the exact species (scientific name): Epidalea calamita

3. Please provide the maximum number of individuals affected* Exact number unknown, approximately 300. _____

4. Please provide the maximum number of breeding or resting sites affected* 200

5. Please provide the maximum number of eggs to be taken* 0

6. Please provide the maximum number of eggs to be destroyed* 0

*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.

Exact numbers cannot be given, as disease surveillance swabs and microbiome swabs will be taken for as many individuals as are encountered (those in amplexus or laying eggs will not be handled or disturbed).

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.

Previous derogation for 1st season of surveying in 2026: DER-NATTERJACK TOAD-2025-02

Approximately 250-300 individuals handled for swabbing and sex determination.

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:		30.03.2026
End Date:		31.07.2026

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.

Natterjack toad (*Epidalea calamita*) is classified as regionally endangered and declining (King et al 2011, Reyne et al 2019). It is therefore not considered to be at favourable conservation status. It is protected under Annex IV of the EU Habitats Directive (92/43/EEC), therefore requiring 3 years of surveying every 6 years to report on conservation status in NPWS Irish Wildlife Manual.

J.L. King, F. Marnell, N. Kingston, R. Rosell, P. Boylan, J.M. Caffrey, Ú. FitzPatrick, P.G. Gargan, F.L. Kelly, M.F. O'Grady, R. Poole, W.K. Roche, D. Cassidy
Ireland Red List No. 5: Amphibians, Reptiles & Freshwater Fish. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland, 5 (2011), pp. 47-48.

Reyne, M., Aubry, A., Martin, Y., Helyar, S., Emmerson, M., & Reid, N. (2019). Natterjack toad (*Epidalea calamita*) monitoring and conservation status 2016–2018 Irish Wildlife Manual No. 107. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, Dublin.

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

The surveys and handling for sex identification/swabbing will provide insight into the effectiveness of current conservation efforts (including the agri-environment pond creation scheme and headstarting and translocations), which have been implemented to improve their conservation status. This data will show population trends that will build on previous data from 2011-2013 (Sweeney et al 2013), 2016-2018 (Reyne et al 2019) and 2024-2025 and will provide evidence that can be used by NPWS in future management strategies for achieving favourable conservation status.

While the surveys may involve temporary and localised disturbance to individual toads, these potential impacts are outweighed by the long-term benefits of understanding and optimising conservation interventions to improve their conservation status.

Disturbance to other species will be minimal. Sympatric frogs and newts will be carefully handled and swabbed to assess disease status and microbiome assemblages, which greatly outweigh any negatives of short-term handling.

Reyne, M., Aubry, A., Martin, Y., Helyar, S., Emmerson, M., & Reid, N. (2019). Natterjack toad (*Epidalea calamita*) monitoring and conservation status 2016–2018 Irish Wildlife Manual No. 107. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, Dublin.

Sweeney P, Sweeney N, Hurley C (2013). Natterjack Toad monitoring project, 2011–2012. Irish Wildlife Manuals, No 67. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.

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.)

- 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.

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

The proposed activities fulfil the objectives of research and monitoring of re-population efforts. Capture and handling are necessary to (i) accurately identify sexes of toads (for estimating adult population size), (ii) to swab individuals for diseases and (iii) to take swabs to assess the microbiome. This is the standard protocol for disease surveillance, and all surveyors will be trained in handling and swabbing techniques to minimise stress and discomfort to the animals (Boyle et al 2004).

These actions provide the empirical data required to evaluate the success of breeding operations (headstarting) and translocations. For example, determining the sex ratio of the wild population is essential for predicting long-term viability, and this can only be achieved through handling, as the primary reliable indicator (the reddish/purple vocal sac on the chin of males) is not visible from above.

All handling will be conducted by trained surveyors using established protocols (e.g. Boyle et al 2004) to minimize stress. The critical data yielded by these research activities regarding population health and demographics directly informs the management of the species, thereby overriding the interest of strict protection by ensuring the survival of the species at a population level.

Additionally, if 'doomed spawn' is discovered (i.e. at a pond that is due to dry out before the spawn/tadpoles can develop) and it is deemed necessary and requested by NPWS staff (and in a situation where NPWS staff do not have staff available to do so themselves), we will assist with collection and transportation of tadpoles or spawn to Fota Wildlife Park or Dingle Aquarium for their longstanding headstarting programme. This will be completed in accordance with the welfare and husbandry recommendations described in the EAZA Best Practice Guidelines for the natterjack toad (Pederson et al 2025).

Boyle, D. G., Boyle, D. B., Olsen, V., Morgan, J. A., & Hyatt, A. D. (2004). Rapid quantitative detection of chytridiomycosis (*Batrachochytrium dendrobatidis*) in amphibian samples using real-time Taqman PCR assay. *Diseases of aquatic organisms*, 60(2), 141-148.

Pedersen, C., Ellegaard, S., Di Marzio, A., McLaughlin, J., Rasmussen, L. V., Jansone, G., & Rozentāls, R. (2025). EAZA Best Practice Guidelines for the natterjack toad (*Epidalea calamita*)—.

- 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.

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.

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- 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.
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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	As a protected species, it is vital that we gain information on their breeding success, population biology and any factors that could be influencing survival e.g. disease. Therefore, not monitoring the toads is not an option. This is especially pertinent as statutory reporting for the 2026 NPWS Irish Wildlife Manual (for which I have been contracted to undertake) requires 3 years of breeding season surveys, of which this is the 3rd. Currently, the only way to ascertain numbers of egg strings and therefore estimate breeding success and female population counts is through visual spawn surveys. This involves surveyors walking slowly and carefully around the edges of each pond, noting the number and placement of eggs strings. This is a relatively non-invasive method of surveying. Female natterjack toads lay one egg string per season, and so this can be a somewhat accurate method of assessing female population counts (Beebee and Denton 1996), however this is an

	imperfect method, as female natterjacks do not usually breed every year (Smith and Skelcher 2019). Each pond is visited every 7-10 days, to calculate the cumulative egg string count per pond throughout the breeding season. Various environmental parameters are also recorded (pH, water and air temperatures, sward height, salinity, percentage of aquatic, substratum and emergent vegetation cover and threats/pressures), to assess compliance with the agri-environment scheme and to monitor the suitability of each pond. These measurements are non-invasive. Vocalisations are also noted if heard during pond surveys, however this alone count is not used to assess breeding success or population size, as it does not provide an accurate representation of numbers of males present or of the resultant breeding success. Furthermore, surveys take place during the day (to minimise disturbance) and this species primarily breeds and calls at night (Gómez-Mestre 2014). To further minimise disturbance, bioacoustic monitors (Song Meter Micros) will be trialled as a non-invasive method of identifying presence/absence at various ponds to ascertain presence/absence and to trial value of bioacoustics to estimate population sizes. These surveys cannot be undertaken at other (less disruptive) times of year, as toads only congregate at pools during the breeding season and egg string counts are needed to estimate breeding success.
Survey toads without handling	Firstly, it is possible that without inspection via handling, toads could be mis-sexed, which would skew the adult counts. Secondly, it is vital that the toads are assessed for disease (ranavirus, Bd and Bsal), as this is one of the leading causes of amphibian declines. With the introduction of invasive species, including common toad (<i>Bufo bufo</i>) and alpine newts (<i>Lissotriton alpestris</i>) to Ireland, there is a risk of disease transmission, particularly for the latter

	species, which are a known vector. Although these diseases can be detected in water samples, skin swabs are the most effective method. Thirdly, skin swabs are also the only way to determine the microbiome of the skin, which is a known factor in ineffective amphibian headstarting programmes. Therefore, it is vital that this is investigated, to maximise the success of the longstanding headstarting programme.

* 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.

Possible Impacts: The proposed activities (capture, handling, and swabbing) present a risk of temporary physiological stress to individual Natterjack toads. There is also a theoretical risk of pathogen transfer (e.g., *Batrachochytrium dendrobatidis*) between individuals or across sites if biosecurity is breached.

Mitigation Measures: In accordance with the Precautionary Principle, the following high-standard mitigations will be implemented to ensure no detrimental impact on the population's Favourable Conservation Status (FCS):

Sterile Handling and Biosecurity: To prevent cross-contamination, fresh, powder-free nitrile gloves will be used for every individual handled.

Time-Limited Handling: To minimize capture-induced stress, handling for sexing and swabbing will be completed in under two minutes per specimen.

Expert Oversight: All surveyors are pre-trained in Natterjack-specific handling to avoid injury.

Evidence of Success: These specific mitigation measures have a proven track record of success in Ireland. Similar protocols were employed during the 2011–2013, 2016–2018 and 2024-2025 monitoring cycles (Sweeney et al. 2013; Reyne et al. 2019; (unpublished) NPWS Interim Monitoring Reports 2024 and 2025), with no recorded negative impact on population trends or survival rates. Furthermore, the Conservation Evidence database supports non-invasive swabbing as a standard, safe practice for amphibian disease surveillance globally.

Conclusion on Conservation Status: This derogation will not be detrimental to the population. In fact, it supports the maintenance of the population at FCS by providing the health and demographic data essential for the NPWS to manage the species' natural range effectively. The localised, temporary disturbance of individuals is an acceptable trade-off for the population-level biosecurity and management insights gained.

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:
 - ☐ There should be a clear explanation as to why a specific reason(s) has been selected in the application form.

- ☐ 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
 - ☐ 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.
 - ☐ 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
 - ☐ 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.
 - ☐ 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.
 - ☐ 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 pertyui[']
 - b. -
 - ☐ Ji9
 lented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
 - c. Applicants should provide details of proposed reports to be submitted to the NPWS including the results of monitoring.
 - d. 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

R. Haynes

Date

29.03.2026

Name in BLOCK LETTERS

RACHEL HAYNES

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