



**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	Aidan	Dolan
(b) Company Name, if applicable	Glanua ]	
(c) Address Line 1	Railway House	
Address Line 2	Station Road	
Town	Loughrea	
County	Galway	
Eircode	H62VN56	
(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	Hospital Wastewater Treatment Plant	
Address Line 2	Millfarm	
Town	Hospital	
County	Limerick	
Eircode	FHG7+WJ	

### 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	Matthew	Kieran
(b) Company Name	MKO Ireland	
Address Line 1	Tuam Rd	
Address Line 2	[	
Town	Galway	
County	Galway	
Eircode	H91 VW84	
(c) Contact number	[REDACTED]	
(d) Email address	[REDACTED]	
(e) Relationship to Applicant	Contracted Ecologist	

**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
[	[	[
[	[	[
[	[	[
[	[	[
[	[	[
[	[	[
[	[	[
[	[	[
[	[	[
[	[	[
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[	[	[
[	[	[
[	[	[

## 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): [ *Lutra lutra* ]

3. Please provide the maximum number of individuals affected\* [ 2 ]

4. Please provide the maximum number of breeding or resting sites affected\* [ 1 holt ]

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.

[ ]

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.

[ Derogation Licence- DER OTTER- 2024-73 granted for the licence year 2024. Confirmed that the license was returned to the NPWS in November 2024.

Derogation Licence-DER-OTTER-2025.04 granted for the licence year 2025. Confirmed that the license was returned to the NPWS in December 2025. ]

**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:	<input type="text" value="01/12/2025"/>
End Date:	<input type="text" value="01/12/2027"/>

## 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.)

[ In October 2023, the Environmental Protection Agency (EPA) published a report summarising the treatment of wastewater in Ireland during 2022 titled “Urban Wastewater Treatment in 2022”. Hospital WWTP was identified as 1 of 39 areas that are the main significant source of pollution impacting local waters. As such, if the issues within the Hospital WWTP are resolved the health of River Mahone will be significantly improved.

The existing Hospital WwTP is significantly overloaded and not fit-for purpose, resulting in failure to meet the Wastewater Discharge Licence (WWDL) requirements and the Good and High Environmental Quality Standards (EQS) as set out in the Surface Water Regulations 2009. The results of the ambient monitoring showed that there were increased concentrations of Ammonia, Biological Oxygen Demand and Orthophosphate downstream of the WWTP, resulting in a deterioration of water quality in the River Mahore downstream of the WwTP.

New infrastructure constructed under the IWSS Programme provided storm water and sludge storage facilities and did not increase the treatment capacity of the WWTP. As such, the WWTP continues to experience overflows and non-compliant final effluent. As such, an upgrade of the treatment process is required in the interest of public health and water quality.

The proposed upgrade works will provide a range of benefits to the community, the environment of Hospital and the waters of the River Mahore. The proposed works involve the upgrading of the existing Hospital WwTP to cater for the future agglomeration load and to ensure compliance with future WWDL Emission Limit Values (ELVs) ]

- 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. <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”
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Do-Nothing

The existing Hospital WwTP is significantly overloaded and not fit-for purpose, resulting in failure to meet the Wastewater Discharge Licence (WWDL) requirements and the Good and High Environmental Quality Standards (EQS) as set out in the Surface Water Regulations 2009. The results of the ambient monitoring showed that there were increased concentrations of Ammonia, Biological Oxygen Demand and Orthophosphate downstream of the WwTP, resulting in a deterioration of water quality in the River Mahore downstream of the WwTP.

If the proposed upgrade works at Hospital WwTP were not to go ahead, the treatment plant will continue to fail to meet the Wastewater Discharge Licence (WWDL) requirements, and the Good and High Environmental Quality Standards (EQS) as set out in the Surface Water Regulations 2009. As a result, water quality in the River Mahore would continue to deteriorate, and the current treatment plant would remain overloaded and not fit-for purpose.

The purpose of the upgrades to the existing WwTP is to cater for the future agglomeration load and to ensure compliance with the future WWDL Emission Limit Values (ELVs) through the following:

- The provision of new secondary aeration and settlement tanks will greatly improve the treatment process of the WwTP, this additional tank will allow greater settlement of the treated effluent greatly reducing the suspended solids carry over in the final effluent. This will also add to the condition of the final effluent quality discharging to the River Mahore.
- The provision of new sludge drying reed beds will allow for sludge to be wasted from the secondary treatment process. This will provide for a more efficient secondary treatment and enhance the quality of the final effluent. This will also add to the condition of the final effluent quality discharging to the River Mahore.
- The proposed upgrade works shall significantly reduce the number of sludge removal tankers to and from Hospital WwTP. The current sludge holding capacity is approximately 7 to 14 days, requiring regular tankers visit the site.
- The proposed upgrade works will increase the plants' ability to meet the emission conditions set out in the Wastewater Discharge Licence.

As part of the upgrade works at Hospital WwTP, a 1M diameter outfall pipe and headwall arrangement will be constructed to the north of the site, along a drainage ditch that outfalls to the River Mahore.

Following the implementation of the upgrade works, the operational phase of the WwTP will result in significant improvements in the treatment of effluent entering the River Mahore, which provides higher assimilative capacity within the River Mahore, and overall resulting in better water quality within the River Mahore, ]

\* 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.

[An Otter holt was recorded along with various Otter signs (prints, couch, spraints) along the River Mahore, in close proximity to the existing outflow location. From the camera trap footage captured, it was concluded that the Otter hold identified along the bank of the River Mahore, in close proximity to the existing outfall pipe is an active non-breeding holt. The below listed mitigation measures will be in place to minimise the potential disturbance to otters. Provided that the works are carried out in accordance with the design, best practice and mitigation, significant effects on otters are not anticipated at any geographic scale.

All works will be carried out in line with NRA's *Guidelines for the treatment of otters prior to the construction of national road schemes (2009)*.

The Proposed Development Site is located approximately 10m south of the otter holt along the River Mahore. The Proposed outfall/ headwall is located approximately 35m west of the otter holt, along an unmapped drainage ditch.

The mitigation measures provided below are prescribed on a precautionary basis, given that there has been no evidence that the holt is used for breeding to date.

Channin P (2003)<sup>1</sup> provides a literary review with regard to anthropogenic disturbance and refers to several reports which have found that disturbance is not detrimental to Otters (Jefferies (1987), (Durbin, 1993), (Green & Green, 1997). The report also describes successful breeding in towns, under ferry terminals and under the jetties of one of Europe's largest oil and gas terminals at Sullom Voe in North Scotland.

Irish Wildlife Manual No. 23 (National Otter Survey of Ireland 2004/2005) found no significant relationship between disturbance and otter occurrence. In addition, no significant difference in otter presence was found between sites with and without recreational activity. It also states, "the lowest percentage occurrence was found at the sites with the lowest recorded disturbance". Irish Wildlife Manual No. 76 (National Otter Survey of Ireland 2010/2012) notes that the occurrence of Otter was unaffected by perceived levels of disturbance at the survey sites. It also notes that there is little published evidence demonstrating any consistent relationship between Otter occurrence and human disturbance (Mason & Macdonald 1986, Delibes et al. 1991; Bailey & Rochford, 2006).

(Continued below)

Based on the above review of scientific literature and given that the proposed construction works will be undertaken with mitigation according to NRA guidelines, no significant effect with regard to disturbance of otter is predicted.

- A preconstruction Otter survey will be carried out in advance of the commencement of any works, no more than 10-12 months prior to construction (NRA 2009). The monitoring period should include before and also during construction works, and extended, if necessary, based on the findings of the pre commencement survey. A preconstruction Otter survey will be carried out in advance of the commencement of any works, no more than 10-12 months prior to construction (NRA 2009). The monitoring period should include before and also during construction works, and extended, if necessary, based on the findings of the pre commencement survey. Works involving the site set up have commenced on the Site in December 2025. A preconstruction Otter survey has been carried out in November 2025 in advance of the commencement of any works, as described in Section 4.5 above and the on-going monitoring plan is in place.
- If the otter holt is determined to be a maternity holt prior to construction works commencing, all works will be halted and further consultation with the NPWS will be undertaken.
- No works will be undertaken within 5m or 10m of the otter holt-
- Prior to any invasive construction works commencing on the site, a 10m buffer/exclusion zone composed of timber/ plywood hoarding fencing, lined with a sound dampener will be temporarily erected along the existing fencing to the north of the existing WwTP, adjacent to the embankment.
- This 10m exclusion zone marked by timber hoarding (along the base of the embankment) will facilitate the minimum area for construction works to be undertaken while preserving the vegetation where the holt is situated. This will prevent machinery access or damage to the existing bank and to minimise noise disturbance and to avoid disturbance related impacts to the local otter population.
- Fencing will be erected in accordance with Clause 303 of the NRA's Specification for Roadworks (National Roads Authority). Appropriate awareness of the purpose of the enclosure will be conveyed through notification to site staff and sufficient signage will be placed on each exclusion fence. All contractors or operators on site will be made fully aware of the procedures pertaining to each affected holt.
- No wheeled or tracked machinery will work within the 20m buffer surrounding the Otter holt.
- No artificial lighting should emanate onto the existing embankment and treeline to prevent light disturbance to otters. Construction staff will be made aware of the restrictions of working close to the riverbank and the hoarding will be made high enough to prevent unauthorised storage of construction spoil over and behind the hoarding.
- No water containing sediment or pollutants will be discharged directly from the construction areas onsite to the River Mahore, as this may impact local aquatic fauna on which the otter relies on for food.

## 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** [ 01.12.25 ]

**Name in BLOCK LETTERS**

[ Aidan Dolan ]

npws.ie

Department of Housing, Local Government and Heritage



An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreacht  
Department of Housing,  
Local Government and Heritage