



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	[Caitrín	[Foley
(b) Company Name, if applicable	[]	
(c) Address Line 1	[Executive Engineer	
Address Line 2	[Housing and Water Services Department, Dún Laoghaire-Rathdown County Council, 3 rd Floor, 2 County Hall, Marine Road	
Town	[Dún Laoghaire	
County	[Co. Dublin	
Eircode	[]	
(d) Contact number	[██████████	
(e) Email address	[██████████	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	[Glenavon Park	
Address Line 2	[]	
Town	[Ballybrack	
County	[Co. Dublin	
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	[Bill	[Brazier
(b) Company Name	[Triturus Environmental Ltd.	
Address Line 1	[Unit 5	
Address Line 2	[Anchor Business Park	
Town	[Little Island	
County	[Cork	
Eircode	[T45 XN59	
(c) Contact number	[██████████	
(d) Email address	[██████████	

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* [n/a]

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

5. Please provide the maximum number of eggs to be taken* [n/a]

6. Please provide the maximum number of eggs to be destroyed* [n/a]

*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

[The suspected holt in question was inactive in the May-November 2025 period (trail camera monitoring) and thus the number of individual otters potentially affected by proposed works is unknown. The derogation is sought on a precautionary basis (for indirect disturbance only).]

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.

[]

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

Start Date: [01/09/2026]
End Date: [31/12/2026]

Part C: Nature of the Derogation.

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

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	<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.)

The proposed scheme consists of the installation of a 1200 mm diameter tunnelled overflow culvert underneath the railway, the provision of additional storage in Glenavon Park, a series of flood containment walls upstream of the Killiney Hill Road Bridge, including upgrading the parapet of the existing bridge, upgrade works in the existing culvert at Granville Road, the upgrade of the existing screen at the entry of the Seafield

culvert, installation of additional coarse screens, and provision for future adaptation of all the measures listed to the impacts of climate change on the modelled flood levels. The Deansgrange FRS' main objective is to provide the required Standard of Protection (SoP) against floods caused by the 1 in 100 year design storms across the Deansgrange catchment. This area, studied as part of the wider Loughlinstown catchment, had been designated at risk of flooding in the Eastern Catchment Flood Risk Assessment and Management (CFRAM). The works undertaken within the Deansgrange FRS will manage this risk.

The Glenavon Park area already floods in the existing and baseline case. In the proposed scheme the lower portion of the park is to be re-landscaped to attenuate flood waters moving through the system and limiting the amount of flow moving further downstream to Killiney Hill Road and Seafield and Bayview estates. The inclusion of Glenavon measures also provides benefit in reducing water (flood) levels downstream at Seafield culvert and is a necessary measure climate change adaptation for the scheme. The inclusion of Glenavon Park storage also has benefits in relation to improving public amenity space.

- 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.

Social & economic public interest: The FRS is of significant social and economic public interest given its aim is to reduce flood risk to residential and commercial properties while also providing additional benefits such as improved biodiversity and public amenity space with limited impact on the visual character of the area (see JBA & JBB, 2023). The FRS also directly supports the objectives of the National Planning Framework, the National Development Plan and the Dún Laoghaire-Rathdown County Development Plan.

Beneficial consequences of primary importance for the environment: The flood relief detention basins proposed for construction in Glenavon Park, inclusive of 2 no. offline storage ponds/wetlands (upper and lower) and flood defence embankments, will be managed as wetland habitat. A Landscape Management Plan for the site will provide a multifunctional landscape that acts as a biodiversity hotspot along the green corridor of Deansgrange Stream, while also providing flood relief measures. The flood storage at Glenavon Park will be activated for flood events from 5% AEP upwards. However, during regular flow periods the storage area will be designed to promote wetland habitat generation for biodiversity gains. It is considered that the proposed flood alleviation measures in Glenavon Park will likely have a net positive effect on otter utilising the Deansgrange Stream corridor once the outlined mitigation is applied in full. This is given the existing poor quality riparian habitats and limited prey resources/foraging opportunities along the Deansgrange Stream in the vicinity of proposed FRS works.]

- 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.

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	The ‘Do Nothing’ scenario is defined as the option involving no future expenditure on flood defences or maintenance of existing defences/channels and the abandonment of any existing practices. The implication is that the existing risk of flooding persists in the study area and possibly worsens over time. It would also result in a lost opportunity to integrate fish

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.

	<p>passage and improve/remediate aquatic habitats along the Deansgrange Stream. The 'Do Nothing' approach fails to accord with national and local planning policy and environmental protection objectives.]</p>
[Do Minimum]	<p>[The 'Do Minimum' approach consists predominantly of ongoing maintenance works or implementing additional minimal measures to reduce risk to specific areas with no strategy in place. This is in order to maintain the existing standard of protection and would generally involve repairing and reinforcing existing walls now and as repairs are needed in the future. This is not a suitable option due to existing flood pathways where there are no barriers to flow.]</p>
[Alternative designs / locations]	<p>[From the detailed measures analysis (JBA & JBB, 2023), it has been found that there is only one viable option will deliver a sustainable and effective flood relief scheme, i.e. Option 1 - Railway Culvert Option. No alternatives are viable or deliver the required standard of protection. This is unusual, but the restrictions and constraints with all the main measures means that only a combination of all viable measures can be assembled to deliver this scheme. There is a limited number of options to reduce the flooding around Killiney Hill Road and those have been explored.</p> <p>There are key measures that combat the flood mechanisms within the catchment. It was found that the inclusion of walls at Killiney Hill Bridge, together with Glenavon Park storage (Measure F in JBA & KBB, 2023) generates the lowest design levels and greatest overall benefit relative to the baseline scenario and therefore is considered the preferred option configuration for the present-day scheme. The inclusion of Glenavon Park storage also has benefits in relation to improving public amenity space with a full landscape scheme and the storage has added benefits in managing the impacts of climate change.]</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.

[The derogation is being applied for to protect a suspected otter breeding/resting area (i.e. holt) in the vicinity of proposed FRS works at Glenavon Park. The works involve the excavation of 2 no. offline flood storage areas and associated embankments that will be managed as a wetland. The biodiversity value of this nature based solution alongside the Deansgrange Stream is predicted the benefit otter also in terms of additional habitat and foraging/prey resources. Appropriate otter mitigation measures will be adopted during the construction and operation phases and are summarised in section 4.4 below. Furthermore, there is no requirement to remove the suspected otter holt and disturbance is indirect and temporary only. No holt or resting place will be removed, modified or directly interfered with.

In conclusion, there will no significant negative impact to the conservation status of otter in the study area.]

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

[26/01/26

Name in BLOCK LETTERS

[CAITRÍN FOLEY

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage



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