



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-OTTER-2026-05
(Survey Derogation)**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS, 2011
(S.I. No 477 of 2011)**

DEROGATION

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as “the Habitats Regulations”.

The Minister for Housing, Local Government & Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Adrianus Wilhelmus J.J. De Jongh, Ecologist of Stichting Otterstation Nederland, Grote Kerkstraat 65, Leeuwarden, Province Friesland, 8911 EB** a derogation. It is stated that this derogation is issued:

- A. 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. As there is no satisfactory alternative, and the action authorised by this derogation will not be detrimental to the maintenance of the population of **otters** referred to below at a favourable conservation status in their natural range.

This derogation authorises the following:

- 1. disturbance
- 2. Actions authorised within the derogation in respect of **otters**



Terms and Conditions

1. This derogation is granted solely to allow the examination of potential otter holts as necessary in order to undertake surveys within the **Republic of Ireland**.
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid injury or unnecessary distress to any **Otter**. Anything done other than in accordance with the terms of this derogation may constitute an offence.
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The actions which this derogation authorise shall be completed between the **11th April -31st December 2026, inclusive**.
5. Maximum of up to 10 otters to be fitted with tags over the licence period.
6. Pregnant or lactating females or young cubs should not be tagged and should be released immediately on site.
7. A qualified vet will be on hand to administer the necessary sedative and supervise the health of the otter during tagging, recovery and release.
8. The harness will be lightweight and include a fail-safe breakaway mechanism preventing snagging.
9. The harnesses with transmitters will be designed to detach after 3–4 months.
10. Local NPWS staff to be contacted before trapping sessions commence.
11. A full report on all trapping activities and subsequent otter movement data to be submitted to NPWS on completion of the project.
12. The above named derogation holder must comply with **NRA's 'Guidelines for the treatment of Otters prior to the construction of National Road Scheme.'**
13. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
14. On completion of the activities which this derogation authorises, all recordings of otter affected will be made using the standardised data form provided below and must be submitted to the NPWS **within four weeks of the expiry date** of this derogation. Included with the below returns form, a report must be submitted to wildlife.reports@npws.gov.ie detailing results of surveys and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



NPWS

An tSeirbhís Páircanna
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National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

(an officer authorised by the Minister to sign on his behalf)

27 March 2026

Any query in relation to this derogation should be sent to reg54derogations@npws.gov.ie





Derogation Assessment

Name of Applicant: Adrianus Wilhelmus J.J. De Jongh

Location/Name of Project: Survey

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	<input checked="" type="checkbox"/>
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input type="checkbox"/>
(c) Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
(d) Damage or destroy a breeding or resting place of such an animal, or	<input type="checkbox"/>
(e) 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"/>
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
(b) 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"/>

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason the applicant claims should be applied to the derogation

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



ii. Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on regulation 54(2) (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’* as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, it is clear that the applicants are relying on the research and education aspect of Reason D. As outlined in the accompanying report titled “App Report”, a derogation is required to assist with proposed radio tracking research focusing on coastal otters. The report notes the research will be undertaken across Europe and Ireland with the Irish study area being Roaring Water Bay SAC and surrounding waters, Co. Cork.

The objective of the research is to provide scientific based knowledge in relation to Otters. The research will involve the trapping and GPS tagging of Otters to help identify foraging zones, movement corridors and interactions with human activities to assist in the protection and conservation of the species. Following this research, a report including results, impacts, and all mitigation outcomes will be provided to NPWS and the study results will be published in a scientific journal.

The applicants have provided evidence as to the nature and scale of the research and education reasoning and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2. |



Test 2: Absence of a satisfactory alternative

Please tick the following where it applies and add a comment below to support the recommendation:

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):

This application relates to a proposed research project to monitor the movements of otters in Roaringwater Bay. The activity involves capturing and tagging up to 10 otters. It will entail some temporary disturbance to individual animals. A number of alternative research methods have been considered by the applicant:

- Do nothing → No ecological data; conservation blind spots remain.
- Camera traps → Cannot identify individuals; cannot record all kinds of relevant behaviour.
- Genetic studies alone → Valuable for identification, kinship, diet, food availability, but insufficient for fine-scale spatial and temporal ecology.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions can deliver the necessary behavioural, spatial and ecological data.

Having weighed the possible solutions it is concluded that the application has passed Test 2 and can proceed to Test 3.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



Test 3: Impact of a derogation on conservation status of the species

Please tick the following where it applies and add a comment below to support the recommendation:

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6)

The study would see up to 10 otters captured and tagged to inform our understanding of otter movements in Irish coastal waters. The study will also contribute to a wider understanding of otter ecology across Europe. The otter is in favourable conservation status. The proposed survey methods has EU approval and follows strict conditions. The applicant is a very experienced otter researcher with extensive experience trapping, handling and tagging otters both in Ireland and elsewhere. His previous research has demonstrated that the methods result in no moderate or serious injuries to the captured animals. Suitable mitigation measures have been incorporated into the study including the use of a lightweight harness and breakaway safety system to eliminate snagging risks; pregnant or lactating females or unfit animals will not be tagged; a qualified vet will be on hand to administer the necessary sedative and to monitor the otter’s health

The otter is in favourable conservation status and providing the mitigation measures are implemented the derogation would not be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.

(Please also see suggested licence conditions below)

If the answer above is Yes then the derogation may be granted, providing Tests 1 and 2 have also been met.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



Derogation decision

The application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, has been assessed by officials in the Department and the following decision has been made:

Tick box where appropriate:

There is no satisfactory alternative

and the derogation is not 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.

Therefore, a derogation may be granted to the applicant, since it is—

(a) in the interests of protecting wild fauna and flora and conserving natural habitats

(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property,

(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,

(d) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants, or

(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.

OR This application has been refused as one or more of the conditions set out above have not been met



The following conditions should be attached to the derogation:

1. Maximum of up to 10 otters to be fitted with tags over the licence period.
2. Pregnant or lactating females or young cubs should not be tagged and should be released immediately on site.
3. A qualified vet will be on hand to administer the necessary sedative and supervise the health of the otter during tagging, recovery and release.
4. The harness will be lightweight and include a fail-safe breakaway mechanism preventing snagging.
5. The harnesses with transmitters will be designed to detach after 3–4 months.
6. Local NPWS staff to be contacted before trapping sessions commence.
7. A full report on all trapping activities and subsequent otter movement data to be submitted to NPWS on completion of the project.

[add additional conditions where required] |

Signed: .

Date: March 27, 2026

Position: Ecologist