



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	Denis	O'Connor
(b) Company Name, if applicable	EPS	
(c) Address Line 1	Mallow Business & Technology Park	
Address Line 2	Quartertown,	
Town	Mallow,	
County	Co. Cork	
Eircode	P51 AC94	
(d) Contact number		
(e) Email address		
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Proposed outfall headwall for the new Dromcollogher WwTP	
Address Line 2	Municipal District of Newcastle West	
Town	Dromcollogher	
County	Limerick	
Eircode	93R5+CP4 Donaman, County Limerick	

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
Ms	Emily	Fair
(b) Company Name	MKO	
Address Line 1	Tuam Road	
Address Line 2		
Town	Galway	
County	Co. Galway	
Eircode	H91 VW84	
(c) Contact number		
(d) Email address		
(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

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.

[N/A]

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.

[[DER/BAT 2022 – 79 (Amended 02/09/2022). Confirmed that the license was returned to the NPWS]

[[DER-OTTER-2024-42] Dromcollogher WWTP Confirmed that the license was returned to the NPWS]

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:	July 2026
End Date:	January 2029 **

Please note that these dates are in relation to the entire project (WwTP upgrades) and not the proposed duration of the headwall on the River Deel. The new proposed outfall headwall is anticipated to take between **4-5 days in total.

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.

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

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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.

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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 recorded otter holt is located on the River Deel, approximately 60m downstream of the proposed new outfall headwall. The holt will be entirely retained and there will be no works within proximity of the holt location. The placement of a pre-cast outfall headwall approx. 60m upstream of the known holt location is expected to take approximately 4-5 days in total to complete. The placement of the headwall will be temporary, short-term works and therefore the derogation for potential temporary disturbance is sought on a precautionary basis.

The existing infrastructure at the Dromcollogher WwTP does not provide the sufficient level of treatment or capacity to serve the current and future populations. According to the 2023 and 2024 Annual Environmental Report (AER) for Dromcollogher, the WwTP discharge was not compliant with the ELV's set in the wastewater discharge licence for both consecutive years, which is having an observable impact on the water quality of the Ahavarragh Stream.

In addition, the location of the current outfall on the Ahavarraga Stream does not provide sufficient dilution capacity for the population equivalent (PE) expected in the future within the agglomeration. Therefore, in the interest of public health and water quality in line with the Water Framework Directive (WFD) and the Surface Water Regulations (2019), the outfall location must be moved to a location with a higher dispersal and dilution rate in order to provide sufficient treatment to the current and future predicted effluent quantities.

The Proposed Development seeks to provide Dromcollogher with a new WwTP and a new outfall pipe to divert effluent to the River Deel (Deel (Newcastlewest)_050), a larger receiving waterbody. The points below outline a mix of needs, drivers, objectives and additional benefits of the project, including:

- Better health and integrity of the environment;
- Improve the water quality of the Ahavarragh Stream;
- Provide a more suitable outfall location on a larger waterbody (River Deel), which will have higher river flow rates and therefore a higher effluent dispersion capability;
- Facilitate growth and development in the area;
- Ensure compliance with national and EU regulations relating to the treatment of wastewater (Including the Water Framework Directive (WFD), Surface Water Regulations (2001))

This project aims to allow for the provision of a new WwTP, the decommissioning of the existing site and to provide treatment of the final effluent from the Dromcollogher Agglomeration to standards required by the Urban Wastewater Treatment Directive (UWWTD). The Proposed Development will comprise the construction of a wastewater treatment plant to provide treatment capacity for a Population Equivalent (PE) of 1,350 at 10 years, and 1,550 at 30 years.

This location for the new proposed outfall headwall has been chosen due to the significantly increased dilution capacity of the River Deel in comparison to the existing situation on the Ahavarragh Stream. Additionally, the outfall pipeline route from the upgraded plant to the new outfall headwall will be constructed almost entirely within the public road network, following the R522, L7027 and the L1306, which will prevent any losses of potentially significant ecologically sensitive habitats.

The location of the outfall chosen has been considered below in Test 2.

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

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.

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.

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	<p>The current Dromcollogher WwTP is discharging treated effluent to the Ahavarraga Stream through an outfall pipe adjacent to the WwTP. The existing infrastructure at the Dromcollogher WwTP does not provide the sufficient level of treatment or capacity to serve the current and future populations. Previous inspection and CCTV surveys indicated that large areas of the existing combined sewer are structurally inadequate, hence, not operating properly. Therefore, upgrades are required to ensure that effluent is properly treated before being discharged into the watercourse.</p> <p>If the outfall were to remain in its current position, water quality in the Ahavarragh Stream would likely deteriorate due to increasing nutrient loads as a result of the WwTP not being capable of treating the effluent to the required standards. It is likely that the receiving and downstream waterbodies would fail to meet the requirements of Surface Water Regulations and Water Framework Directive with increasing population loads in the future.</p>
Retaining the existing outfall on the Ahavarragh Stream; not moving the outfall to the River Deel	<p>The Ahavarraga Steam is no longer a viable option for an outfall due to the low dilution factor and tight Emission Limit Values (ELVs) associated with this stream. A Waste Assimilative Capacity (WAC) assessment was carried out for both the current and the proposed outfall location, and it was determined that continuing to discharge effluent into the Ahavarraga stream is unfeasible from a technical and water quality point of view, as it is not possible to treat effluent to the standards required by the Water Framework Directive (WFD) and the</p>

	<p>Surface Water Regulations (2001). The WAC assessment also determined that the current discharge is exceeding 'Good Status' Environmental Quality Standard (EQS) within the Ahavarraga Stream.</p> <p>The location of the proposed outfall was selected based on a number of criteria, including but not limited to the accessibility of the proposed location and the limited requirement for access infrastructure (paths, lighting, for example) as well as the limited vegetation growth and absence of trees along the riparian corridor at the proposed location. An outfall location selection report has been provided as Appendix 2 of the supporting information document accompanying this application form with further detail provided on the outfall location selection.</p> <p>As stated above in the 'do nothing scenario', similarly if the outfall were to remain on the Ahavarragh Stream, water quality would likely deteriorate due to increasing nutrient loads as a result of the WwTP not being capable of treating the effluent to the required standards. It is likely that the receiving and downstream waterbodies would fail to meet the requirements of Surface Water Regulations and Water Framework Directive with increasing population loads in the future.</p>
<p>Alternative Outfall Location other than the River Deel</p>	<p>A number of outfall locations were considered, however the River Deel was chosen given that this river has high flow rates and a larger dilution capacity, therefore the proposed ELV requirements will be less stringent, while still allowing the WwTP to operate within 'Good Status' EQS, even with an increased population equivalent (PE) in the future. In addition, this outfall location allows for the proposed outfall pipeline to be built entirely along the existing public road network, which prevents the need for invasive construction works or in-stream works at water crossing points.</p> <p>The nearest suitable receiving waterbody to the existing outfall meeting the criteria in order to comply with the required ELVs for this project is the River Deel.</p>

	<p>In addition, this outfall location allows for the proposed outfall pipeline to be built entirely along the existing public road network, which prevents the need for invasive construction works or in-stream works at water crossing points. This also prevents the requirement for acquiring private lands for construction of pipelines.</p> <p>As outlined in Section 2.4 of the supporting information document, one of the drivers and objectives of the project is to ensure compliance with national and EU regulations relating to the treatment of wastewater (including the Water Framework Directive (WFD), Surface Water Regulations (2001)) while allowing for population growth within the agglomeration in the future. Retaining the outfall at its current location would mean the WwTP would be non-compliant with these EU regulations. Additionally, this alternative solution would not meet the objective of improving the water quality of the Ahavarragh Stream if it were to be retained on the Ahavarragh Stream.</p>
<p>Alternate location 150m downstream of the known otter holt location considered (on the River Deel)</p>	<p>A location for the proposed outfall was considered 150m downstream of the known otter holt location. Moving the location of the proposed outfall further downstream would result in the need for longer stretches of pipework, as well as more construction activities within private lands for which there are no existing landowner agreements. Additionally, a topographical survey of the adjoining field and riverbanks was undertaken. The consideration of the downstream location of the proposed outfall location has steep riverbanks and dense vegetation which would inhibit the outfall from being safely placed on the riverbank of the River Deel. Additionally, this location would not permit safe access to the river for maintenance works at the outfall or safe access to the riverbank for monitoring. Relocating the headwall further downstream would compromise the ability to safely and consistently undertake monitoring both</p>

	upstream and downstream of the proposed new outfall location.
Alternate location 150m upstream of the known holt location considered (on the River Deel)	<p>A location for the proposed outfall was considered 150m upstream of the known otter holt location. If the proposed new outfall were to be moved 150m upstream of the existing holt, this would necessitate additional access infrastructure, including pathway formation, fencing, and likely lighting requirements. The riverbank location approximately 150m upstream of the holt has existing dense vegetation growth and trees present. If this location were considered, tree removal would be necessary; not only at the outfall location but also for river access to safely facilitate sampling monitoring. This would likely result in the modification of the riparian corridor, resulting in habitat fragmentation, and permanent barriers to wildlife movement at this location as a result of habitat loss and fencing requirements. As a result, it is likely that this would represent a greater ecological impact in relation to riparian habitat loss, than at the current outfall proposal. Relocating the headwall further upstream would compromise the ability to safely and consistently undertake monitoring both upstream and downstream of the proposed new outfall location.</p> <p>An objective of this project is to provide a more suitable outfall location on a larger waterbody (River Deel), which will have higher river flow rates and therefore a higher effluent dispersion capability. Additionally, the outfall pipeline route from the upgraded plant to the new outfall headwall will be constructed almost entirely within the public road network, following the R522, L7027 and the L1306, which will prevent any losses of potentially significant ecologically sensitive habitats outside of the public road network. If an alternative location at a different position was selected on the River Deel, it is likely that these alternative locations would require the loss of roadside verge habitat, linear habitat loss, riparian vegetation/riverbank</p>

	<p>habitat loss or other ecologically sensitive habitats. Additionally, the River Deel is the only river within a feasible range of the existing outfall to support the dilution requirements of the WwTP.</p> <p>It is also noted that there are currently no established water quality monitoring points in proximity to the proposed outfall location. The proposed headwall location has been selected to allow for the establishment and maintenance of appropriate future monitoring points both upstream and downstream of the new discharge location, in line with best practice and regulatory requirements.</p>
<p>Conclusion</p>	<p>Given that a key objective of this project is to ensure compliance with water quality policies and for better health and integrity of the local environment, selecting an alternate would be contrary to this key objective of the project if monitoring stations could not be established upstream and downstream of the proposed outfall location. Furthermore, as detailed above, to facilitate safe river access for monitoring, additional riparian vegetation/tree loss would be required at either alternative location (150 upstream and downstream of the known holt location).</p> <p>Taking into account of the receiving waterbody, compliance with ELVs, ecological considerations, operational safety, future monitoring requirements, and construction duration, the proposed headwall location is considered to represent the only practical and feasible option. No alternative location has been identified that would deliver a reduced overall impact on the wider receiving environment.</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.

Annex IV species must be maintained at Favourable Conservation Status or restored to favourable status if this is not the case at present. The net result of granting a derogation licence must be neutral or positive for the species in question.

Based on the camera trap footage taken between the 1st and the 15th of March 2023 as well as between October 8th to the October 24th, 2025 in combination with the literature review on typical characteristics of otter holts (please refer to supporting information document accompanying this license application form) it was determined that the identified otter holt approximately 60m downstream of the proposed outfall location is an active, non-breeding holt. The below listed mitigation measures will be in place to minimise the potential temporary disturbance to otters. Provided that the works are carried out in accordance with the design, best practice and mitigation that is described within this report, 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 new outfall headwall will be located approximately 60m from the known otter holt location, therefore no works will be required any closer than 60m away from the holt location. 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)¹ 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)

(Continued...)

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 the potential temporary disturbance of otter is predicted.

- 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).
- Fence off a construction exclusion zone of 50m from the known location of the otter holt. There will be no wheeled or tracked vehicles (of any kind) within this 50m exclusion zone as there is no requirement for works anywhere but the location of the proposed headwall (60m from the holt location).
- Limit working hours to daylight hours only, which will remove the need for external lighting to be used for the construction of the headwall. This will avoid the most active otter times at dusk and dawn.
- Otters are naturally inquisitive animals and are likely to investigate a construction site. All machinery that is left on-site overnight will be temporarily fenced off or cordoned off to which could cause harm to otters.

Monitoring is proposed during and following the proposed works:

- A pre-commencement construction otter survey will be carried out by a suitably qualified Ecologist to assess the known holt location and to confirm that at the time of construction, the holt is still not being used as a natal holt. This will be carried out in advance of any potentially disturbing works at the proposed outfall headwall (no more than 10-12 months in advance of construction) to ensure that there will be sufficient time to allow actions to be undertaken to protect otter populations prior to the commencement of construction.
- If, during the pre-commencement otter survey, it is determined that the holt is being used as a natal holt at the time of construction, the NPWS will be notified and works within 150m of the holt will be stopped until further consultation with NPWS and further mitigation implemented, as required.
- An updated otter survey will be carried out by a suitably qualified ecologist post-construction of the outfall headwall, including an in-stream survey and further camera monitoring to inform the license return. |

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

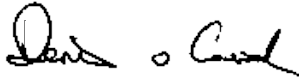
- a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
- b. Applicants 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

Name in BLOCK LETTERS

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PRIVACY STATEMENT

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Department of Housing, Local Government and Heritage



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