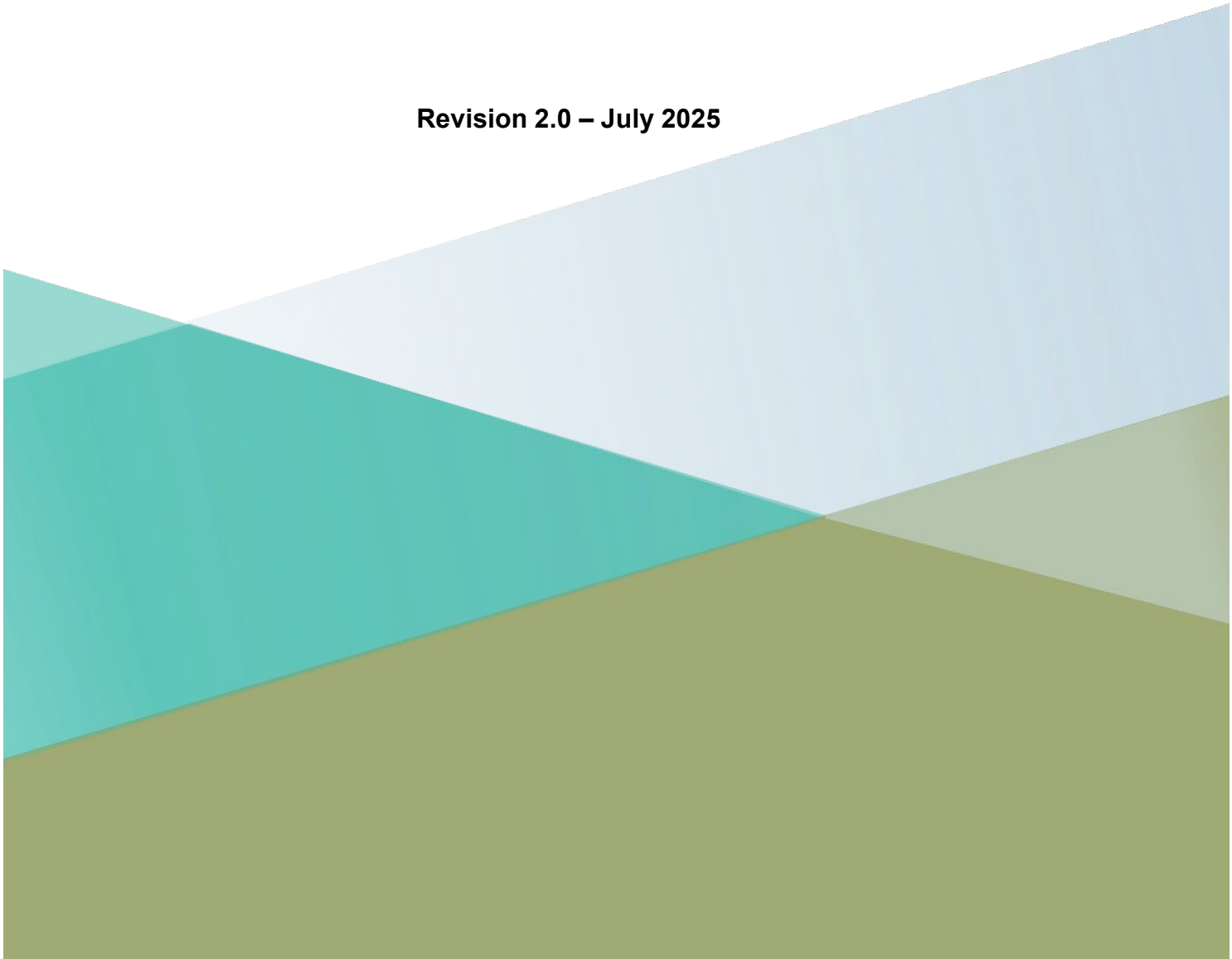
NPWS
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

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
	Finbarr	Wall
(b) Company Name, if applicable	University College Cork	
(c) Address Line 1	3 Carrigside	
Address Line 2	College Road	
Town		
County	Cork	
Eircode	T12 YE33	
(d) Contact number	[redacted]	
(e) Email address		
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	North Mall Campus	
Address Line 2	North Mall	
Town	Cork City	
County	Cork	
Eircode	T23 XA50	

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.	Ross	Macklin
(b) Company Name	Triturus Environmental Ltd.	
Address Line 1	Unit 5	
Address Line 2	Anchor Business Park	
Town	Little Island	
County	Cork	
Eircode	T45XN59	
(c) Contact number	[redacted]	
(d) Email address		
(e) Relationship to Applicant	Sub-contractor	

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
n/a		

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): European otter (*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* 2 no.

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.

2 no. holt sites will be disturbed indirectly

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-OTTER-2025-14; DER-OTTER-2025-07; DER-OTTER-2022-94 – returns made for all

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:	1st June 2026
End Date:	31st December 2026 (covering permitted derogation period)

Part C: Nature of the Derogation.

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

Regulation 51	
Deliberately capture or kill any specimen of the relevant species in the wild	☐
Deliberately disturb these species, particularly during the period of breeding, rearing, hibernation and migration	☒
Deliberately take or destroy eggs of the relevant species in the wild	☐
Damage or destroy a breeding or resting place of such an animal, or	☐
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	☐
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	☐

Further information should be provided in the format set out in Part E: Template for Supporting Information

Part D: Derogation Tests

Note: The following <u>summary</u> 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 1a)**	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property **(proceed to 1b)**	☐
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 1c)**	☒
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 1d)**	☐
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 1e)**	☐

1a. 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.

n/a

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

n/a

1b) 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.

n/a

1c) 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.)

n/a

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

National Development Plan

The Tyndall expansion is based on the express requirement of Government to upgrade and expand the Institute's world-leading capabilities and expertise in cutting edge, state-of-the-art research. This has been explicitly referenced in the Governments Project 2040, National Development Plan 2018-2027 as well as within the subsequent DBEI document Investing in Business, Enterprise and Innovation 2018-2027. This investment will position Tyndall as an international leader of scale in translational research, allowing it to play a key role in the further development of ICT innovation and impact in Ireland. The proposed new facility will allow Tyndall to cater for up 250 post-graduate students (currently at circa 125) and 750 staff (currently circa 325) as reflected in the Government's National Development Plan.

Therefore, this new facility will bring a wide range of social and economic benefits as follows:

- Improved Education Opportunities
- Advancement of Knowledge
- Job Creation
- Community Development
- Better Healthcare and Quality of Life
- Attracting Talent

Furthermore, see link to recent announcement confirmation of approval to expand this major research Institute https://www.ucc.ie/en/news/2026/university-college-cork-ucc-welcomes-government-announcement-approving-major-expansion-of-the-tyndall-national-institute.html

As noted, this will:

- Strengthen Ireland's national research infrastructure in semiconductors and related technologies
- Support balanced regional growth by expanding research capacity and capability
- Increase research impact, enterprise engagement and international competitiveness
- Underpin industrial development in key enabling technologies that drive advances in computing, artificial intelligence, and communications - linchpins of the knowledge economy

Qualitative Economic and Social benefits associated with providing a new building
2.1 Improved Academic image of UCC and Tyndall:

- The provision of state of the art research facilities will assist in attracting a high calibre of student to UCC at both an undergraduate level and postgraduate level.

- This reflects positively on the University's image and is a key tool in boosting UCC and Tyndall's rankings as being a top university and institute for research-and innovation internationally.

2.2 Improved academic performance

Increasing Tyndall's capacity to accommodate additional postgraduate students on the UCC campus will assist in enticing students who are interested in pursuing a career in the high-tech sector to study at the college at an undergraduate level.
The improved facilities and additional postgraduate spaces on campus will also play a key role in encouraging UCC students who are currently studying undergraduate courses in this sector to continue to postgraduate level. Students striving for places in postgraduate courses will require high marks in exams, which will in turn have a positive impact on the overall academic performance of the college.

Benefits for the wider economy:

- Both Options would generate construction activity in the local economy to the value of circa €75million.
- They will also contribute a significant amount to the exchequer in direct and indirect taxes.
- Tyndall is home to a large percentage of postgraduate students from abroad. This increased spend from international students will have a positive impact on local businesses and the rental market in Cork. In addition, the extra students and staff will result in increased revenues for UCC through tuition fees and general spend on campus.
- Tyndall has built a strong reputation to date of producing 'world firsts' from its industry focused research. Both options will increase Tyndall's research capacity, in particular in the case of Option 2.
- The development of world firsts in research will have a positive effect on the Irish economy, while finding innovative solutions to technological issues worldwide.
- One of the key considerations of the National Planning Framework is to ensure that the second tier cities are the drivers of the regional economies. The significant investment into Cork will provide a greater counterbalance to the economic activity generated in Dublin and its surrounding area.
- Tyndall currently hosts up to 100 IDA visits per year. Both options will enhance the quality of the facilities at the Institute and will represent a key lever in the IDA toolbox when attracting foreign direct investment and international businesses to Ireland.
- The investment in Tyndall will significantly increase the of highly skilled people available to industry and academia, with each new job expected to have a substantial multiplier effect (i.e. 3 / 4 times) across the economy.
- The expansion in Tyndall will lead to a higher number of European Research Council ("ERC") funded researchers and new Multi-National Corporation ('MNC') production and development in Ireland.

2.4 Industry Impact

- Ireland has built a strong reputation as a global leader in technology and innovation in recent years. The digital intensive sector in Ireland accounts for a significant portion of Irish exports - approximately 26%. A key issue for the sustainable growth of the sector in Ireland is the attraction and retention of high-skilled labour.

- The investment in the new state of the art facility at Tyndall will show Ireland's visible commitment to supporting research and development in the technology sector, and help to fulfil Ireland's goal of becoming the technology capital of Europe and a high-tech skills hub.
- The new building will increase the capacity of the Institute to accommodate more high-tech spin-off companies and start-ups, which will allow for knowledge transfer within the Institute, while enhancing Ireland's competitiveness internationally and creating a diverse range of highly skilled and high value jobs.

1d) 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]

n/a

1e) 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.

n/a

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.

n/a

[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	• If the "Do Nothing" option is chosen, it would effectively result in Tyndall becoming less relevant, losing out on the opportunity to further expand its capabilities and to be competitive on a world stage. The do nothing option would be detrimental as it would mean Tyndall would not have the necessary state-of-the-art research infrastructure to compete on an international scale. • Tyndall would likely lose out on the ability to attract the necessary talent required to generate economic impact through excellence in research. Top research talent is necessary for grant funding applications and in the generation of new research income. • Without the requisite tools and staff, it is likely that Tyndall will become less attractive as a partner of choice for Horizon 2020 and other international collaborative projects and FDI. • This option would result in Tyndall not being able to fulfil the requirements explicitly referenced in the Governments Project 2040, National Development Plan 2018-2027 as well as within the subsequent DBEI document Investing in Business, Enterprise and Innovation 2018-2027
Alternative Locations	Alternative Locations 3.1 Remote Location An option was initially identified to move Tyndall to a new greenfield location outside of the city. This option would require either a dual-campus Tyndall or the rebuilding of the entire Tyndall campus outside of the city. This would result in a potential loss of Tyndall's proximity to the University campus and city centre and the loss of ease of access for students and academics, the majority of whom utilise public transport. It would also require the rebuilding of the Cleanroom fab and other research centres that were heavily invested in (circa €50m) in 2008. In environmental terms the relocation of these facilities would result in a waste of natural resources, given the level of works required to replicate the facilities elsewhere. This option would also go against the City Council's Cork City Development Plan 2015-2022, in particular Planning Application EIAR Chapter 13 CITY CENTRE AND DOCKLANDS – sub section 13.8 – Core Principles: Maintaining the City Centre as the vibrant 'healthy heart' of the region. Vacating the Lee Maltings site would represent a significant negative impact on this part of the city centre, in particular as Tyndall have ensured the

	continuing occupation and upkeep of the historic Lee Malting Complex in a way that alternative modern developments would find difficult. The existing facility could not easily be re purposed given its specialist design. This option has been considered by UCC / Tyndall as the least practical option for strategic reasons, and therefore has not been evaluated further 3.2 Nearby Location Once the decision was made to build a new facility close to the existing Tyndall Campus at Lee Maltings, a location across the river on the North Mall was identified as one that would provide a suitable site for the new facility. The North Mall was purchased by UCC & MUH to accommodate the strategic development of new University, Research and Healthcare facilities for both organisations. This development is supported by the Cork City Development Plan 2015-2021 where development on the site is acceptable in principle but is restricted by designations which prioritise landscape preservation and include specific objectives related to amenity. Section 14.46 of the 2015 CDP states that: *The City Council will encourage and support in principle, future expansion plans including intensification of the existing campus and/ or new development at the North Mall Distillery lands (as part of a joint development with Mercy University Hospital for educational and healthcare purposes - that respects the landscape character, built and natural heritage of such sites and the amenities of adjoining uses, taking account of the site specific objectives in Chapter 10. Objective 5.11c and Objective 10.5 makes provision for a pedestrian / cycle bridge to access the North Mall Distillery Site.* 3.3 Adjacent Location A critical factor to the success of Option 2 - New Building Option is proximity to the existing Tyndall Campus. The Tyndall Community will share facilities across the campus to avoid unnecessary duplication of very specific science and research activities and environments. The creation of a holistic 'One Tyndall' environment is seen as a key driver to successful collaboration Tyndall's various activities and the integration of their numerous industry partners. The proposed new bridge connection plays a critical role in achieving 'One Tyndall' by connecting the existing Tyndall Campus directly to its new facility. It will also accommodate future public links between Grenville Place (Mercy University Hospital) and the future Masterplan development of the North Mall Campus. The siting of the proposed bridge is governed by the location of the new facility Potential Adjacent Locations: A number of locations were assessed for suitability on the North Mall; these are noted as Alternative Adjacent Locations (AAL) 1,2 & 3 on Figure 3.54.

Table 3.4 Option 1 - Greenfield location to the West of the site	
Pros	Cons
Makes use of the most open part of the North Mall site	Too far removed from the existing Tyndall Campus, which will negate a One Tyndall development and negate ease of travel between Tyndall Facilities.
Good linkages to the central road	Travel to and from the existing Tyndall Campus will have to be around the existing and derelict Bottling Plant
Set back from the site boundary allowing for the potential of greater height.	This location will put more emphasis on arriving by car and increase traffic on the site

Table 3.5 Option 2 - North of the Cooperage Building	
Pros	Cons
Near to the entrance of the North Mall Site	Too far removed from the existing Tyndall Campus, which will negate a One Tyndall development and negate ease of travel between Tyndall Facilities.
Good linkages to the central road	Travel to and from the existing Tyndall Campus will have to be around the existing and derelict Bottling Plant and the Cooperage Building
Continues a line of existing buildings	This location will put more emphasis on arriving by car and increase traffic on the site
	The site is restricted by the embankment to the rear and the neighbouring developments.

Table 3.6 Option 3 - South of the Cooperage Building	
Pros	Cons
Directly opposite the existing Tyndall Campus facilitating ease of travel to and from and the creation of a viable One Tyndall Campus.	The design of the building will have an impact on the existing Bottling Plant Building.
Ease of access to the existing Tyndall Campus will facilitate walking and cycling to and from the new facility with less dependency of cars.	The new building will be in close proximity to the mature riparian river bank.
Placing the new building at this Eastern edge will also establish an extension of the city fabric onto the North Mall site, avoiding a visual and physical gap in development.	

Figure 3.54: North Mall Site with proposed adjacent location


Figure 3.55: Aerial view of North Mall Site

	3.4 Conclusion: Based on the analysis of Options 1,2 & 3 and considering that the fundamental reason for choosing an adjacent site is to be close to the existing Tyndall Campus - Option 3 is the only option that allows for such proximity and the creation of a viable One Tyndall development. Option 3, as the only viable option, has a number of key characteristics that must be addressed in the design of a new building in that location. These include: 1) Protected View A key feature of the is the protected view from Gurranebraher Road to the North of the site to St Finbarr's Cathedral to the south of the site, viewing location SFC5 from the Cork City Development Plan 2015-2021 (Figure 3.56 and Figure 3.57). Study Plans Figure 3.60, Figure 3.62 and Figure 3.65 illustrate the view lines which run across the Eastern corner of the North Mall Site. 2) Landscape The mature riparian planting and trees along the river's edge are a significant feature of the site. 3) Existing Buildings The site on the North Mall, formerly known as the 'Distillery Fields', contains several important buildings and structures as identified in Chapter 2 Project Description and Chapter 12 Cultural Heritage. Two of these buildings are in close proximity to the proposed adjacent site and have the potential to be impacted by the new building, these are: The Cooperage Building - This building is recorded in The National Inventory of Architectural Heritage (NIAH Ref 20500775). It is currently occupied by UCC for Research purposes and has been significantly refurbished in recent years. It is therefore a living working building Irish Distilleries, Bottling Plant - the proposed site is located within the former grounds of the Irish Distillers Company, the former bottling plant associated with this company remains extant and occupies a large portion of the site. Built in c.1964, designed by Cork Architect Frank Murphy, the building has no formal protection but is referenced as an example of 20th Century Industrial architecture in the NIAH's publication 'An Introduction to the Architectural Heritage of Cork City'.
Alternative Designs	**Alternative Layout Designs** 1. Alternative Layout Designs

Once the decision to proceed with a new building on the North Mall site and in a location adjacent to the existing Tyndall Campus was made, there were three possible options identified.
Due to the recent investment made in the Cooperage Building and the fact that it is a 'live' working research facility for UCC, a decision was made to retain this facility and this is reflected in each of the options below.

Option A - Infill option – Create a new building that leaves the existing structures intact.
Option B - Partial demolition – Create a new building that retains or incorporates part of the existing buildings
Option C - Full demolition – Create a new building and demolish the entire Bottling Plant.
These three options are explored in detail in the following pages.

Figure 3.58: Site adjacent to the existing Tyndall National Institute

Option A (Infill option) – Create a new building that leaves the existing structures intact.

Infill option – Create a new building that leaves the existing structures intact.

An Infill building was tested on the site, located in the proposed adjacent site in the Eastern corner between the Bottling Plant and the Cooperage. Retaining the Cooperage Building and the Bottling Plant limits the area of ground that can be built upon and therefore requires a tall building approach.

A basement level was considered, however following the initial flood risk analysis and the requirement for perimeter sheet piling and a 600mm thick pressure slab to form the basement this was omitted to mitigate the risk of water ingress. This risk was heightened by the fact that the expensive tools and microscopes requiring ultra low vibration need to be located on the bottom most, ground bearing slab.

Pros	Cons
Maintains the existing structures on site protecting a significant piece of heritage	Creates a tall building with a large and negative impact on the protected view
Creates a city landmark	Creates a mismatch in scale with the neighbouring Cooperage.
	Significant impact on a recognised Area of High Landscape Value
	Creates difficulties in accommodating a science & research environment where collaboration, connectivity and flexibility are key drivers. The small floor plate and number of floors are not conducive to creating this type of environment.
	Access & Maintenance and the installation of future large equipment is more challenging.
	Low vibration criteria is harder to achieve. This is required for Tyndall research activities.
	Due to the small floorplate, M&E plantrooms will need to be located on the roof or basement with long travel distances to floors.

Option B (Partial demolition) – Create a new building that retains or incorporates part of the Bottling Plant.

Partial demolition – Create a new building that retains and incorporates part of the existing buildings

The former bottling plant is a significant ground scraping structure, stretching 160m along the riverbank. Its footprint therefore takes up a large portion of the site in the East West direction.

The building is a concrete structure with accommodation and canopied entrances to the river side. This section of the building has been embellished through architectural form and material (yellow glazed brick). Behind this façade the main bulk of the building is a typical industrial large span volume with a series of industrial roof lights.

Pros	Cons
Maintains the architecturally significant elements of the Bottling Plant.	Will require substantial investment in upgrading the existing fabric which is significantly deteriorated. The exposed concrete has spalled in numerous locations, the window sills and glazing will have to be replaced, the roof also.
Re-uses existing fabric, reducing demolition and carbon footprint.	The retention of the Bottling Plant reduces the site area available to the new development, the new design will need to make use of expensive basement construction to permit the same volume of usable space and avoid increasing the height of the building. potentially interfering with the protected view.
Integrates new with old, maintaining the proud Tyndall tradition stemming from the Lee Maltings site.	The architectural form of the Bottling Plant with its heavily horizontal characteristics will dictate a new architectural form for the Tyndall Building.
Increases the Public Realm and Biodiversity potential by allowing the existing vehicle access areas for trucks etc to the loading bays to become an amenity space.	The "blank" nature of the Bottling Plant north wall will preclude daylight from penetrating a large area of the ground floor plan of the new building and create a barrier to the cross river relationship between the two Tyndall sites.

Option C (Full demolition) – Create a new building and demolish the entire Bottling Plant.

Full demolition – Create a new building and demolish the entire Bottling Plant.

Demolition the Bottling Plant allows for a new building of lesser height. In this instance a building is proposed that steps up from four floors at the eastern edge adjacent to the Cooperage to seven floors at the western edge.

The location of the building allows for direct connection to the existing Tyndall Campus, via the bridge and extends the fabric of the city into the North Mall site in a continuous and appropriate manner.

Pros	Cons
Allows greater design freedom to create a bespoke facility to serve the needs of the Tyndall Institute.	Requires the demolition of the Bottling Plant with negative Architectural Heritage implications.
Allows greater freedom for daylight to penetrate the ground floor of the new building.	
Allows greater access to views and a closer visual relationship between the new Tyndall Building and the Lee Maltings complex.	
Permits a greater ground level footprint and avoids the need for basement construction.	

<u>Conclusion:</u>

It is acknowledged that the demolition of the Bottling Plant will have a negative impact on Cork's legacy of twentieth-century modernist architecture and therefore Option B has been selected as the optimum outcome, where the architecturally significant elements of the Bottling plant are retained and integrated with the new Tyndall Building. The pros and cons of all options, as listed clearly identify Option B as the most appropriate and viable option for development of Tyndall National Institute's New Facility.

* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

2. 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.

Evidence that actions permitted by a 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 as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.

No otter breeding (holt) or resting (couch) areas will be directly disturbed as a result of the proposed Tyndall development works. Holt H1, located along the distillery race channel and holt H2, located along the south bank of the River Lee, are situated outside the direct footprint of the proposed works. Holt H2 is located on the opposite bank of the River Lee from the proposed development area, further reducing the potential for direct impacts. Given the presence of an existing busy walkway, very mature riparian treeline and the tidal River Lee between the proposed development and Holt H1, indirect disturbance impacts are likely more limited. However, all short-term, indirect disturbance to otter breeding and resting areas during the construction phase cannot likely be avoided. Mitigation measures, including mitigation by design, focusing on the minimisation of disturbance to otter (see below), will be implemented.
These measures are designed to ensure that the permitted actions will not be detrimental to the maintenance of otter populations, thereby supporting the species' favourable conservation status within their natural range in compliance with Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.

Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere.

No otter breeding (holt) areas will be directly disturbed as a result of the proposed Tyndall development works. Otter breeding and resting areas recorded along the south bank of the River Lee (i.e. holts H1 and H2) are located outside the direct footprint of the proposed works. Holt H1, located along the distillery race channel on the north bank, was determined to be inactive during the most recent survey (approximately 88m from the proposed development) and secluded by an existing treeline. Otter holt no. H2 is located approximately 131m respectively from the proposed development. The two couch sites (C1 & C2) are also located on the south bank of the River Lee, but are situated beyond the 20m buffer from the proposed works area (60m and 120m respectively).

While direct impacts are not anticipated, short-term indirect disturbance to otter breeding and resting areas during the construction phase cannot be entirely ruled out. Measures will be implemented to minimise disturbance to otter, their habitat and prey resources during both the construction and operation phases of the development. Measures align with best practice guidance for otter (e.g. NPWS, 2021; TII, 2009) with evidence of successful implementation in previous infrastructure projects across Ireland and elsewhere as summarised below.

The main viable mitigation measures are as follows to protect otter from indirect disturbance related impacts:

- Ecological Clerk of Works (ECoW) supervision during the construction phase to ensure buffers are maintained minimising any encroachment by plant.
- Ecologically sensitive areas associated with otter activity will be clearly demarcated on the Tyndall development side using ecological sensitivity signage prior to the commencement of works.
- A trail camera monitoring program1 will be continue to be implemented by the Project Ecologist/ ECoW to observe otter activity and detect any disturbance-related impacts. Monitoring will continue throughout the construction period to ensure mitigation measures are effective and to allow for real-time adjustments as needed.
- All construction personnel will receive a site-specific briefing from the Project Ecologist/ECoW prior to works commencing. This briefing will identify the locations of nearby otter holts, including the inactive holt on the north bank and outline all required mitigation measures.
- The activity status of holt H1 has currently been determined as inactive given no signs of activity were noted during the current survey inclusive of trail camera monitoring. Additionally, dead leaves and cobwebs were identified at the holt entrance, which is indicative of prolonged disuse. Historically only a single otter trigger was identified during the 2021 monitoring of the holt by MWP. Should the holt become active during the construction phase, additional mitigation shall be implemented. These will include the installation of temporary acoustic screening/barriers in areas closest to the holt, to minimise disturbance arising from construction-related noise and vibration.
- Monitoring results and ecological updates will be provided regularly to the client and construction team by the ECoW throughout the construction period, ensuring that mitigation measures remain effective and responsive to site conditions.

As much information as possible to allow a decision to be made on this application.

Robust information pertaining to otters, inclusive of detailed mitigation proposals, has been provided in the current report to best inform the decision process.

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** 26/05/2026

Name in BLOCK LETTERS Finbarr Wall

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
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