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 2026

- 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.	Donal	Kearney
(b) Company Name, if applicable	Dublin City Council	
(c) Address Line 1	Civic Offices, Wood Quay, Dublin 8	
Address Line 2		
Town	Wood Quay	
County	Dublin	
Eircode		
(d) Contact number		
(e) Email address		
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Donore Harriers Track	
Address Line 2	Chapelizod, Dublin	
Town	Chapelizod	
County	Dublin	
Eircode		

Details of Person Submitting Application on Behalf of Applicant/Derogation Holder

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant should be entered below:

1. (b) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr.	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* 6 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.

5 no. holt sites and 1 no. couch site 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 July 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 derogation is sought under Article 16(1)(c) of Regulation 54(2) given that the proposed works are;

- (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.

The derogation is required given the proximity of the identified otter breeding and resting places (i.e. five holts H1-H5 & one couch C1) to the proposed works at Donore Harriers running track. There is no alternative option but to proceed with the development in the vicinity of the identified potential breeding and resting areas. Although holt closures have been avoided through the design process, indirect disturbance during the works will be unavoidable. As outlined in section 5.2 below, no suitable alternative designs or locations for the development exist.

Avoidance and mitigation measures are summarised below in section 5.3. The disturbance impacts of the works on the identified otter breeding areas cannot be fully avoided or mitigated, considering the proximity to and nature of the proposed works. Justification for the project in the interests of public health, public safety, including social, economic and beneficial consequences of primary importance for the environment, is summarised below.

Social & Economic Public Interest

Dublin City Council's overarching policy focuses on inclusive, community-driven physical activity, ecological preservation, and equitable access to green infrastructure. These works have been approved through the Dublin City Council planning Part 8 process and forms part of an essential element in the provision of space in sport and leisure for the community.

The purpose of the proposed flood lighting is to upgrade the existing sports facilities to ensure the availability of, and equal access to sporting facilities for local populations. This proposal also represents a significant investment by Sports Capital Grants and Dublin City Council. Parks, Biodiversity and Landscape Services propose to remove existing floodlight provision, install 5 number new floodlight columns with 3 luminaires on 2 columns and 2 luminaires on 3 columns at the existing running track at Donore Harriers Athletic Club, Liffey Valley Park, Chapelizod.

The works undertaken will significantly improve the safety and usability of the athletics track. The project proposal was developed in collaboration with all stakeholders as part of an open participative design process. The provision of high quality, smart and energy efficient public lighting enhances peoples' experience of the City and their sense of place, safety and

security. Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation. The Council has ensured that public lighting is appropriately and sensitively designed in order to balance the requirement for adequate lighting with safety, amenity and environmental considerations.

In summary the main construction works shall comprise of:

Track works

- The whole of the track shall be resurfaced with new polymeric materials including jump events and field event areas plus the small sprint straight.

Floodlighting works

- New floodlighting (columns and lamps) shall be installed to illuminate the track taking account of the sensitive nature of the location being located on a riverbank.

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.

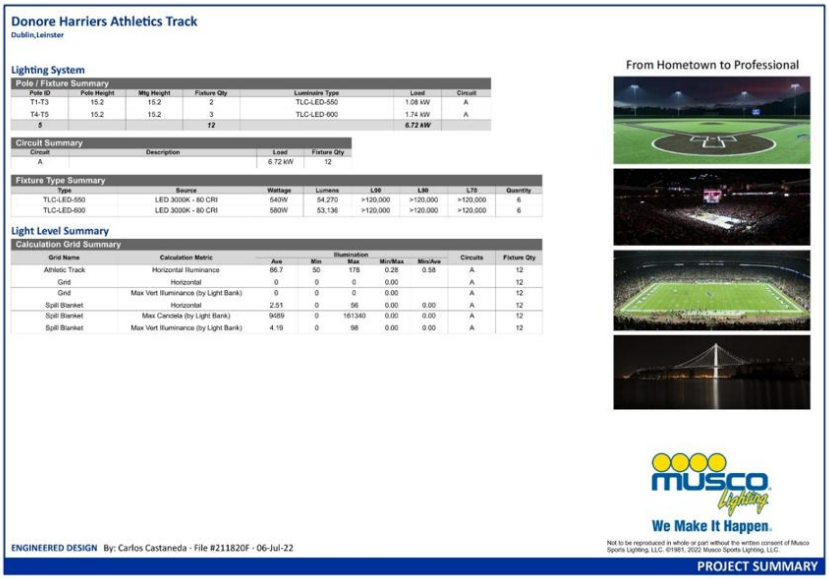
Alternative Solution	Reasons for "Unsatisfactory"
Do-Nothing	• If the "Do Nothing" option is chosen, the running track would continue to operate with outdated, inadequate lighting, resulting in reduced visibility and increased risk of accidents. The facility would remain unsuitable for safe use during darker evenings and winter months, limiting participation and exposing users to avoidable hazards. • Without upgrading lighting, the track would be unable to support extended hours of use, leading to reduced opportunities for training, club activity, youth engagement and inclusive community sport. This would undermine Dublin County Council's policy objectives for equitable access to recreation and activity lifestyle. • The absence of modern lighting would restrict physical activity opportunities, particularly for those who rely on evening training. This would negatively effect community health, wellbeing and social cohesion, contrary to national and local strategies promoting active learning. • This project would fail to deliver the associated social and economic benefits, including increased participation, locatl activation, event hosting potential, and support for coaching and community sport roles.
Alternative Locations	There are no alternative sites and there are no alternative locations, which could accommodate the subject development. Alternative sites in the Liffey Valley Area, which are in the ownership of the client, are either not zoned accordingly for the development of open space or recreational zoned areas or cannot facilitate the development of same as they have been already built on. It is noted that alternative sites for this type of development do not exist as many of these sites are already developed and therefore do not have the necessary capacity to facilitate the development of an open space recreational facility such as a running track. The proposal as outlined in the Part 8 planning approved ref 3723/24 provides an environmentally sensitive solution to the provision of floodlighting on this site. The scheme controls obtrusive light spill and glare emanating from the floodlights on the track and surrounds in accordance with the relevant applicable guidance which has been referred to throughout. The

	facility is a fantastic asset for the Club but also potentially for the wider community and in that regard the Club wants to develop the site and expand their user profile. As the Donore Harriers Track is existing, there are no design alternatives. Therefore, the only option is to restore the running track in accordance with maintenance for health and safety reasons in addition to the accommodation of appropriate lighting to minimise impacts on the ecology of the area (similar lux values to existing lighting with improved energy rating, cowled lighting away from the river interface etc.). Health and Safety & Ecological Aspects of Floodlighting • The provision of new floodlighting on this site is compatible with the Dublin City Council Development Plan 2022-2028. The site is zoned Z9 with the objective: To preserve, provide and improve recreational amenity and open space and green networks. • The development proposes to upgrade the existing sports facilities to ensure the availability of and equal access to sporting facilities for local populations. The lighting has been designed in accordance with the development plan, Section 9.5.9, with the provision of energy efficient lighting that provides an adequate amount of light while balancing safety, amenity and environmental considerations. • The proposal is to install 5 No. new floodlight columns with 2/3 No. LED fittings on each column is dependent on the location of the column. This will enhance the level of lighting on the track and will make it safe for training in winter evenings and provide the correct level of illumination for athletics training to be conducted. The operating hours for the floodlights will be dusk until 10:00pm. • Obtrusive light spill has been assessed, and reference has been made to the ILE Guidance note 01/21 - The Reduction of Obtrusive Light of the Institute of Lighting Engineers in relation to light spill. • An additional reference has been made to the Guidance Note 08/18 Bats and artificial lighting in the UK, published by Bat Conservation Trust and Institution of Lighting Professionals, 2018. Reference should be made to the Musco Iso lux plots drawing No.211820F dated 06-July-22 in attachment I of this report. • To put into perspective Dublin City Council already set out restrictive standards with the Lights an average of 79 lux on the main running lanes but on the surrounding area within 30m of the track the lux levels are a maximum of 2 lux. On the river the maximum lux level is 1 lux or 0. ○ Compare this typically floodlighting at venues of this nature provide for a design of 500 lux levels and for televised events it is 1000 lux and higher. • How these lights address any issues With regard to compliance with the Guidance Note 08/18 - Bats and artificial lighting in the UK, published by Bat Conservation Trust and

	Institution of Lighting Professionals, 2018): • luminaires with an upward light ratio of 0% and with good optical control are used. • Luminaires are mounted on the horizontal, i.e. no upward tilt. • Luminaires are fitted with internal louvers to reduce light spill and direct light only to where it is needed. • Colour temperature of 3000k has been selected for this project following a detailed assessment of the fittings available. This is the best available on the market currently. • A candela assessment has been provided and demonstrates that the values to be achieved are below those recommended in ILE Guidance note 01/21 for environmental zone 2. • The site falls within what the ILE refer to as environmental zone 2, i.e. 'relatively dark urban locations'. The maximum obtrusive light spill values recommended in the ILE design guidance is 5 lux on windows of any residential property pre-curfew and 1 lux post curfew. These values are considered normal for sports floodlighting installations. The ILE do not consider biodiversity in their guidance document therefore reference has been made to the recommendations contained in Ecological Evaluation Report, Appendix II and Guidance Note 08/18 Bats and artificial lighting in the UK, published by Bat Conservation Trust and Institution of Lighting Professionals, 2018 in consideration of biodiversity on this site. • Specification for floodlight foundations refer to attachment 2 – foundations are precast concrete bases. The floodlight foundations are root mounted, installed via a ground auger and fitted with concrete rings surrounded by mass concrete. This minimises the amount of ground works required and reduces potential impact on receiving environment. • Consultation has taken place with Dublin City Council Parks regarding the trees in the area where the floodlights will be installed. It has been determined that there is sufficient room on the outside of the track to accommodate the floodlight foundations and columns without damaging any trees, so this is the policy that is being adopted on-site. There may be some strategic pruning required but this will be undertaken under supervision of Dublin City Council Parks. It is not possible to maintain a 10m distance to trees from a floodlighting column in this location. This is mainly due to the presence of self-seeded trees growing on banks of the river, these do however act as a screen to the floodlights themselves. With careful location, root mounted foundations for the floodlight columns and modern fittings it is not anticipate any issues with the installation of floodlights on the Southern edge of the track. • Mitigation It is proposed that additional planting is undertaken along the western hedge (e.g., privet (Ligustrum Vulgare), Blackthorn and Hawthorn) to screen lighting as well as the establishment of a climbing plants such as Honeysuckle and

Ivy along the southern fence to reduce light pollution. The establishment of this will take a little time but will have a very positive impact on the scheme. Dublin City Council Parks have commenced planting of native trees along the access path and will continue to do so in subsequent planting seasons, see photograph below.

- It is proposed that the construction works will be monitored by a qualified person to ensure that all the recommendations regarding works near water, hedgerows and mature trees are implemented. This will be specified during the tender process.



Donore Harriers Athletics Track
Dublin,Leinster

Lighting System

Pole / Fixture Summary

Pole ID	Pole Height	Mtg Height	Fixture Qty	Luminaire Type	Load	Circuit
T1-T3	15.2	15.2	2	TLC-LED-550	1.08 kW	A
T4-T5	15.2	15.2	3	TLC-LED-600	1.74 kW	A
5			12		6.72 kW	

Circuit Summary

Circuit	Description	Load	Fixture Qty
A		6.72 kW	12

Fixture Type Summary

Type	Source	Wattage	Lumens	L96	L90	L70	Quantity
TLC-LED-550	LED 3000K - 80 CRI	540W	54,270	>120,000	>120,000	>120,000	6
TLC-LED-600	LED 3000K - 80 CRI	580W	53,136	>120,000	>120,000	>120,000	6

Light Level Summary

Calculation Grid Summary

Grid Name	Calculation Metric	Illumination Ave	Min	Max	Min/Max	Min/Ave	Circuits	Fixture Qty
Athletic Track	Horizontal Illuminance	86.7	50	178	0.28	0.58	A	12
Grid	Horizontal	0	0	0	0.00		A	12
Grid	Max Vert Illuminance (by Light Bank)	0	0	0	0.00		A	12
Spill Blanket	Horizontal	2.51	0	96	0.00	0.00	A	12
Spill Blanket	Max Candela (by Light Bank)	9489	0	161340	0.00	0.00	A	12
Spill Blanket	Max Vert Illuminance (by Light Bank)	4.19	0	98	0.00	0.00	A	12

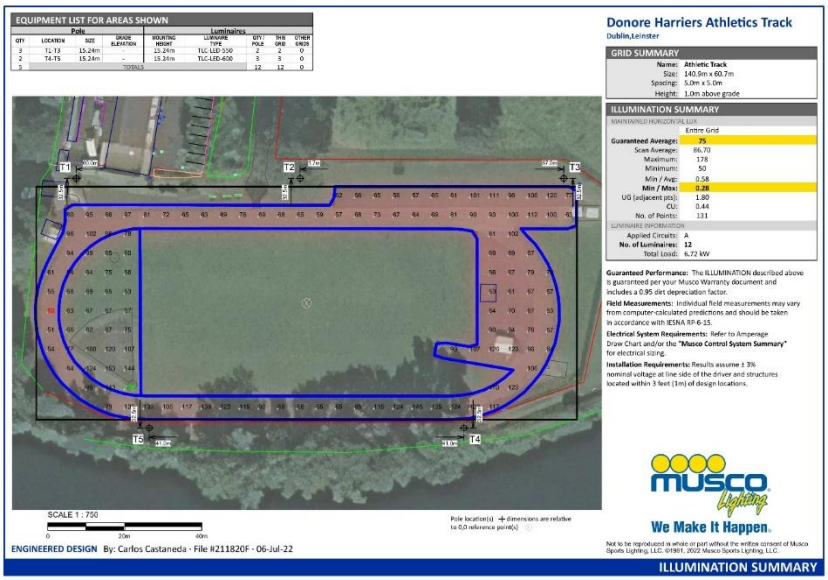
From Hometown to Professional

musco Lighting
We Make It Happen.

ENGINEERED DESIGN By: Carlos Castaneda · File #211820F · 06-Jul-22

PROJECT SUMMARY

Figure 1 Lighting design at Donore Harriers running track



EQUIPMENT LIST FOR AREAS SHOWN

Pole QTY	Pole LOCATION	Pole SIZE	Pole GRADE ELEVATION	Luminaires MOUNTING HEIGHT	Luminaires LUMINAIRE TYPE	Luminaires QTY POLE	Luminaires THIS GRID	Luminaires OTHER GRIDS
2	T1-T3	15.24ft	-	15.24ft	TLC LED 550	2	2	0
2	T4-T5	15.24ft	-	15.24ft	TLC-LED-600	3	3	0
5			TOTALS			12	12	0

Donore Harriers Athletics Track
Dublin,Leinster

GRID SUMMARY

Name:	Athletic Track
Size:	140.9m x 60.7m
Spacing:	5.0m x 5.0m
Height:	1.0m above grade

ILLUMINATION SUMMARY

MAINTAINED HORIZONTAL LUX	Entire Grid
Guaranteed Average:	75
Scan Average:	86.70
Maximum:	178
Minimum:	50
Min / Avg:	0.58
Min / Max:	0.28
UG (adjacent pts):	1.80
CU:	0.44
No. of Points:	131
LUMINAIRE INFORMATION	
Applied Circuits:	A
No. of Luminaires:	12
Total Load:	6.72 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the **"Musco Control System Summary"** for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line-side of the driver and structures located within 3 feet (1m) of design locations.

SCALE 1 : 750

Pole location(s) dimensions are relative to 0,0 reference point(s)

musco Lighting
We Make It Happen.

ENGINEERED DESIGN By: Carlos Castaneda · File #211820F · 06-Jul-22

ILLUMINATION SUMMARY

Figure 2 Lighting design and locations at Donore Harriers running track

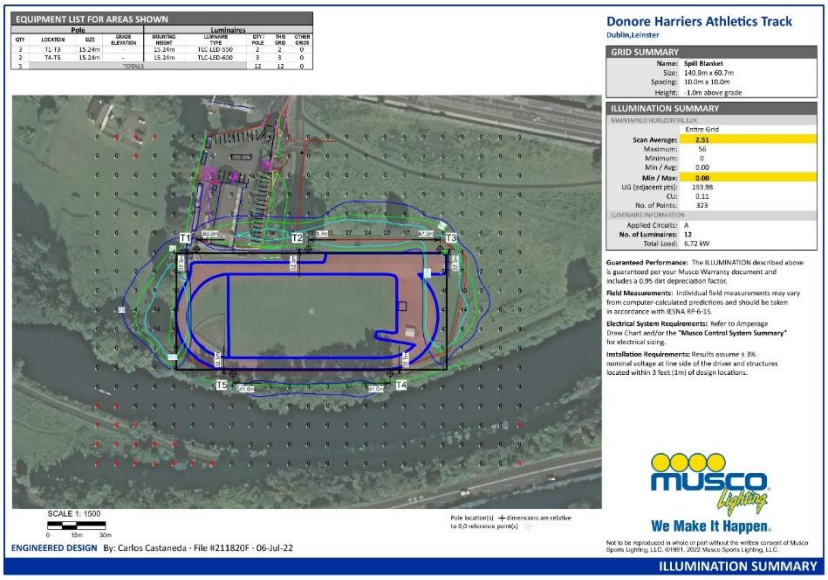


Figure 3 Lighting design and locations at Donore Harriers running track

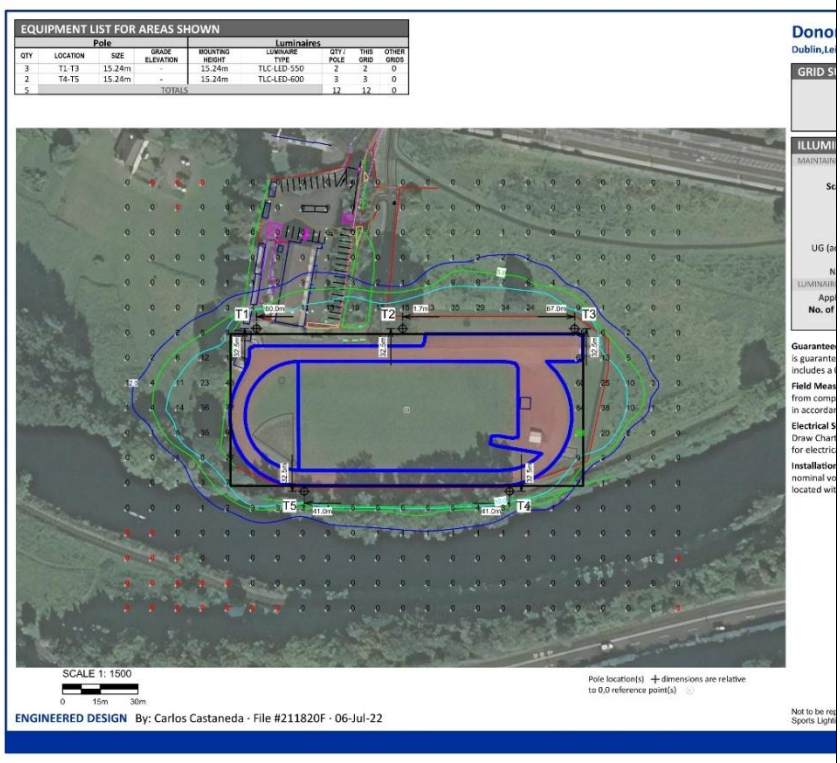


Figure 4 Lighting design and locations at Donore Harriers running track

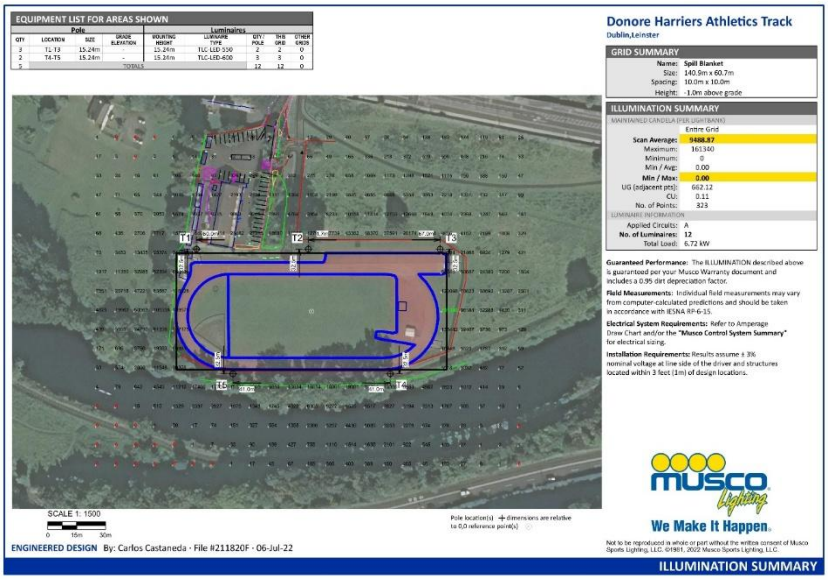


Figure 5 Lighting design and locations at Donore Harriers running track

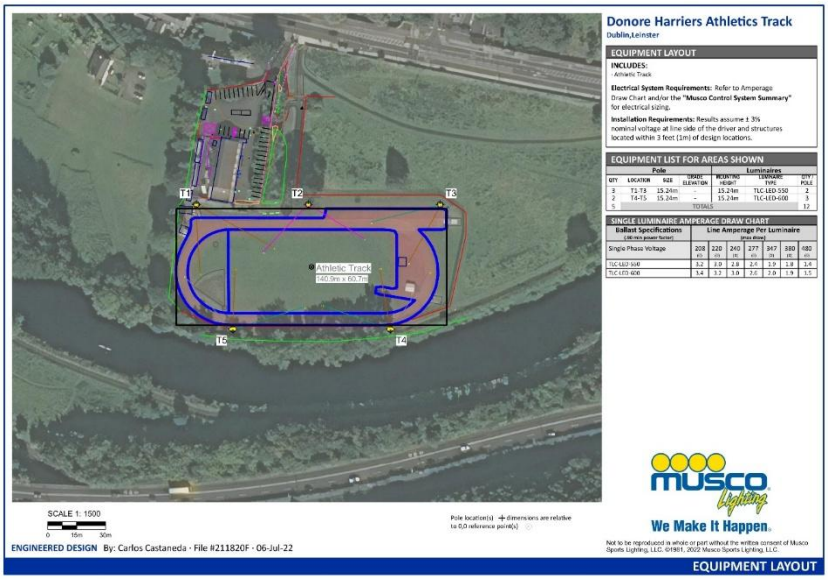
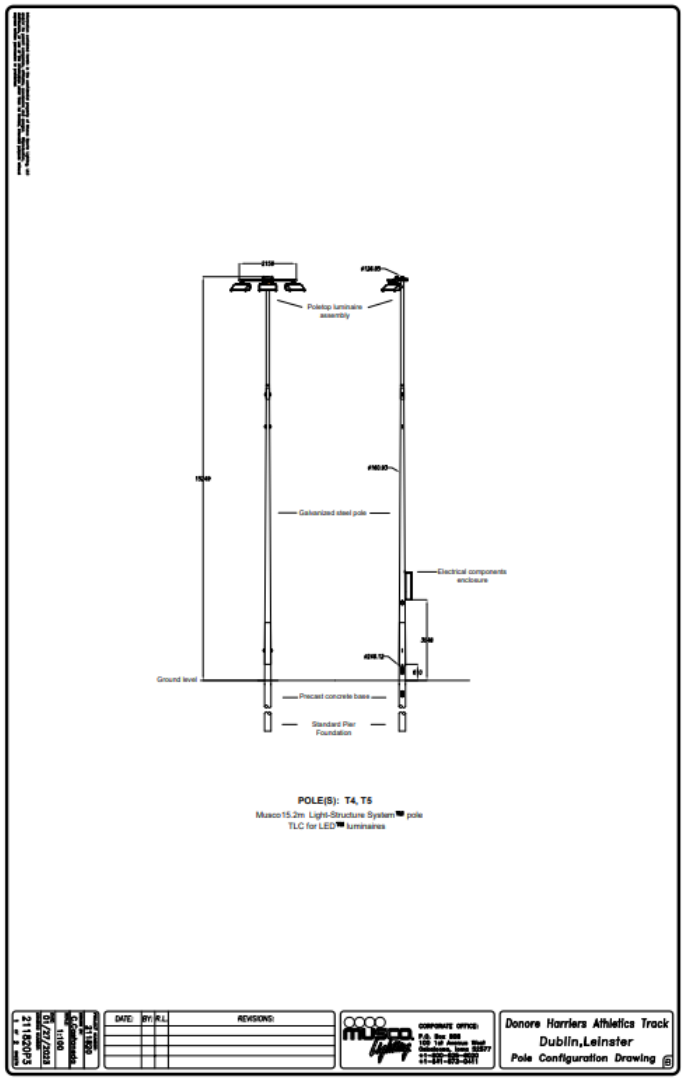


Figure 6 Lighting design and locations at Donore Harriers running track

	 Figure 7: Example of lighting design for Donore Harriers running track
Alternative Designs	**Alternative Layout Designs** n/a

* 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) places will be directly impacted by the proposed works at Donore Harriers running track. The four holts (H1–H4), located within mature scrub and woodland on the north bank of the River Liffey, are situated approximately 80m from the proposed works and lie outside the direct construction footprint. Similarly, holt H5 and couch site C1, although located closer to the proposed works (approximately 10m from the existing running track), will not be directly disturbed or damaged as part of the development. However, 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) or resting (couch) places will be directly disturbed as a result of the proposed works at Donore Harriers. The four identified potential holts (H1–H4) are located within mature scrub and woodland on the north bank of the River Liffey, approximately 80m from the proposed works and outside the direct construction footprint. Holts H1 and H4 exhibited evidence of recent mammal activity during the June 2026 survey and are therefore considered potentially active, whereas holts H2 and H3 showed no evidence of recent occupation but remain structurally suitable for future use by otter.

The identified holt H5 and the couch site (C1) are located beneath a fallen crack willow within the riparian corridor adjacent to the Donore Harriers running track, approximately 10m from the proposed works. Although located in close proximity to the construction area, the holt and couch lie outside the direct footprint of the development and will be retained.

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 north bank of the River Liffey using ecological sensitivity signage prior to the commencement of works.
- A trail camera monitoring program will 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 breeding and resting places and outline all required mitigation measures.
- Temporary timber hoarding or acoustic barriers should be used to screen noise disturbance from site access/egress and construction activities required near holt sites H1-H5 as well as couch C1.
- 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 (<u>Not required</u> <u>for applications to carry out surveys</u>)
    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

Donal Kearney

Date 23/07/2026

Name in BLOCK LETTERS Donal Kearney

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,
Local Government and Heritage