



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

**Derogation Number
DER-OTTER-2026-20**

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

DEROGATION

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

The Minister for Housing, Local Government & Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Mike Healy of Uisce Éireann, Colvill House, 24-26 Talbot Street, Dublin 1, D01 NP86** a derogation. It is stated that this derogation is issued:

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

This derogation authorises the following:

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



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works as mentioned under section 2 of the accompanying report for **Mike Healy**.
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid unnecessary injury or distress to any species of **Otter**. Anything done other than in accordance with the terms of this derogation may constitute an offence
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The mitigation measures outlined in the application report (**Application for Derogation Under Regulation 54 of the European Communities (Birds & Natural Habitats) Regulations 2011, as Amended - Pertaining to Otter**), together with any changes or clarification agreed in correspondence between NPWS and the agent or applicant, are to be carried out. Strict adherence must be paid to all the proposed measures in the application.
5. The actions which this derogation authorise shall be completed between the **23rd September 2026 – 23rd September 2028, inclusive**.
6. The works will be supervised by an ecologist(s): **Laura Kennedy**
7. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
8. The derogation is based upon information provided in the application. Where this information may cease to be accurate due to the passage of time or changes to the circumstances giving rise to the need for the derogation, the derogation holder is responsible for notifying the NPWS.
9. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
10. Works are to comply with **NRA's [Guidelines for the Treatment of Otters Prior to the Construction of National Road Scheme](#)**.
11. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
12. The local **NPWS Regional Staff noted below**, must be contacted prior to the commencement of any activity, and if otters are detected on site during the course of the work, under the terms of this derogation.
 - **North Tipperary Regional Manager – Áine Lynch, aine.lynch@npws.gov.ie**
 - **South & West Offaly Conservation Ranger – Ciara Powell, ciara.powell@npws.gov.ie**
 - **North Offaly Conservation Ranger – Colm Malone, colm.malone@npws.gov.ie**
13. On completion of the activities which this derogation authorises, all recordings of otter affected will be made using the standardised data form provided below and must be submitted to the NPWS **within four weeks of the expiry date** of this derogation. Included with the below returns form, a report must be submitted to wildlife.reports@npws.gov.ie detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

For the Minister for Housing, Local Government & Heritage

Fiona O' Mahony.

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

23 September 2026

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



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

Derogation Assessment

Name of Applicant: Mike Healy

Location/Name of Project: Water Supply Project Eastern and Midlands Region

Tick the following prohibition as chosen on the application:

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

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

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

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,	☐
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	☐
(c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,	☒
(d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants, or	☐
(e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule.	☐



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	☒
	No	☐

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

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

In the detail provided, it is clear that the applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined on page one of the accompanying report, the derogation is required to assist with proposed works at the Lower River Shannon, extending from Parteen Basin in County Tipperary, through the Midlands, to Peamount in County Dublin.

The objective of the proposed works is the construction of the Water Supply Project Eastern and Midlands Region, which aims to address present and future water supply demand in the Greater Dublin Area (GDA) by providing a sustainable water supply, address "critical supply issues in the Greater Dublin Area" and increase "resilience of supplies and levels of service"

To achieve this objective, the potential disturbance or loss of three Otter Holts and two otter couches within the proposed project boundary may be required. In addition, potential disturbance or loss to a further seven active breeding holts, five inactive holts and seven otter couched recorded outside of the boundary but within 150m may also be required.

The report further outlines on page 27 that the project will "provide the capacity to meet the needs of 36 Water Resource Zones (WRZs) across the Eastern and Midlands Region" while it also "aligns with the Eastern and Midlands Plan", a part of the National Water Resources Plan Framework Plan adopted in 2021. The project will meet the water supply need for the Greater Dublin Area (GDA) until 2050 and enable the future water supply to several other Water Resource Zones (WRZ) when further projects commence.

It highlights that 85% of the sourced water is provided by the River Liffey, which has no spare capacity and notes the poor resilience in the network being highly dependent on one source of water supply. The report also notes, "Sustainable drinking water supplies are essential to public health, social and economic growth" and there is already a deficit of water supply in the GDA.



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

The applicants have provided evidence as to the nature and scale of the public interest including those of a social or economic nature for the proposed works and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2 |

**NPWS**An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service**Test 2: Absence of a satisfactory alternative (South & West Offaly Regions)**

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

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

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

The purpose of the derogation is to allow the following activity to take place: The objective of the proposed works is the construction of the Water Supply Project Eastern and Midlands Region, which aims to address present and future water supply demand in the Greater Dublin Area (GDA) by providing a sustainable water supply.

To achieve this objective, the disturbance of three Otter Holts is required.

The alignment of the pipeline has been progressively refined throughout the development of the Proposed Project and previous iterations of the project. Section 5.4.1. of the accompanying report discusses the constraints under the following categories: Technical, Environmental, Landowner issues.

As described in Section 5.4, alternative options were considered as part of the design development of the Proposed Project. However, no reasonable options would have a lower impact. Therefore, the proposed measure is the only viable option to ensure the success of the Proposed Project.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined in Section 5.4 of the accompanying report. A number of alternative solutions, including the “do-nothing alternative” were examined by the applicant.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant’s problem against the effects of a derogation on the species concerned, it is concluded that the application has passed Test 2 and can proceed to Test 3.

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

**NPWS**An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service**Test 2: Absence of a satisfactory alternative (North Offaly Region)**

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

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

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

The purpose of the derogation is to allow the following activity to take place: The objective of the proposed works is the construction of the Water Supply Project Eastern and Midlands Region, which aims to address present and future water supply demand in the Greater Dublin Area (GDA) by providing a sustainable water supply.

To achieve this objective, the disturbance of three Otter Holts is required.

The alignment of the pipeline has been progressively refined throughout the development of the Proposed Project and previous iterations of the project. Section 5.4.1. of the accompanying report discusses the constraints under the following categories: Technical, Environmental, Landowner issues.

As described in Section 5.4, alternative options were considered as part of the design development of the Proposed Project. However, no reasonable options would have a lower impact. Therefore, the proposed measure is the only viable option to ensure the success of the Proposed Project.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined in Section 5.4 of the accompanying report. A number of alternative solutions, including the “do-nothing alternative” were examined by the applicant.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant’s problem against the effects of a derogation on the species concerned, it is concluded that the application has passed Test 2 and can proceed to Test 3.

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



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Test 2: Absence of a satisfactory alternative (Kildare North Region)

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

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

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

The purpose of the derogation is to allow the following activity to take place: The applicants have described the proposed works as “critical national infrastructure” and an outcome of “The National Water Resource Plan for Public water supply in Ireland”. In essence a water pipeline running from the River Shannon to supply “water resource zones (WRZs) across the Eastern and Midlands Region”.

The specific situation that needs to be addressed is: The part of the application that is in the vacant North Kildare Ranger area has identified a number of locations where active Otter holts and/or couches are outside 20 metres and within 150 metres of works zone of the new pipeline at Newtownmeenluggagh, Castledillon upper and Ardrass Co. Kildare. There is the potential for Otter disturbance at these locations given the extent of civil engineering works required for the proposed works. These locations as per map Figures 12 and 13 and Table 4.2 in supporting documentation.

The alternative solutions suggested by the applicant are not considered viable. The applicants have outlined alternatives on pages 24 to 26, Section 5 Assessment of Alternatives of the supporting documentation. The applicants have noted that they did not consider strategic alternatives as they were previously considered under the National Water Resource Plan for Public water supply in Ireland. They looked at “alternatives in terms of project design, technology, location, size and scale.”

The alternative solutions have been considered by the applicant and are not considered viable.

- 1) Do nothing – Is not an option as this is a piece of strategic infrastructure.
- 2) The applicants explain the route selection process and the criteria used to determine potential routes, they identified a number of potential route corridors based on hydrological, environmental, cultural, ecological, landowner and technical engineering criteria. The current route was selected following consultations as the one that fulfilled the greatest number of these required criteria.
- 3) The applicants have provided mitigation measures that will reduce the negative impacts on Otter holts in the vacant North Kildare ranger area within 150 metres of the works zone.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered as noted above. **Based on the assessment of the application documentation**, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant’s problem against the effects of a derogation on the species concerned, it is concluded that the application has passed Test 2 and can proceed to Test 3 |

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

**NPWS**An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service**Test 2: Absence of a satisfactory alternative (North Tipperary Region)**

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

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

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

The documentation submitted by the applicant has been reviewed, including the evidence for alternative solutions.

The purpose of the derogation is to allow the following activity to take place: Construction of water supply pipeline involving the abstraction and pumping of raw water from the Lower River Shannon at Parteen Basin; treatment of the water nearby at Birdhill, County Tipperary; and pumping of the treated water to a high point near Cloughjordan, County Tipperary and on through the Midlands to a termination point at Peamount, in County Dublin, where it would connect into the existing Greater Dublin Area Water Resource Zone (GDA WRZ) network.

The specific situation that needs to be addressed is: In the absence of protective mitigation, potential impacts on the Annex IV species otter because of the Proposed Project include:

- Habitat loss/fragmentation
- Disturbance/displacement
- Water quality impacts
- Mortality.

The alternative solutions suggested by the applicant are:

Alternative solutions were considered by the applicant but are deemed unsatisfactory: A wide range of constraints had to be balanced in the selection of the pipeline route and water treatment plant locations; these are detailed on pages 24-26 of the most recent (August 2026) supporting report and include technical, environmental and landowner issues. Public consultation feedback was also considered. The applicants do not consider it feasible to now deviate from this selected route and development location. The “*Do-Nothing Scenario*” has also been considered and deemed unsatisfactory.

The applicants state no reasonable options are available and the proposed measure is the only viable option to ensure the success of the Proposed Project.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on pages 24-26 of the accompanying report.



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time, no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant's problem against the effects of a derogation on the species concerned, it is concluded that the application has passed Test 2 and can proceed to Test 3. |

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

**NPWS**An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service**Test 3: Impact of a derogation on conservation status of the species**

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

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	☒
	No	☐

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

A number of active and inactive otter resting places (holts and couches) were identified along the length of this extensive project. No known otter holts need to be removed or destroyed to facilitate construction of the Proposed Project. The primary impact being considered is in relation to temporary disturbance to otters and temporary loss of suitable otter resting habitat associated with construction works. [In the event that pre-construction surveys confirm that otter holts or couches occur within areas required for temporary or permanent works, a separate derogation licence application will need to be made.]

To ensure the protection of otter and to avoid or minimise potential impacts to this species, the NRA guidance on the treatment of otters is being followed and an array of mitigation and monitoring measures are planned including:

- a suitably qualified ecological clerk of works will be appointed;
- confirmatory pre-construction surveys will be carried out prior to the commencement of any Construction Phase works in order to identify any changes in otter activity or holt/couch locations;
- no wheeled or tracked vehicles (of any kind) will be used within 20m of active, but non-breeding, otter holts
- noise and light spillage will be managed;
- no works will be undertaken within 150m of any holts at which breeding females or cubs are present.
- Where temporary disturbance or removal of habitats containing recorded otter couches is unavoidable, such habitats will be reinstated on a like-for-like basis following completion of construction works.

Otters are widespread in Ireland and are in favourable conservation status. Providing the full suite of planned mitigation measures is implemented the derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.

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

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



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Derogation decision

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

Tick box where appropriate:

There is no satisfactory alternative ☒

and the derogation is not detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. ☒

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

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

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

(c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, ☒

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

(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule. ☐

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



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

The following conditions should be attached to the derogation:

- 1.
- 2.
- 3.
- 4.

[add additional conditions where required]

Kate Greaney

Signed: .

Date: September 23, 2026

Position: Ecologist