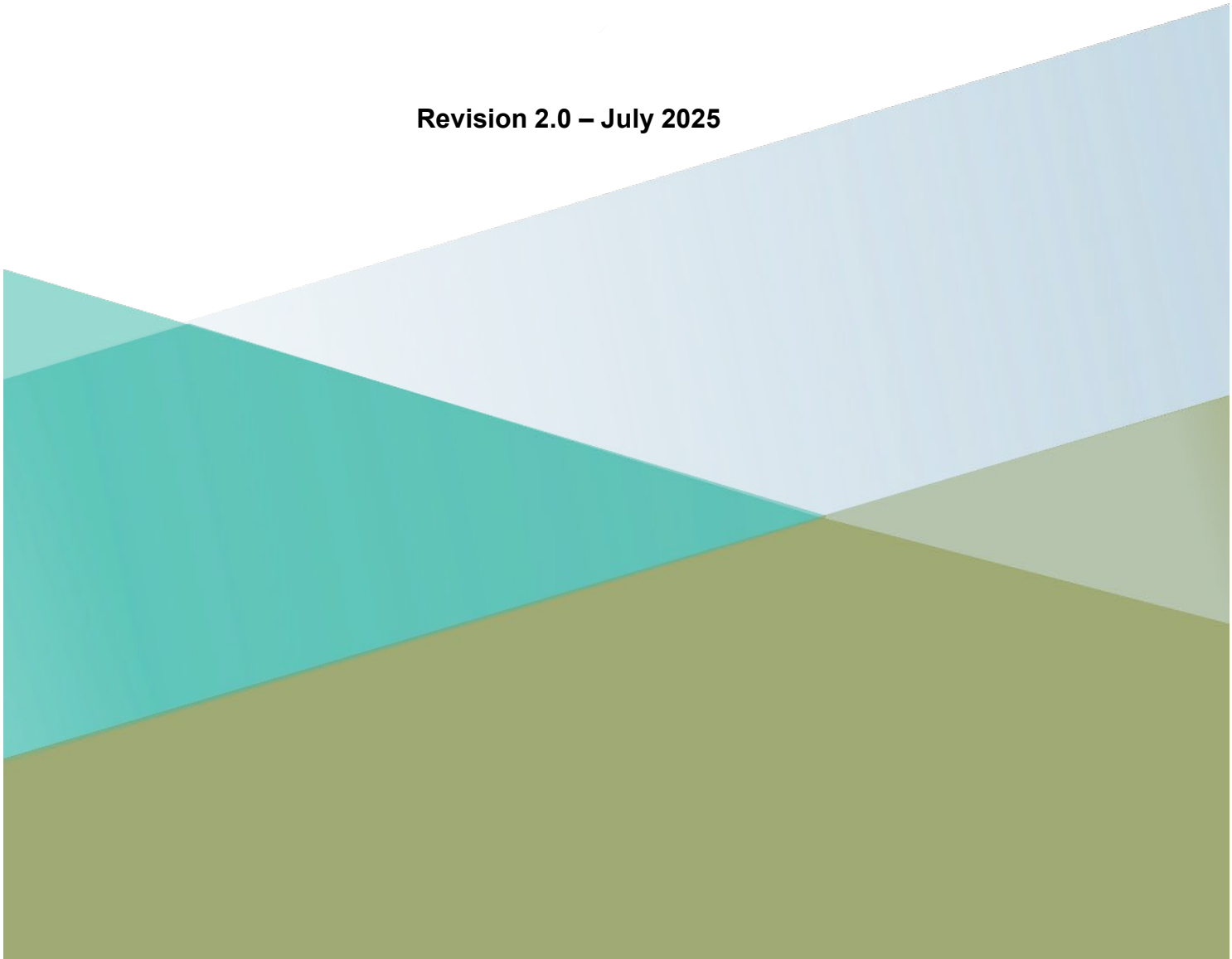
NPWS
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Application for Derogation

Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended

Revision 2.0 – July 2025



- This form can be used by any individual or Company applying for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 ("the Regulations") **or** any individual applying on behalf of the Minister for Housing, Local Government and Heritage under Regulation 54(A) of the Regulations.

- Note this application form is not for Domestic Dwelling Derogations (bats within private homes) which can be found here > (3D Application Form)

- Please ensure that you answer questions fully in order to avoid delays and/or your application being rejected on the basis that it does not contain sufficient information and detail for the application to be considered further.

- Please read and familiarise yourself with the NPWS Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants

- Please read and familiarise yourself with the European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive

- Please also note that the responses to these questions are supplementary to the documentation required for the NPWS to be in a position to consider your application. A complete application should include both the application form and an associated report. Failure to supply either will result in your application being returned and/or refused.

- In circumstances in which a derogation is given on foot of this application, the Applicant is responsible for ensuring compliance with the conditions of any such derogation, even though they may employ another person to act on their behalf. To carry out any activity without, or not in accordance with, a derogation granted under regulation 54 or 54A of the Regulations constitutes a criminal offence, subject to prosecution.

- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit: reg54derogations@npws.gov.ie

- Please note – applications, associated reports and derogations will be published on the NPWS website and/or the Department's Open Data website.

- Where any applicant is applying for a derogation to carry out surveys, please ensure to list all qualified ecologists and trainees under their supervision. See section 1(c) of Part A.

Part A: The Applicant - Personal Details

These questions relate to the person responsible for any proposed works and who will be the **Applicant**.
If this application is being submitted on behalf of a third party, please also complete Part B below.
1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Kaj	Christiansen
(b) Company Name, if applicable	Sure Partners Ltd	
(c) Address Line 1	SSE Renewables	
Address Line 2	Red Oak South, South County Business Park	
Town	Dublin 18	
County	Dublin	
Eircode	D18 W688	
(d) Contact number	[redacted]	
(e) Email address	[redacted]	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	On and around the Arklow Bank - refer to Figure 1 in the Supporting Document.	
Address Line 2		
Town		
County		
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	Marc	Walshe
(b) Company Name	SSE Renewables	
Address Line 1	Red Oak South, South County Business Park	
Address Line 2	Dublin 18	
Town	Dublin	
County	Dublin	
Eircode	D18 W688	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	

(e) Relationship to Applicant	Employee

For Survey Derogations Only

1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held e.g. Supervisor/Trainee

Forename(s)	Surname	Supervisor or Trainee

Part B: Species covered by the Derogation

1. **Species of Animal:** Please indicate which species is/are the subject of the application:

- Bat ☐
- Otter ☐
- Kerry Slug ☐
- Natterjack Toad ☐
- Dolphin ☒
- Whale ☒
- Turtle ☐
- Porpoise ☒

2. Please detail the exact species (scientific name): Harbour porpoise (*Phocoena phocoena*), minke whales (*Balaenoptera acutorostrata*), bottlenose dolphin *(Tursiops truncatus*), Risso's dolphin (*Grampus griseus*), and common dolphins (*Delphinus delphis*)

3. Please provide the maximum number of individuals affected* Refer to Table 3-5 in the Supporting Document.

4. Please provide the maximum number of breeding or resting sites affected* Nil

5. Please provide the maximum number of eggs to be taken* Nil

6. Please provide the maximum number of eggs to be destroyed* Nil

*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.

A derogation licence is not being sought for damage or destruction to breeding sites, resting places or for the taking of any eggs.

It is extremely difficult to predict the number of animals that may be disturbed by foundation piling during construction as cetaceans are highly mobile species. As such, a precautionary approach has been taken in relation to this derogation licence application.

Table 3-5 of the Supporting Document identifies the predicted impacts of the activity requiring derogation (i.e. deliberate disturbance from piling with implementation of the mitigation that has been committed to by the Applicant). Based on the highest density estimates for harbour porpoise, 3.05% of the MU population may be disturbed from each piling event, equivalent to up to 1,908 individuals. Level B harassment thresholds were used to assess disturbance, for bottlenose dolphin, common dolphin, Risso's dolphin and minke whale. Based on the maximum density estimate for bottlenose dolphin, 259 individuals may be disturbed from each piling event. This equates to 3.12% of the most robust reference population estimate. For common dolphin, Risso's dolphin and minke whale, less than 1% may be disturbed from each piling event, equivalent to 30, 35 and 50 individuals, respectively.

These numbers correspond to the maximum representative number of individuals that may be disturbed. They have not been quantitatively reduced to account for some factored in measures (specifically avoidance and deterrent-based measures), as it is extremely difficult

to predict the number of animals that may be disturbed by the piling activity after the application of these measures.

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-CETACEAN-2024 – 127, DER-CETACEAN-2023 – 58, DER-CETACEAN-2023 – 33 and DER-CETACEAN-2022 – 148.

The Applicant confirms that the numbers affected has been returned to the NPWS for all derogations.

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:	2028 - This license is required, subject to planning permission being granted, An Coimisiún Pleanála case reference 319864.
End Date:	2030

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.

The objective of the Proposed Development is to deliver 800MW of offshore renewable energy to Ireland's grid by 2030 as outlined in Section 1.2.2 of the Supporting Document whilst the objective of the activity requiring derogation is to facilitate construction.

As detailed in Section 5.1 of the Supporting Document, the 'other reasons of overriding public interest of a social or economic nature and beneficial consequences of primary importance for the environment' are associated with the contribution of the Proposed Development to the decarbonisation of Irish energy and to legal and policy obligations in relation to carbon targets, climate mitigation and offshore renewables.

The Proposed Development, once constructed will represent a critical proportion of the State's renewable energy capacity and contribute towards achieving the Government of Ireland's target of deploying at least 5 gigawatts (GW) of offshore wind by 2030 by producing 800megawatts of renewable energy on an annual basis. As presented in Section 5.1.4 of the Supporting Document, the annual carbon savings attributable to the Proposed Development is estimated to be equivalent to 1.65 – 2.15% of the projected national emissions in 2030 and between 16.2 – 23.6% of projected emissions that are required for the energy industries in 2030.

The Proposed Development and its' objectives along with the delivery of offshore renewable energy are reliant upon the activity requiring derogation as it is required to construct the Proposed Development.

The Applicant considers that the benefit delivered by the Proposed Development to decarbonisation, security of supply and contribution towards achieving the national climate obligation demonstrates imperative reasons of overriding public interest.

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

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.

[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.

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	This comprises not undertaking the activity requiring derogation (i.e. installing the foundations required) required for the Proposed Development. This is not a satisfactory alternative as this would result in the Proposed Development not proceeding and delivery of 800MW offshore renewable energy capacity would not be achieved. While the do-nothing alternative would avoid disturbance on Annex IV listed species, this is not considered a satisfactory alternative as it would prevent the Proposed Development from proceeding and the delivery of 800 MW of offshore renewable energy capacity would not be achieved. Further detail is available in Section 5.2.3 of the Supporting Document.
Alternative location of activities	The Applicant considered whether the activity requiring derogation could reasonably be undertaken at an alternative location. The location of the activity requiring derogation depends entirely on the location of the wind turbine generators (WTGs) and offshore substation platforms (OSPs) given that it involves the installation of foundations for these structures. The Applicant has assessed alternative locations for the Proposed Development as a whole and for the specific siting of the WTG and OSP infrastructure (see ‘Alternative design and layout’ row below). Alternative locations for the Proposed Development that have been considered (i.e. Donegal Bay, Galway Bay, the Shannon estuary and east-Cork to west-Waterford, Blackwater Bank, Codling Bank and Kish Bank) would still require seabed-founded infrastructure and associated marine construction activities. Relocating the activity requiring derogation would therefore not avoid or materially reduce the potential for deliberate disturbance on Annex IV cetacean species and would instead substitute one location for another while introducing additional technical, environmental, regulatory and deliverability constraints. Moving the location of the Proposed Development to another site (i.e. Donegal Bay, Galway Bay, the Shannon estuary

	and east-Cork to west-Waterford, Blackwater Bank, Codling Bank and Kish Bank) would mean that the Proposed Development would not be delivered by 2030 and thus would not meet the objective of supporting government renewable energy targets. There is therefore no satisfactory alternative location that would allow delivery of the Proposed Development while avoiding the need for the activity requiring derogation. Further, there is no evidence that an alternative location would avoid or materially reduce or remove disturbance to Annex IV cetaceans to an extent that would remove the need for a derogation licence. Further detail is available in Section 5.2.4 of the Supporting Document.
Alternative scale of activities	The Applicant considered whether the activity requiring derogation could reasonably be undertaken at an alternative scale. Scale comprises the number of structures (i.e. each WTG and OSP) required. The quantum of structures required has been determined based on the maximum export capacity (800MW) and the technology available to deliver this. Greater scale of activities (i.e. increased number of WTG and/or OSP structures requiring foundations to be installed) – This may give rise to greater deliberate disturbance on marine mammals (i.e. based on a higher number of structures being installed, over a longer period) and thus would not be considered a satisfactory alternative. Lesser scale of activities – Whilst disturbance may be reduced (based on a deceased number of WTG and/or OSP structures requiring foundations to be installed), this would inhibit the attainment of the 800MW and the overall viability of the Proposed development. Therefore, this would not be considered a satisfactory alternative. The scale of activities (i.e. application for either 46 or 53 WTGs and 2 OSPs which necessitate the activities that requiring derogation) is therefore necessary to ensure that the maximum export capacity can be achieved. The Applicant confirms that design has been optimised to reduce the scale of activity requiring derogation to

	the greatest extent whilst delivering the Proposed Development and its' objectives. Further detail is available in Section 5.2.4 of the Supporting Document.
Alternative design and layout of activities	The Applicant considered whether the activity requiring derogation could reasonably be undertaken via an alternative design and layout. The layout of the activity requiring derogation depends entirely on the specific location of the WTGs and OSPs. Relocating the activity to a different position/location within the Array area would not avoid or materially reduce deliberate disturbance on Annex IV species and would instead substitute one location for another. This is inconsequential given the mobility of Annex IV listed species, precautionary approach that has been adopted and conservative approach to the modelling that has been undertaken. The design and layout for each Project Design Option has been selected on the basis of the physical and environmental constraints as well as safety considerations such as the requirements of the Irish Coast Guard. Other layouts were not approved by the Irish Coast Guard and therefore would not have allowed the Proposed Development to proceed. The design and layout of the activity requiring derogation is therefore necessary based on the baseline conditions and safety requirements. Further detail is available in Section 5.2.4 of the Supporting Document.
Alternative type of activities – foundation types	The Applicant considered different types of foundations to structurally support each WTG and OSP within the array area (which necessitate the activity requiring derogation). Jackets – These are not suitable for the site-specific conditions on Arklow bank and have higher economic and carbon costs (relative to monopiles). Additionally, they would also have greater potential for environmental impacts such as habitat loss and potentially disturbance on Annex IV listed species as they require larger areas of seabed preparation relative to monopiles.

	Gravity bases – These are not suitable for the site-specific conditions on Arklow bank, are less established in the market and would have a higher carbon cost (relative to monopiles). Additionally, they would also have greater potential for environmental impacts such as habitat loss and disturbance as they require larger areas of seabed preparation relative to monopiles. Monopiles - These typically consist of a single hollow steel tube installed at depth into the seabed. They have been identified as suitable based on the metocean and ground conditions as well as the relatively lower extent of seabed preparation required. Further detail is available in Section 5.2.4 of the Supporting Document.
Alternative type of activities – foundation installation techniques	The Applicant considered alternative methods to install the foundation needed to structurally support each WTG and OSP within the array area (which necessitate the activity requiring derogation). Vibro hammering – This method cannot be used due to the ground conditions (i.e. presence of gravel, glacial tills and boulders would prevent the vibro hammer reaching the necessary target depth). Drilling – This method cannot be used in isolation at the site due to the ground conditions (i.e. thick layer of overburden would prevent the drill reaching the target depth). Vibro hammering or drilling is not a viable substitute which would negate the need for the activity requiring derogation (i.e. impact piling) due to the target depths that are required for the piles based on the ground conditions that have been identified at the site. They are therefore not considered satisfactory alternatives and piling has been deemed necessary to install the foundations. Further detail is available in Section 5.2.4 of the Supporting Document.
Alternative timing and sequencing	The Applicant considered whether the activity requiring derogation could reasonably be undertaken or schedule at an alternative time in the construction programme.

	Any temporal or sequencing limitations would not be feasible from a contracting perspective. The vessels and equipment required are secured years in advance due to the restricted availability and the bespoke nature of the vessel and engineering solutions in the market. If there were to be temporal restrictions, this would put the Proposed Development in a position where it is significantly exposed to both delivery and availability issues and associated commercial viability challenges. Further, the avoidance of any sensitive periods may ultimately lengthen the overall construction period (i.e. extend the period of deliberate disturbance over multiple years). Cumulatively the sensitive (breeding and calving) periods for the species extend from March to November. Given the uncertainty in the sensitive periods of some species, if there were temporal restrictions applied, there is no guarantee that it would be effective in avoiding breeding and/or mating periods. For those reasons, it would not be considered a satisfactory alternative. Flexibility in the timing and sequencing of the activity requiring derogation is necessary to ensure the deliverability of the Proposed Development. Further detail is available in Section 5.2.4 of the Supporting Document.
Alternative intensity of activities	The Applicant considered whether the activity requiring derogation could reasonably be undertaken at an alternative intensity. This relates to energies to install the foundations (i.e. maximum hammer energy to install the piles). The maximum hammer energy required to install the piles has been determined based on the ground conditions at the site and the associated pile parameters. The maximum hammer energy is unlikely to be required to install each and every pile, however on a precautionary basis, the underwater noise modelling has assumed that the maximum hammer energy would be reached at all piling locations. The actual energy used when piling will be significantly lower for the majority of the time and locations. The hammer energy is

	only raised to that maximum value when/if absolutely necessary (i.e. toeing into rock). Different scenarios have been considered (via modelling of different hammer energies) with the iterative refinement to reduce the maximum hammer energy for piling to the greatest extent and incorporate mitigation whilst providing a robust, structurally sound foundation based on ground conditions at that location. The intensity of activities (i.e. extended ramp up scenario and maximum hammer energies as specified) is necessary to ensure that the stable foundations can be installed for each WTG and OSP based on the ground conditions that have been identified through site surveys. No further reduction in the intensity of activities (i.e. below the specified maximum hammer energy) is technically feasible. Whilst increasing the intensity (i.e. maximum hammer energy) is considered to be unsatisfactory, as it may increase the potential for deliberate disturbance to Annex IV species. Further detail is available in Section 5.2.4 of the Supporting Document.

* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

3. Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided where relevant. Mitigation measures being relied upon must ensure that the derogation will not be detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Favourable Conservation Status (FCS) has been assessed at an appropriate ecological scale and modelled to demonstrate that the populations of all cetacean species listed on Annex IV will continue to function as viable units as outlined in Section 5.32 and 5.3.3 of the Supporting Document. According to the NPWS, all species, apart from harbour porpoise have an overall FCS in Irish waters with harbour porpoise assessed as inadequate due to uncertainty in the population. In UK waters, the JNCC concluded FCS for common dolphin, bottlenose dolphin and Risso's dolphin whilst harbour porpoise and minke whale have an unfavourable–inadequate conservation status.

Information on species' distribution and abundance was collated through a detailed review of existing studies and datasets including site specific surveys undertaken between 2000 to 2025. Density estimates were used to calculate the number of animals predicted to be disturbed during the activity requiring derogation. This number was then assessed as a proportion of the relevant Management Unit (MU) population.

For all Annex IV listed species, the lowest level at which the population for the species has been defined has been used in the assessment and there are no defined local populations for any species that overlap with the Proposed Development. The precautionary estimates from the iPCOD modelling have been outlined in Section 5.3.3 and it has been concluded that:

- Disturbance will not affect the maintenance of any species on a long-term basis as a viable component of its natural habitat, as no changes to the population size or trajectory over a generational scale have been predicted.
- Disturbance will not reduce nor is likely to reduce the natural range of the species for the foreseeable future, as any change in distribution is predicted to be temporary, and would affect up to a medium proportion of the population (≤3.12%) which is not enough to affect the population trajectory.
- Disturbance will not affect the maintenance of a sufficiently large habitat to maintain the populations on a long-term basis, as any effects are temporary and not enough to affect the population trajectory.

It has been demonstrated that the activity requiring derogation will not result in a deterioration of the conservation status of harbour porpoise and minke whale (i.e. where conservation status is identified as not favourable within all or part of their relevant range), or prevent their restoration to FCS via the iPCOD modelling. The proposed mitigation measures have been developed in accordance best scientific knowledge and best practice standards. Further, it is confirmed that such measures have been deployed by the Applicant in similar circumstances (i.e. offshore wind projects in the UK that were subject to similar licences) with successful results evidenced in Section 5.3.4 of the Supporting Document. It has been demonstrated that they are recognised as established and appropriate mitigation measures and are consistent with current industry best practice, therefore the Applicant is confident in the effectiveness and practical implementation of the proposed mitigation measures.

In summary, the activity requiring derogation will not be detrimental to the maintenance of FCS for the populations of the species in their natural range to which the Habitat Directive relates to (i.e. Annex IV cetacean species). The activity requiring derogation will not impact any of the cetacean species to an extent that would result in adverse population-level consequences or prejudice the maintenance of FCS within their natural range on a long term basis. The net result of the derogation is neutral for the species' conservation status.

Further detail is available in Section 5.3 of the Supporting Document.

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 Kaj Christiansen **Date** 31 July 2026

Name in BLOCK LETTERS Kaj Christiansen

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