



NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-OTTER-2025-10**

**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 **Francisco García Cinta** of **Aviador Zorita, 32, 5º, 11, Madraid, 28020** 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



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Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Kilpaddoge, Tarbert, County Kerry (OS Sheet 4853 and 4915(ITM) 505570E, 648710N)**, for **Francisco García Cinta**.
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 (**Supporting Information issued to Department of Housing, Local Government and Heritage on behalf of Elecnor Servicios y Proyectos**), 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 **1st May – 31st December 2025, inclusive**.
6. The works will be supervised by an ecologist **Salona Reddy**
7. If this derogation addresses works that are subject of a planning application, no such works permitted under this derogation can occur until planning permission is granted.
8. 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.
9. Works are to comply with **NRA's 'Guidelines for the treatment of Otters prior to the construction of National Road Scheme.'**
10. 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.
11. The local NPWS **District Conservation Officer**, william.hunt@npws.gov.ie, should 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.
12. 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.**



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For the Minister for Housing, Local Government & Heritage

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

14 April 2025

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





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Article 16 (Habitats Directive) - Returns Form

This returns form is for use in respect of:

Regulation 54 – Derogation to protect wild fauna and conserving natural habitats

1st January to 31st December 2025, inclusive

Derogation Number: DER-OTTER-2025-10

Derogation Holder: Francisco García Cinta

Species (English & Scientific)	No. of Individuals Affected	No. of Breeding Places	No. of Resting Places

Nil Return ☐

Derogation Holder Signature: _____ **Date:** _____

Returns must be emailed to the following email address:

wildlife.reports@npws.gov.ie