



Wildlife Licensing Unit
National Parks and Wildlife Service
Department of Housing, Local Government and Heritage
Wildlife Licensing Unit, R. 2.03
90 North King Street
Smithfield
Dublin 7
D07 N7CV

4th April 2025
Our REF: 2021s0343-NPWS-XX-03

Re: Application for License to disturb a known Otter *Lutra lutra* holt associated with the construction of the Luas Finglas Extension.

Dear Sir/Madam,

JBA Consulting Ltd. have been engaged by EGIS on behalf of TII in relation to the proposed high-capacity, high-frequency light rail running from Broombridge to Charlestown connecting Finglas and the surrounding areas with Dublin's wider public transport network. The Luas Finglas extension project is part of the Greater Dublin Area Transport Strategy 2022-2042 (see <https://www.luasfinglas.ie>). Alternate routes and plans have been considered and the consultation with the public on the preferred route has been completed. The route that is outlined within the planning application associated with this derogation license is set and will be the route within the application.

Luas Finglas Scheme

The Luas Finglas Scheme is being carried out by Transport Infrastructure Ireland (TII) who will appoint an Ecological Clerk of Works (ECoW) for each of the pre-work monitoring, construction and post-work monitoring phase of the project. The ECoW appointed to the works will be responsible for implementing the mitigations outlined in the EIAR and NIS as part of the planning application.

The proposed Scheme starts at Broombridge and travels northwards, crossing the Royal Canal and the Maynooth railway line adjacent to Broome Bridge. It then runs adjacent to the east of Broombridge Road and the Dublin Industrial Estate. It then crosses the Tolka Valley Park before reaching the proposed St Helena's Stop and then proceeds northwards towards the proposed Luas Finglas Village Stop. From here, the route passes through a new corridor created within the Finglas Garda Station car park, making its eastern turn onto Mellowes Road. The route then proceeds through Mellowes Park, crossing Finglas Road, towards the proposed St Margaret's Road Stop. Thereafter, the proposed line continues along St Margaret's Road before reaching the terminus Stop proposed at Charlestown. See Figure 1 for Scheme location and route.

Two new Light Rail Transit (LRT) bridges will be constructed as part of the proposed Scheme; a bridge over the River Tolka within the Tolka Valley Park and a bridge over the Royal Canal and the Iarnród Éireann (IÉ) railway line at Broombridge.

Unit 8, Block 660
Greenogue Business Plaza
Greenogue Business Park
Rathcoole
DUBLIN
D24 YN81
Ireland

+00 353 (0) 1 68 555 95

info@jbaconsulting.ie
www.jbaconsulting.ie

Registered Office
24 Grove Island
Corbally
LIMERICK
V94 312N
Ireland

+00 353 (0) 61 345 463

JBA Consulting Engineers and
Scientists Limited
Registered no: 444752

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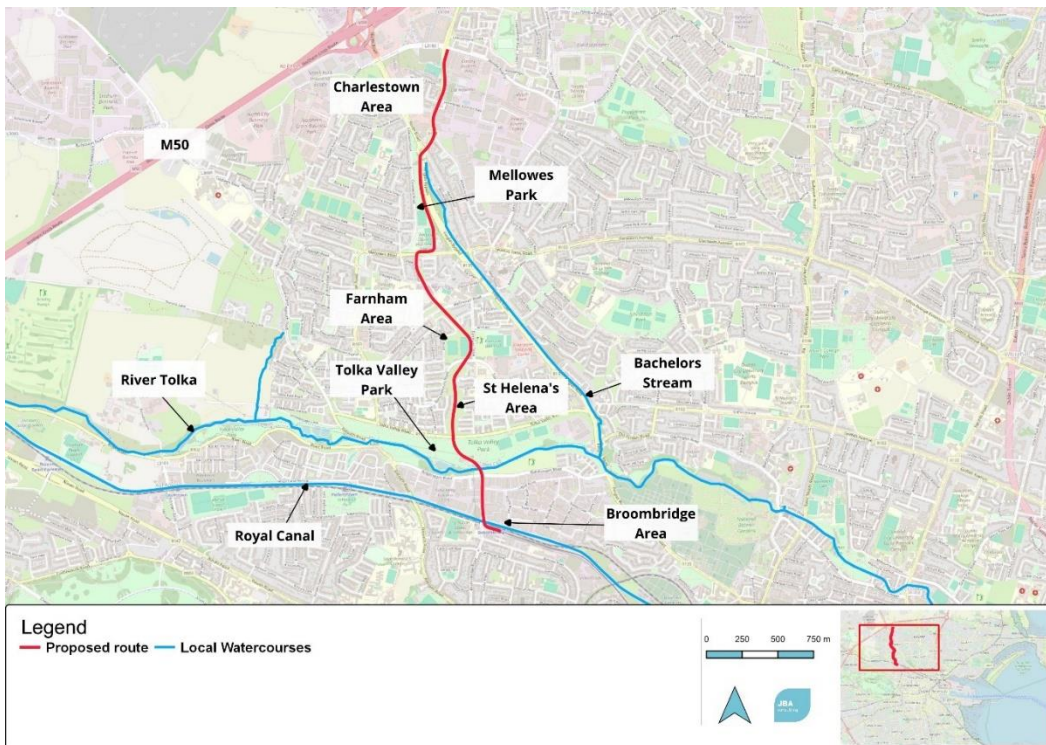


Figure 1: Proposed Scheme Location (Open Street Map, 2025)

Alternatives Considered

As part of the EIAR, a number of alternative routes / alignments for the light-rail route were considered for the proposed Scheme. Due to the location in north Dublin the scheme requires that a crossing is made over the Royal Canal. However, in respect of the identified Otter holt, each available option would produce the same level of disturbance to the holt as it is the works at the existing Broombridge Luas station itself, i.e., the start point of the green line extension, that are the closest disturbance source (within approx. 35m) of the Otter holt.

In regard to pedestrian infrastructure within the locality of the Otter holt, a total of four options were considered along the Royal Canal, and are listed below:

- Option 1 - Do minimum scenario;
- Option 2 - New access structure off Hamilton Bridge;
- Option 3 - Extension of existing bridge and lift structure to the towpath; and
- Option 4 – New canal bridge with integrated towpaths.

Of the above Option 1 was the least impactful to the Otter holt in terms of both construction and operational disturbance. This was one of a number of reasons as to why this option was the final selected option for pedestrian infrastructure strategy along the Royal Canal at Broombridge.

Therefore, aside from the unavoidable disturbance impact as a result of the works that will need to be conducted at the existing Luas Broombridge station, the proposed Scheme has chosen the least impactful option available for the affected Otter holt.

The proposed Luas Finglas Scheme will improve public transport within Dublin city and contribute to reaching climate targets for the county and for Ireland as a whole. Not going ahead with the Scheme would negate these objectives.

JBA Otter Surveys 2021-2025

As part of the EIAR, JBA ecologists carried out a series of Otter *Lutra lutra* surveys along the proposed route of the light rail. These surveys were carried out over multiple years at different times of the year to evaluate potential Otter activity within the boundary of the proposed project. The surveys of Otter on site began in the spring of 2021 and have been on-going since. These surveys were led and carried out by William Mulville of JBA Consulting, an experienced Otter specialist. Surveying techniques were in line with those outlined in the Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes (2006), and Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes (NRA, 2008).

Evidence of Otter habitation was recorded along both the Broombridge Royal Canal section and the River Tolka within Tolka Valley Park. Multiple spraints were recorded during 2021, 2022 and 2023 at an Otter latrine located along the northern bank of the Royal Canal, under Broombridge pedestrian / roadway bridge. In the January of 2023 during a monitoring survey, an Otter holt (with evidence of fresh excavation) was recorded for the first time along the south bank of the Royal Canal, 35m east of the existing Broombridge Luas stop (Figure 2).

Overall, the holt was recorded as active from the January 2023 to August 2023 (see Figure 3) and has not had any further record of activity during the subsequent regular monitoring of the holt site (last surveyed 27/02/2025). No other evidence of Otter holts or couches were found along the proposed route for the Luas extension.

As part of the site preparation and construction works there is the potential for disturbance and loss of an Otter holt in the Royal Canal adjacent to the Broombridge Luas stop. The works are proposed to take place within 35m of the holt. A new bridge will go over the Royal Canal at Broombridge.



Figure 2: Location of recorded Otter holt in respect to the proposed scheme at Broombridge



Figure 3: Otter holt along the southern bank of the Royal Canal (January 2023)

EIAR Otter Mitigation Measures

Although there has been no recent record of Otter within the holt, mitigation measures are included in the EIAR under the precautionary principle to ensure there are no adverse impacts to the holt, which may become active again.

In respect to general mitigations to safeguard the wellbeing of local Otters and their food supply, there will be strict adherence by the appointed contractor, as overseen by the ECoW, to the mitigation measures outlined in the Construction Environment Management Plan (CEMP) that will be submitted alongside the EIAR for planning, which pertains to best practice guidance and the protection of surface water, groundwater and air quality.

Additionally, standard mammal mitigation measures will be adhered to including the covering of all excavations to prevent accidental trapping or the use of mammal ramps in larger excavations to allow for escape as well as the use of exclusionary fencing where appropriate to prevent mammals from entering any potentially dangerous areas.

The specific Otter mitigation measures within the EIAR will be implemented to ensure that the local Royal Canal-based Otters are not subjected to any adverse impacts. This includes a requirement for regular (seasonal) pre-construction surveys to monitor the currently inactive Otter holt located along the south bank of the Royal Canal at Broombridge, which has been on-going since the January 2023. These monitoring surveys will determine frequency of use across a multi-year study period. All data from the pre-construction surveys will be provided to the appointed ECoW, who will be briefed in detail by the pre-construction study team. The ECoW will then continue to monitor the Otter holt during the construction phase.

In addition, given that bankside vegetation clearance that will take place along the south bank of the Royal Canal immediately east of the existing bridge for approximately 15m during the construction phase, the provision of replacement commuting shelter will be required. In order to achieve this, trees due to be felled in the immediate locality will be cut to into segments and bundled, forming multiple floating log rafts, which will mirror the occurrence of deadwood building up behind a collapsed riparian tree. These will be secured to the southern bank of the Royal Canal, where the vegetation will be cleared, whilst works are on-going in this area. The securing element will need to be able to adjust to rising and falling water levels, e.g., chain or heavy-duty rope with surplus length. These log rafts will cover a minimum length of 15m along the southern bank of the Royal Canal, immediate east of the existing bridge (See Figure 2), which provides cover up to the beginning of the scrub hedging along the southern bank. These log rafts will mainly provide cover for the Otters whilst in the water, allowing them to emerge from the water in gaps between bundled logs and between the rafts and the bank.

There will also be a toolbox talk given to the site personnel by the appointed ECoW about the local Otters and where they are likely to potentially encounter them within works area (i.e., Royal Canal, River Tolka and Tolka Valley Park pond and their respective banks).

Application for License

All of the above mitigation details pertaining to Otter in the Royal Canal are listed in the EIAR for the proposed project, ensuring that no adverse impact is anticipated for the local Otter population.

We therefore seek the license to disturb an inactive Otter holt as afforded by Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (license application on behalf of Transport Infrastructure Ireland) in relation the proposed Luas Finglas Extension.

The relevant derogation license form for the potential disturbance of an inactive Otter holt is attached

Yours sincerely/faithfully,

A handwritten signature in dark ink, appearing to read 'William Mulville', is centered below the closing. The signature is fluid and cursive.

Name: William Mulville

For and on behalf of [Jeremy Benn Associates Limited] [JBA Consulting Engineers & Scientists Limited]

Position: Senior Ecologist

william.mulville@jbaconsulting.com

Encs.