



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Application for Derogation Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021

Prepared by the Department of Housing, Local Government and Heritage

npws.ie

- This form is to be used by any person applying for a derogation under Regulation 54 or by the Minister under Regulation 54(A)
- Please ensure that you answer questions fully in order to avoid delays
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit
- Please note – applications/reports received and derogations issued may be published on the NPWS website and/or the Department's Open Data website

Applications may be submitted by email: wildlifelicence@npws.gov.ie

Part A. The Applicant: Personal Details

These questions relate to the person responsible for any proposed works and who will be the **named person on the derogation**. As the named person on the derogation you will be responsible for ensuring compliance with the derogation and its conditions, even though you may employ another person to act on your behalf.

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	Michael	O'Grady
(b) Address Line 1	Áras an Chontae	
Address Line 2	The Mall	
Town	Castlebar	
County	Mayo	
Eircode	F23 WF90	
(c) Contact number	+353 94 906 4000	
(d) Email address	mjogrady@MayoCoCo.ie	
(e) Address where works are to be carried out if different from (b) above.		
Address Line 1	Clare Street and Abbeyhalfquarter	
Address Line 2	Click or tap here to enter text.	
Town	Ballina	
County	Mayo	
Eircode	Click or tap here to enter text.	

Part B. Details of Person Submitting Application on Behalf of Applicant.

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

1. (a) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Dr	Robert	Rowlands
(b) Company Name	RPS	
Address Line 1	West Pier Business Campus	
Address Line 2	Click or tap here to enter text.	
Town	Dun Laoghaire	
County	Dublin	
Eircode	A96 N6T7	
(c) Contact number	+353 1 488 2900	
(d) Email address	Robert.Rowlands@rps.tetrattech.com	
(e) Relationship to Applicant	Consultant	

Part C. The Application

1. **Species of Animal:** Please indicate which species is affected by the proposed works:

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

2. Please detail the exact species (scientific name): Lutra lutra

3. Please provide the maximum number of individuals affected* Unknown, but presumed 2

4. Please provide the maximum number of breeding or resting sites affected* 6

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.

The baseline outlines that the maximum number of resting/breeding sites that could be disturbed is six (one holt and five couches); however, it is considered that two of these couches are outside the zone of disturbance. The features to be disturbed are presumed to be within the territory of 2 separate otters; therefore, it is presumed that the maximum number of individuals affected is two. A pre-construction survey will be undertaken to assess if baseline conditions have changed prior to works commencing

7. **Species of Plant:** Please indicate which species is affected by the proposed works:

- 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.

Relevant derogation licenses held by members of the RPS ecology team:

Otter and badger

DER – OTTER – 2020 – 59; 7/8/2020-31/05/2021 Licence No. 061/2018 Amended 2 – Sections 9 and 22 (6)(c) (expired 31 August 2018).

Permission: 326/2018 Amended 2 – Section 42 (expired 31 August 2018).

'Letter on non-opposition' with regards to Badger Sett exclusion and closure setts for consented landfill remediation at Kerdiffstown, Co. Kildare (WLU letter dated 23/11/2020)

'Letter on non-opposition' with regards to Badger Sett exclusion and closure setts for consented

landfill remediation at Kerdiffstown, Co. Kildare (WLU letter dated 26/07/2019)
 'Letter on non-opposition' with regards to Badger Sett exclusion and closure setts for consented landfill remediation at Kerdiffstown, Co. Kildare (WLU letter dated 26/07/2019)
 'Letter on non-opposition' with regards to Badger Sett exclusion of 6 entrances for consented Data Centre in Clonee, Co. Meath (WLU letter dated 21/08/2018)
 'Letter on non-opposition' with regards to Otter holt/Badger Sett exclusion of 4 entrances for consented M7 road scheme (Sallins bypass), Co. Kildare (WLU letter dated 2018)
 'Letter on non-opposition' with regards to Otter holt/Badger Sett exclusion of 3 entrances for consented M7 road scheme (Sallins link road), Co. Kildare (WLU letter dated 2018).
 Other (photography and filming in relation to monitoring)
 Licence No. 005/2024 (Sections 9 and 23 (6) (b)) - Licence to photograph /Film Wild Animals. Expires 31/12/2024
 Licence No. 137 /2023 (Sections 9 and 23 (6) (b)) - Licence to photograph /Film Wild Animals. Expires. Expired 31/12/2023
 Licence No. 185/2022 (Section 9 and 23 (6) (B) – Licence to photograph /Film Wild Animals) – Marine Species. Expires 31/12/2022
 Licence No. 69/2021 (Section 9 and 23 (6) (B) – Licence to photograph /Film Wild Animals). Expired 31/12/2021
 Licence No. 01/2020 (Section 9 and 23 (6) (B) – Licence to photograph /Film Wild Animals). Expired 31/12/2020
 Licence 55/2019 (Section 9 and 23 (6) (B) – Licence to photograph /Film Wild Animals. (Badger and Otter). Expired 31st December 2019.

9. Proposed Dates for Works: Please indicate the timeframe that you propose to carry out works. Dates set by NPWS may differ from dates proposed here.

Start Date:	01/04/2027
End Date:	01/04/2030

10. Please tick which reason below explains How this Application Qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations:

a.	In the interests of protecting wild flora and fauna and conserving natural habitats	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>
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	<input type="checkbox"/>

11. Report Checklist: Please append a detailed report to support this application and ensure that it contains the following information:

11.1	Explanation as to why the derogation sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.	<input checked="" type="checkbox"/>
11.2	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.	<input checked="" type="checkbox"/>
11.3	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.	<input checked="" type="checkbox"/>
11.4	As much information as possible to allow a decision to be made on this application.	<input checked="" type="checkbox"/>

Part D. 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 his or her functions under these Regulations or for obtaining any information which he or she may require for such purposes.

Signature of the Applicant: [Click or tap here to enter text.](#) **DATE:** 11/02/2025



Name in BLOCK LETTERS: MICHAEL O'GRADY

PRIVACY STATEMENT

Please note that under Data Protection legislation Wildlife Licencing Unit staff may only discuss derogation applications with the applicant, and not with any third party. See Privacy Statement at www.npws.ie/licences

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