



**Licence No: DER – OTTER – 2023– 102**

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

**DEROGATION LICENCE**

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011.

The Minister for Housing, Local Government and Heritage, after obtaining professional advice, is satisfied that:

**(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)** There is no satisfactory alternative, and the action authorised by this licence will not be detrimental to the maintenance of the population of **OTTERS** referred to below at a favourable conservation status in their natural range.

The Minister, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Patrick O'Shea, Roughan & O'Donovan, Arena House, Arena Road, Sandyford, Co. Dublin D18 V8P6** on behalf of **Kilian McCrann, Dublin City Council, Block 2, Floor 7, Civic Offices, Co. Dublin D08 RF3F**, a licence in respect of **Otter Species**. This licence authorises the following:

- (a) disturbance
- (b) The Authorised Actions

**This licence is subject to the terms and conditions set out overleaf.**

## Terms and Conditions:

1. This licence is granted solely to allow the activities specified in connection with **the construction of a premium cycle and pedestrian route** located at **Royal Canal, Co. Dublin**, for **Kilian McCrann**.
2. All activities authorised by this licence, 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**.
3. This licence may be modified or revoked, for stated reasons, at any time.
4. The mitigation measures outlined in the application report (**Royal Canal Greenway Cycle and Pedestrian Route Phase 4–Phibsborough to Ashtown, pgs.13-16**), 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. An annual otter survey of the Royal Canal shall be undertaken by an otter specialist at the period of peak otter activity from February to April similar to that carried out in January 2022 included in the document submitted in support of the current application titled ‘Supporting information for Otter Derogation Licence Application March 2022’ , these surveys to take place prior, during and for at least three years subsequent to the completion of the proposed Phase 4B Royal Canal Greenway works, and to include survey of terrestrial habitats adjacent to the Royal Canal from Broomebridge to east of Coke Oven Cottages between the north bank of the canal and the Dublin-Maynooth railway line and between the south bank of the canal and the Green Luas line, and in addition to include the collection of otter spraint for DNA analysis to identify the number and gender of the otters present on the Royal Canal; survey results to be forwarded to the NPWS within a month of them having been completed and results of DNA analysis as soon as they are available.
6. If proposed works on Royal Canal Phase 4B Greenway are not initiated within a month of annual Royal Canal otter surveys having been undertaken, a similar survey shall be undertaken not more than two months before the greenway works are scheduled to commence, and submitted to the NPWS at least a month before these works are begun.

7. Measures to be employed to minimise impacts of proposed Royal Canal Greenway works on otters shall be as set out in the document supporting the present application titled 'Supporting Information for Otter Derogation Licence Application March 2022', except that, in line with NRA /TII guidelines, no works shall take place within 50m of an occupied otter holt or 150 m of a holt where otter pups or juveniles are present unless with the written agreement of local NPWS Regional Management. This is different to that specified on pg. 15 of the supporting document for the Otter Derogation License submitted by Roughan O Donovan under the heading 'Disturbance to otter resting places'.
8. No work can begin before **September 12<sup>th</sup> 2023** and must be completed by **December 31<sup>st</sup> 2023**.
9. The works will be supervised by ecologist **Patrick O'Shea**.
10. Works are to comply with **NRA's 'Guidelines for the treatment of Otters prior to the construction of National Road Scheme.'**
11. This licence 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 National Parks and Wildlife Service field officer **Máiread Stack**, [Mairead.Stack@npws.gov.ie](mailto:Mairead.Stack@npws.gov.ie) , **+353 15393690** should be contacted prior to the commencement of any activity, and if bats are detected on site during the course of the work, under the terms of this licence.
13. On completion of the actions which this licence authorises, all recordings of Annex IV species affected will be made using the standardised data form provided below and must be submitted to the NPWS. Included with the below returns form, a report will also be submitted to [Wildlife.reports@NPWS.gov.ie](mailto:Wildlife.reports@NPWS.gov.ie) as well as [wildlifelicence@npws.gov.ie](mailto:wildlifelicence@npws.gov.ie) detailing results of works and success of mitigation. Both documents must be submitted to constitute a licence return.



**Claire Crowley**

(a person authorised by the Minister to sign on his behalf)

**12/09/2023**

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



**NOTES (1 to 2).**

1. This licence is granted for the period specified and subject to compliance with the conditions specified. Anything done other than in accordance with the terms of this licence may constitute an offence.
2. This licence applies to **otters** and to no other species.



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

## Article 16 (Habitats Directive) - Returns Form

This returns form is for use in respect of:

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

**Licence Number:**

**Licence Year:**

**Licence Holder:**

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

**Licence Holder Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Returns must be emailed to the following email address:  
[wildlife.reports@npws.gov.ie](mailto:wildlife.reports@npws.gov.ie)

