

Otter Derogation Licence Application Supporting Document

Waterfront, Carcur, Park, Wexford

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2 INTRODUCTION

The following sections of this document set out the justification and scope for a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), in respect of the construction of Phase 1 and Phase 2 of the Carcur Park residential development including the access road through Phase 4 and associated drainage infrastructure. Planning permission (ABP-308002-20) has been granted for a total of 413 residential units. This derogation application is sought in respect of construction of Phase 1 and Phase 2 of the construction and specifically the construction of the boundary wall and drainage outfalls for phase 1 and phase 2 and construction of a new pond for otters.

The application for this derogation is being made subsequent to the approval of development consent, which was granted by An Bord Pleanála on 3 December 2020. This consent pre-dates the July 2023 judgment of the Court of Justice of the European Union (CJEU) regarding the relationship between development consent and derogations under the EU Habitats Directive. The CJEU ruling clarified that, going forward, derogations must be obtained prior to the granting of development consent for projects likely to affect strictly protected species.

The structure of the report is in accordance with the *Guidelines for Applications for Derogation* (DHLGH, July 2025) and as follows:

1. Introduction
2. Details of the proposal and the scope of works for which the derogation is sought
3. Ecological site survey findings
4. Evidence to support the derogation criteria
5. Monitoring of derogation impacts
6. Conclusion

This supporting document for the derogation application demonstrates compliance with the requirements of Regulation of the European Communities (Birds and Natural Habitats) Regulations and the three tests under Article 16 of the Habitats Directive:

- Test 1 - Imperative reasons of overriding public interest: Planning permission has been granted for the Strategic Housing Development (ABP-308002-20). Reasons and considerations for the grant of permission are included in Board Order (ABP-308002-20).
- Test 2 - No satisfactory alternative: Construction of the boundary wall and associated works are a condition of permission (Condition 20 of ABP-308002-20) and cannot be relocated or omitted without undermining habitat protection.
- Test 3 - Favourable conservation status maintained: No evidence of natal holts on or adjacent to the site. Mitigation, ECoW supervision, and the long-term exclusion of disturbance from shoreline habitats will ensure local otter populations are not adversely affected.

2.1 ECOLOGICAL SURVEY AND CONSULTANCY TEAM

Deborah D'Arcy BA Hons MSc ACIEEM

Deborah D'Arcy is the project lead for the provision of Ecological Services for construction of Carcur Residential Development.

Deborah D'Arcy is a qualified ecologist with a first-class honours MSc in Ecological Assessment from University College Cork. Deborah also holds a MSc in Environmental Resource Management from UCD and a BA (mod) in Natural Sciences from Trinity College Dublin. Deborah completed a Continuing Professional Development (CPD) course in Geographic Information Systems (GIS) in 2010.

Deborah has 13 years' experience of ecological consultancy and 5 years' experience working in environmental education at third level and with non-governmental organisations (NGOs). Deborah is an associate member of the Chartered Institute of Ecology and Environmental Management (CIEEM), acts as Secretary on the committee of the Irish Section of CIEEM. Deborah is eligible for full membership pending membership upgrade. Deborah regularly attends continuing professional development events and training courses and has completed training on the classification of semi-natural grasslands and woodlands provided by the National Biodiversity Data Centre and classification of Annex I grassland and woodland habitats provided by CIEEM.

As a consultant ecologist, Deborah has experience of a broad range of ecology surveys including habitat classification and mapping, assessment of Annex I grassland and woodland habitats, ecological monitoring surveys and protected species surveys including badger, otter and bat species.

Deborah is experienced in the use of GIS software particularly QGIS using GIS software for desktop research and for the production of habitat and Green Infrastructure maps. During the course of consultancy work, Deborah has written and contributed to numerous reports including Appropriate Assessments, Natura Impact Statements, Ecological Impact Assessments and Biodiversity Action Plans. Deborah has also worked in the role of project ecologist and ecological clerk of works for several developments residential and road developments.

Edward Morris (BA Hons, MSc)

Edward Morris assisted with pre-construction otter surveys

Ed Morris is a qualified with an MSc in Conservation and Land Management (Bangor University 2018: Distinction) with 6 years work experience in an ecological role. Ed currently works as a freelance ecological surveyor. Ed is a competent surveyor with particular experience of mammal and ornithological surveys. Since relocating to Ireland he has carried out a variety of ornithological surveys (Vantage point, Breeding bird, I-WeBS, Raptor, walkover surveys, mainly for wind farms and aquaculture sites. Previously Ed worked as a warden on four RSPB reserves in Wales over the course of 4 years prior to relocating to Ireland. The role included bird surveying/monitoring, otter monitoring and mammalian and avian predator monitoring, and habitat management improving nature outcomes on a largely farmed reserve in addition to woodland and moorland surveys and management and general estate maintenance.

Caoife D'Arcy BSc (Hons) Planning and Environmental Management

Caoife D'Arcy is the on site Ecological Clerk of Works under the direction of and assisted by Deborah D'Arcy where required.

Caoife D'Arcy (BSc) in Environmental Management with 8 years' experience in environmental assessment and regulatory compliance. Caoife has extensive field and project management experience on ecologically sensitive infrastructure and residential developments, including surveys and mitigation for badger (*Meles meles*), bat, and invasive species. She is experienced in pre-construction ecological surveys and ecological supervision.

3 PROJECT BACKGROUND

Planning permission (ABP-308002-20) was granted to William Neville & Sons (WN&S) for the Carcur Park residential development, located adjacent to the Slaney River Valley SAC and the Wexford Harbour & Slob SPA. The site lies along a coastal shoreline known to support *Lutra lutra* (otter), an Annex II and Annex IV species under the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and protected under the Wildlife Acts 1976–2023. Design drawings are provided in Section 10 Appendix B

Planning permission (ABP-308002-20) has been granted for a total of 413 residential units, comprising:

- 175 houses: 12 four-bedroom detached houses (with garages), 20 four-bedroom semi-detached houses, 2 four-bedroom corner detached houses, 80 three-bedroom semi-detached houses, 20 three-bedroom terraced houses, 7 three-bedroom end-of-terrace houses, 4 three-bedroom corner houses, 20 two-bedroom terraced houses, 6 two-bedroom end-of-terrace houses, and 4 two-bedroom semi-detached houses.
- 7 apartment blocks containing a combined total of 238 apartments.
- 2 crèche facilities (Crèche A: 346.4 sqm; Crèche B: 395.3 sqm).
- A total of 767 car parking spaces (248 private, 501 public, 18 crèche) and all associated site infrastructure.

As part of the original planning application, both a Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR) were prepared. The NIS and the Biodiversity Chapter of the EIAR were prepared by Deborah D'Arcy with additional input on otter surveys and impact assessment by Dr Ross Macklin (Triturus Environmental Services) and bird assessment by Dr Tom Gittings.

The NIS and EIAR were informed by multidisciplinary ecological surveys carried out in 2015–2016, including dedicated otter activity surveys by Dr Ross Macklin (Triturus Environmental Services). Updated pre-construction otter surveys have since been undertaken by Edward Morris with assistance and direction by Deborah D'Arcy, in line with the mitigation set out in the NIS and conditions of planning. The 2025 surveys confirmed the presence of otter resting places (including 1 confirmed active holt, other potential holts and couches). There is no evidence of natal holts or breeding activity by otters detected during the otter surveys carried out in 2015/2016 or the pre-construction surveys carried out in August/ September 2025 surveys and ongoing otter monitoring that has taken place from September-May 2026.

The development design (as permitted by grant of planning) includes an otter protection boundary consisting of a permanent boundary concrete retaining wall and railing fence on top (total height 2.1m) to be constructed along the northern and eastern boundaries of the development site, adjacent to the Slaney River Valley SAC shoreline. The purpose of the otter boundary is to restrict access to the shoreline by the residents of the development and dogs to protect the otter habitat consisting of scrub, pond, reedbed and woodland habitats along the shoreline. Otter are a Qualifying Interest (QI) of the Slaney River Valley SAC (Site code 000781). This otter boundary delineates at a minimum the 10m conservation objectives target for otter along the shoreline boundary of the site with additional areas provided as otter habitat around a new pond, around the reedbed and at the western end of the site as per site layout plan. The fence will also serve to eliminate the potential for otters to move into the development site.

3.1 SITE LOCATION

The entire development site measures 13.84 ha, located along the south bank of the River Slaney estuary in the townland of Park, Wexford (ITM centre coordinates: 703456, 623244). The site directly adjoins the Slaney River Valley SAC (site code: 000781) and the Wexford Harbour and Slob SPA (site code: 004076), as shown in Figure 3-1.

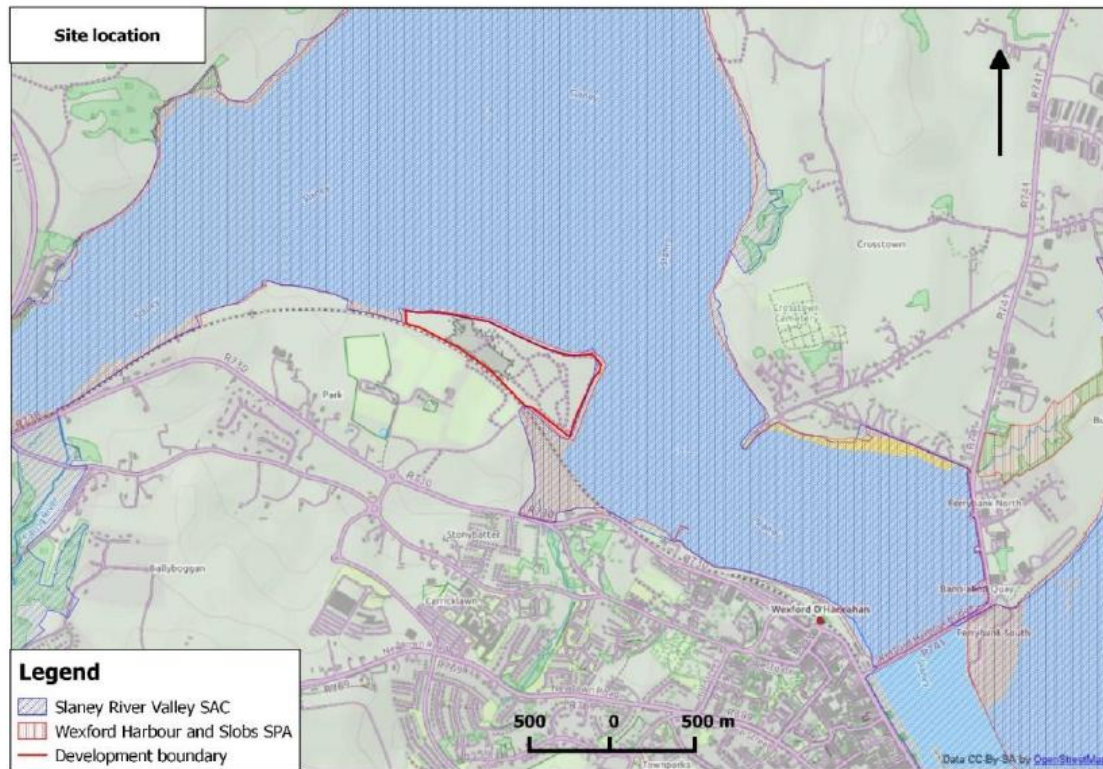


Figure 3-1 Site Location

The entire development site layout is provided in Appendix A. The otter protection boundary line establishes otter habitat as a minimum of 10m depth along the riverbank along the northern and eastern boundaries of the site with additional areas provided as otter habitat around the new pond, around the reedbed and at the western end of the site as per site layout plan.

The development for which this derogation is sought pertains only to Phase 1 and Phase 2 of the residential development granted permission in 2020, construction of the associated road access and boundary wall through Phase 4 area and construction of the pond in north east corner. The Phase 1 and Phase 2 and Phase 4 construction areas are shown in Figure 3-2.



Figure 3-2 Site Layout

4 SCOPE OF WORKS REQUIRING DEROGATION

The development for which this derogation is sought pertains only to Phase 1 and Phase 2 of the residential development granted permission in 2020. The activities within Phase 1 and Phase 2 and Phase 4 area (to complete road access and boundary wall) of the residential development include vegetation clearance and construction works within 20m of known otter resting places (including holts and couches) located along the shoreline, in proximity to the pond to the northeast, and adjacent to the reedbed to the southeast of the site.

Works within this distance may constitute disturbance or damage to otter resting sites, which is prohibited under the European Communities (Birds and Natural Habitats) Regulations 2011–2023. In accordance with NPWS (2025) and NRA/TII (2009) guidance, a derogation licence is therefore required for works within 20m of otter resting places.

It should be noted that it is intended to avoid direct damage or destruction of potential otter holts or couch sites during the construction activities however it is possible that that inadvertent damage or destruction of a potential holt may be unavoidable given the proximity of required construction activities.

The derogation licence will cover the following activities, drawings are included in Section 10 **Appendix B**:

- **Vegetation Clearance:** Clearance of vegetation to within 8-10m of otter holts/ couch sites. Retention of a minimum 10m wide vegetated buffer along the shoreline- localised clearance of up to 2m within the retained 10m vegetation buffer is anticipated to facilitate construction of the retaining wall and fence and the pump station.
- **Temporary Earth Berms, where required:** Construction of a temporary earth berm approximately 1m high (where required) with 1 in 3 slope along the length of the eastern and northern boundary, using local soils or inert imported material during each construction phase, to act as a barrier to soils,

sediments and debris entering the River Slaney during construction. Berms will be removed during or following completion of the retaining wall and fence works.

- Infilling of the site with infill material to raise site levels above the flood zone.
- **Construction of the permanent shoreline retaining wall and fence of total height 2.1 m** (Condition 20 of ABP-308002-20), as shown in **Appendix A**. This will involve:
 - Excavations to 0.5m depth and 2m wide approx. to construct in situ concrete wall foundations.
 - Construction of permanent shoreline retaining wall and fence constructed from in situ concrete wall upstand and railing fence, total height of 2.1m high along the otter habitat boundary for Phase 1, Phase 2 and Phase 4 development areas only (purple line along boundary).
 - Where required, temporary fencing will be fixed to the permanent wall until the permanent fence line is constructed on top of the wall for each completed phase of the development. (Secure fencing around other boundaries of Phase 1 & Phase 2 will prevent access to other non-developed parts of the site and shoreline on completion of Phase 1 and Phase 2).
- **Construction of a new freshwater pond** and subsequent infilling of the existing pond, subject to confirmation of otter use of the new pond.
- **Temporary Lighting:** Use of temporary and localised night-time lighting (e.g. for winter working or site security), which has potential to disturb otter, to be controlled in line with licence conditions.
- **Construction of outfalls, attenuation stores and pump station as shown in Appendix A.** This will involve:
 - Construct three permanent storm water outfalls (Outfalls No. 3, Outfall No. 4 and Outfall No.5 are located Figure 4-1), attenuation stores and pumping station which have been designed to attenuate the 1 in 100 year rainfall event. The discharge from each of these attenuation systems is limited to Greenfield Runoff rates using a 'Hydrobrake or other approved flow control device. The discharge pipes discharge to the estuary and are buried under the shore with concrete protection to below the low tide mark. Each outfall is to be fitted with a non-return tidal flap. The depths of excavations for the drainage is currently unknown. **The works within the estuary are to be completed outside of the over-wintering period for water birds.**
 - Each attenuation store is preceded by an oil interceptor and a silt trap as indicated on the layout plans. These proposals are set out in Engineering Drawings included in **Appendix A**.
 - All of the above activities will be undertaken in strict accordance with the site-specific method statements and the mitigation measures set out in the following sections, under the direction and oversight of the Project Ecologist Deborah D'Arcy and monitored on site by Deborah D'Arcy and /or Caoife D'Arcy on-site trainee ecologist and experienced Environmental Clerk of Works to satisfy Condition 5 of ABP-308002-20.



Figure 4-1 Location of Outfalls (William Neville & Sons, November 2025)

The derogation sought pertains solely to **Phase 1 and Phase 2** of the development (ABP-308002-20) and construction activities within Phase 4 area for construction of road access, drainage and boundary wall. Activities within these phases include vegetation clearance and construction works, including works within and up to the **10m of the otter protection boundary** and within **20m of potential otter holts (which may become active) along the northern boundary** and known couches located along the shoreline, near the pond to the northeast, and adjacent to the reedbed to the southeast of the site.

A discrepancy in mapping between grid references provided and location of holt in the map in the Otter Report prepared in 2016 and the inability to locate the described holt in 2025 surveys due to dense vegetation overgrowth means there is some uncertainty regarding the exact location of the holt recorded in 2016. For the purposes of this delegation the grid reference provided in the 2016 is taken as the location of this holt.

Works within this distance may constitute **disturbance or damage to otter resting places**, which is prohibited under the **European Communities (Birds and Natural Habitats) Regulations 2011–2023**.

In accordance with **DHLGH 2025 and NRA/TII 2009 guidance**, a derogation licence is therefore required for works within 20m of otter resting places (non-breeding), supported by mitigation including exclusion fencing, vegetation retention, method statements, ECoW supervision, and monitoring of otter activity.

5 ECOLOGICAL SURVEY AND SITE ASSESSMENT

This section summarises the results of the pre-construction otter surveys undertaken in August–September 2025 and ongoing monitoring that has taken place up until May 2026 and compares them with baseline data collected in 2016. The purpose of the pre-construction surveys and monitoring was to establish the current status, distribution, and activity of *Lutra lutra* (otter) within and adjacent to the Carcur Park development site, to inform

the requirement for derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011–2023.

5.1 BASELINE SURVEY

A baseline Otter survey in respect of the Carcur Park was first undertaken in 2016 as part of the Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR). This baseline survey was undertaken by Ross Macklin of Triturus Environmental Services.

The baseline surveys were undertaken to identify the presence of otters relative to the planned works areas and to map the species distribution within the footprint of the works area by identifying the occurrence of otter field signs. The surveys also informed the mitigation measures recommended in respect of the development which aimed to maintain the favourable conservation status of the Otter population in the River Slaney and Slaney River Valley Special Area of Conservation (Site Code: 000781).

A licence to photograph/film wild animals for educational, scientific or other purposes was applied for under Sections 9 & 23(6)b of the Wildlife Acts 1976 to 2012 given that the use of trail camera equipment near a potential breeding and resting area, may constitute a disturbance.

- The detailed otter surveys at Carcur (Jan–Mar 2016) were carried out under an NPWS Section 9 & 23(6)(b) licence issued to Triturus Environmental Services. Development Applications Unit (DAU) reference for the project was GPRE00280/2015.

The baseline surveys confirmed that the Carcur shoreline supports functional resting and foraging habitat for otter, with three regularly used couch areas, one semi-active holt, and consistent sprainting/latrine use. The small freshwater pond in the northeast corner of the development site is also an important feature for coat-washing behaviour. While no natal holts were identified, the site represents a significant local resource for otter and requires strict protection and monitoring during construction works (Carcur NIS 2020, Appendices). The location of potential holt sites and identified resting areas (couches) from the 2016 surveys are shown in Table 5-1.

Table 5-1 The location of potential holts and otter holts and camera monitoring results recorded in 2016.

Potential Holt Description	Location (ITM)	Number of Camera Triggers	Animal Detected (number of triggers in parenthesis)
1. Excavation on embankment bordering intertidal	703664, 623365	4	Fox
2. Excavation on embankment bordering intertidal	703561, 623402	>100	Rat, Mouse
3. Excavation on embankment bordering intertidal	703344, 623844	>75	Rat, Mouse
4. Excavation on embankment bordering intertidal	703346, 623486	>50	Fox
5. Man made (old boulder pile in gorse scrub)	703459, 623447	10	Otter (9), Grey crow (1)
6. Excavation on embankment bordering intertidal	703242, 623499	20	Fox

Potential Holt Description	Location (ITM)	Number of Camera Triggers	Animal Detected (number of triggers in parenthesis)
7. Excavation on embankment bordering intertidal	703081, 623497	>50	Rat, Thrush

5.2 CURRENT LEVELS OF OTTER ACTIVITY

The results from the preconstruction surveys and ongoing otter monitoring between 20th August and 4th May 2026 are largely consistent with the results from the baseline surveys. The pre-construction surveys confirmed that the shoreline supports functional resting and foraging habitat for otter. No natal holts were identified, and there was no evidence of breeding activity.

5.2.1 METHODOLOGY

Pre-construction otter surveys were undertaken at Carcur, Co. Wexford by ecologists Deborah D'Arcy and Ed Morris to establish patterns of otter activity and habitat use on site.

Walkover surveys were carried out during dry weather conditions between 20th August and 15th October 2025. Monitoring is ongoing on site by EcoCW Caoife D'Arcy.

A preconstruction survey was undertaken to look for signs of otter including spraints, prints, trails, feeding remains, potential entrances to holts, couch sites in August 2025. Camera monitoring was carried out at potential holts during August 2025 and February 2026 and during April 2026. Camera monitoring at confirmed holt sites was conducted under an NPWS Section 9 & 23(6)(b) licences (Licence No. 123/2025; Licence No. 044/2026).

The surveys covered the full extent of the shoreline, the adjacent scrub where accessible, the pond area, and the woodland, with systematic searches undertaken for evidence of otter activity, including spraints, prints, slides, trails, couches, and entrances to potential holts. Each holt or potential holt, couch site and spraint sites and trail were recorded with a Garmin GPS and mapped using QGIS.

Follow-up camera monitoring was undertaken at identified holt and potential holt locations using four infrared trail cameras deployed from 20th August to 4th May 2026. Monitoring is ongoing. Cameras were positioned close to entrances and rotated (every two weeks or monthly) between sites. Monitoring recorded date, time, temperature, and frequency of otter visits. Some limitations were noted, including the theft of two cameras.

5.2.2 RESULTS

Figure 5-2 and Table 5-2 detail the otter survey results. The pre-construction surveys confirmed that the shoreline supports functional resting and foraging habitat for otter (*Lutra lutra*). No natal holts were identified, and there was no evidence of breeding activity.

The preconstruction surveys identified a number of potential holt features along the northern boundary of the site in line with the baseline survey results in 2016. However, the confirmed holt recorded in 2016 (H1) described as a boulder holt could not be found again as the area is overgrown with scrub.

The 2025 survey identified a new confirmed holt on the wider site with multiple recordings of entry into and exit from the holt by one otter at a time. The holt is located to 200m west of the Phase 1 and Phase 2 development areas and lies outside the immediate zone of influence of the Phase 1 and Phase 2 construction works.

Monitoring was also undertaken at five potential holt. There was no activity recorded during the 2025 surveys at any other potential holt features monitored with cameras.

At the pond in the northeast of the site, trail cameras did not record otters, however, spraint was recorded around the pond margins, indicating continued use of the area, likely for coat-washing.

Three couch areas (with a total of 7 couch sites) were identified on grassy banks in the northwest, northeast (pond margin), and at the southwest corner of the development site near the reed bed. Each contained spraint piles, with the highest level of activity recorded in the northwest near the intermittently used holt (H2).

The main spraint hotspots were located along the shoreline, shown in Figure 5-1, at:

- i. the northwest near the intermittently active holt,
- ii. the northeast near the pond,
- iii. the northeastern point of the site,
- iv. The southeast near the reedbed.



Figure 5-1 Spraint and Mammal trail records in 2025

The otter survey results map (Figure 5-2) illustrates the location of otter features recorded in 2016 and 2025 in relation to the Carcur Park site boundary, the Otter Protection Boundary, and the construction areas for Phases 1 and Phase 2. Confirmed and potential holt, couches, spraint sites, and mammal trails are concentrated along the northwestern, northern and northeastern boundaries adjoining the Slaney River Valley SAC and Wexford Harbour & Slobbs SPA. There is one couch and sprainting site at the southeast corner.

The map demonstrates that potential disturbance to potential holt sites and couches will be confined to the northeastern section of the site, where ongoing otter monitoring, mitigation and ECoW supervision will be implemented and detailed in Section 4 and section 5 of this report. The active holt (H2) is shown in the map with a 150m distance buffer line. There are no construction works required within 200m of this holt.

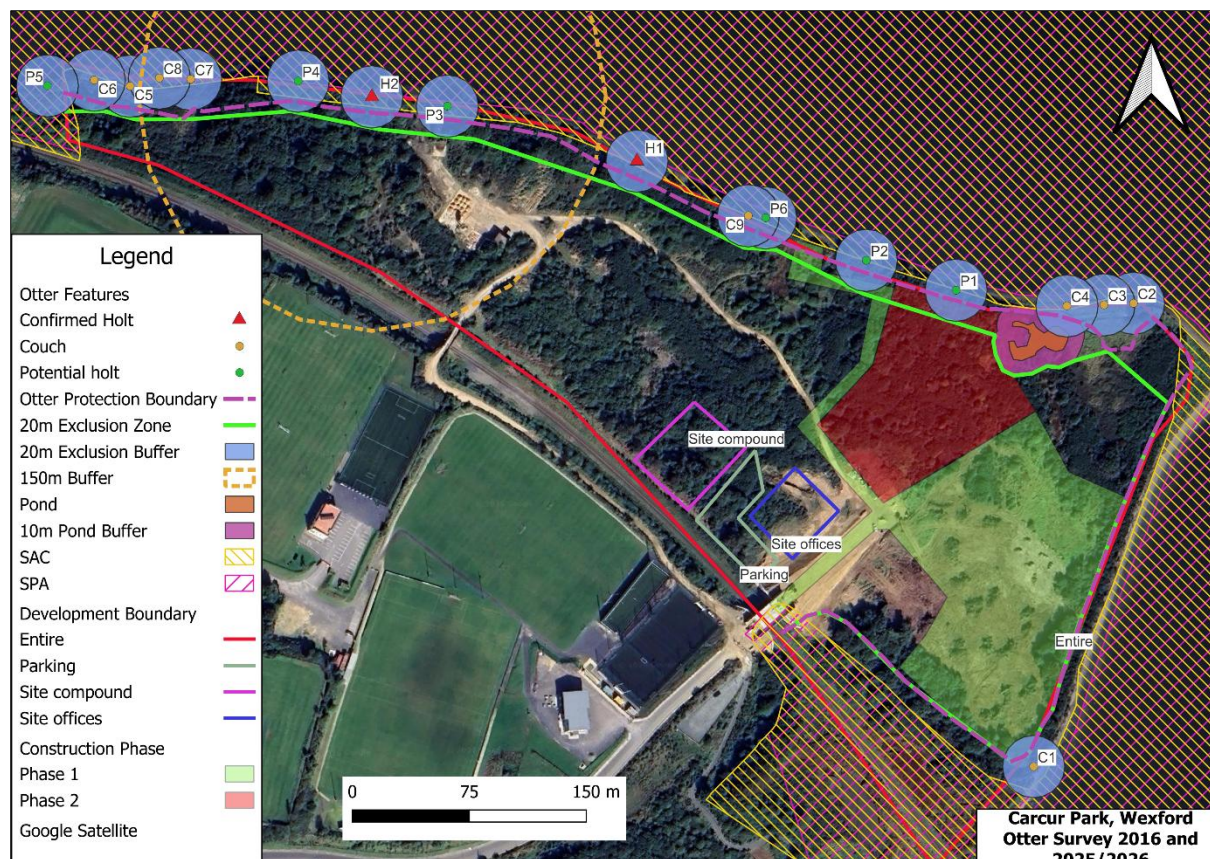


Figure 5-2 Otter Survey Results Map

Table 5-2 summarises the results of otter surveys undertaken in 2016 and 2025/2026 within and adjacent to the Carcur Park development site (Phase 1, Phase 2, Phase 4), highlighting recorded otter features, their locations, the year of the records for these features (marked with a tick or cross), and whether the proposed construction works fall within 20 m of those features and therefore likely to cause disturbance, triggering the requirement for a derogation licence under the European Communities (Birds and Natural Habitats) Regulations 2011–2023. A more detailed results table is included in Appendix B.

Several otter features occur within 20 m of the proposed works, including Potential Holts (P6 & P2) and couches C1–C4. Additional otter features located further west, including Confirmed Holt H1 recorded as semi-active in 2016. This holt is identified by grid reference only. Described as manmade boulder holt in 2016, the boulders could not be seen in 2025 due to overgrowth of vegetation. However, there are mammals trails recorded close to this location. A discrepancy was noted in the Otter Survey Report in 2016 as the 2016 map indicating the location of the holt does not align with the grid reference provided.

Confirmed Holt H2 (no activity recorded in 2016; however, numerous signs of otter activity were recorded in 2025 and 2026), and couches C5–C8, lie outside the Phase 1 and Phase 2 construction areas and will not be affected by these phases of development. Should future phases of the development encroach upon these features, a separate derogation licence may be required.

The table demonstrates that while otter activity continues to occur along the shoreline, only a subset of features (principally those to the north and northeast and a single couch site to the southeast) are within the zone of influence of disturbance of construction works within Phase 1, Phase 2 and Phase 4 areas taking NRA/TI (2009) guidance into account for establishing zone of influence. These interactions trigger the need for a derogation licence to lawfully permit the works outlined in Section 4 under NPWS and EU Habitats Directive (Council Directive 92/43/EEC) requirements.

A derogation licence is required in respect of construction works in proximity to 3 potential holts and 5 couch sites as detailed in **Table 5-2** below. While it is intended that all resting places will be retained during the works, it is possible that inadvertent or unavoidable damage may occur. There is also some uncertainty regarding the location of H1 a confirmed holt within boulders recorded in 2016 due to a discrepancy in the map provided in the Otter Report in 2016 and the grid reference recorded for the holt in 2016. Adopting the precautionary approach, a derogation licence is being sought.

Table 5-2 Results of Otter Survey 2016 and Pre-construction otter survey 2025 and ongoing monitoring 2025-2026

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
C1	SE	Couch	703716, 623059	✓	✓	Resting area (couch) on grassy bank.	ACTIVE	- Vegetation Clearance, - Permanent Shoreline Retaining Wall and Fence (Condition 20), - Protective Fencing of Boundary Habitats (Condition 21), - Temporary Earth Berms, where required, - Construction of a new freshwater pond and subsequent infilling of the existing pond, - Temporary Lighting: Use of temporary and localised night-time lighting	✓
C2	NE	Couch	703781, 623353	✓	✓	A number of otter resting areas located along grassland at peninsula point. Spraints recorded in 2016 and 2025.	ACTIVE		✓
C3	NE	Couch	703760, 623354	✓	✓		ACTIVE		✓
C4	NE	Couch	703738, 623343	✓	✓		ACTIVE		✓
Pond	NE	Pond		✓	✓	A small pond is located in the north east of the site presumed to be used by otters to wash their coats.			☒
P1	N	Potential holt	703665, 623363	✓	✗	Potential holt no spraint recorded in 2016. This feature was not found or recorded in 2025/2026. Area is very overgrown with gorse scrub.	NOT ACTIVE		✓

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
P2	N	Potential holt	703607, 623382	✓	✓	Excavation into bank. No otter activity recorded. September and October 2025. 1 X camera stolen	NOT ACTIVE	- Vegetation Clearance, - Permanent Shoreline Retaining Wall and Fence (Condition 20), - Protective Fencing of Boundary Habitats (Condition 21), - Temporary Earth Berms, where required. - Construction of outfalls, attenuation stores, temporary siltation ponds. - Temporary Lighting: Use of temporary and localised night-time lighting. - Continuous monitoring ongoing	✓
P6	N	Potential Holt	703543, 623410	✓	✓	Excavation into the bank under a mature tree.. No otter activity was recorded in 2025/2026. Monitoring ongoing. Other activity recorded in 2025/2026 included rats, and birds. 1 X camera stolen between August and September.	NOT ACTIVE		✓
C9	N	Couch	703531,623411	✗	✓	Couch site on bank with cracked crab claw	ACTIVE		✓

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
H1	N	Confirmed Holt	703460,623446	✓	✗	Manmade old boulder holt recorded in 2016. Overgrown and not relocated in in 2025/2026. Intermittent activity was recorded at this holt in 2016 but not considered a natal holt. Mammal trails observed close to the area.	Not active	Not located within the zone of influence of the works in Phase 1, Phase 2, Phase 4.	☒
P3	NW	Potential holt	703340,623481	✗	✗	Excavation into the bank. No evidence of otter activity.	Not active	Not located within the zone of influence of the works in Phase 1, Phase 2, Phase 4.	☒
H2	NW	Confirmed Holt	703291, 623489	✗	✓	<u>Holt under oak tree roots—evidence of freshly disturbed earth at entrance.</u> <u>Monitored with camera between September 2025 and January 2026.</u> <u>Site was closed till March</u> 30 separate otter activity events recorded and dogs recorded entering the holt on occasion. Mink recorded passing the holt.	ACTIVE	Not located within the zone of influence of the works in Phase 1, Phase 2, Phase 4.	☒
P4	NW	Potential holt	703244, 623497	✓	✗	No evidence of otter activity.	Not active	Not located within the zone of influence of the works in Phase 1, Phase 2, Phase 4.	☒

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
C5	NW	Couch	703134, 623495	✓	✓	Couch	ACTIVE	Not located within the zone of influence of the works in Phase 1 and Phase 2 Phase 4..	☒
C6	NW	Couch	703111, 623499	✓	✓	Couch	ACTIVE	Not located within the zone of influence of the works in Phase 1 and Phase 2 Phase 4..	☒
P5	NW	Potential holt		✓	✓	Very overgrown, litter. No evidence of otter activity.	Not active	Not located within the zone of influence of the works in Phase 1, Phase 2, Phase 4.	☒
C7	NW	Couch	703173, 623499	✗	✓	Couch with fresh spraint	ACTIVE	Not located within the zone of influence of the works in Phase 1, Phase 2, Phase 4.	☒
C8	NW	Couch	703153, 623500	✗	✓	Couch with old spraint	ACTIVE	Not located within the zone of influence of the works in Phase 1, Phase 2, Phase 4.	☒

6 EVIDENCE TO SUPPORT THE DEROGATION CRITERIA

This application is made with reference to Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations and the three tests under Article 16 of the Habitats Directive:

1. Imperative reasons of overriding public interest: Planning permission has been granted for the Strategic Housing Development (ABP-308002-20). Reasons and considerations for the grant of permission are included in Board Order (ABP-308002-20).
2. No satisfactory alternative: Construction of the boundary wall and associated works are a condition of permission (Condition 20 of ABP-308002-20) and cannot be relocated or omitted without undermining otter habitat protection.
3. Favourable conservation status maintained: No evidence of natal holts on or adjacent to the site. Mitigation, ECoW supervision, and the long-term exclusion of disturbance from shoreline habitats will ensure local otter populations are not adversely affected.

In accordance with the NPWS Applications for Regulation 54 Derogations for Annex IV species – Guidance for Applicants and the EU Commission Guidance on the Strict Protection of Animal Species, the following demonstrates that the three statutory tests are fully satisfied.

6.1 TEST 1 – IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST

In relation to Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations, it has been determined the Scheme falls under (C) *‘being 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’*.

Planning permission has been granted for the Strategic Housing Development (ABP-308002-20). Reasons and considerations for the grant of permission are included in Board Order (ABP-308002-20).

In coming to its decision, the Board had regard to the following:

- (a) The policies and objectives of the Wexford Town and Environs Development Plan 2009-2015 (as extended) and to the Wexford County Development Plan 2013-2019 (as extended);
- (b) The Regional Spatial and Economic Strategy for the Southern Region, which identifies Wexford as a ‘key town’ in the region;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (e) The Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government March 2019, as amended and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government May 2009;
- (f) The Guidelines for Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018;

(h) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009:

- (i) the nature, scale and design of the proposed development;
- (j) the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening),
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions and observations received,
- (o) the report of the Chief Executive of Wexford County Council, and
- (p) the report of the Inspector.

The Carcur Park Strategic Housing Development (ABP-308002-20) was granted permission by An Bord Pleanála on the basis of addressing regional housing demand and supporting compact, sustainable urban growth within Wexford Town — identified as a “key town” in the Regional Spatial and Economic Strategy for the Southern Region. The development aligns with the objectives of the Rebuilding Ireland Action Plan for Housing and Homelessness (2016), the National Planning Framework, and the Wexford Town and Environs Development Plan 2009-2015 (as extended) and to the Wexford County Development Plan 2013-2019 (as extended), all of which prioritise the delivery of high-quality, serviced housing within existing urban envelopes to meet social and economic needs.

In granting permission, the Board specifically noted (under item j) “*the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening)*”. These measures were designed to ensure that the development proceeds without significant adverse effects on European sites or protected species, including otter (*Lutra lutra*). The inclusion and acceptance of these mitigation measures as part of the permitted development demonstrates that the Board considered the ecological sensitivities of the Slaney River Valley SAC and concluded that the development could be undertaken without significant effect on the conservation objectives of the Slaney River Valley SAC.

No evidence of breeding or natal holts was found on site. Comprehensive mitigation — including the retention of a 10m vegetated buffer, exclusion fencing (temporary and permanent), and Ecological Clerk of Works (ECoW) supervision — will reduce the risk of degradation or disturbance of otter habitat.

Accordingly, the social, economic and environmental benefits of the development, as recognised by An Bord Pleanála, outweigh the temporary disturbance risk to otter, which will continue to be protected through implementation of approved mitigation and NPWS licence conditions. The derogation is therefore justified under Article 16(1)(c) of the EU Habitats Directive (Council Directive 92/43/EEC).

6.2 TEST 2 – NO SATISFACTORY ALTERNATIVE

There is no satisfactory alternative to the construction of the shoreline wall, fencing and vegetation, buffer required under Condition 20 of the planning permission and the construction of the drainage including attenuation, outfalls and pumping station.

The “do-nothing” alternative would avoid any direct construction-related disturbance to otter habitat but would also prevent delivery of the permitted Strategic Housing Development (ABP-308002-20). This option was deemed unsatisfactory for both planning and ecological reasons. It would fail to meet the identified social and economic need for housing within Wexford Town and would be inconsistent with the site’s residential zoning

under the Wexford Town and Environs Development Plan. The approved development, by contrast, includes a permanent 2.1 m wall and fence (Condition 20) specifically designed to exclude human and dog access to the shoreline habitats and protect the otter habitat (and the wintering birds of the Wexford Harbour and Slobs) in the long term.

It is proposed that damage or destruction of the potential holts can be avoided, as minor adjustments to the drainage layout will enable holts to be retained in situ. However, in the event of unforeseen circumstances and given the proximity of the potential holts to construction, a precautionary approach is being adopted and a licence for disturbance of damage to potential holts identified along the shoreline is required if damage or destruction of a potential holt cannot be avoided.

Alternative layouts and boundary designs were examined during the EIA and AA process with reference to the conservation objectives for otter within the Slaney River Valley SAC (NPWS, 2011) which requires no significant decline in the extent of terrestrial habitat (for otter) mapped to include 10m terrestrial buffer identified as critical for otters.

The development was designed to meet the requirements of the various planning policies and objectives as detailed in the ABP decisions referenced above.

6.3 TEST 3 - FAVOURABLE CONSERVATION STATUS MAINTAINED

A National Otter Survey was completed in 2023/2024 (Reid *et al.*, 2025). The survey report concluded that Otters remain ubiquitous throughout Ireland with no change in distribution or range since the 1980s (NPWS, 2025). The population status is a stable short term and stable long-term trend (NPWS, 2025)

Five national surveys have been conducted to date. The first in 1980/81 found signs of Otters throughout the country, at 88% of sites surveyed. There have been some declines since then, but the most recent survey (2023/24) indicates that the population has stabilised overall and that the species remains widespread. Following corrections for survey bias the 2023-24 National Otter population was estimated at 6,635 adult females with a total population estimated as 13,270.

At a regional level, Reid et al (2025) reported the percentage occurrence of otter signs at sites surveyed within the South eastern river basin district from the 1980s to the 2020s. The results show a long-term decline of -19% between 1980s to 2020s but the short term decline from 2010 to 2020s is --6 %.

Current records on the NBDC database accessed 24.05.2026 show 19 records for otter (dated from 1982 to 2018) within the hectad T08 with a good distribution of records around the estuary in the areas at Wexford town, Castle bridge and Ferrycarrig.

The most recent Article 17 assessment reports otter as having an overall **favourable conservation status** in Ireland (NPWS, 2025). Otter is a Qualifying Interest of the Slaney River Valley SAC and is known to occur and rest using holts and couches along the shoreline adjacent to the Carcur Park development site, as confirmed by both the 2016 baseline surveys and the 2025 pre-construction surveys.

Current pressures and threats include agriculture, water pollution, removal of trees, forestry activities, Roads, paths, railroads and related infrastructure and residential and commercial activities generating pollution (NPWS 2025).

The Status of Species in Ireland Report NPWS (2025) advises that the presence of otters in urban rivers, canals and ports suggests an ability to tolerate significant levels of disturbance, it is unclear the in combination effect on water quality decline in river and the continuing pressures on river and bankside habitats is having on Otter population regionally or nationally

The design of the development retains the 10m wide otter habitat along the banks of the Slaney estuary and provides for protection of this otter habitat from residential related pressures including preventing access to the shoreline by people and dogs by the provision of a wall and railing 2.1m high. The design of development seeks to minimize the effects on otters from known pressures.

The purpose of the derogation is to permit temporary works (vegetation clearance, berm construction/removal, installation of retaining wall and fence, drainage outfalls, other services, infilling of site, construction of a pond, and construction of roads) in proximity to known otter resting places (potential otter holts and known couch sites), under strict ecological supervision and in compliance with **Condition 20 of ABP-308002-20**.

The potential impacts for the construction of the proposed development were assessed in the NIS and EIAR prepared for the development in 2020.

The NIS prepared for the development concludes that the project, which includes all activities sought under the scope of works requiring a derogation as set out in Section 2.2, has been assessed taking into account:

- the nature, size and location of the development and the associated works and possible impacts arising from same.
- the qualifying interests, conservation objectives and conservation status of the adjacent Natura sites –the Slaney River Valley SAC, (The Wexford Harbour and Slobbs SPA and The Raven SPA)
- the potential for impacts arising from the development on the adjacent Natura sites and the potential for cumulative impacts arising from current or future development in the area.

The overall conclusion of the Natura Impact Statement (NIS) is that provided mitigation measures (as summarised in Section 12 of the NIS and detailed in the relevant impact assessment sections in the NIS report are implemented in full), there will be no significant direct, indirect or cumulative negative effects on the conservation objectives of the Slaney River Valley SAC (or the Wexford Harbour and Slobbs SPA or The Raven).

No evidence of breeding activity or natal holts was recorded in the 2016 or 2025 pre-construction surveys. The proposed works are not expected to result in the destruction or deterioration of any known active holts. The mitigation measures aim to ensure that:

- No confirmed holt or resting place will be directly destroyed or obstructed;
- Temporary disturbance will be confined to a day-time construction window;
- Otter access along the shoreline and to the wider Slaney Estuary network will remain functional; and
- Water quality and prey availability will not be altered, with silt, fuel and runoff controls preventing any deterioration in aquatic conditions.

Based on the current understanding and knowledge of the Otter distribution, patterns of activity and occupancy of holts and couches along the shoreline derived from a combination of the baseline surveys and preconstruction surveys which included trail camera monitoring the otter activity at the site is limited to that of **single otter** at a time.

It is considered that the construction works are not likely to impact on the favourable conservation status of the Otter population given the intention to retain the potential holt features, the temporary nature of the disturbance, the availability of confirmed holts and potential holts outside of the zone of influence of Phase 1 and Phase 2 and Phase 4 area construction works and the retention of otter habitat as part of the design of the development. The overall effect on the conservation status of the local otter population as a result of the derogation licence is expected to be **neutral**.

Without appropriate controls, potential impacts could include:

- Habitat loss or deterioration in habitat quality
- Deterioration in habitat quality by disturbance

- Disturbance to otter due to construction activities
- Ongoing disturbance or displacement of otter due to residential activities

To ensure that these risks are fully mitigated, the following measures set out in Section 6.4 and **Error! Reference source not found.** will be implemented in accordance with the NRA/TII (2006) Guidelines for the Treatment of otters prior to the Construction of National Road Schemes.

The works within phase 1, phase 2 and Phase4 which are the subject of this derogation licence require construction of 1 attenuation tank, 2 stormwater outfalls, and construction of the development boundary wall within 20m of 4 **inactive** potential holts along the northern boundary, infilling of existing pond and construction of a new pond and drainage outfalls within 20m of couch sites at northeast boundary and construction of drainage pipeline and attenuation pond within 20m of a couch site along the southeast boundary. The new pond was discussed with NPWS at pre-planning stage consultation reference **G Pre00280/2015**.

The confirmed holt in 2016 (Grid reference 703459, 623447) and the confirmed active non-breeding holt in 2025/26 are located 67m and 238m to the west of the current phases of construction) and outside the zone of influence of disturbance impacts. Due to the discrepancy in map annotation provided in the 2016 otter report with regard to the grid reference location of the confirmed holt in 2016 a precautionary approach is being applied.

Construction activities are required up to within 8-10m of these currently inactive potential holts and couch features. At this time, it is intended that the potential holts, which are all located within the earthbank at the boundary of the site can be retained within the bank and excavation for drainage outfalls microsituated to avoid destruction or direct damage to these holts. All holt entrances observed to date face out onto the shoreline. All vegetation clearance and excavation will be conducted from the landward side of the earthbank.

6.4 MITIGATION MEASURES

Mitigation measures are required to reduce disturbance impacts and ensure there is no damage to the holts, which may become active. Mitigation measures and derogation licence is required should it arise that damage or destruction of the holts cannot be avoided.

The mitigation measures below have been designed taking into account the specific site conditions, the presence of dense scrub on and around the boundary earth bank, lack of visibility into the vegetation and preference to minimising scrub clearance.

In advance of vegetation clearance and construction works within 20m of otter holts, the otter activity will be monitored using trail cameras and checked at 4-week intervals and 1 week immediately prior to commencement of clearance and works. Surveys for otter field signs will also be observed at 4 weekly intervals.

Scenario 1. Inactive non-breeding potential holts (retained): Where potential holts are confirmed to remain **inactive** it is proposed to use machinery (a 3T excavator is available on site at all times, however typically works are carried out by a 13T excavator) under EcoCW supervision for vegetation clearance and excavation works up to 8-10m of the holt locations to facilitate the construction of the boundary wall and drainage pipelines and outfalls). Any vegetation clearance or works that present a risk of damage to the holt will be done manually. Where earth banks are excavated to construct the outfalls to the estuary they will be reinstated to original dimensions. If any holt tunnels are encountered during the excavations, works will cease. NPWS will be informed. Where possible excavations will be re-routed to avoid the tunnels or measures under Scenario 2 will be implemented.

Scenario 2. Inactive non-breeding potential holts (damage) Where potential holts are **confirmed to be inactive** (but damage or destruction is likely or cannot be avoided) due to proximity to the holt entrance or other observations on site. Excavation works will then proceed cautiously, removing 0.5m sections at a time and the holt excavated under supervision of the ECoCW. The NPWS local conservation ranger will be informed of the scenario and consulted prior to destruction of a holt.

Scenario 3: Active non-breeding (retained): Where holts are confirmed to be **active non-breeding** and works can proceed without damage to the holt then works will proceed with extra caution excavating at 0.5m sections at a time. If holt tunnels are encountered works will cease. NPWS local conservation officer will be contacted and measures under Scenario 4 will be implemented.

Scenario 4 Active nonbreeding (damage): Where holts are **confirmed to be active non-breeding** but damage or destruction is likely or cannot be avoided. NPWS local conservation Officer will be informed. Manual vegetation clearance around the active holt will be used in advance of works to deter otter from using the holt. The holt will be monitored until inactive, soft blocked with vegetation and soils to prevent re-entry and once confirmed that no otters are present excavated under ECoCW supervision as in Scenario 2 above.

Scenario 5: Active breeding holt: In the unlikely event that a breeding holt is detected within the zone of influence no works will take place within 150m of the otter holt. An exclusion zone of 150m will be fenced and NPWS will be contacted and licence requirements will be updated. Alternative mitigation measures will be developed in consultation with NPWS including scheduling of works.

In addition, the following measures will be implemented to ensure the protection of otter.

Table 6-1 Mitigation Measures

Ref	Potential Impact	Mitigation Measure	Implementation	Monitoring / Compliance
OM1	Disturbance to otter resting place	Project Ecologist / Ecological Clerk of Works (ECoW) has been appointed to oversee the implementation of all otter-related mitigation measures and to ensure compliance with the NRA/TII (2006) Guidelines for the Protection of Otter, the NIS, EIAR and derogation licence conditions. Exclusion zones will be set up around known holts and couch sites. Known holts will be monitored with trail cameras for activity prior to works commencing within 20m of the holts.	Exclusion zone established prior to works	ECoW to confirm installation prior to works and undertake regular inspections.
OM2	Accidental damage to resting place	Each otter resting place will be mapped, geo-referenced and clearly marked on site . An exclusion zone shall be fenced using robust temporary fencing and clearly signed " <i>Otter Protection Zone – No Access</i> ".	Pre-construction/ During construction	ECoW verification prior to commencement and during site visits.

Ref	Potential Impact	Mitigation Measure	Implementation	Monitoring / Compliance
		Vegetation clearance and Excavation works within 20 m of holt and couch sites will be supervised by the EcoCW.		
OM3	Disturbance due to undetected occupancy	A pre-works inspection of the resting places shall be undertaken by the ECoW within 24 hours of commencement of works within 20 m, to confirm that: - no new holts have been created in the interim period; and - previously identified potential holts are not actively used. - If an otter is observed or fresh signs indicating increased activity are recorded, works shall cease immediately and the ECoW shall assess the situation. NPWS shall be contacted where required and works shall only recommence following approval. - The ECoW shall undertake daily visual checks during works in sensitive areas.	Prior to commencement of works within 20 m	Written inspection record maintained by ECoW.
OM4	Disturbance due to lack of awareness	All site personnel shall receive an otter awareness toolbox talk, delivered by the ECoW, covering legal protection, exclusion zones, and the consequences of non-compliance.	Prior to commencement of works within 20 m	Written inspection record maintained by on site manager.
OM5	Disturbance from plant, noise and vibration	Any works within 20m shall be directly supervised by the ECoW and noise levels shall be kept to the minimum practicable level at all times. No impulsive or sudden loud noises shall occur near otter habitat.	During works	ECoW present during sensitive activities.
OM6	Disturbance from machinery movement	Plant shall operate at low speed and in a predictable manner. No plant shall idle within 20 m of the resting place.	During works	ECoW and Site Manager oversight.
OM7	Disturbance from artificial lighting	No artificial lighting shall be directed toward the otter resting place or associated access routes to the watercourse. Any required lighting shall be low-lux, directional, hooded and timed .	During works	ECoW inspection of lighting arrangements.

Ref	Potential Impact	Mitigation Measure	Implementation	Monitoring / Compliance
OM8	Pollution impacting otter habitat	No refuelling, storage of fuels or hazardous substances shall occur within 20 m of the resting place. Spill kits shall be available on site and surface water controls maintained at all times.	During works	ECoW checks; site inspection records.
OM9	Cumulative or prolonged disturbance	Works within 20m shall be restricted to daylight hours only and limited to the minimum duration necessary to complete the permitted activity.	During works	ECoW monitoring and reporting.
OM10	Non-compliance with licence conditions	All works shall be undertaken in full compliance with the NPWS derogation licence conditions , method statements. The ECoW shall have the authority to stop works in the event of non-compliance.	Throughout	ECoW compliance reporting.

7 MONITORING THE IMPACTS OF THE DEROGATIONS

7.1 POST DEROGATION MONITORING

Otter activity at the site will be monitored throughout the construction period of Phase 1 and Phase 2 (and within Phase 4 area) using field signs and trail cameras. Throughout the works, detailed records will be maintained to support the preparation of the statutory Article 16 EU Returns Form and the Derogation Licence.

In accordance with the NPWS Article 16 EU Returns reporting requirements, records will be maintained throughout the works to enable completion of the statutory EU Returns Form following construction of Phase 1 and Phase 2. This includes documenting the dates and nature of all works undertaken within the licensed otter buffer, results of pre-construction checks, observations of otter activity, details of any mitigation implemented, and confirmation of whether any otters or otter resting places were disturbed, damaged or otherwise affected.

In line with Section 5 of the NPWS derogation guidance, the reporting obligations comprise:

- Submission of a **Derogation Report** to NPWS following at the end of the licence period on the activities carried out under the licence and confirming whether any otters or otter resting places were affected by disturbance; and
- Completion of the statutory **EU Article 16 Returns Form**. The EU Returns Form requires specific information on the works undertaken, mitigation implemented, observations of otter activity, and confirmation of any disturbance. The form will be reviewed in advance to ensure that all required information is collected on site in the correct format.

The ECoW will ensure that all works within the otter protection zone are undertaken in strict accordance with the derogation conditions and mitigation measures outlined in the licence.

Monitoring will include:

- Monitoring of otter will continue at a minimum of monthly survey and check of otter activity on trail cameras to confirm the otter activity in the weeks and days before the works and post works. If camera monitoring detects a breeding holt, a 150m exclusion zone will be established and NPWS will be contacted for advice and to update the derogation licence requirement.
- Supervised implementation of mitigation (e.g. vegetation clearance, berm construction/removal, retaining wall, and fencing) with photographic and GPS-referenced records;
- Post construction periodic otter activity checks (spraints, tracks, camera) to confirm that otters continue to use the shoreline corridor; and
- Post-construction survey to monitor regeneration of disturbed vegetation and establishment of native planting within the 10m otter habitat.

All field data will be recorded using GPS-referenced evidence and standardised ECoW log sheets. This evidence base will verify compliance and demonstrate the success of the measures in preventing disturbance or habitat degradation.

7.2 POST CONSTRUCTION MONITORING

The EIAR sets out a requirement for **post-construction monitoring** for a defined period. It is proposed to monitor the otter activity for at least 3 years following completion of each phase of the development. The method and programme of monitoring will be agreed with NPWS. Depending on results, monitoring for longer may be required. A **Post-Construction Monitoring Report** will be submitted following completion of Phase 1 and Phase 2, in accordance with the recommendations.

Post-construction monitoring results, as set out in the NIS, will also be recorded. These data will inform the Derogation Report and the EU Returns Form submitted to NPWS, ensuring full compliance with Article 16 reporting obligations.

8 REFERENCES

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9 APPENDIX A – COMPILED OTTER SURVEY RESULTS

Table 9-1 All compiled results of Otter Survey 2016 and Otter Surveys 2025/ 2026

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
C1	SE	Couch	703716, 623059	✓	✓	Resting area (couch) on grassy bank	ACTIVE	- Vegetation Clearance, - Permanent Shoreline Retaining Wall and Fence (Condition 20), - Protective Fencing of Boundary Habitats (Condition 21), - Temporary Earth Berms, where required, - Construction of a new freshwater pond and subsequent infilling of the existing pond, - Temporary Lighting: Use of temporary and localised night-time lighting	✓
C2	NE	Couch	703781, 623353	✓	✓	A number of otter resting areas located along grass point area. Spraints recorded in 2016 and 2025	ACTIVE		✓
C3	NE	Couch	703760, 623354	✓	✓	A number of otter resting areas located along grass point area.	ACTIVE		✓
C4	NE	Couch	703738, 623343	✓	✓	A number of otter resting areas located along grass point area.	ACTIVE		✓
Pond	NE	Pond		✓	✓	A small pond is located to the north east of the site which provides an area for otters to wash their coats.			x
P1	N	Potential holt	703665, 623363	✓	✗	Potential holt no spraint recorded in 2016. This feature was not found or recorded in 2025/2026. Area is very overgrown with gorse scrub.	NOT ACTIVE		✓
P2	N	Potential holt	703607, 623382	✓	✓	Excavation into bank. No otter activity recorded. 1 X camera stolen between September and October 2025. .	NOT ACTIVE	Vegetation Clearance,	✓

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
P6	N	Potential Holt	703543, 623410	✓	✓	Excavation into the bank under a mature tree.. No otter activity was recorded in 2025/2026. Monitoring ongoing. Other activity recorded in 2025/2026 included rats, and birds. 1 X camera stolen between August and September.	NOT ACTIVE	- Permanent Shoreline Retaining Wall and Fence (Condition 20), - Protective Fencing of Boundary Habitats (Condition 21), - Temporary Earth Berms, where required. - Construction of outfalls, attenuation stores, temporary siltation ponds. - Temporary Lighting: Use of temporary and localised night-time lighting. - Continuous monitoring ongoing	✓
C9	N	Couch	703531,623411	✗	✓	Couch site on bank with cracked crab claw	ACTIVE		✓
H1	N	Confirmed Holt	703460,623446	✓	✗	Manmade old boulder holt recorded in 2016. Overgrown and not recorded in in 2025/2026. Intermittent activity was recorded at this holt in 2016 but not considered a natal holt.	Not active	Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4.	✗

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
M1	N	Mammal trail		✗	✓	Trail over bank. This extends through the site and outside Phase 1 and Phase 2.		N/A	✗
P3	NW	Potential holt	703340,623481	✗	✗	Excavation into the bank. No evidence of otter activity.	Not active	Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗
S1	NW	Spraint		✗	✓			N/A	N/A
H2	NW	Holt	703291, 623489	✗	✓	<u>Holt under oak tree roots—evidence of freshly disturbed earth at entrance.</u> <u>Monitored with camera between September 2025 and January 2026. Site was closed till March</u> 30 separate otter activity events recorded and dogs recorded entering the holt on occasion. Mink recorded passing the holt.	ACTIVE	Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗
						21/8/25 1 x Mink recorded			
						21/8/25 1 x Fox recorded			
						31/08/25 1 otter moving towards holt – photo			

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature		Current Activity in 2025/2026	Works within 20m	Derogation Required
						<u>09/09/25</u>	1 otter entering holt – video			
						<u>10/09/25</u>	1 otter entering holt – video			
						<u>13/09/25</u>	1 otter entering holt – video			
						<u>17/09/25</u>	1 otter entering holt – video			
						<u>18/09/25</u>	1 otter entering holt – video			
						<u>20/09/25</u>	1 otter entering holt – video			
						<u>21/09/25</u>	1 otter entering holt – video			
						25/11/2025	1 otter entering holt – video			
						26/11/2025	1 otter exiting holt - video			
						27/11/2025	1 otter entering holt – video			
						28/11/2025	1 otter entering holt – video			
						29/11/2025	1 otter entering holt – video			
						30/11/2025	1 otter exiting holt - video			

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature		Current Activity in 2025/2026	Works within 20m	Derogation Required
						10/12/2025	1 otter entering			
						11/12/2025	1 otter exiting			
						15/12/2025	1 otter entering – video			
						15/12/2025	1 otter at entrance does not enter holt			
						20/12/2025	1 Otter exiting holt			
						21/12/2025	1 otter entering and exiting holt			
						22/12/2025 (16:09)	1 x Dog entering holt			
						22/12/2025 (16:47)	Second dog entering holt			
						30/12/2025	Otter entering holt			
						02/01/2025	Dog passing in front of camera			
						03/01/2026	Otter entering holt			
						05/01/2026	Otter entering holt			
						06/01/2026	Otter entering holt			

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature		Current Activity in 2025/2026	Works within 20m	Derogation Required
						08/01/2026	Otter entering and exiting holt			
						09/01/2026	Otter entering and exiting holt			
						Jan-March	Site closed on account of weather. Monitoring ongoing			
						Numerous 2025-2026	A fox, a mink and numerous mice, rats and birds were recorded.			
P4	NW	Potential holt	703244, 623497	✓	✗	No evidence of otter activity.			Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗
S2	NW	Spraint		✗	✓	Spraint			N/A	✗
C5	NW	Couch	703134, 623495	✓	✓	Couch		ACTIVE	Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
C6	NW	Couch	703111, 623499	✓	✓	Couch	ACTIVE	Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗
P5	NW	Potential holt		✓	✓	Very overgrown, litter. No evidence of otter activity.		Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗
S3	NW	Spraint		✗	✓	Fresh spraint		N/A	✗
C7	NW	Couch	703173, 623499	✗	✓	Couch with fresh spraint	ACTIVE	Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗
C8	NW	Couch	703153, 623500	✗	✓	Couch with old spraint	ACTIVE	Not located within the zone of influence of the works in Phase 1 and Phase 2 and Phase 4..	✗
S4	NW	Spraint		✗	✓	Fresh spraint near semi-active holt		N/A	✗
S5	NE	Spraint		✗	✓	Old spraint		N/A	✗
S6	NE	Spraint		✗	✓	Old spraint		N/A	✗
S7	NE	Spraint		✗	✓	Old spraint		N/A	✗
M2	NE	Mammal trail		✗	✓	Run into pond with old spraint		N/A	✗

I.D. no.	Location	Target Feature	Grid Ref (ITM)	2016 Survey	2025 Survey	Description of Feature	Current Activity in 2025/2026	Works within 20m	Derogation Required
M3	SE	Mammal trail		✗	✓	Run into reed bed		N/A	✗
S8	NE	Spraint			✓	Fresh spraint		N/A	✗
S9	NE	Spraint			✓	Old spraint		N/A	✗
S10	NE	Spraint			✓	Old spraint		N/A	✗

10 APPENDIX B SITE LAYOUT DRAWINGS



Notes:
Do not scale from this drawing. Use figured dimensions in all cases. Verify dimensions on site and report any discrepancies to the architect.
Immediately. This drawing to be read in conjunction with the Architects' Specification, the Certificate, etc., other consultants issued drawings and reports. Contractor is responsible for:
1. All dimensions, quantities and performance requirements to be confirmed on site.
2. All information that pertains solely to the fabrication processes or to the techniques of construction.
3. All coordination of the work of all trades.
4. Assuring consistency with the contract documents.
5. This drawing is copyright and may only be reproduced with the architect's permission.

Drawing Notes:

X SITE NOTICE
AREA OF SITE = 13.84 Ha

SPA BOUNDARY
SPECIAL AREA OF CONSERVATION 2017
OTTER HABITAT BOUNDARY
SITE BOUNDARY
CROSSING
CYCLING LANE
HOMEZONE

REV	DATE	DRN	DESCRIPTION
P04.02	10.09.25	MK	Planning Compliance
P04.01	21.08.20	MK	AMENDED BOUNDARIES FOR ACOUSTIC WALL

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W: www.k-designstudio.com

Client Details:
Project Details:
Drawing Title:

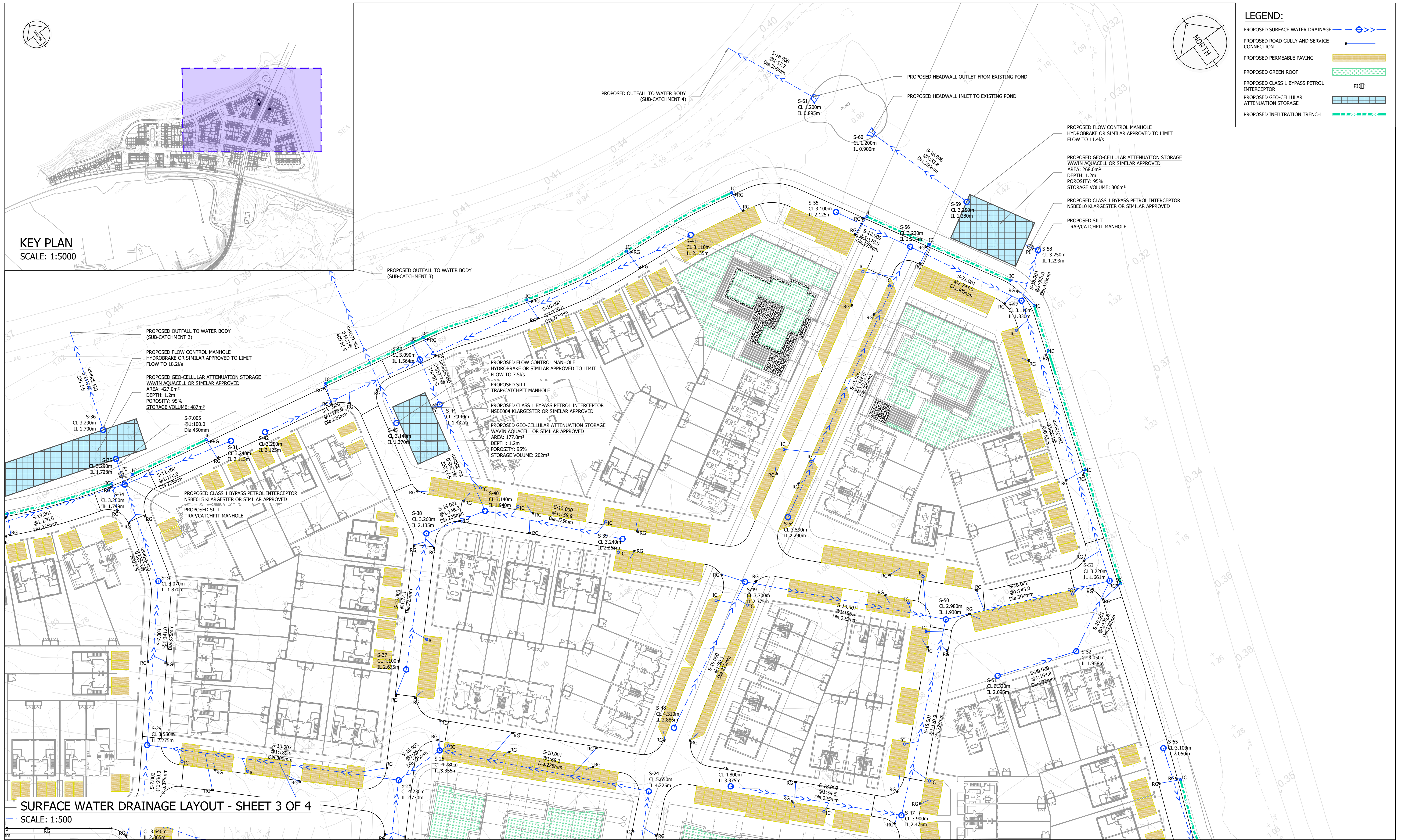
Status:	Date:	Scale@A1:
DRAFT	21/08/2025	1:500

Job No:	Drawn By:
15-209	MK

Purpose:	Checked By:
PLANNING COMPLIANCE	MK

Drawing Number:	Revision:
15-209_KDS_ZZ-ZZ-DR-A-31006	P04.01

A1 LANDSCAPE



LEGEND:

- PROPOSED SURFACE WATER DRAINAGE
- PROPOSED ROAD GULLY AND SERVICE CONNECTION
- PROPOSED PERMEABLE PAVING
- PROPOSED GREEN ROOF
- PROPOSED CLASS 1 BYPASS PETROL INTERCEPTOR
- PROPOSED GEO-CELLULAR ATTENUATION STORAGE
- PROPOSED INFILTRATION TRENCH

SURFACE WATER DRAINAGE LAYOUT - SHEET 3 OF 4
SCALE: 1:500

CONSTRUCTION

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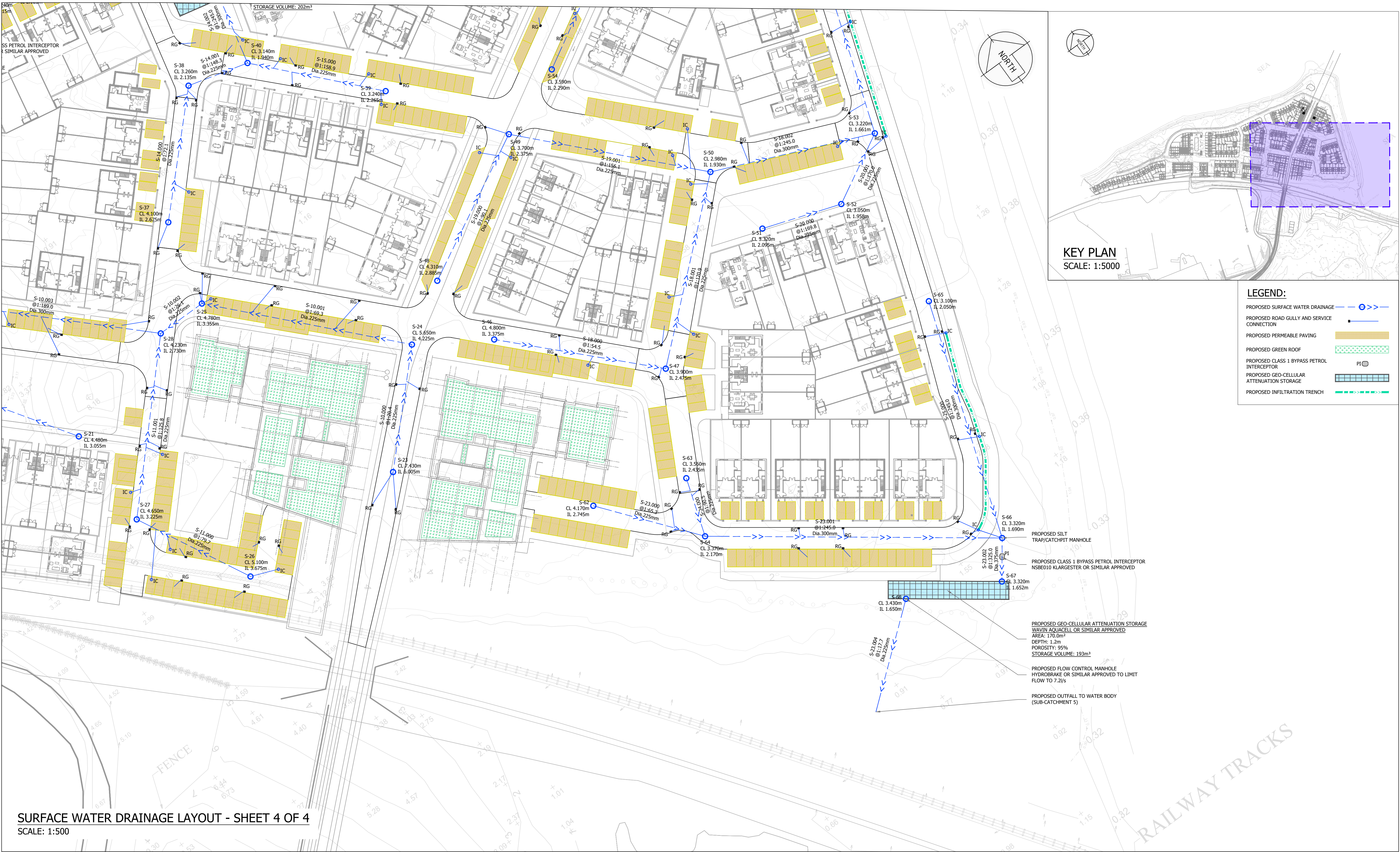
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- ALL ON PLOT DRAINAGE TO BE IN ACCORDANCE WITH GREATER DUBLIN REGIONAL CODE OF PRACTICE FOR DRAINAGE WORKS AND BUILDING REGULATIONS TECHNICAL GUIDANCE DOCUMENT H;

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REVISION	DATE	DESCRIPTION	REV BY	CHK BY
C1	13.10.25	ISSUED FOR STAGE 2 STORM WATER AUDIT	FS	SOR

Consulting Engineers Project Managers		PROJECT CARCUR RESIDENTIAL DEVELOPMENT, WEXFORD	
Marketing Network House, Argyle Square, Morehampton Road, Dublin D04 K0Y1, Ireland		CLIENT WILLIAM NEVILLE & SONS	
www.muir.ie		TITLE SURFACE WATER DRAINAGE LAYOUT	
Scale AS SHOWN @ A1		SHEET 3 OF 4	
Drawn by FS		DRG. No. D2093-MAL-00-XX-DR-C-0302	
Date OCT '25		REV C1	



All errors and omissions to be reported to the engineer.

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REVISION	DATE	DESCRIPTION	REV BY	CHK BY
C1	13.10.25	ISSUED FOR STAGE 2 STORM WATER AUDIT	FS	SOR

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PROJECT		CARCUR RESIDENTIAL DEVELOPMENT, WEXFORD	
CLIENT		WILLIAM NEVILLE & SONS	
TITLE		SURFACE WATER DRAINAGE LAYOUT SHEET 4 OF 4	
Proj. Eng. SOR	Drawn by FS	DRG. No. D2093-MAL-00-XX-DR-C-0303	REV C1
Scale AS SHOWN @ A1	Date OCT '25		