



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

**Derogation Number
DER-OTTER-2027-01**

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

DEROGATION

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as “the Habitats Regulations”.

The Minister for Housing, Local Government & Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Billy Hoey of Terminal Building, Rosslare Europort, Ballygillane Big, Rosslare Port, Rosslare, County Wexford, Y35 PHX4** a derogation. It is stated that this derogation is issued:

- A. In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- B. As there is no satisfactory alternative, and the action authorised by this derogation will not be detrimental to the maintenance of the population of otters referred to below at a favourable conservation status in their natural range.

This derogation authorises the following:

- 1. disturbance
- 2. Actions authorised within the derogation in respect of otters



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Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Rosslare Europort, Ballygillane Big, Rosslare Harbour, County Wexford, Y35 PHX4, for Billy Hoey.**
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid unnecessary injury or distress to any species of **Otter**. Anything done other than in accordance with the terms of this derogation may constitute an offence
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The mitigation measures outlined in the application report (**23172_REP_001_Supporting Information Derogation Licence**), together with any changes or clarification agreed in correspondence between NPWS and the agent or applicant, are to be carried out. Strict adherence must be paid to all the proposed measures in the application.
5. The actions which this derogation authorise shall be completed between the **01 January 2027 to 31 December 2028, inclusive.**
6. The works will be supervised by an ecologist: **Joey O'Connor**
7. An artificial otter holt will be installed (as per Section 6.3 of the Supporting Information document), at the western end of the Proposed Development Boundary, near the Sea Scouts area. Final design and location to be agreed with local NPWS staff.
8. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
9. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
10. The derogation is based upon information provided in the application. Where this information may cease to be accurate due to the passage of time or changes to the circumstances giving rise to the need for the derogation, the derogation holder is responsible for notifying the NPWS.
11. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
12. Works are to comply with **NRA's [Guidelines for the Treatment of Otters Prior to the Construction of National Road Scheme](#).**
13. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
14. The local **NPWS District Conservation Officer – Sarah Stapleton**, sarah.stapleton@npws.gov.ie, must be contacted prior to the commencement of any activity, and if otters are detected on site during the course of the work, under the terms of this derogation.
15. On completion of the activities which this derogation authorises, all recordings of otter affected will be made using the standardised data form provided below and must be submitted to the NPWS **within four weeks of the expiry date** of this derogation. Included with the below returns form, a report must be submitted to wildlife.reports@npws.gov.ie detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



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For the Minister for Housing, Local Government & Heritage

Fiona O' Mahony.

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

19 August 2026

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



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Derogation Assessment

Name of Applicant: Billy Hoey

Location/Name of Project: Rosslare Europort, Ballygillane Big, Rosslare Harbour, Co. Wexford, Y35 PHX4

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	☐
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☒
(c) Deliberately take or destroy eggs of the relevant species in the wild	☐
(d) Damage or destroy a breeding or resting place of such an animal, or	☒
(e) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	☐
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
(b) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	☐

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason the applicant claims should be applied to the derogation

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,	☐
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	☐
(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,	☒
(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, or	☐
(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.	☐



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ii. Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on regulation 54(2)(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' as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, it is clear that the applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined in the accompanying report titled "Supporting Information Derogation Licence", a derogation is required to facilitate proposed works at a site adjacent to Rosslare Europort, southeast of Wexford Town, Co. Wexford

The objective of the works as outlined in the report is to "provide a facility for the efficient handling and storage, marshalling, staging and integration of ORE components to facilitate installation of offshore wind energy projects by ORE developers and operators". Development of the hub involves several elements including dredging, land reclamation, storage and berth areas, compound and a small harbour.

The report further outlines that the hub aligns with policy frameworks such as Irelands climate action plan 2025 and the future framework for ORE 2024. The report notes there are currently five applications for offshore wind farms along Irelands east coast with further developments planned for Irelands South coast and the hub is "perfectly placed to support an entire offshore renewable energy project from construction through to operation and maintenance.". The works are stated as "critical to meeting Ireland's climate and energy security goals".

The applicant has provided evidence as to the nature and scale of the public interest including those of a social or economic nature for the proposed works and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2. |

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National Parks and Wildlife Service**Test 2: Absence of a satisfactory alternative**

Please tick the following where it applies and add a comment below to support the recommendation:

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):

Section 5.2 Alternative options were identified and evaluated including alternative locations, alternative designs and alternative construction methods. The following options were considered:

Option 1: Use of existing port facilities Option 2: Reclamation to the east of the existing harbour Option 3: Partial reclamation to the west of the existing harbour Option 4: Reclamation to the west of the existing harbour Option 5: No reclamation.

Section 5.2.2 The options screening eliminated Option 1 and Option 5. This left a shortlist of the following options to progress to Stage 2: Option 2: Reclamation to the east of the existing harbour, Option 3: Partial reclamation to the west of the existing harbour, Option 4: Reclamation to the west of the existing harbour.

Stage 2 option appraisal methodology followed EPA Guidelines, details included in EIAR Chapter 5. Various criteria were assessed under four categories: Environmental, Construction, Operational and Financial and scored. This approach to decision-making was designed to enable a holistic evaluation of all the key factors which differentiate the options under consideration. The results of the appraisal matrix show that Option 3 has the lowest number of negative characteristics and impacts in all four categories. Option 3 is the best performing option by a significant margin under three categories (environmental, operational and financial) and is the joint best option (joint with Option 2) under the constructability category. Overall, Option 3 is the best performing option.

5.2.3 CONCLUSION Having considered all reasonable alternatives and the results of the appraisal matrix, it was concluded that Option 3 is the most suitable option and I agree with the result.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.

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Please tick the following where it applies and add a comment below to support the recommendation:

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6)

Although no otter holts were identified during the recent survey, spraints and couches were recorded which confirms that otters are actively using the Site and adjacent habitats for resting, commuting and foraging despite the level of port activity.

Construction activity could lead to some disturbance, however, the EIAR proposes extensive mitigation measures focused on preventing injury and reducing disturbance. This mitigation will include noise reduction methods, exclusion/monitoring zones, fencing etc.

Some minor loss of otter habitat will occur due to the works. However there is potential to offset this completely and to provide some biodiversity gain through the provision of an artificial otter holt at the western end of the Proposed Development Boundary, near the Sea Scouts area, more removed from the busy port environment.

Providing the mitigation measures proposed in the application are implemented, including the installation of an artificial otter holt (as mentioned in Section 6.3 of the Supporting Information document), then I am satisfied that the derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.

If the answer above is Yes then the derogation may be granted, providing Tests 1 and 2 have also been met.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



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Derogation decision

The application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, has been assessed by officials in the Department and the following decision has been made:

Tick box where appropriate:

There is no satisfactory alternative

☒

and the derogation is not 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.

☒

Therefore, a derogation may be granted to the applicant, since it is—

(a) in the interests of protecting wild fauna and flora and conserving natural habitats

☐

(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property,

☐

(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,

☒

(d) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants, or

☐

(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.

☐

OR This application has been refused as one or more of the conditions set out above have not been met

☐



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The following conditions should be attached to the derogation:

1. An artificial otter holt will be installed (as per Section 6.3 of the Supporting Information document), at the western end of the Proposed Development Boundary, near the Sea Scouts area. Final design and location to be agreed with local NPWS staff.

- 2.
- 3.
- 4.

[add additional conditions where required]

Signed: .

Date: August 19, 2026

Position: Ecologist