



**NPWS**

An tSeirbhís Páirceanna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

# **Application for Derogation Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended**

**Revision 2.0 – July 2025**

- This form can be used by any individual or Company applying for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (“the Regulations”) **or** any individual applying on behalf of the Minister for Housing, Local Government and Heritage under Regulation 54(A) of the Regulations.
- Note this application form is not for Domestic Dwelling Derogations (bats within private homes) which can be found here > ([3D Application Form](#))
- Please ensure that you answer questions fully in order to avoid delays and/or your application being rejected on the basis that it does not contain sufficient information and detail for the application to be considered further.
- Please read and familiarise yourself with the [NPWS Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)
- Please read and familiarise yourself with the [European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive](#)
- Please also note that the responses to these questions are supplementary to the documentation required for the NPWS to be in a position to consider your application. A complete application should include both the application form and an associated report. Failure to supply either will result in your application being returned and/or refused.
- In circumstances in which a derogation is given on foot of this application, the Applicant is responsible for ensuring compliance with the conditions of any such derogation, even though they may employ another person to act on their behalf. To carry out any activity without, or not in accordance with, a derogation granted under regulation 54 or 54A of the Regulations constitutes a criminal offence, subject to prosecution.
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit: [reg54derogations@npws.gov.ie](mailto:reg54derogations@npws.gov.ie)
- Please note – applications, associated reports and derogations will be published on the NPWS website and/or the Department’s Open Data website.
- Where any applicant is applying for a derogation to carry out surveys, please ensure to list all qualified ecologists and trainees under their supervision. See section 1(c) of Part A.

## Part A: The Applicant - Personal Details

These questions relate to the person responsible for any proposed works and who will be the **Applicant**. **If this application is being submitted on behalf of a third party, please also complete Part B below.**

### 1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
[ Miss ]	[ Leona ]	[ McSharry ]
<b>(b)</b> Company Name, if applicable	[ APEM Group Woodrow ]	
<b>(c)</b> Address Line 1	[ Upper Offices, Ballisodare Centre ]	
Address Line 2	[ Station Road ]	
Town	[ Ballisodare ]	
County	[ Sligo ]	
Eircode	[ F91 PE04 ]	
<b>(d)</b> Contact number	[REDACTED]	
<b>(e)</b> Email address	[REDACTED]	
<b>(f)</b> Address where works are to be carried out if different from (b) above.		
Address Line 1	[ Cummeennabuddoge Wind Farm ]	
Address Line 2	[ 4.5 km north of Ballyvourney Village Derrynasaggart Mountains, ]	
Town	[ ]	
County	[ Kerry ]	
Eircode	[ ]	

### Details of Person Submitting Application on Behalf of Applicant/Derogation Holder

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

### 1. (b) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
[ Miss ]	[ Leona ]	[ McSharry ]
<b>(b)</b> Company Name	[ APEM Group Woodrow ]	
Address Line 1	[ Upper Offices, Ballisodare Centre ]	
Address Line 2	[ Station Road ]	
Town	[ Ballisodare ]	
County	[ Sligo ]	
Eircode	[ F91 PE04 ]	
<b>(c)</b> Contact number	[REDACTED]	
<b>(d)</b> Email address	[REDACTED]	
<b>(e)</b> Relationship to Applicant	[ Same as ]	

## For Survey Derogations Only

1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held  
e.g. Supervisor/Trainee

Forename(s)	Surname	Supervisor or Trainee
Sophie	Papczyk	Supervisor
Leona	McSharry	Supervisor
Patrick	Power	Supervisor
Emmi	Virkki	Supervisor
Bruno	Mels	Supervisor
Jenny	Kiely	Trainee
Fern	McCann	Trainee
Brittany	Arendse	Trainee
Adrian	Walsh	Trainee
David	McGarrell	Trainee
Emmeline	Cosnett	Trainee
Nikolina	Foric	Trainee
Aedín	Lewis	Trainee
Damien	McAndrew	Trainee

## Part B: Species covered by the Derogation

1. **Species of Animal:** Please indicate which species is/are the subject of the application:

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

2. Please detail the exact species (scientific name): Kerry slug, *Geomalacus maculosus*

3. Please provide the maximum number of individuals affected\* see below

4. Please provide the maximum number of breeding or resting sites affected\* N/A

5. Please provide the maximum number of eggs to be taken\* N/A

6. Please provide the maximum number of eggs to be destroyed\* N/A

\*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

Previous surveys have recorded Kerry slug at eight transect locations as well as 89 additional records from hand searches and incidental observations. As population numbers can change and individuals are not tied to a specific location, it is not possible to predict the maximum number of individuals affected at present.

FutureEnergy Ireland has commissioned APEM Group Woodrow to undertake surveys for Kerry slug *Geomalacus maculosus*, to address a Request for Further Information (RFI) issued as part of the planning process for the proposed development. The proposed development includes the construction and operation of 17 wind turbines, a permanent met mast, a substation and an underground grid connection.

Previous surveys for Kerry slug, at the site were conducted under licence by Owen Twomey, APEM Ireland in 2021 and Kerry slug was found at all eight transect locations as well as 89 additional records from hand searches and incidental observations.

The derogation licence is being sought to allow the Applicant to undertake surveys to answer the RFI from the planning authority. Surveys will employ established best-practice techniques for detecting Kerry slug; however, these methods potential may risk disturbance to individuals or their habitat.

Population size is dynamic and individuals are not site-faithful across suitable habitat; consequently, it is not possible to predict the maximum number of individuals that may be affected.

**7. Species of Plant:** Please indicate which species is/are the subject of the application:

- Killarney Fern
- Slender Naiad
- Marsh Saxifrage

**8.** If you previously received a derogation for any species of animal or plant, please state derogation number and confirm that you have made a return to NPWS on the numbers actually affected by that derogation.

APEM Group Woodrow and their employees have held multiple licences for bats, badger, otter, photography, etc. including following licences:

Photography licence No. 74/2023

DER/BAT-2024-27

DER-BAT-2024-106

DER-BAT-2025-195

DER-BAT-2025-198

DER-BAT-2025-199

DER-BAT-2025-200

C059/2025

C004/2025

DER-KERRY SLUG-2025-08

**9. Proposed Dates for Activities:** Please indicate the timeframe that you propose to carry out the activities. Dates set by NPWS may differ from dates proposed here. *A derogation will only be issued with a start and end date within a calendar year.*

Start Date:	01 January 2026	
End Date:	31 December 2026	

## Part C: Nature of the Derogation.

**1.** Please tick which prohibition(s) the application for a derogation relates to:

<b>Regulation 51</b>	
Deliberately capture or kill any specimen of the relevant species in the wild	<input type="checkbox"/>
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input checked="" type="checkbox"/>
Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
Damage or destroy a breeding or resting place of such an animal, or	<input type="checkbox"/>
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.	<input type="checkbox"/>
<b>Regulation 52</b>	

Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
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.	<input type="checkbox"/>

**Further information should be provided in the format set out in Part E: Template for Supporting Information**

## Part D: Derogation Tests

**Note: The following summary information must be provided by the applicant in all cases, and will be used to determine if a derogation can be provided. Further information must be provided in the format set out in Part E: Template for Supporting Information**

### Test 1: Reason for the Derogation

- Please tick which reason(s) below explains how this application qualifies under Regulation 54(2)(a-e) or Regulation 54A(2)(a-e) of the European Communities (Birds and Natural Habitats) Regulations: Please provide a summary of how the application meets the 3 conditions required to provide a derogation. Note that in all cases additional information must be provided (see Part E).

<b>a.</b>	In the interests of protecting wild flora and fauna and conserving natural habitats <b>(proceed to 2a)</b>	<input type="checkbox"/>
<b>b.</b>	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property <b>(proceed to 2b)</b>	<input type="checkbox"/>
<b>c.</b>	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>(proceed to 2c)</b>	<input checked="" type="checkbox"/>
<b>d.</b>	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 <b>(proceed to 2d)</b>	<input type="checkbox"/>
<b>e.</b>	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 <b>(proceed to 2e)</b>	<input type="checkbox"/>

**2a.** In the interests of protecting wild flora and fauna and conserving natural habitats:

- Please state the wild flora, fauna or habitats that require protection and /or conservation.

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- Please summarise how the interests of protection and conservation of the species/habitat concerned justify affecting another species under strict protection.

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**2b)** To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property:

- i) Please summarise the nature of the potential damage, why it is considered “serious” and how this outweighs the conservation interest of the species under strict protection.

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**2c)** 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:

- i) Where the reason is for public health and public safety, summarise the evidence provided to support this reason (e.g. documentary evidence of the risk from a chartered structural engineer, tree surgeon, Garda Síochána, qualified health professional etc.)

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- ii) Where the reason is 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”, summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

The proposed development comprises a wind farm located at Cummeennabuddoge, Co. Kerry. The project is of overriding public interest as it contributes directly to Irish national and EU targets for renewable energy generation and greenhouse gas reduction, in line with the revised renewable energy directive (amending directive (EU) 2023/2413), which updates the renewable energy directive 2018/2001.

In the interest of public health and safety, the transition to clean, renewable energy is essential to mitigate the increasing risks associated with climate change, including

deteriorating air quality, the spread of climate-sensitive diseases, invasive species, food and water insecurity, and the growing frequency of extreme weather events.

The project also provides economic and social benefits through local employment, infrastructure investment, and a community benefit fund, supporting the sustainable development of the region.

While the site supports the protected species Kerry slug *Geomalacus maculosus*, appropriate mitigation and monitoring measures have been incorporated to ensure minimal impact. On balance, the long-term environmental and social gains arising from renewable energy production represent an imperative reason of overriding public interest that justifies the proposed works.

**2d)** 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:

- i) Please summarise the objective(s) of the proposed activities making reference to those listed above and how the the purpose of such activities overrides the interests of strict protection of the species. <sup>1</sup>

**2e)** 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

- i) Please clearly state the objective of the activity and verify that this reason is being chosen as the objective of the activity does not match reasons a-d listed above.

- ii) Please summarise how the activity will result in the taking or keeping of limited numbers of specimens of the species, how it will be applied on a selective basis and to a limited extent, and how it will be done under strictly supervised conditions.

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<sup>1</sup> Note that this reason may be appropriate for when research involves surveys that may cause disturbance of species under strict protection. But the sole purpose of the surveys should be for research and education or the other reasons listed above under 1d.



## Test 2: Absence of Alternative solutions

2. Please summarise the alternative solutions that have been considered and why these solutions are deemed unsatisfactory. This must include the option of the “do-nothing” alternative and evidence should be objective and robust. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	<p>The “do-nothing” alternative was considered, whereby no further surveys would be undertaken. This option was deemed unsatisfactory as it would result in insufficient data to adequately assess the presence, distribution, and potential impacts on Kerry slug within the proposed development area.</p> <p>Without robust survey data, the project would not be able to demonstrate compliance with The Wildlife Acts 1976 to 2021, European Communities (Birds and Natural Habitats) Regulations 2011 -2021, The Habitats Directive (92/43/EEC), or satisfy planning or environmental assessment requirements.</p> <p>Furthermore, the absence of updated survey information could increase the risk of inadvertent disturbance or habitat loss during construction, as mitigation measures could not be properly designed or implemented.</p> <p>Therefore, the “do-nothing” alternative is not considered a viable or responsible option from ecological, legal, or project management perspectives.  </p>
Desk-based study	<p>A desktop-only approach, using previously collected data, was considered. However, while earlier surveys have been completed within the turbine areas, relying solely on this information would not provide a sufficiently current or reliable assessment of <i>Geomalacus maculosus</i>. Conditions and species distribution can change over time,</p>

	<p>and having recent data is essential to ensure that the assessment remains relevant and accurately reflects current site conditions. Therefore, a desktop study alone was deemed unsatisfactory as it would likely inaccurately predict potential impacts and would not provide a robust basis for the request for further information.  </p>
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\* Please insert additional rows above if needed

**Test 3: Impact of a Derogation on Conservation Status**

3. Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided where relevant. Mitigation measures being relied upon must ensure that the derogation will not be detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

The proposed Kerry slug surveys within the wind farm site, commencing January 2026 (licence depending), are designed to reassess local population status and distribution. Survey methods will follow recognised, best-practice protocols for *Geomalacus maculosus* and will be implemented in a precautionary, minimally-intrusive manner. Non-invasive search techniques (e.g. timed searches of surface refugia and microhabitat inspection) will be used as the default approach.

Where confident species identification or verification requires it, brief handling of individuals for close inspection may be necessary; such handling will be limited, targeted and only undertaken where essential for identification or biological recording.

No deliberate killing, injuring or long-term translocation of individuals is proposed. Any animals handled will be held for the minimum period required for identification and data capture and will be returned immediately to their original microhabitats. The works will not involve removal or permanent alteration of occupied habitat.

Mitigation and safeguards comprise:

- All surveys undertaken by suitably qualified ecologists with specific experience of Kerry slug survey and handling.
- Activities conducted under an appropriate derogation licence (to be obtained) and in accordance with licence conditions.
- Use of the least-intrusive survey techniques practicable, with disturbance minimised by fingertip searches and careful manipulation only where strictly necessary.
- Immediate reinstatement of any temporarily disturbed microhabitat (e.g. replacing refugia, leaf litter or vegetation).
- A clear stop-work and review protocol: if unexpected adverse effects on individuals or habitat are observed, surveys will be suspended pending review and adjustment of methods.

These mitigation measures have been applied on previous survey programmes at this site under Licence, with no observable long-term detriment to the local population. Given the limited, controlled nature of the proposed survey activity, the application of strict handling protocols, and the adaptive safeguards above, the surveys are not expected to result in significant adverse effects on *Geomalacus maculosus* or its habitat. On this basis, the proposed derogation is not considered likely to be detrimental to the maintenance of the species at a favourable conservation status within its natural range.

Please refer to the accompanying supporting information for detailed methodology, licence compliance measures, and the post-survey monitoring and reporting programme.

## Part E: Template for Supporting Information

This application form should provide a summary of the evidence that the applicant has provided. In all cases, it is necessary to provide separate supporting information so that the assessment of the application can be undertaken in a robust and comprehensive manner. Applicants should refer to guidance provided by the NPWS and the European Commission whilst preparing this application form and the supporting information.

It is essential that supporting information is prepared in a consistent manner using the template below so that NPWS officials assessing the application can locate the relevant evidence to determine if the three Tests can be met. Failure to provide sufficient evidence will result in the application being refused.

The structure of the Supporting Information should be as follows:

- 1) Table of Contents
- 2) Introduction
  - a. Objective of the proposed works (for example, as part of construction of a national road, repair of roofing, undertaking surveys etc.)
  - b. Name, qualifications and relevant experience of scientific staff, including trainees, (e.g. ecologist) involved in the preparation of the application and those responsible for carrying out the proposed activity.
  - c. If this application is for the carrying out of surveys that may cause disturbance, qualifications of all involved must be provided and trainees must be clearly identified.
- 3) Background to proposed activity including location, ownership, type of and need for the proposed activity, planning history, policy context, zoning in relevant Development plan (or equivalent), etc.
- 4) Full details of proposed activity to be covered by the derogation (including a site plan). The site may be inspected by an NPWS representative, so the details given should clearly reflect the extent of the project. This information will be used to compare site conditions with the Method Statement.
- 5) Ecological Survey and site assessment (Not required for applications to carry out surveys)
  - a. Pre-existing information on species at location and environs.
  - b. Status of the species in the local/regional area (relevant to the consideration of the impact on the population at the relevant geographic scale (Test 3))
  - c. Objective(s) of survey
  - d. Description of Surveys Area
  - e. Survey methodology (including evidence as to how the methodology represents best practice and is appropriate to the Objective). Methodology should include survey maps, details of timing, climate, equipment used and identify any uncertainties or difficulties encountered.
  - f. Survey results including raw data, any processed or aggregated data, and negative results as appropriate. Photographs and maps must be provided where site-specific features are referred.
  - g. Population size class assessment.
- 6) Evidence to support the Derogation Tests
  - a. Test 1 - Reason for Derogation:
    - i. There should be a clear explanation as to why a specific reason(s) has been selected in the application form.

- ii. Applicants are advised to read the guidance published by the NPWS '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.1.
- b. Test 2 - Absence of Alternative Solutions
  - i. Applicants must list the alternatives to the proposed activity that have been considered, including the do-nothing alternatives in a clear and objective manner. A basic requirement is that these alternatives should be compared in terms of their impact on the species subject to strict protection. It should be clear to NPWS officials as to why the chosen approach has been selected.
  - ii. Applicants are advised to read the guidance published by '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.2.
- c. Test 3 - Impact of a derogation on Conservation Status
  - i. Applicants should include details of the population at the appropriate geographic scale and an evaluation of how the proposed activity will affect the conservation status both before and after mitigation measures have been applied.
  - ii. Full and detailed descriptions of proposed mitigation measures that are relevant to the potential impact on the target species. Evidence that such mitigation has been successful elsewhere should be provided, where available.
  - iii. Applicants are advised to read the guidance published '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.3.

7) Monitoring the impacts of the derogations

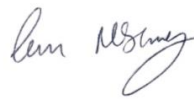
- a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
- b. Applicants should provide details of proposed reports to be submitted to the NPWS including the results of monitoring.
- c. Applicants are advised to read the guidance published by the European Commission "[Guidance document on the strict protection of animal species of Community interest under the Habitats Directive](#)" with specific reference to Section 3.4.

**Part F. Declaration**

I declare that all of the foregoing particulars are, to the best of my knowledge and belief, true and correct. I understand that the deliberate killing, injuring, capturing or disturbing of protected species, or damage or destruction of their breeding sites or resting places or the deliberate taking or destroying of eggs is an offence without a derogation and that it is a legal requirement to comply with the conditions of any derogation I may be granted following this application. I understand that NPWS may visit to check compliance with a derogation.

Please note that under Regulation 5 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 an authorised officer may enter and inspect any land or premises for the purposes of performing any of their functions under these Regulations or for obtaining any information which they may require for such purposes.

**Signature of the Applicant**



**Date**

18/12/2025

**Name in BLOCK LETTERS**

| LEONA MCSHARRY |

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npws.ie

Department of Housing, Local Government and Heritage



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