



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-KERRY SLUG-2026-07**

**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 **William O’Connor of Enerco Energy Ltd. Lissarda Business Park, Lissarda, County Cork** 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 **Kerry Slug** 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



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **the Townland of Maughanaclea, County Cork** for **William O'Connor**.
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 **Kerry Slug**.
3. The works will be supervised by an ecologist: **Pádraig Desmond, Neansaí O'Donovan & Viorel Anitei with Nora Sjizarto, Andrew McCarthy, Sara Fissolo & Stephanie Corkery under supervision**.
4. This derogation may be modified or revoked, for stated reasons, at any time.
5. The mitigation measures outlined in the application report (**Kerry Slug Derogation Licence Application Supporting Information Maughanaclea Renewable Energy Development, Co, Cork**), 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.
6. The actions which this derogation authorise shall be completed between the **26th February – 31st December 2026, inclusive**.
7. 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.
8. If this derogation addresses works that are subject of a planning application, no such works permitted under this derogation can occur until planning permission is granted.
9. 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.
10. The local **NPWS Conservation Ranger – Patrick Graham**, patrick.graham@npws.gov.ie, must be contacted prior to the commencement of any activity, and if bats are detected on site during the course of the work, under the terms of this derogation.
11. Prior to any construction work which involves removal of areas of rock and natural vegetation that constitutes suitable **Kerry Slug** habitat, the area should be competently searched for the presence of Kerry Slug and any found should be removed for translocation. This removal work should commence one month before the start of any scheduled work.
12. **Kerry Slugs** removed from the site should be translocated to a suitable area of habitat, this area to be approved in advance by NPWS.
13. Where possible rocks that are used by **Kerry Slugs** should be removed intact and placed within suitable translocation areas.
14. All trapping and translocation work must be carried out by a suitably qualified person.
15. There should be no net loss of habitat due to the work and replacement habitat should be provided in terms of woodland planting of native species that suitable for **Kerry Slugs** or by movement and replacement of rock outcrops or by creation of new bare rock faces.
16. On completion of the actions which this derogation authorises, all recordings of Kerry Slugs 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 **Dr. Chris Peppiatt**, chris.peppiatt@npws.gov.ie. This report should include locations of all translocation sites, the number of **Kerry Slugs** translocated, areas of replacement habitat created and results of the monitoring programme. A copy of same report must be submitted to wildlife.reports@npws.gov.ie.



For the Minister for Housing, Local Government & Heritage

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

26 February 2026

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





Derogation Assessment

Name of Applicant: William O'Connor

Location/Name of Project: Maughanaclea, County Cork

Tick the following prohibition as chosen on the application:

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

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,	<input type="checkbox"/>
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<input type="checkbox"/>
(c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,	<input checked="" type="checkbox"/>
(d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants, or	<input type="checkbox"/>
(e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule.	<input type="checkbox"/>

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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

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 on the report, Maughanaclea Ltd intend to carry out application for a derogation licence for disturbance to Kerry Slug (*Geomalacus maculosus*) as required under Regulation 54(2) (A-E) of the European Communities (Birds and Natural Habitats) Regulations. The derogation licence is required to fulfil mitigation measures to translocate the Kerry slug during the construction phase of the Proposed Project which comprises a Proposed Wind Farm. The objective of the proposed works is to facilitate a planning permission application to construct a renewable energy development which will comprise of 14 no. wind turbines with an overall tip height of 169 metres (m), rotor diameter of 133m, and associated infrastructure across two clusters of turbines and will have an estimated installed capacity of 67.2MW.

The proposed activities for which the derogation is sought (metric trapping and translocation) will not impact the conservation status of the species, at neither a local scale nor any wider geographic scale.

The derogation is sought in order to ensure that there are no impacts on the local population as a result of the Proposed Project.

The provision of renewable energy development in Ireland is at a critical juncture and the public interest of same can be balanced against the conservation aims of the Directive.

The applicants have 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



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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

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):

The documentation submitted by the applicant has been reviewed, including the evidence for alternative solutions.

The purpose of the derogation is to allow the following activity to take place:

Maughanaclea Ltd intend to carry out application for a derogation licence for disturbance to Kerry Slug (*Geomalacus maculosus*) as required under Regulation 54(2) (A-E) of the European Communities (Birds and Natural Habitats) Regulations. The derogation licence is required to fulfil mitigation measures to translocate the Kerry slug during the construction phase of the Proposed Project which comprises a Proposed Wind Farm. The objective of the proposed works is to facilitate a planning permission application to construct a renewable energy development which will comprise of 14 no. wind turbines with an overall tip height of 169 metres (m), rotor diameter of 133m, and associated infrastructure across two clusters of turbines and will have an estimated installed capacity of 67.2MW.

The specific situation that needs to be addressed is [One Kerry slug record was found throughout the survey area. The record was found in close proximity to the footprint of the Proposed Project. The species therefore has potential to move throughout suitable habitats within the EIAR Site Boundary]

The alternative solutions suggested by the applicant are

1. “Do-Nothing” scenario [The ‘do-nothing’ scenario would mean constructing the wind farm without implementing the required Kerry Slug translocation measures, which could result in potential direct negative impacts and loss of individuals from the local population. NPWS regional staff are in agreement with the applicant that this alternative is not satisfactory as a derogation licence and associated mitigation measures are essential to protect this mobile species, which have the potential to occur within the construction footprint.]
2. Alternative 2 – This alternative would be to not construct the planned renewable energy development. NPWS regional staff are in agreement with the applicant that this alternative is not satisfactory as this would exclude the opportunity to harness renewable energy and remove a vital contribution to the National and European plans to increase the production of renewable energy.
3. Alternative 3 – The only viable and satisfactory alternative is to undertake a search and translocation of Kerry slug to avoid potential impacts on the species and to fulfil the mitigation measures required during construction of the Proposed Project.

NPWS regional staff are in agreement with the applicant that this alternative is the most satisfactory as the mitigation for the proposed works involves:

- During the construction phase of the Proposed Project, the construction corridor will be kept to a minimum to avoid direct habitat loss for Kerry slug.

- Prior to undertaking works in areas of suitable habitat, translocation will be employed to avoid and minimise a direct impact on the species. Translocation to suitable habitat in the surrounding area will be employed to avoid direct loss of individuals.
- Monitoring of Kerry Slug in the areas adjacent to the site works will be undertaken to provide a before and after impact assessment. This will ensure that populations remain stable post-construction.

Alternative 3 was considered the most suitable option in this instance.

The applicant [has] provided satisfactory evidence that alternative solutions have clearly been considered.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant's problem against the effects of a derogation on the species concerned, it is concluded that the application has passed Test 2 and can proceed to Test 3 |

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



Test 3: Impact of a derogation on conservation status of the species

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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

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)

The site of the proposed wind farm in the Maughanaclea Hills, Co. Cork (W15), is within the distribution range of the Kerry Slug in Ireland. It is not close to any SAC for which Kerry Slug is a qualifying interest and is nine kilometres from the nearest SAC (for which Kerry Slug is not a qualifying interest). The wider area contains areas of suitable habitat for the species. A single Kerry Slug has been recorded in the survey area. This record was found in close proximity to the footprint of the proposed project.

The derogation application is to cover metric survey trapping and translocation works during the construction stage of the Proposed Project in line with mitigation set out in the EIAR for the project as proposed. The range and population of this species in Ireland has been assessed as increasing and it is not considered that the proposed disturbance would affect the conservation status of Kerry Slug in this country.

Any derogation licence issued shall condition all of the actions as regards mitigation measures and monitoring methodology that was detailed in the submitted DER licence application form and supporting document. The results of the monitoring and translocation works, i.e. as regards numbers of Kerry Slug recorded and their locations, should be submitted to NPWS as part of the licence condition)

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.



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

The following conditions should be attached to the derogation:

- 1.
- 2.
- 3.
- 4.

[add additional conditions where required]

Signed: 

Date: February 26, 2026

Position: Ecologist