



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fíadhúlra  
National Parks and Wildlife  
Service

**Derogation Number  
DER-KERRY SLUG-2026-08**

**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 **Sean O’Sullivan of Kerry County Council, Kerry National Roads Office & Greenway Unit, The Island Centre, Castleisland, County Kerry, V92 TOCP** 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 **South Kerry Greenway, Kilkeehagh (Glenbeigh), Gleensk and Gortaforia (Kells), County Kerry** for **Sean O’Sullivan**.
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: **Timothy McCarthy**
4. This derogation may be modified or revoked, for stated reasons, at any time.
5. The mitigation measures outlined in the application report (**Ecological Report to Inform an Application for Derogation Licence Under the European Communities (Birds and Natural Habitats) Regulations 2011–2021 pertaining to Lesser Horseshoe Bat (Rhinolophus hipposideros)**), 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 **26<sup>th</sup> February – 31<sup>st</sup> 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 – Jean Hamilton**, [jean.hamilton@npws.gov.ie](mailto:jean.hamilton@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](mailto: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](mailto: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](mailto:reg54derogations@npws.gov.ie)





### Derogation Assessment

**Name of Applicant: Sean O’Sullivan**

**Location/Name of Project: South Kerry Greenway (Kerry Slug)**

**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 checked="" 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 page three of the accompanying report titled “Supporting information document”, the derogation is required to assist with proposed works pertaining to the South Kerry Greenway (SKG).

The purpose of the proposed works is the completion of the SKG, a 27km long trail stretching from Caherciveen, to the village of Glenbeigh, comprising a two-way shared cycling and walking route for use by both walkers and cyclists. The report outlines on pages 10 – 13 a number of objectives for the SKG including but not limited to the increase of tourism and associated economic activity, sustaining the local population through the provision of employment and demand for local produce, health and wellbeing and environmental awareness.

The report also notes the SKG has “the full backing of National Policy and the support of KCC and Transport Infrastructure Ireland (TII).” and the project “is of a significant scale and importance in terms of social, economic, heritage and tourism for the region”.

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 applicant has listed a number of alternative solutions in their supporting document, including Do-nothing, Proceed without mitigation and alternative design options. The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory option.

The Do-nothing scenario is unsatisfactory, as it would prevent the SKG project from going ahead. As per Test 1 above, this project is required for imperative reasons of overriding public interest, including those of a social or economic nature.

The applicant also considered a “No mitigation” scenario. This would not be satisfactory, as previous surveys in the area for which this derogation is sought have identified Kerry slug present within the project site. As such, if the project were to proceed it could negatively impact Kerry slug populations in the local area.

As regards alternative options, a number of alternative construction options along the base of Drung hills were considered to complete the greenway, and these are described in the Supporting Information document.

**Option 1. On- line on the existing Railway Line**

This option was discounted for the following reasons:

- Concerns on stability upslope of the existing railway line plus tight corridor space to deliver the infrastructure required.
- Very large area of habitat loss.
- Visually intrusive in the landscape at this location on a scenic coastal drive.
- Local impacts on drainage.

**Option 2. Bringing the Greenway down to the existing National Primary Road level**

This option was discounted for the following reasons:

- Vertical alignment and gradients required for the greenway could not be achieved.
- Health and Safety and public risk adjacent to a busy National Primary Road.
- Engineering solution to develop a setback space/corridor at road level to accommodate a greenway corridor would lead to a significant engineered vertical support structure along this length and this would have engineering constraints and potentially larger knock-on constraints upslope.
- From a visual perspective an extensive support structure at road level along this section of a scenic route would not be desirable.
- Large footprint of habitat loss and localised impacts on drainage.

### Option 3. Use the mid-level bench for the Greenway

The design approach of this option was the preferred one, based on the key points below:

- The vertical alignment and design gradients along with the required corridor space for the greenway could be achieved.
- The gabion solution was the least intrusive from a constructability perspective.
- The applicants have provided evidence as to the consideration of alternative options for this project, and have given good reasons as to why this option was selected. Based on the above, this application has passed Test 2 and can now proceed to Test 3.
- From a visual perspective the gabion solution would have the least footprint and over time the potential for revegetation or colonisation by plants would ultimately soften the landscape and blend in.
- From a habitat perspective the smaller footprint of a structure was more desirable and that in tandem with a gabion solution with local stone fill material would mean that there is potential for the gabion areas to become suitable or viable habitat for Kerry slug use over time.
- Using the mid-level bench corridor avoided potential rock fall or slope instability risk associated with the lands above the rail line route.

The applicants have provided evidence as to the consideration of alternative options for this project, and have given good reasons as to why this option was selected. Based on the above, this application has passed Test 2 and can now 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 greenway route at Drung Hill and Gleensk, Co. Kerry (V58; V68), is within the distribution range of the Kerry Slug in Ireland. It is also adjacent to the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, for which Kerry Slug is a qualifying interest. The wider area contains areas of suitable habitat for the species. Previous studies have shown that the Kerry Slug is present at the site. The derogation application is for potential disturbance caused during the construction/placing of sections of rock-filled gabions and the demolition of approximately 240 metres of existing stone wall.

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 the pre-construction, construction and monitoring methodology that was detailed in the submitted DER licence application form and supporting document (i.e. including pre-construction hand searching and metric mat refugia trapping and translocation of any slugs found to two nearby sites and the provision of mitigatory habitat by the treatment of the rock gabions and the replacement of rocks from the demolished stone wall in a nearby site, as well as post-mitigation monitoring)

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]

A handwritten signature in cursive script that reads "Kate Greaney".

Signed: .

Date: February 26, 2026

Position: Ecologist