Derogation Number
DER-KERRY SLUG-2026-11 (amended)

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 **Michael Moran** of **Coillte, Killeely More, Kilcolgan, County Galway** 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 **Cloosh Valley (See Figure 4 in accompanying report)** for **Michael Moran.**
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: **Kevin McCormack**
4. This derogation may be modified or revoked, for stated reasons, at any time.
5. The mitigation measures outlined in the application report (**Application for Derogation Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) to Carry Out Tree Felling in Cloosh Valley, Oughterard, Co. Galway Supporting Information**), 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 **8th July – 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 District Conservation Officer – Aonghus O'Donaill,** aonghus.odonaill@npws.gov.ie**,** must be contacted prior to the commencement of any activity.
11. Prior to any 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. There should be no net loss of habitat due to the work and replacement habitat should be provided in terms of woodland planting suitable for **Kerry Slugs** or by movement and replacement of rock outcrops or by creation of new bare rock faces.
15. On completion of the actions which this derogation authorises, all recordings of Kerry Slugs affected will be made using the standardised data form 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

Fiona O' Mahony.

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

15 July 2026

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

National Parks & Wildlife Service LICENCE

Derogation Assessment

Name of Applicant: Michael Moran

Location/Name of Project: Cloosh Valley, Oughterard, County Galway

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 <u>the applicant claims</u> 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.	☐

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 "Application for Derogation to carry out tree felling supporting information", a derogation is required to facilitate proposed works at Cloosh Valley, Oughterard, Co. Galway.

The objective of the proposed works as outlined in the report involves tree felling within six felling areas in Coilltés tree felling programme. These felling licence areas are within 100m of Kerry Slug records. The report further outlines that many of the trees within these six areas have "suffered significant wind blow due to Storm Eowyn" and may be up to 90% windblown. The remaining trees still standing have reached maturity and require felling before they fall over. The report notes this scenario will "pose a threat to water quality in the area"

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.

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):

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: tree felling within six felling areas in Coilltés tree felling programme in the Cloosh Valley, Oughterard, Co. Galway.

The specific situation that needs to be addressed is the felling licences are within 100m of Kerry Slug records.

The alternative solutions suggested by the applicant are:
1. "Do-Nothing" scenario: [The application states that under a "do nothing" scenario 'many of the trees within these six areas have "suffered significant wind blow due to Storm Eowyn" and may be up to 90% windblown. The remaining trees still standing have reached maturity and require felling before they fall over'. The application notes that allowing this do-nothing scenario to unfold will "pose a threat to water quality in the area" '.]

The Potential impacts of the granting of the derogation stated by the applicant in the application include 'Loss and degradation of suitable habitat for foraging and shelter i.e. mature trees, moss and lichen accumulations, layered tree bark' and 'Death through clear felling operations e.g. bark stripping'.
Mitigation measures proposed by the applicant in the application consist of the 'Retention of stumps (preferably Sitka spruce) including retained branches where possible which will act to improve hiding and foraging capabilities of Kerry slug'.
The applicant has provided satisfactory evidence in the accompanying report that alternative solutions, including the 'do-nothing' scenario, have been explored and 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. The derogation licence concerns the felling of commercial forest plantation within 100m of known Kerry Slug records. The applicant has provided for mitigation in the form of retaining tree stumps (and branches where possible) to provide for habitat for Kerry Slugs possibly present in the felling area.

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	☒
	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)

Coillte has commissioned Kerry Slug surveys at five Coillte properties in the Cloosh Valley near Oughterard: Lettercraffroe, Derradda, Seecon, Shannapheasteen and Finnaun. Surveys were carried out in the Cloosh Valley in 2022, to support a similar derogation application (DER/KERRY SLUG-2022-175), and follow up surveys were carried out in 2024. A derogation is being sought for felling licence areas located within 100m of Kerry slug records, but not for tree felling greater than 100m from Kerry Slug records. Felling the trees in felling blocks in which Kerry Slug have been recorded is the only available option for these sites and no suitable alternative exists. Many of these harvest blocks have suffered significant windblow due to Storm Eowyn. In some cases, harvest blocks may be 80-90% windblown. The remaining standing trees within these blocks have reached maturity and there is a risk that if they aren't felled, they will blow over too. This will pose a threat to water quality in the area.

The felling areas are not close to any SAC for which Kerry Slug is a qualifying interest. The native (or "ancient", range of this species in Ireland is in sandstone areas in counties Kerry and west Cork (on rock, or in deciduous or coniferous trees). Kerry Slug was discovered in Connemara, Co. Galway in 2010. This constituted a large 200 km jump from its historic range. It is considered likely that the slug was accidentally transferred to Connemara during forestry operations. The felling site is close to the Connemara Bog Complex SAC (Site code: 002034), although (except for an area at Lettercraffroe Lough) there is no overlap with the SAC (and, for which Kerry Slug is not a Qualifying Interest). The felling sites are also adjacent in places to the Connemara Bog Complex SPA (Site code: 004181).

In 2022, a study was commissioned by Coillte to establish the distribution of Kerry Slug within the Cloosh Valley with the aim of determining if the known population had spread since the first records in 2010/2011. The study also aimed to determine the rate of spread of Kerry slug within the Cloosh Valley and to ascertain whether the 2022-2024 tree felling programme would be detrimental to the conservation status of the Kerry slug population in this area.

In total, more than 200 Kerry slugs were recorded between hand search and trapping methods within the Lettercraffroe, Shannapheasteen, Seecon and Derradda properties. Forty Kerry slugs were found underneath traps specifically set for this survey while 37 slugs were discovered underneath traps that were still installed in the plantation from the 2010/2011 survey. The remainder were active slugs or slugs sheltering underneath moss/bark found during hand searching.

The 2022 survey found that the Kerry Slug distribution in Cloosh Valley had expanded in comparison to the 2010/2011 survey. The species was recorded approximately 350 metres further into the plantation in comparison to 2010/2011 records within the properties of Seecon and Lettercraffroe. Given that the slug had spread by the same distance within both properties, this is likely the rate of natural population expansion. It is also likely that the Kerry Slug was present but not recorded in Shannapheasteen in 2010/2011 given the large numbers recorded during this survey.

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. It is likely that the proposed felling works will cause a decline in numbers, although not total extinction, of Kerry Slug within the felled areas in which the slugs are present.

The proposed mitigation for loss of slug numbers and a decline in habitat quality within the occupied felled areas is that Sitka Spruce stumps will be left in place in those areas when they are felled. Given that the slugs are present in adjacent areas and that the numbers are not expected to decline to zero due to felling operations, it is considered that numbers of this species in the area will recover slowly over time.

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.

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—

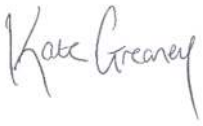
(a) in the interests of protecting wild fauna and flora and conserving natural habitats,	☐
(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property,	☐
(c) in the interests of public health and public safety, or for other imperative reasons 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. Any records of Kerry Slug made in observations by site ecologists/ECOW, i.e. as regards numbers of Kerry Slug recorded and their locations, should be submitted to NPWS as part of the licence conditions
2.
3.
4.

[add additional conditions where required]

Signed: 

Date: July 15, 2026

Position: Ecologist