



**NPWS**

An tSeirbhís Páircanna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

**Derogation Number  
DER-KERRY SLUG-2025-06**

**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 **Curraglass, Kealkill, 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**
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 Curraglass Wind Farm Planning Application**), 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 **29<sup>th</sup> October – 31<sup>st</sup> December 2025, 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](mailto:patrick.graham@npws.gov.ie), should be contacted prior to the commencement of any activity.
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).



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**For the Minister for Housing, Local Government & Heritage**

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

**29 October 2025**

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:** William O'Connor

**Location/Name of Project:** Curraglass, Kealkill, 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 type="checkbox"/>            |
| (b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration                                                                                                       | <input checked="" 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 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 determining factor for the provision of a derogation.

The applicant has highlighted the requirement for the activity by outlining the economic benefits provided by the proposed wind farm development as part of Ireland's climate action plan including its net zero target. In the application, it is noted the Kerry slugs will be translocated a short distance outside the construction area.

Based on the information provided in the submission, the threshold for Test 1 (Reason for the Derogation) has been reached and the application can now proceed to Test 2 (absence of alternative solutions )

## 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 provided satisfactory evidence that alternative solutions have clearly been considered.  
*A number of alternative solutions, including the “do-nothing alternative” were examined by the applicant.*

*The alternative solutions suggested by the applicant are:*

1, Do nothing scenario

Should the proposed development not proceed, the opportunity to construct a renewable energy development in a suitable location will be lost.

2, Disturbance avoidance

Mitigation by avoidance was considered in the project design. The proposed development has been designed to minimise the loss of any habitat of ecological importance, including suitable Kerry slug habitat. Existing infrastructure, such as existing roads and previous turbine hard stands, has been used in the design of the development, and as such, loss of suitable supporting habitat has been kept to a minimum. The overall construction footprint is small (approximately 2.55 ha in a site of 267 ha), and the loss of suitable habitat will not be significant in the context of the wider site.

Given the ecology of Kerry slug, their localised nature and year-round presence, there is no viable alternative regards seasonal works to avoid disturbance to this species.

Viable option

Vegetation removal to accommodate the proposed development will be undertaken in consultation with NPWS, under supervision of an appointed ECoW, and under licence. The translocation and survey methodologies detailed in the reports will be fully adhered to, and will allow the progression of the proposed development while not impacting the favourable status of Kerry slug within the site. There is no satisfactory alternative to the translocation of individuals under licence

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)**

Surveys (conducted in 2020, 2024 and 2025) in the area of the proposed works have shown that the Kerry Slug is widely distributed within the study area boundary. It is highly likely that there will be individuals present within the proposed development footprint.

The applicant is proposing that mitigation will be provided by searching and trapping for Kerry Slug individuals and translocating them to suitable similar nearby habitats.

The site is within the core distribution range of the Kerry Slug in Ireland. The wider area contains significant areas of suitable habitat for the species and suitable habitat for the slug is available within and surrounding the permitted development site.

It is accepted that the permitted development will not result in a significant loss of habitat for the species at a population level. It is also accepted that the habitat loss is unlikely to have an impact outside of the works footprint, or on any SAC sites designated for Kerry Slug.

The range and population of this species in Ireland has been assessed as increasing and it is not considered that the permitted development would affect the conservation status of Kerry Slug in this country.

Any derogation licence issued shall condition all of the actions as regards translocation methodology, enhancements and monitoring that were detailed in the mitigation strategy that was included in the DER licence report that was submitted along with the derogation licence application form

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:

Signed: .

*Kate Greaney*

Date: October 29, 2025

Position: Ecologist