



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
- 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
	Neansai	O'Donovan
(b) Company Name, if applicable	MKO	
(c) Address Line 1	Tuam Road	
Address Line 2		
Town	Galway	
County	Galway	
Eircode	H91VW84	
(d) Contact number		
(e) Email address		
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Cleanrath	
Address Line 2		
Town		
County	Cork	
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
(b) Company Name		
Address Line 1		
Address Line 2		
Town		
County		
Eircode		
(c) Contact number		
(d) Email address		
(e) Relationship to Applicant		

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
Neansai	O'Donovan	Supervisor
Viorel	Anitei	Supervisor
Pádraig	Desmond	Supervisor
Jack	Coffey	Supervisor
Malena	Thren	Supervisor
Adam	Scott	Supervisor
Cuan	Feely	Trainee
Andrew	McCarthy	Trainee
Sara	Fissolo	Trainee
Nora	Szijarto	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*

4. Please provide the maximum number of breeding or resting sites affected*

5. Please provide the maximum number of eggs to be taken*

6. Please provide the maximum number of eggs to be destroyed*

*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.

142 Kerry Slugs were relocated from the development footprint under licence from the NPWS during construction works for the wind farm (DER/KERRY SLUG-2018-88). 83 Kerry Slugs were recorded in the most recent survey in the vicinity of the built development footprint, undertaken in November and December 2024 (License No. C106/2024). While no exact population size can be provided, the inspectors report for the current planning permission (ACP SU04.307939) for the wind farm concluded that mitigation and monitoring measures for Kerry Slug have ensured that significant effects have been prevented.

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.

DER/KERRY SLUG-2018-88 – 4TH JANUARY 2020 (returned)
DER/BAT 2022-73 – 3RD JUNE 2023 (returned)
DER/BAT 2021-23 – 18TH MARCH 2022 (returned)
DER/BAT 2022-110 – 30TH AUGUST 2023 (returned)
DER/KERRY SLUG-2022-137 (EXTENSION) 31ST JANUARY 2023 (returned)
DER/KERRY SLUG-2023-45 (EXTENSION) 10TH JULY 2023 (returned)
DER/KERRY SLUG-2025-03 - 31ST DECEMBER 2025 (yet to be returned)
DER/KERRY SLUG-2025-05 - 31ST DECEMBER 2025 (yet to be returned)

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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:	1 st November 2025
End Date:	31 st December 2025

Part C: Nature of the Derogation.

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

Regulation 51	
Deliberately capture or kill any specimen of the relevant species in the wild	<input checked="" type="checkbox"/>
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input 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"/>
Regulation 52	
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

1. 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).

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

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

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

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

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.

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.)

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 derogation licence is required to comply with monitoring measures as set out in the relevant planning applications. The permitted development is required to support sustainable development, renewable or green energy, comply with national planning policies, and support economic or social developments in the form of a nationally important infrastructure development project. The wind farm renewable energy production has consequences of primary importance for the environment by producing renewable energy and helping Ireland in the reduction of carbon emissions as part of the Climate Action Plan to halve Ireland's emissions by 2030 and reach net zero by no later than 2050.

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. ¹

¹ 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.

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.

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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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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	Under a do-nothing scenario, no monitoring would take place which would be in contradiction with the condition compliance set out by the planning authority and the condition set out by NPWS. This is not a satisfactory alternative.
Trap without a derogation licence	Alternatively, monitoring would have to take place without a derogation licence, and therefore illegally. This is not a satisfactory alternative
Do not use best practice methodology	Monitoring could occur using alternative methodologies prescribed by the NPWS. However, these would not be aligned with the survey methodologies detailed within the

	Kerry slug monitoring plan as set out in relevant planning applications and may not allow for the comparison of data from previous years. This is not a satisfactory alternative.
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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.

Four years of post-construction monitoring were undertaken as part of the post-construction monitoring plan decided in accordance with NPWS. Results from the surveys show that the Kerry slug are present commonly within the site boundary.

The methodology in Year 5 of post construction monitoring will follow the methodology as per previous years to ensure consistency and to compare results. The surveys will follow the methodology outlined in Mc Donnell & Gormally (2011), consisting of a hand search and the deployment of metric refuge traps manufactured by De Sangosse (Pont du Casse, France) along the development footprint and suitable adjacent habitats.

The refuge traps are a non-invasive monitoring method that will be used temporarily, and no slugs will be collected, translocated or removed. The monitoring process is part of the condition of the planning permission and is necessary to assess whether the construction of the development has had an impact on the local Kerry slug population and whether further mitigation may be needed in case of a significant effect identified coming from of the development.

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

Neansaí O'Donovan

Date

31/10/2025

Name in BLOCK LETTERS

NEANSAÍ O'DONOVAN

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage



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

Kerry Slug Derogation Licence Application Supporting Information

Cleanrath Year 5 – Kerry
Slug Post - Construction
Compliance





DOCUMENT DETAILS

Client: **Cleanrath Windfarm Ltd.**

Project Title: **Cleanrath Year 5 – Kerry Slug Post - Construction Compliance**

Project Number: **220925-d**

Document Title: **Kerry Slug Derogation Licence Supporting Information**

Document File Name: **DER licence report - F - 2025.10.31-220925-d**

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Rev	Status	Date	Author(s)	Approved By
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1. INTRODUCTION

1.1 Objective of the Proposed Monitoring

This report has been provided in support of an 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. Kerry Slug is protected under Annex II and Annex IV of the European Habitats Directive. Annex IV in particular protects the species from disturbance and habitat destruction. The derogation licence is required to comply with operational phase monitoring requirements in relation to protected species i.e. Kerry Slug. This was set out in the planning documents of the An Coimisiún Pleanála (ACP, previously known as An Bord Pleanála (ABP)) Planning Reference No. 15/06966 (ABP Ref. PL 04.246742) 2017 permission, particularly the Kerry Slug Management Plan, and the Construction Environmental Management Plan (CEMP)). Monitoring is required to comply with the current planning permission (ABP Ref. SU04.307939), which refers back to the 2017 application. Further details on the planning background of this development are available in Section 1.3. of this report.

1.2 Statement of Authority

Supervisors

This derogation licence is applied for by Neansaí O'Donovan (B.Sc. Wildlife Biology). Neansaí, MKO Senior Ecologist, over 5 years ecological consultancy experience, trained in Kerry Slug surveying under the guidance of Dr. Inga Reich (2022), previous Kerry Slug Licences held (DER/KERRY SLUG-2022-137 (Extension); C106/2024; C012/2025, DER/KERRY SLUG-2025-03). Site visits were carried out in Oughterard, Co. Galway where Slug traps were set, and records of Kerry Slug collected. All these training works were carried out under licence C71/2022.

Viorel Anitei (B.Sc. Environmental Science), MKO Project Ecologist, has over 5 years ecological consultancy experience and has previously undertaken work under Kerry Slug licence C182/2024. Viorel has been trained in surveying Kerry Slug by PhD graduate Dr. Inga Reich who specialised in the species. Site visits were carried out in Oughterard, Co. Galway where Slug traps were set, and records of Kerry Slug collected. All these training works were carried out under licence C71/2022.

Pádraig Desmond (B.Sc. Ecology and Environmental Biology), MKO Project Ecologist, has over 4 years ecological consultancy experience, trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan, (2023), having undertaken work under DER/KERRY SLUG-2025-03). Site visits were carried out in Knocknamork, Co. Kerry where Slug traps were set, and records of Kerry Slug collected. All these training works were carried out under license DER/KERRY SLUG-2022-137 (Extension).

Jack Coffey (B.Sc. Applied Plant Biology), MKO Ecologist with over 2 years' experience and was trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan, Pádraig Desmond and Viorel Anitei under licence DER-KERRY SLUG-2025-05. Jack has specialist knowledge in Ecological Clerk of Works (ECoW) management covering day-to-day monitoring, oversight, auditing and reporting of the implementation of all planning and environmental requirements for on-site wind farm developments covering large scale projects nationwide. Jack routinely undertakes pre-commencement surveys for mammals, invasive species surveys and habitat surveys.

Adam Scott (B.Sc. Environmental Science), MKO Ecologist with over 2.5 years ecological consultancy experience and was trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan, under licence DER-KERRY SLUG-2025-05. Adam is specialised as ECoW, routinely overseeing medium and large sized infrastructural projects. Adam routinely undertakes pre-commencement surveys for

mammals, invasive species surveys, habitat surveys and has been trained in the surveying of lizards (*Zootoca vivipara*).

Malena Thren (B.Sc. Environmental Science), MKO Ecologist with over two years ecological consultancy experience and was trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan under licence DER-KERRY SLUG-2025-05. Malena Thren specialises in biodiversity management, nature restoration and routinely undertakes multidisciplinary walkover surveys, pre-commencement surveys for mammal and habitat mapping. Malena has been trained in the surveying of lizards (*Zootoca vivipara*).

Trainees

Cuan Feely (B.Sc. Environmental Science), MKO Ecologist, has over one year's ecological consultancy experience and is envisaged to be trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan, Pdraig Desmond and Viorel Anitei. Cuan is experienced in undertaking Appropriate Assessment and Screenings and routinely undertakes multidisciplinary walkover surveys, pre-commencement for mammal surveys and habitat mapping.

Sara Fissolo (B.Sc. Ecology and Environmental biology), MKO Project Ecologist with over 5 years ecological consultancy experience and is envisaged to be trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan, Pdraig Desmond and Viorel Anitei. Sara is specialised as a bat ecologist and also routinely manage all the ecological requirement of large sized infrastructural projects.

Nora Szijarto (M.Sc. Behavior, Conservation and Evolution), MKO Ecologist with over 2.5 years ecological consultancy experience and is envisaged to be trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan, Pdraig Desmond and Viorel Anitei. Nora is specialised as bat ecologist, routinely overseeing medium and large sized infrastructural projects. Nora routinely undertakes pre-commencement surveys for mammals, invasive species surveys, habitat surveys.

Andrew McCarthy (B.Sc. Ecology and Environmental biology), MKO graduate Ecologist who recently joined MKO and is envisaged to be trained in Kerry Slug surveying under the guidance of Neansaí O'Donovan, Pdraig Desmond and Viorel Anitei.

1.3

Background

The Cleanrath Wind Farm was originally granted planning permission in 2017 by Cork County Council under Planning Reference No. 15/06966 (ABP Ref. PL 04.24674).

The Cleanrath Wind Farm was the subject of judicial review proceedings which culminated in the Supreme Court rejecting the decision to grant the 2017 permission. A subsequent order of the Supreme Court dated the 19th of June 2020 whereby the order rejecting the decision to grant the 2017 permission stayed pending the decision of ABP on an application for substitute consent. An application for leave to apply for substitute consent was approved by ABP in May 2020 (ABP Ref. LS04.306272) with a substitute consent application lodged in August 2020. The Cleanrath Wind Farm was ultimately granted planning permission by ABP in January 2024 (ABP Ref. SU04.307939).

MKO was commissioned by Cleanrath Windfarm Ltd. (9 turbines) to undertake post construction ecological monitoring of protected species eg. Kerry Slug to fulfil the requirements of the 5-year post-construction monitoring as set out in the CEMP submitted as part of the 2017 planning application and as stipulated in Condition 12 of that grant (ABP Ref. PL 04.24674) to ensure planning conditions were met prior to the planning permission being rejected and as court proceedings were ongoing. Condition 12 of that rejected grant stated::

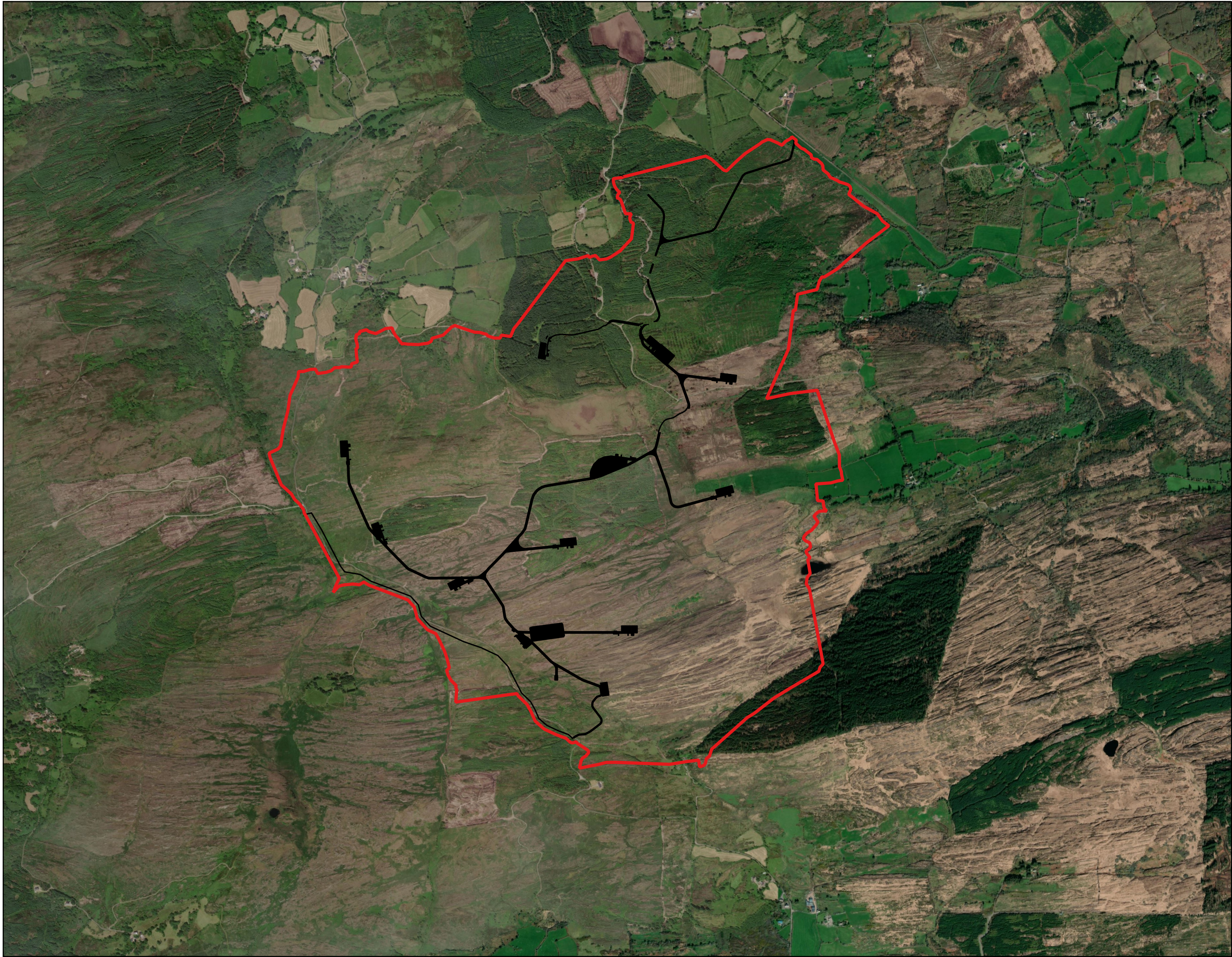
“Pre-construction and post-construction monitoring and reporting programmes for [...] Kerry Slug shall be submitted to, and agreed in writing with the planning authority prior to commencement of

development. The surveys shall be undertaken by suitably qualified and experienced specialists. Surveys shall be completed annually for a period of five years following the commissioning of the windfarm and copies of the report to the planning authority shall also be submitted to the National Parks and Wildlife Service.”

Previous Surveying and translocation were undertaken under licence – DER/KerrySlug-2018-88.

The application of substitute consent was granted in January 2024, and Condition 3 of this grant sets out the condition that “*The mitigation and monitoring measures outlined in the plans and particulars relating to the operation of the development, including those set out in Chapter 16 of the EIAR and Appendix 2 to 8 of the NIS, shall be implemented in full or as may be required in order to comply with the following conditions. Within 3 months of the date of this order, details of a time schedule for implementation of mitigation measures and associated monitoring shall be submitted to the planning authority for their written agreement.*” This includes the requirement to continue and complete the five-year post-construction monitoring as set out in the planning documents of the original 2017 application (particularly the Kerry Slug Management Plan, and the CEMP) as stipulated in Chapter 4 and 6 of the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) of the substitute consent grant. This derogation licence application is for the use of metric traps to complete the 5th year of monitoring.

The site location is shown in Figure 1-1.



Map Legend

- Development Footprint
- Study Area

Microsoft product screen shots reprinted with permission from Microsoft Corporation



Drawing Title

Site Layout

Project Title

Cleanrath Windfarm Kerry Slug
Monitoring Year 5

Drawn By

MT

Checked By

NOD

Project No.

220925-d

Drawing No.

Figure 1-1

Scale

1:15,000

Date

2025-10-31



MKO
Planning and
Environmental
Consultants
Tusam Road, Galway
Co. Galway, Ireland

2. ACTIVITIES TO BE COVERED UNDER DEROGATION

2.1 Kerry Slug Specific Monitoring Measures

The Year 5 of post-construction monitoring of the Kerry Slug at Cleanrath Wind Farm aims to:

- Determine the occurrence Kerry Slug in close proximity to the built infrastructure where revegetation has occurred.
- Report and map the results of the surveys.
- Identify any remedial mitigation that may be required according to the results of the surveys.

Translocation works will not be undertaken as part of this post-construction monitoring. The survey is observational, and no Kerry Slugs will be moved as part of the survey effort.

2.2 Slug Hand Search and Metric Trapping

The search will follow the methodology outlined in McDonnell & Gormally (2011), consisting of a hand search and the deployment of metric refuge traps manufactured by De Sangosse (Pont du Casse, France). As per the NRA (2009) guidelines, surveys for Kerry Slug can be completed all year round. It is recommended to conduct surveys at night during damp or humid conditions. Surveys can also be completed during daylight hours on cloudy, damp days. Additionally, searching of nearby trees will be undertaken when collecting the refuge traps.

The search will focus on the following habitats/features and on grasslands and peatlands within the development:

- Rotting logs/tree stumps in areas of forestry.
- Rocky outcrops and stone walls where present.
- Tree trunks and stumps in areas of forestry.
- Peeling back moss from the tree base to confirm if Kerry Slugs are present.
- Turbine hardstand and infrastructure (observational habitat only, not a targeted habitat for search).

Refuge traps (Plate 2-1) will be deployed in forested areas and rocky outcrops throughout the site. The traps will be secured with string and/or rocks and pegs.

Only trained and licenced personnel will carry out the Kerry Slug search, the credentials of whom are listed in Section 1.2 above.



Plate 2-1 Example of De Sangosse trap

3.

EVIDENCE TO SUPPORT THE DEROGATION TESTS

The below documents were reviewed before compiling this derogation application:

- *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland* - National Parks and Wildlife Service Guidance Series 1 (2021);
- *Applications for Regulation 54 Derogations for Annex IV species* by the NPWS (2025);
- European Commission Guidance (2011);
- Nature Scot Guidance (2020).

Article 16 of the Habitats Directive sets out three pre-conditions, all of which must be met before a derogation from the requirements of Article 12 or Article 13 of the Directive can be granted. These pre-conditions are also set out in Regulation 54 of the Regulations.

The preconditions are:

- A reason(s) listed in Regulation 54 (a)-(e) applies
- No satisfactory alternatives exist
- Derogation would not be detrimental to the maintenance of a population(s) at a favourable conservation status.

It is believed that the pre-conditions for granting a derogation licence have been met, as follows:

3.1

Test 1 – Reasons for Seeking Derogation

54(2) (a)–(e) states that a derogation licence may be granted for any of the reasons listed (a) to (e). We are of the opinion that the following reasons apply:

(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.

The EC guidance (2011) states (3-32) ‘*Secondly, the ‘overriding’ nature of this public interest must be underlined. This implies that not every form of public interest of a social or economic nature is sufficient, in particular when set against the particular weight of the interests protected by the Directive. Careful balancing of interests is needed here. It is also reasonable to assume that **in most cases, the public interest is likely to be overriding only if it is a long-term interest**: short-term interests that only yield short-term benefits would not be sufficient to outweigh the long-term interest of species conservation.*’

Furthermore, Nature Scot offers advice in determining what might constitute ‘other imperative reasons of overriding public interest’. In the context of this derogation application, the following examples from the nature Scot guidance would apply:

- “where there is clear and demonstrable direct environmental benefit on a national or international scale;
- ☒where it is shown that there is a vital contribution to strategic economic development or regeneration;
- ☒where failure to proceed would have unacceptable social and/or economic consequences
- ☒where the project is of national importance, or, possibly, regional importance”

The guidance further states that when a development is required to meet or contribute to meeting a specific need, 'imperative reasons of overriding public interest' (IROPI) can be applied. The guidance states the following points as activities or developments as suitable:

1. *“Maintaining the health, safety, education or environment (sustainable development, renewable or green energy, green transport);*
2. *“complying with national planning policies;*
3. *“supporting economic or social development (nationally important infrastructure development projects, employment, regeneration, mineral extraction, housing etc.)”*

The derogation licence is required to comply with monitoring measures as set out in the relevant planning permission for this windfarm. This derogation licence is required to legally complete the 5th year of monitoring for this windfarm following post-construction. The permitted and built development is required to support the Irish goals for renewable energy production, to comply with national planning policies, and to support economic development in the form of a nationally important infrastructure development project.

The current energy production of the Cleanrath Wind Farm has consequences of primary importance for the environment by producing renewable energy and helping Ireland in the reduction of carbon emissions as part of the Climate Action Plan to halve Ireland's emissions by 2030 and reach net zero by no later than 2050.

The derogation licence is required to comply with the planning permission of the Cleanrath Wind Farm which is currently contributing to Ireland's renewable targets in the long term. Not granting the derogation licence would result in the development not being able to comply with planning conditions.

3.2

Test 2 – There is no Satisfactory Alternative

There is no satisfactory alternative to hand and metric trapping for monitoring purpose at Cleanrath wind farm. As this methodology has been used for the previous 4 years of monitoring and to ensure consistency, continuity and scientific integrity, the same survey methodology should be repeated. Monitoring the Kerry Slug population on site is required as per the relevant planning conditions as set out in Section 1.3 above. The post construction monitoring plan included the monitoring the Kerry Slugs for 5 years.

Alternative 1: Under a do-nothing scenario, no monitoring would take place which would be in contradiction with the condition compliance set out by the planning authority and the condition set out by NPWS. This is not a satisfactory alternative.

Alternative 2: Alternatively, monitoring would have to take place without a derogation licence, and therefore illegally. This is not a satisfactory alternative.

Alternative 3: Monitoring could occur using alternative methodologies prescribed by the NPWS. However, these would not be aligned with the survey methodologies detailed within the Kerry slug monitoring plan as set out in relevant planning applications and may not allow for the comparison of data from previous years. This is not a satisfactory alternative.

To summarise, per the conditions associated with the first derogation licence issued by the NPWS (2018), in consistency with the methodology already used during the past four years and requirement of these surveys to comply with the planning permission, no satisfactory alternative is available and therefore the condition in test 2 has been met.

Test 3 - Impact of a derogation on Conservation Status

Article 16 of the Habitats Directive states:

“Annex IV species must be maintained at Favourable Conservation Status or restored to favourable status if this is not the case at present. The net result of granting a derogation licence must be neutral or positive for the species in question.”

This licence application for monitoring is to ensure that any the Kerry Slug population was not negatively affected by the development.

The site is situated within a larger landscape which contains significant suitable habitat for the species. Suitable habitat for the Kerry Slug is available within and surrounding the built development site.

Kerry Slug populations status in Ireland is currently considered ‘Favourable’ (Article 17, NPWS) with an overall trend “Improving”. Monitoring allows to ensure that the trend remains as it is or keeps improving.

The results of the previous years’ monitoring indicate that the population of Kerry Slug on the site is stable with varied age classes.

Whilst the monitoring survey methodology involves trapping, no specimens will be collected, translocated or removed from site. The methodology that will be used was developed for conservation purpose and is designed for an effective and repeatable method (McDonnell and Gormally, 2011). The method is non-invasive and will temporarily disturb the local population.

The inspectors report from the substitute consent application evaluates the impact of the windfarm on local Kerry Slug populations as follows: *“All areas of habitat suitable for Kerry Slugs were surveyed and any Slugs found were translocated to areas outside the construction footprint, under licence from the NPWS. No evidence significant impacts have been recorded on the wind farm or grid connection.”* No significant negative impact on the local population is anticipated from the derogation licence.

As per the reasoning provided above, the condition in test 3 has been met.

4. **MONITORING THE IMPACTS OF DEROGATION**

Ongoing monitoring is required for this site using the same survey methodologies as per over the previous four years of the monitoring programme. The results of the previous years' monitoring indicate that the population of Kerry Slug on the site is stable with varied age classes.

This is the final year of Kerry Slug monitoring as required under the planning grant (ABP Ref. SU04.307939).

An EU Returns Form and a derogation report will be completed by the applicant and returned to Wildlife Licencing Unit of the NPWS, detailing the results of the monitoring efforts.

5.

CONCLUSION

This report details information for the derogation licence application as set out in the guidance on Applications for Regulation 54 Derogations for Annex IV species by the NPWS (2025).

In conclusion, this report supports the application for a derogation licence for disturbance to Kerry Slug (*Geomalacus maculosus*) associated with the undertaking of a survey to monitor the presence/absence of the species in relation to the post-construction monitoring at Cleanrath Wind Farm. As required as part of the application process, the report addresses the following:

- Explanation as to why the derogation licence sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.
- Evidence that actions permitted by a derogation licence 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 as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.
- Details of any monitoring measures planned for the species affected by the derogation at the location, along with evidence that such monitoring methodology has been successful elsewhere.
- Evidence to support the derogation tests.
- As much information as possible to allow a decision to be made on this application.

BIBLIOGRAPHY

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ACP (2019) Case details 306272

ACP (2016) Case details 246742



APPENDIX 1

DEROGATION LICENCE 2018



An Roinn Cultúir,
Oidhreacht agus Gaeltachta
Department of Culture,
Heritage and the Gaeltacht

DER-KERRY SLUG-94-Cleanrath Windfarm

EUROPEAN COMMUNITIES (NATURAL HABITATS) REGULATIONS, 1997 – 2005
(S. I. Nos 94 of 1997, 233 of 1998 and 378 of 2005)

DEROGATION LICENCE

granted under Regulation 25 of the European Communities (Natural Habitats) Regulations 1997 (as amended), hereinafter referred to as “the Habitats Regulations”.

Introduction

The Minister for Culture, Heritage and the Gaeltacht, (hereinafter referred to as “the Minister”), after obtaining professional advice, is satisfied that: -

(A) this licence should be granted for the purpose of protecting wild fauna and conserving natural habitats, and

(B) there is no satisfactory alternative, and the action authorised by this licence 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.

Licence

The Minister, in exercise of the powers conferred on him by Regulation 25 of the Habitats Regulations hereby grants to **Cleanrath Windfarm Ltd** (“the licensee”) a licence in respect of the **Kerry Slug**. This licence authorises the following:

- (a) disturbance;
 - (b) damage or destruction of breeding sites or resting places;
- (“the authorised actions”).

This licence is subject to the terms and conditions set out overleaf.



Terms and Conditions

1. This licence is granted solely in respect of the activities specified in connection with the **construction of windfarm at Cleanrath, County Kerry**.
2. The authorised actions shall be carried out on the licensee's behalf by, or under the authorisation of **David McNicholas BSc, MSc, MCIEEM, Senior Ecologist** of **McCarthy Keville O'Sullivan Ltd, Planning & Environmental Consultants** ("the scientific agent").
3. All activities authorised by this licence, 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 the species concerned.
4. This licence may be modified or revoked, for stated reasons, at any time.
5. The actions to which this licence authorises shall be completed between the **4th January 2019** and the **4th January 2020**.
6. No agent or servant of the licensee, nor any other person, shall carry out any of the activities to which this licence applies unless authorised in writing by the licensee. Any such agent, servant or other person shall make a copy of the written authorisation available for and shall produce it on demand to any member of An Garda Síochána or an authorised officer.
7. This licence is granted subject to the licensee, including his or her servants and the scientific agent, adhering to the mitigation measures as set out by the scientific agent, these mitigation measures being subject to amendment or addition by the National Parks and Wildlife Service, in order to utilise more up-to-date research and/or in order to comply with planning conditions.
8. An experienced ecological expert shall supervise the mitigation measures as outlined by the scientific agent and shall liaise directly with **Dr. Brian Nelson** of the **National Parks and Wildlife Service (01-8883294)** prior to any works taking place under the terms of this licence.
9. The methodology is to be as agreed:

Kerry Slug Translocation and Monitoring Methodology

Pre-commencement surveys and translocation:

Prior to the commencement of works the following methodologies will be applied for the translocation of Kerry slug:

- Collect Kerry slugs for translocation along the construction corridor,
 - Using both hand searching and metric trapping. This will be done by one of two methods:
 1. On a phased basis, by undertaking translocation along the infrastructure corridor prior to the commencement of works at each new section of the windfarm development as the works progress, or
 2. By undertaking translocation followed by the removal of surface vegetation and boulders (suitable Kerry slug habitat). This material will be placed to one side of the infrastructure footprint (to be used for reinstatement works).



10. During the progress of the activities to which this licence applies, the licensee shall make a copy of the licence available for inspection on each site where the activities are taking place, and shall produce it on demand to any member of An Garda Síochána or an authorised officer appointed under Regulation 7 of the Habitats Regulations (hereinafter referred to as “an authorised officer”).
11. Within 5 working days of being requested to do so by an authorised officer, the licensee shall provide a report on the progress of the work covered by this licence and of the mitigation measures implemented.
12. The licensee shall, within 14 days of completion of the actions which this licence authorises, submit a written report to the address below, describing the activities carried out and the mitigation measures implemented in pursuance of this licence.
13. The licensee shall provide for and implement a scientific programme (hereinafter referred to as “the scientific programme”) of the operation of the mitigation measures, to investigate and provide data on the effectiveness of the mitigation measures. The scientific programme will provide for supplementary mitigation measures informed by data obtained from this monitoring programme.
14. The licensee shall, within **3 calendar months** of the submission of the report under 11 above, submit to the signatory at the address below an interim report on the continued monitoring under the scientific programme. The licensee shall submit a further report by the **13th (final report)** calendar month after the submission of the report under 11 above, setting out the results of the monitoring carried out over these periods and particulars of any supplementary mitigation measures taken.
15. The reporting requirements under this licence will continue in force after the completion of the actions which it authorises, until their completion and the licensee shall be responsible for ensuring that these requirements are met in full.
16. The local NPWS District Conservation Officer **Declan O’Donnell, 087-2646452** shall be contacted by the contractor prior to any work being carried out under the terms of this licence.



- Survey effort will be conducted by undertaking hand searches for approximately 45 minutes/ha (as per survey methods employed by Kelleher & O'Meara at Galway Wind Park). Metric traps will be checked weekly and all Kerry slug individuals recorded will be translocated.
- Translocate to suitable habitat within 50m either side of the site track (or to suitable habitat within a number of monitoring plots: 20x20)?
 - *Note: Kerry slugs found on trees will be placed on similar trees in nearby suitable habitat. Kerry slugs recorded in areas of rocky outcrop/wet heath habitat will be translocated to similar habitat adjacent to the development footprint.*
- Submit report to NPWS on the estimated population within the study area and the total number of individuals moved.

Monitoring during construction:

- During construction, strapped turves and boulders/exposed rock will be stored adjacent to the infrastructure footprint for reinstated along the construction corridor. This will maintain suitable along the infrastructure footprint.
- Where works will require the felling of forestry (along parts of the proposed access route within the north of the site and at T15), tree stumps will be left in place to provide suitable habitat for Kerry slug.
- As per condition 11 of the survey licence (DER/KERRY SLUG 2018-88 and any subsequent licences issued); as works near completed, three areas within the development footprint will be chosen to undertake trials to promote lichen growth. Three areas of newly exposed rock (road side embankment) within the development footprint will be painted with a mix of yogurt and lichen. The aim is to promote lichen growth and thus provide suitable feeding habitat for Kerry slug. These areas will be monitored (photos taken yearly for three years) during ongoing/all future surveys as part of post construction monitoring. Results will be form part of yearly compliance reporting.

Post-construction monitoring:

- Metric trapping and walked transects to be undertaken along areas of newly exposed rock and within suitable habitat adjacent to the infrastructure route. Surveys of tree stumps within areas of forestry to the north of the site will also be undertaken for comparison.
- Monitoring of lichen regrowth within three study areas on areas of newly exposed rock.
- Surveys within translocated areas, to survey for viable populations (Hand searching and metric trapping).
- Surveys will aim to determine the following:
 - Are slugs using exposed rock within the newly constructed site infrastructure (determined using metric traps and walked transects)?,
 - Monitor relative abundance within suitable habitat adjacent to the development footprint (walked transects and metric trapping). Compare with pre-construction survey findings.
 - Monitor areas in which Kerry slug have been translocated to (walked transects and metric trapping).

In addition to the above, please note that all road construction and surfacing materials will be sourced on site within borrow pits. Site track surfacing material will be crushed and screened on site.





Gerry Leckey

(a person authorised by the Minister to sign on his behalf)

21st December 2018

Department of Culture, Heritage and the Gaeltacht
Wildlife Licensing Unit
R. 2.03
90 North King Street
Smithfield
Dublin 7
D07 N7CV

NOTES (1 to 2).

- This licence is granted for the period specified and subject to compliance with the conditions specified. Anything done other than in accordance with the terms of this licence may constitute an offence.
- This licence applies to the **Kerry Slug** and to no other species.

