



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fiadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-KERRY SLUG-2025-09**

**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 **Neansai O’Donovan of MKO, Tuam Road, Galway, County Galway, H91 VW84** 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 **Cleanrath, County Cork** for **Neansai O'Donovan**.
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 one or more of the following ecologists: **Neansai O'Donovan, Viorel Anitei, Pádraig Desmond, Jack Coffey, Malena Thren & Adam Scott with trainees Cuan Feely, Andrew McCarthy, Sara Fissolo & Nora Szijarto under supervision**
4. This derogation may be modified or revoked, for stated reasons, at any time.
5. The mitigation measures outlined in the application report (**Kerry Slug Derogation Licence Application Supporting Information Cleanrath Year 5 – Kerry Slug Post - Construction Compliance**), 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 **16th December – 31st 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 – Louis O'Sullivan**, louis.osullivan@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. This report should include locations of all translocation sites, the number of **Kerry Slugs** translocated, areas of replacement habitat created and results of the monitoring programme. A copy of same report must be submitted to wildlife.reports@npws.gov.ie.



For the Minister for Housing, Local Government & Heritage

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

16 December 2025

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





Derogation Assessment

Name of Applicant: Neansai O'Donovan

Location/Name of Project: Cleanrath, County Cork

Tick the following prohibition as chosen on the application:

| | |
|---|-------------------------------------|
| (a) Deliberately capture or kill any specimen of the relevant species in the wild | <input checked="" type="checkbox"/> |
| (b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration | <input type="checkbox"/> |
| (c) Deliberately take or destroy eggs of the relevant species in the wild | <input type="checkbox"/> |
| (d) Damage or destroy a breeding or resting place of such an animal, or | <input type="checkbox"/> |
| (e) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive. | <input type="checkbox"/> |
| | |
| (a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or | <input type="checkbox"/> |
| (b) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive. | <input type="checkbox"/> |

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason the applicant claims should be applied to the derogation

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



ii. Test 1: Conclusion

Please tick the following where it applies:

| | | |
|--|-----|-------------------------------------|
| There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity: | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on regulation 54(2)(c) *'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'* as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, it is clear that the applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C.

As outlined on page three of the accompanying report the derogation is required to facilitate survey works and compliance with monitoring measures of Kerry Slugs at Cleanrath, Windfarm, Co. Cork.

The monitoring measures form part of the planning permission for the wind farm which supports Ireland's goals in relation to renewable energy production and the reduction of carbon emissions.

The applicants have provided evidence as to the nature and scale of the public interest including those of a social or economic nature for the proposed works and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2.



Test 2: Absence of a satisfactory alternative

Please tick the following where it applies and add a comment below to support the recommendation:

| | | |
|---|-----|-------------------------------------|
| The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative: | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):

The purpose of the derogation is to allow the following activity to take place: The translocation of Kerry slug *Geomalacus maculosus* prior to the construction of the Cleanrath Windfarm.

The specific situation that needs to be addressed is that this species is protected under Annex II and IV of the European Habitats Directive affording it protection from disturbance and habitat destruction, two things that will occur with the construction of the above development. Therefore a derogation licence is required in order to translocate individuals from the proposed construction areas to alternative suitable habitat within the site.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario

Applicant 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.

Assessment: Agreed.

2. Alternative 1

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

Assessment: Agreed.

3. Alternative 2

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

Assessment: Agreed

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 13 of the accompanying report. The applicant examined sufficient alternative solutions.

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

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

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



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

Please tick the following where it applies and add a comment below to support the recommendation:

| | | |
|--|-----|-------------------------------------|
| The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range. | Yes | <input checked="" type="checkbox"/> |
| | No | <input type="checkbox"/> |

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6)

The site of the wind farm at Cleanrath North, Cleanrath South and Derrineanig, Co. Cork (W16; W26), is within the distribution range of the Kerry Slug in Ireland, but not within a designated site. The wider area contains areas of suitable sandstone habitat for the species and suitable habitat for the slug is available in the near vicinity of the wind farm. The derogation application is disturbance caused during post construction monitoring in the form of hand searching and 'trapping' in refugia traps. No translocation or killing of individuals will occur. It is accepted that the proposed disturbance will not result in loss of habitat for the species. It is also accepted that the disturbance will not have an impact 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 proposed disturbance would affect the conservation status of Kerry Slug in this country.

Any derogation licence issued shall condition all of the actions as regards the survey and monitoring methodology that was detailed in the submitted DER 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:

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

[add additional conditions where required]



Signed:

Date: December 16, 2025

Position: Ecologist