



**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](mailto: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
Miss	Sophie	Papczyk
<b>(b)</b> Company Name, if applicable	APEM Group Woodrow	
<b>(c)</b> Address Line 1	Woodrow, Upper Offices, Ballisodare Centre	
Address Line 2	Station Road,	
Town	Ballisodare	
County	Sligo	
Eircode	F91 PE04	
<b>(d)</b> Contact number	+353 85 884 4856 / +353 71 9140542	
<b>(e)</b> Email address	<a href="mailto:s.papczyk@woodrow.ie">s.papczyk@woodrow.ie</a>	
<b>(f)</b> Address where works are to be carried out if different from (b) above.		
Address Line 1	Cummeennabuddoge Wind Farm	
Address Line 2	4.5 km north of Ballyvourney Village Derrynasaggart Mountains	
Town		
County	Kerry	
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
Miss	Sophie	Papczyk
<b>(b)</b> Company Name	Apem Group Woodrow	
Address Line 1	Woodrow, Upper Offices, Ballisodare Centre	
Address Line 2	Station Road,	
Town	Ballisodare	
County	Sligo	
Eircode	F91 PE04	
<b>(c)</b> Contact number	+353 85 884 4856 / +353 71 9140542	
<b>(d)</b> Email address	<a href="mailto:s.papczyk@woodrow.ie">s.papczyk@woodrow.ie</a>	
<b>(e)</b> Relationship to Applicant	Same person	

## 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
Bruno	Mels	Supervisor
Damien	McAndrew	Supervisor
Emmi	Virkki	Supervisor
Leona	McSharry	Supervisor
Patrick	Power	Supervisor
Sophie	Papczyk	Supervisor
Adon	McFarlane	Trainee
Aedín	Lewis	Trainee
Amy	Adwan	Trainee
Brittany	Arendse	Trainee
Conn	Barry	Trainee
David	McGarrell	Trainee
Elizabeth	O'Brien	Trainee
Fern	McCann	Trainee
Hagen	O'Neill	Trainee
James	O'Connor	Trainee
Jasmin	Day	Trainee
Jenny	Kiely	Trainee
John	Ball	Trainee
Nikolina	Foric	Trainee
Róisín	NigFhloinn	Trainee
Róisín	O'Connell	Trainee
Stephen	Bolger	Trainee
Sue	Iremonger	Trainee
Tanushree	Mundra	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\*  See below

4. Please provide the maximum number of breeding or resting sites affected\*  N/A

5. Please provide the maximum number of eggs to be taken\*  N/A

6. Please provide the maximum number of eggs to be destroyed\*  N/A

\*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.

Previous and recent surveys for Kerry Slug (*Geomalacus maculosus*) on the Site have confirmed their continued presence. Earlier surveys carried out under licence in 2021 recorded Kerry Slugs at eight transect locations along with approximately 88 additional records from hand searches and incidental observations. More recent survey work under licence in January 2026 has again confirmed an active population, with an additional 23 to 31 individuals recorded across four of the ten refuge mat deployment locations. Because the species moves within suitable habitats and does not remain fixed to any specific point, it is not possible to reliably predict the maximum number of individuals that may be effected. For this reason, maximum figures cannot be provided. Further details on survey effort are outlined in the Supporting Information document.

7. **Species of Plant:** Please indicate which species is/are the subject of the application: **N/A**

- 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.

APEM Group Woodrow and their employees have held multiple licences for Kerry Slug, bats, badger, otter and photography including following licences:

DER-KERRY SLUG-2025-08

DER-KERRY SLUG-2026-02

DER/BAT-2024-27

DER-BAT-2024-106

DER-BAT-2025-195

DER-BAT-2025-198

DER-BAT-2025-199

DER-BAT-2025-200

C059/2025

C004/2025

DER-BAT-2026-83

DER-BAT-2026-85

DER-BAT-2026-87

DER-BAT-2026-88

Photography licence No. 74/2023 |

- 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:   
End Date:

## Part C: Nature of the Derogation.

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

<b>Regulation 51</b>	
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 checked="" type="checkbox"/>
Deliberately take or destroy eggs of the relevant species in the wild	<input checked="" type="checkbox"/>
Damage or destroy a breeding or resting place of such an animal, or	<input checked="" 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 checked="" type="checkbox"/>
<b>Regulation 52</b>	
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).

<b>a.</b>	In the interests of protecting wild flora and fauna and conserving natural habitats <b>(proceed to 1a)</b>	<input type="checkbox"/>
<b>b.</b>	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property <b>(proceed to 1b)</b>	<input type="checkbox"/>
<b>c.</b>	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>(proceed to 1c)</b>	<input checked="" type="checkbox"/>
<b>d.</b>	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 <b>(proceed to 1d)</b>	<input type="checkbox"/>
<b>e.</b>	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 <b>(proceed to 1e)</b>	<input type="checkbox"/>

**1a.** 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.

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

N/A
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**1b)** 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.

N/A
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**1c)** 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.)

N/A
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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 proposed development comprises a wind farm located at Cummeennabuddoge, Co. Kerry. The project is of overriding public interest as it contributes directly to Irish national and EU targets for renewable energy generation and greenhouse gas reduction, in line with the revised renewable energy directive (amending directive (EU) 2023/2413), which updates the renewable energy directive 2018/2001.

In the interest of public health and safety, the transition to clean, renewable energy is essential to mitigate the increasing risks associated with climate change, including deteriorating air quality, the spread of climate-sensitive diseases, invasive species, food and water insecurity, and the growing frequency of extreme weather events.

The project also provides economic and social benefits through local employment, infrastructure investment, and a community benefit fund, supporting the sustainable development of the region.

While the site supports the protected species Kerry Slug (*Geomalacus maculosus*), appropriate mitigation and monitoring measures have been incorporated to ensure minimal impact. On balance, the long-term environmental and social gains arising from renewable energy production represent an imperative reason of overriding public interest that justifies the proposed works.

**1d)** 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.<sup>1</sup>

N/A

**1e)** 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.

N/A

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.

N/A

## 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

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<sup>1</sup> 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.

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	<p>The “do-nothing” alternative was considered, whereby no translocation of Kerry Slug would be undertaken even if the proposed development were granted development permission.</p> <p>Under this scenario, Kerry Slugs present within areas subject to habitat removal, groundworks, or other construction activities would remain in situ with no measures taken to avoid mortality or displacement. This would result in a high likelihood of direct harm to individuals and the loss of suitable habitat within the footprint of the works.</p> <p>Such an approach would fail to meet the project’s ecological responsibilities, as the species is strictly protected under The Wildlife Acts 1976–2021, the Habitats Directive (92/43/EEC), and the European Communities (Birds and Natural Habitats) Regulations 2011–2021, all of which require proactive avoidance of injury, disturbance, and habitat destruction of Annex II and Annex IV species. Failure to implement a translocation programme would therefore present legal non-compliance risks and could jeopardise the viability of the project.</p> <p>Additionally, without translocation, appropriate mitigation and conservation outcomes for the species could not be achieved. This would run counter to best-practice guidance and would not constitute responsible project management, particularly where a feasible and ecologically robust translocation strategy is available.</p> <p>For these reasons, the “do-nothing” alternative is not considered a viable or responsible option from ecological, legal, or project-delivery perspectives.</p> <p>This remained true for all other alternative solutions including desk-based study.  </p>

\* 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.

The proposed development has the potential to affect the local population of Kerry Slugs through habitat disturbance, removal of occupied substrates, and direct impacts on individuals present within the works footprint.

Under the current proposal, translocation will serve as the primary mitigation measure and will prevent mortality that would otherwise occur if animals remained within areas subject to habitat loss. Individuals will be carefully located, collected, and transferred to receptor sites that have been assessed as suitable and capable of supporting additional animals. This ensures that the most significant potential impact, which is the direct loss of individuals, is avoided.

Disturbance associated with capture and handling will be temporary, controlled, and kept to the minimum necessary to safely relocate animals. Handling will be brief and conducted using methods that maintain humidity, avoid desiccation risk, and minimise stress.

No deliberate injury or killing of individuals, or damaging alteration of occupied habitat is proposed. Habitat disturbance will be limited to the areas directly affected by construction, and all microhabitats, such as lumps of moss or pieces of wood temporarily disturbed during hand search or capture, will be reinstated immediately.

An important population level consideration is that while the works footprint will experience a reduction in numbers, the receptor areas will experience an increase. This represents a redistribution of individual Kerry Slugs rather than a loss in their numbers in the locality. Receptor sites will be selected based on availability of suitable habitat and their size to accommodate additional individuals without compromising ecological balance. The number of Kerry Slugs relocated to a new area will be based on the estimated number of Kerry Slugs per ha of suitable habitat inferred from the numbers recorded during the 2026 surveys. This ensures that the increase is sustainable and does not adversely affect existing populations.

Given that individuals are preserved, suitable habitat is available elsewhere within the receptor locations, and all handling and translocation measures are tightly controlled, the overall impact on the species wider population is expected to be neutral.

Mitigation and safeguards include:

- All capture, handling, and translocation carried out by experienced ecologists trained in working with Kerry Slugs.
- All actions will be carried out under a valid derogation licence and in full compliance with all licence conditions.
- Use of the least intrusive methods practicable for locating and collecting individuals.
- Immediate reinstatement of any temporarily disturbed microhabitat (e.g., lumps of moss, pieces of wood).
- A stop work protocol if any adverse effects on individuals or habitat are observed, allowing methods to be reviewed and adapted before continuing.

With these measures in place, the derogation is not expected to be detrimental to the maintenance of the species at favourable conservation status within its natural range. More detailed information on methodology, licence compliance, and post translocation monitoring is provided in the Supporting Information document.

## 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**

S. Papczyk

**Date**

23/03/2026

**Name in BLOCK LETTERS**

SOPHIE PAPCZYK

**PRIVACY STATEMENT**

See Privacy Statement at [www.npws.ie/licences](http://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