



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

Application for Derogation Licence

Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021

Prepared by the Department of Housing, Local Government and Heritage

npws.ie

- This form is to be used by any person applying for a derogation licence under Regulation 54 or by the Minister under Regulation 54(A)
- Please ensure that you answer questions fully in order to avoid delays
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit;
- Please note – applications/reports received and licences issued under this derogation may be published on the NPWS website and/or the Department's Open Data website

Wildlife Licensing Unit,

Department of Housing, Local Government and Heritage

National Parks and Wildlife Service

Wildlife Licensing Unit, R. 2.03

90 North King Street

Smithfield

Dublin 7 D07 N7CV

Email: wildlifelicence@npws.gov.ie

Part A. The Applicant: Personal Details

These questions relate to the person responsible for any proposed works and who will be the **named licensee**. As the licensee you will be responsible for ensuring compliance with the licence and its conditions, even though you may employ another person to act on your behalf.

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
Dr	Gavin	Fennessy
(b) Address Line 1	Ecology Ireland Ltd.	
Address Line 2	Ballyhigh	
Town	Kilmallock	
County	Limerick	
Eircode	V35 VW58	
(c) Contact number	+353 (0)87 6163589	
(d) Email address	info@ecologyireland.ie	
(e) Address where works are to be carried out if different from (b) above.		
Address Line 1	Kilgarvan Windfarm	
Address Line 2		
Town		
County	Kerry	
Eircode		

Part B. Details of Person Submitting Application on Behalf of Applicant/Licensee

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant/licensee should be entered below:

1. (a) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Dr	Gavin	Fennessy
(b) Company Name	Ecology Ireland Wildlife Consultants Ltd.	
Address Line 1	Ballyhigh	
Address Line 2	Effin	
Town	Kilmallock	
County	Limerick	
Eircode	V35 VW58	
(c) Contact number	+353 (0)87 6163589	
(d) Email address	info@ecologyireland.ie	
(e) Relationship to Applicant		

Part C. The Application

1. **Species of Animal:** Please indicate which species is affected by the proposed works:

- 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* See Below

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.

The proposed development includes for the re-powering of Kilgarvan Windfarm will involve the removal of 28 no. turbines, to be replaced with 11 no. turbines. Ecology Ireland was commissioned on behalf of the client, Ørsted Onshore Ireland Midco Ltd, to carry out a range of ecology surveys at the site since 2018, in order to inform the Environmental Impact Assessment Report (EIAR) and Natura Impact Assessment (NIS), that will be submitted as part of the planning permission for the proposed development.

Kerry Slug, *Geomalacus maculosus*, was found to be common and widespread at the site, where they were recorded on almost every site visit from 2018. The species was observed widely on areas of exposed siliceous rock, rocky roadside verges and around the hard standing areas of the existing turbines. The population of Kerry Slug at the existing wind farm appears to be in robust state and the site is considered of County importance for the species.

A derogation licence is being sought due to the unavoidable disturbance to this species as a result of the proposed development. See the appended report for a detailed description of the proposed mitigation strategy for this species.

7. **Species of Plant:** Please indicate which species is affected by the proposed works:

- Killarney Fern
- Slender Naiad
- Marsh Saxifrage

8. If you previously received a derogation for any species of animal or plant please state licence number and confirm that you have made a return to NPWS on the numbers actually affected by that licence

Have held multiple licences for bats/mammals/photography etc.

including following licenses:

- 204/2023, 25 July– 25 July 2024 (licence to photograph/film the species all terrestrial animals R.O.I)
- C 221/2023, 01 Aug – 31 Dec 2023 (to disturb/capture Pygmy shew, R.O.I)
- C222/2023, 01 Aug – 31 Dec 2023 (to disturb/capture all bats exc. Lesser horseshoe bat, R.O.I)
- C138/2021, 13 Sept – Nov 2022 (licence to capture Common Pipistrelle, Dublin)

- 181/2021, 03 Sept – 31 Dec 2021 (licence to photograph/film all bat species, Co. Clare)
- C117/2016, 15 Sep 2016 - 28 Feb 2017 (to capture Brown Long-eared Bat and other bat species)
- C111/2016, 21 Jul - 30 Sep 2016 (to disturb Pygmy Shrew during small mammal trapping, UCC)
- -DER/BAT 2016-46 (roost disturbance and surveys re roof repairs Adare Manor)
- DER/Pine Marten 2017-72 (April-July 2017) – Pine Marten exclusion from Karnasses House, Clare.]

9. Proposed Dates for Works: Please indicate the timeframe that you propose to carry out works. Dates set by NPWS may differ from dates proposed here.

Start Date:
 End Date:

10. Please tick which reason below explains How this Application Qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations:

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	<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"/>

11. Report Checklist: Please append a detailed report to support this application and ensure that it contains the following information:

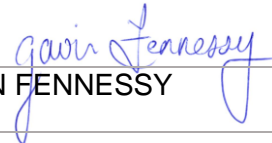
11.1	Explanation as to why the derogation licence sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.	<input checked="" type="checkbox"/>
11.2	Evidence that actions permitted by a derogation 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.	<input checked="" type="checkbox"/>
11.3	Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere.	<input checked="" type="checkbox"/>
11.4	As much information as possible to allow a decision to be made on this application.	<input checked="" type="checkbox"/>

Part D. 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 licence and that it is a legal requirement to comply with the conditions of any licence I may be granted following this application. I understand that NPWS may visit to check compliance with a licence.

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 his or her functions under these Regulations or for obtaining any information which he or she may require for such purposes.

Signature of the Applicant


GAVIN FENNESSY

Date

05/12/2024

Name in BLOCK LETTERS

GAVIN FENNESSY

PRIVACY STATEMENT

Please note that under Data Protection legislation Wildlife Licencing Unit staff may only discuss licence applications with the applicant, and not with any third party. See Privacy Statement at www.npws.ie/licences

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