



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](http://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;

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@housing.gov.ie](mailto:wildlifelicence@housing.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
Mr	Sean	O Sullivan
<b>(b) Address Line 1</b>	Kerry National Roads Office & Greenway Unit – Kerry County Council	
Address Line 2	The Island Centre	
Town	Castleisland	
County	Kerry	
Eircode	V92 TOCP	
<b>(c) Contact number</b>	066 - 7191367	
<b>(d) Email address</b>	skg@kerrycoco.ie	
<b>(e) Address where works are to be carried out if different from (b) above.</b>		
Address Line 1	South Kerry Greenway	
Address Line 2	Kilkeehagh (Glenbeigh), Gleensk and Gortaforia (Kells)	
Town	N/A	
County	Kerry	
Eircode	N/A	

## 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
Miss	Colette	Murray
<b>(b) Company Name</b>	Southern Scientific Services Limited	
Address Line 1	Unit 5B	
Address Line 2	4 Park Business Park	
Town	Farranfore	
County	Kerry	
Eircode	V93 E220	
<b>(c) Contact number</b>	066 – 976 3588	
<b>(d) Email address</b>	Colette@southernscientificireland.com	
<b>(e) Relationship to Applicant</b>	Appointed Project Ecologists	

## 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): *Geomalacus maculosus*
3. Please provide the maximum number of individuals affected\* not apparent at this stage
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 surveys were carried out on the gabion area as part of the preparation of the EIAR and planning application for the project and at the time Kerry Slugs were encountered within this stretch of the proposed works. The construction of this stretch of greenway involves vegetation clearance, excavation works and placing of engineering gabion baskets as part of the greenway structure.

More recent evidence of Kerry slug on a length of stone wall along the Greenway was found. The wall is to be dismantled, temporarily stored and relocated to a new permanent location to facilitate the construction of the South Kerry Greenway.

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

A Derogation Licence for Kerry Slug was previously granted on 21/02/2024 – Reference DER-KERRY-SLUG-2024-46.

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: 1<sup>st</sup> January 2025  
 End Date: 31<sup>st</sup> December 2025

**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** \_\_\_\_\_ **Date** 6<sup>th</sup> December 2024  
 \_\_\_\_\_  
**Name in BLOCK LETTERS** SEAN O' SULLIVAN

## **PRIVACY STATEMENT**

**Please note that under Data Protection legislation Department staff may only discuss licence applications with the applicant, and not with any third party. See Privacy Statement at [www.npws.ie/licences](http://www.npws.ie/licences)**

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