



An
Bord
Pleanála

Inspector's Report ABP 307941-20

Development:	Upgrade to Wild Atlantic Way Discovery Point.
Location:	Bray Head, Valentia Island. Co. Kerry.
Local Authority:	Kerry Co Council.
Type of Application:	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment).
Prescribed Bodies:	Department of Tourism, Culture, Arts Gaeltacht, Sport and Media. Failte Ireland. HSE
Observers:	Muiris O Donoghue Valentia Island Development Company Portmagee Development Company
Date of Site Inspection:	13 th October, 2020
Inspector:	Breda Gannon

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1.0 Introduction

Kerry County Council is seeking approval from An Bord Pleanála to undertake an upgrade of the Wild Atlantic Way Discovery Point at Bray Head, Valentia Island, Co Kerry. The development will involve works within and adjacent to the Iveragh Peninsula Special Protection Area (Site code:004154) which is a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

Section 177AE of the Planning and Development Act, 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act, 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Site and Location

The site is located at Bray Head on the western end of Valentia Island on the Iveragh Peninsula, Co Kerry. It occupies a prominent position in an elevated (c 170mOD) and exposed landscape. The ground level falls away from the site towards the cliffs to the south-east and north-west. Further to the northwest the ground rises to a height of 239mOD.

The site incorporates a derelict signal tower located near the tip of Bray Head. The former Napoleonic tower, which was constructed between 1804-1806 is in a state of disrepair and has been extended and modified over the years. The internal staircase and first floor have been removed. The original boundary wall at the entrance to the signal tower remains but the sections to the rear have collapsed. The concrete base

of the signal mast remains to the west of the tower, as do the remains of the steel flag staff.

Access through the enclosure wall is from the north-east via a gateway with two square-plan rendered pillars. A small concrete path extends from the entrance to the north-eastern doorway of the tower. The enclosing wall is of roughly coursed mortared stone construction with cement capping.

The tower site is accessed on foot via a 2.1km unsurfaced track that extends from a car park to the north-east. There is a short walk (250m) from the car park to a stile. This section of the track is contained by fencing. From the stile, the track runs through commonage, extends as far as the signal tower enclosure and then turns northwards and eastwards forming the Bray Head Loop Walk (part of waymarked National Loop Walk).

The car park is accessed via the L11500-0 which connects to the L7533 and on to the R 565 (c 2.5km to the east). The regional road forms a road bridge which connects Valentia Island with the mainland to the east and thereafter connects to the N70 National Secondary Road further to the north east.

Bray Head is a 'Discovery Point' on the Wild Atlantic Way, as a focal point of particular interest along the route. It is an important tourist attraction in the area and offers panoramic views over the Skellig Islands (UNESCO World Heritage Site), the Blasket Islands and adjacent sea cliffs.

The site is within close proximity of a number of designated areas. The Iveragh Peninsula SPA surrounds the site on all sides. While the access track to the site is included in the SPA the lands associated with the tower and enclosure are not designated. The site and the associated loop walkway is within the Valentia Island Cliffs pNHA (Site code 001382).

3.0 Proposed Development

The proposed development provides for the upgrade of the existing tower buildings and associated works on the site.

The upgrade works would include the following:

- Stabilisation and conservation of the existing Signal Tower building.

- Removal of non-original extensions, roof and chimney.
- Installation of a new hung concrete spiral staircase with viewing platform at parapet roof level and WiFi antennae with associated ancillary solar panel to provide on-site WiFi for visitors.
- Provisions of a viewing point at ground level incorporating a viewing telescope.
- Rebuilding of the tower site boundary wall in its original footprint using Valentia Slate vertical slabs and incorporating a Ha-Ha feature.
- Provision of a store building and interpretation panels.
- Ancillary site works.

The three non-original concrete structures which adjoin the external walls of the signal tower will be removed. These include a three-sided balcony adjoining the southwestern wall of the tower, a small shed adjoining the north-western wall of the tower, and a water tank adjacent to the north-eastern wall of the tower. The existing masonry chimney stack, which is rendered in concrete will be removed where it rises above the rooftop parapet.

It is proposed to remove the existing cementitious render on the external façade of the tower and replaster it using a lime mortar. Cement mortar and concrete will also be removed from the internal face of the building. Masonry joints will be repointed with lime mortar. A new floor and a hung spiral staircase will be provided within the tower to provide access to a new viewing platform at rooftop level, which will replace the existing concrete roof.

The boundary wall will be rebuilt as required so as to reinstate the original enclosure. The wall will be rebuilt up to 1.1m in height in horizontally or vertically stacked Valentia slate depending on location. It will be built on a strip foundation laid approximately 100mm below ground level. The rebuilt walls will be built to a height so as to close the aperture of the view to where the topography falls away to the southwest and will focus the view on the Skelligs to the southwest of the proposed development site.

The existing pathway from the site entrance up to the tower comprises concrete slabs and will be left in place. A gravel pathway, running from the existing pathway

around the northern side of the tower to the proposed viewing area on the western side of the site, will be put in place. This will involve some levelling of the area around the signal mast and the use of the existing contours to create a ha-ha with minimal cut and fill. A flat area will be created below the ha-ha and inside the boundary wall to provide another viewing position and a telescope will be provided in this area. The viewing platform when complete will have an elevation of c 178.5 mOD, while the flat area below the ha-ha will have an elevation of 176.5 mOD.

Ancillary development will include interpretation panels (inscribed slabs) which will be set underfoot or as wall panels. Information signage will also be provided at the carpark, adjacent to the stile at the beginning of the access track. WiFi access will be provided at the signal tower powered by a solar photovoltaic cell or battery arrangement.

The following particulars have been lodged with the application:

- Planning Report (dePaor Architects).
- Supplementary Planning Report and Statement of Consistency with Planning Policy (Kerry Co Council).
- Environmental Report (MKO).
- Natura Impact Statement (Wildeye & Ecology Ireland).
- Site location maps, plans and drawings.
- Copy of site notice and newspaper notice.
- Letter of permission from landowner.
- List of prescribed bodies notified of the application.

4.0 Planning History

There is no planning history attached to the Bray Head tower site. Details of more significant planning applications in the wider area are provided in Section 1.5 of the Supplementary Planning Report.

5.0 Legislative and Policy Context

The EU Habitats Directive (92/43/EEC): This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

European Communities (Birds and Natural Habitats) Regulations 2011: These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

National nature conservation designations: The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

- Iveragh Peninsula SPA
- Valentia Harbour/Portmagee Channel SAC
- Puffin Island SPA
- Skelligs Island SPA
- Ballinskelligs Bay and Inny Estuary SAC

Planning and Development Acts 2000 (as amended): Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate

assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) is the Government's plan for shaping the future growth and development of Ireland out to 2040. It is envisaged that the population of Ireland will increase by up to 1 million by that date and the strategy seeks to plan for the demands this will place on the environment and the social and economic fabric of the country. It sets out 10. No goals referred to as National Strategic Outcomes.

Under National Strategic Outcome 7 (Enhanced Amenities and Heritage) it is proposed to *‘conserve manage and present our heritage for its intrinsic value’* and to *‘invest and enable access to recreational facilities, including trail networks, designed and delivered with a strong emphasis on conservation, allowing the protection and preservation of our most fragile environments and providing a wellbeing benefit for all.’*

Relevant policies include the following:

National Policy Objective 52: The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

National Policy Objective 60: Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

Regional Spatial and Economic Strategy for the Southern Region

The primary aim of the Regional Spatial and Economic Strategy (RSES) is to support at a regional level the delivery of the programme for change set out in NPF. The strategy seeks to build a strong, resilient and sustainable region and sets out 11 no. Strategy Statements to achieve this. Statement No 7 (Enhanced Culture, Amenity and Heritage) is concerned with strengthening and protecting the regions diversity, language and culture, recreational assets and natural and built heritage.

The RSES acknowledges the importance of the tourism sector to the Region, noting that it has a significant share of Ireland’s premier tourism resources, both natural and man-made. It is an objective of the strategy under PRO 52 to:

- (a) Enhance provision of tourism and leisure amenity to cater for increased population in the Region including recreation, entertainment, cultural, catering, accommodation, transport and water infrastructure.
- (b) Promote activity tourism subject to appropriate site selection and environmental assessment processes.

Kerry County Development Plan 2015-2021

The site is located at Bray Head which is designated as a Prime Special Amenity Area (Map 12.1p Volume 3). This designation applies to the areas of outstanding landscapes throughout the county, which are considered to be very sensitive with little or no capacity to accommodate development.

Objective 12-1 states;

'It is an objective of the Council to protect the landscape of the county as a major economic asset as well as for its invaluable amenity which contributes to the quality of people's lives'.

Chapter 5 of the Plan is devoted to Tourism and Recreation. It is an objective of the Plan *'to pursue a strategy for the development of a sustainable tourism industry, which minimises adverse impacts on local communities, the built heritage, landscapes habitats and species leaving them undiminished as a resource for the future while supporting social and economic prosperity.'*

The Plan supports the Wild Atlantic Way initiative (Section 5.6) recognising the benefits to Kerry. Relevant objectives include:

Objective T-29: *'Sustainably promote the 'Wild Atlantic Way' tourism initiative which incorporates the entire Kerry coastline in partnership with Failte Ireland'*

Objective T-31: *'Facilitate the sustainable provision of required tourism amenity infrastructure such as Discovery Points at spectacular coastal locations along the Kerry section of the Wild Atlantic Way (a small number of which may be developed as Signature Discovery Points in agreement with Failte Ireland), viewing areas, picnic areas, parking/laybys and public toilets and other appropriate tourism amenity infrastructure, in conjunction with the phased development and the promotion of the Wild Atlantic Way subject to compliance with the policies and objectives of this Plan and in a manner that facilitates the responsible management of the landscape particularly as they relate to the protection of the natural environment.'*

Chapter 10 (Natural Environment and Flood Risk Management) highlights the importance of natural heritage protection. It is an objective of the Council (NE11) to:

‘Ensure that all projects likely to have a significant effect on a Natura 2000/European site will be subject to Habitats Directive Assessment prior to approval.

Chapter 11 (Built and Cultural Heritage) states that there are many very significant archaeological landscapes around the County. These landscapes are of regional, national and in some cases of international significance. Bray Head, Valentia is identified as one of 18 designated archaeological landscapes. It is an objective (H-30) of the Council to:

‘Ensure the active protection of the 18 identified, significant archaeological landscapes outlined in Volume 2 with particular emphasis on the landscape settings, views of and from the landscapes and monument/feature intervisibility within these landscapes’.

West Iveragh Local Area Plan 2019-2025

The Plan supports the development of a viewing area within the walled site of the signal tower on Bray Head. Objective V1-03 states:

It is an objective of the Council to facilitate the development of Bray Head Tower as a Discovery Point on the Wild Atlantic Way.

6.0 Consultations

The application was circulated to the following bodies by Kerry Co Council:

- An Chomhairle Ealaíon
- An Taisce
- Fáilte Ireland
- Department of Communications, Climate Action and Environment
- Department of Culture, Heritage and the Gaeltacht
- Met Eireann
- HSE
- Inland Fisheries Ireland

Responses were received from the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media, Failte Ireland and the HSE.

6.1. Prescribed Bodies

Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media

Archaeology –The site is located in an area that is archaeologically sensitive and there is potential for impact on subsurface remains associated with the groundworks. It is recommended that archaeological monitoring be carried out on the site and included in a condition of any approval.

Nature Conservation – The proposed discovery point development and part of the associated loop walkway is within the Iveragh Peninsula SPA. It is also within the Valentia Island Cliffs pNHA (Site code 001382). The conservation value of the site as it relates to Bray Head concerns sea birds and chough. The pNHA boundary includes patches and fields of pasture used by chough adjacent to the walkway and these should be taken into account in the assessment of impacts, given the breeding chough density at Bray Head and in terms of the impact of extra visitors using the loop walk, which is outside the SPA boundary but within the pNHA boundary.

The submission lists 7 no. potential conservation issues associated with this proposal:

(i) Effects on future sustainability of sheep grazing at Bray Head – Grazing by sheep at the current stocking rate is crucial to maintaining the short turf grassland which chough use for feeding, especially to the south and west of the signal tower as well as the banks to the south of the access road. The potential effects of the proposed development on the sustainability of sheep grazing at current stocking rates is not assessed in the NIS.

(ii) Effects of disturbance on Chough feeding areas due to increased numbers of visitors in summer, in particular – A disturbance distance of 65m for feeding chough is used for estimating buffer zones based on a flush distance of < 50m. While different disturbance distances have been cited for other project there is sufficient data from south-west Ireland and south Wales to accept a lower disturbance buffer of <80m. It is important to note that chough have been observed feeding in areas vacated by visitors 5 minutes earlier at Bray Head. Thus, the disturbance is

temporary and the frequency of disturbance, rather than the distance, may be more important.

(iii) The effectiveness of signage to mitigate the above effects –it is recommended that an alternative or additional sign be placed just beyond the grassy knoll requesting visitors not to walk to the tip of the Head. Chough has been observed feeding near this area, 5 minutes after people departed.

(iv) Effects of increased use of loop walk - the section of the loop walk beyond the signal tower is not a made path and there are several patches of cattle grazed habitat used by chough along this path. Creation of feeding habitat away from the walkway by creating pasture would ensure no net loss of chough feeding habitat within the pNHA.

(v) Construction impacts – Frequent sudden loud noise events during construction should be avoided on calm days during the summer period. If no upgrade to the access track is proposed, it is unclear how scaffolding, fresh cement and other construction equipment will be drawn to the site along the existing access track.

There is no mention of lighting and this could have a serious impact on migrating birds (other than chough) and this needs to be confirmed by condition.

As the site will be fenced off during the construction period, it is recommended that any grass growth is cut to a level which allows sheep grazing to maintain a short turf, after removal of the fencing when construction is complete.

(vi) Effects of food litter encouraging harassment by crows –Prohibition of food litter at the discovery point should be emphasised. While there is normally little negative interaction between crows and choughs, they can be antagonistic to chough using worm-rich habitats.

(vii) Effects of drones and kites on breeding chough – There is an increase in the use of drones and to a lesser extent kites, at open recreational sites. Both activities should be prohibited, and this should be clearly notified in the car park and at the entrance to the discovery point. Both have a significant disturbance effect on choughs if used near nesting sites. Kites would also create disturbance to feeding choughs at a much greater distance than that assessed in the NIS (65m).

Monitoring - There appears to be no proposals for monitoring chough impacts after construction and operation. Monitoring is recommended and should include the conservation status of chough populations on an annual basis (during the breeding season) for a period of 10 years. The monitoring programme would include details of the number of breeding pairs, location of nest sites and productivity of the population.

Visitor surveys should be carried out on an annual basis for a period of 10 years to establish how visitors respond to signage, what proportion of visitors follow each of the three lopped trails and what proportion of visitors remain on established trails.

The submission includes a number of recommended conditions to ensure the integrity of the SPA for chough is maintained.

Failte Ireland

Supports the development from a tourism perspective as the objective is to upgrade the existing Wild Atlantic Way Discovery Point, to restore the existing signal tower, provide a viewing point and interpretation. This would broaden the appeal of the attraction and has the potential to increase the dwell time for visitors to the destination and make a positive economic contribution to the towns and villages of South Kerry.

The overall objective of the Wild Atlantic Way project is to grow the economic contribution of tourism to the nine coastal counties of the West of Ireland. It is considered that the proposed project would enhance the visitor experience and provide spectacular views of the Skelligs and the coastal landscape.

Health & Safety Authority

Recommends that all necessary control measures are undertaken during the construction and operational stages of the development to control all waste, water pollution, public health nuisance, light pollution, traffic impacts, any interruption to services, access issues and all associated emissions e.g. noise emissions, air emissions, odour, dust etc in order to remediate all health impacts.

It is recommended that a system or procedure be provided by the developer to effectively deal with complaints during the construction and operational phase of the development. This should include the designation of a competent person(s) to liaise

with the local community in the event of public complaint to ensure that appropriate remedial action is undertaken where deemed necessary.

6.2. Public Submissions:

Muiris O Donoghue

- There is a Right of Way registered on observer's folio along the trackway that leads to the tower. It is Kerry Co Council's assertion that this is a public right of way but they do not have the necessary consent of the landowners.
- The tower and its enclosure are the only structures on this headland and its existence and history are being totally disregarded by the proposed development, which was built as a 'Look out' by the British to give an early warning of invasions/attacks.
- The proposed development incorporates a platform and recessed seating area which is inaccessible to people with disabilities. Minimum requirements should be complied with in this regard.
- The proposed development will generate increased footfall and there are many archaeological sites adjacent to the trackway which will be impacted by the development.
- The site lies adjacent to Chough nesting sites. The elevated platform and new boundary wall together with the mirror effect of the solar panels and telescope will have a detrimental effect on this and other bird species. The headland is a designated SPA and the proposed development, particularly the elevated viewing point would have a damaging effect.
- There is considerable anxiety locally that the character of this unspoilt and peaceful place will be changed significantly.
- Kerry Co Council and Failte Ireland will be encouraging people to visit the site, bring increased risk to all the landowners of the commonage. Neither Kerry Co Council nor Failte Ireland have indemnified the landowners against the risk that they proposed to create with this development. The landowners have an obligation under the Single Farm Payment Scheme to ensure that archaeological sites in the area are protected. Increased footfall arising from

the development would be detrimental to these sites and pose an enormous risk to local landowners.

- There are already excellent developed facilities for viewing the Skellig Rocks including the Kerry Cliffs in Portmagee and Geokaun Mountain and Fogher Cliffs on Valentia Island.

The observation is supported by a submission from OES Consulting which is considered in more detail in the assessment section of this report.

Valentia Island Development Company

The Valentia Island Development Company supports the proposal which will contribute positively to the economic development of the island and attract more visitors. It will safeguard an important historic monument and make the site a safer place to visit and direct visitors away from the nature sensitive area of the cliff face and into the enclosure. The project has almost universal support on the island.

Portmagee Development Company

Is fully supportive of the development which will benefit the local economy in Portmagee and Valentia. The walk to Bray Head has been enjoyed by locals and visitors since Victorian times and the tower and surrounding walls are in need of urgent upgrade for the safety and comfort of visitors. Requests that the Board look favourably on the project to allow it to proceed.

A response to the submissions was received from Kerry Co Council on December 4th, 2020, which addresses the matters raised and is considered as necessary in the assessment.

7.0 Assessment

7.1. The likely consequences for the proper planning and sustainable development of the area

Principle of the development

In a 'do-nothing' scenario as outlined by the applicant in the Environmental Report, the potential exists for the condition of the tower to further deteriorate which could become unsafe and limit public access in the future. This option would also mean the

continuation of unregulated movement of visitors around Bray Head with increasing potential for impacts on designated species, particularly Chough.

The proposal would involve the stabilisation and conservation of the existing signal tower structure on the site, which is of significant historical and cultural heritage, being one of 81 similar towers constructed in the State as part of an extensive programme of coastal defences. The removal of more recent inappropriate interventions/extensions would restore the building to its original form and the tower would be returned into active use, reintroducing and modernising a use which is historically associated with the existing property. The boundary wall would be rebuilt so that the entire site is reinstated within the original enclosure. The enclosure will act as a barrier between the tower site and the cliffs edge, which will help to regulate visitor movement around Bray Head, enhancing visitor safety and affording greater protection to protected species, particularly Chough.

I consider that the proposed development is acceptable in principle. It accords with national, regional and local planning policy which seeks to facilitate enhanced leisure /recreational facilities and the growth of sustainable tourism. Through the provision of tourism amenity infrastructure, it accords with local planning objectives and supports the initiatives of the Wild Atlantic Way, which designates Bray Head as a Discovery Point, a focal point of particular interest along the route.

Ownership issues

It is contended by Mr O' Donoghue that the access track to the tower is not a public right of way. He states that following the Land Purchase Scheme in the early 20th century, the tower was retained in the ownership of the Fitzgerald family (Knight of Kerry) and the land surrounding the tower was allocated to a number of farmers and is a private right of way registered on their Folio's. It is also contended that encouraging increased numbers of visitors brings increased risks to owners of the commonage.

The application is supported by a letter of consent from the owner of the tower to the making of the application. No works are proposed to the access track. The planning authority's response to the submissions states that the Loop Walk has been in existence for over 10 years and was an initiative of the local community and required the ongoing consent of the commonage landowners.

Any issues surrounding access or indemnifying owners against any risk associated with visitors are clearly matters which are beyond the scope of this application and can only be resolved by Kerry Co Council and local landowners.

Access for people with disabilities

The proposal will not alter the existing conditions that prevail at the site, which is not readily accessible to people with disabilities. A significant amount of additional work would be required to bring the access road up to an acceptable standard and there is very limited internal space available within the tower structure to accommodate a lift to access the top.

The likely effects on the environment

There is no provision under section 177AE of the Planning and Development Act 2000, as amended, to require Environmental Impact Assessment or to carry out a formal EIA Screening Determination for a local authority project, submitted under this section of the Act.

Kerry Co Council has carried out Screening for EIA and concluded that there is no requirement for mandatory or sub-threshold EIA in respect of the proposed development (Appendix 1 of Environmental Report). The OES Consultancy report appended to Mr O Donoghue's submission considers that the proposal in its entirety should have been subject to formal EIA Screening, assessing not only the works proposed to the tower but also off-site infrastructure and impacts on visitor numbers in this sensitive area.

The development is not of a class specified in Schedule 5 of the Planning and Development Regulations, 2001, to warrant mandatory EIA. The applicant submitted an Environmental Report which describes the existing environment, the potential effects of the proposed development and proposed mitigation measures under the environmental topics prescribed for an EIAR. I have read the Environmental Report in its totality and having regard to the nature, scale and characteristics of the proposed development, I accept that the potential for significant effects on the environment are negligible.

I consider that the main environmental effects to be assessed, other than those covered under Appropriate Assessment are as follows:

- Landscape & Visual Impact
- Cultural Heritage & Archaeology
- Roads & Transportation

A short synopsis of the detail on the other environmental topics contained in the Environmental Report is also provided for the information of the Board.

Landscape and Visual Impact

The site is located in an elevated position in an expansive open landscape with wide open views to the south, southeast and northwest. The landscape in the vicinity of the site is unspoilt and natural and there are unrestricted views of some of Ireland's most scenic landscapes including the Blaskets, Skellig Islands, Dingle Sound and Valentia.

The area is designated 'Rural Prime Special Amenity Area' in the county development plan which is described as very sensitive with little or no capacity to accommodate development. There are a number of scenic routes forming part of the Wild Atlantic Way associated with the local road network to the east. The closest is 2.1 km from the site and extends from the junction at Foilhommerum Bay with the L-115500-0 to the visitor car park (Fig 10.1).

The Environmental Report assesses the visibility of the proposed development from the surrounding area, the Bray Head Loop Trail and a number of routes forming part of the Wild Atlantic Way. The signal tower is most visible in close proximity and from the approaches to the site from both the access track and loop walk. The tower is barely discernible in views from the visitor car park and from scenic routes associated with the local road network that forms part of the Wild Atlantic Way. Visibility is restricted due to the distance (c.2km) and intervening landforms.

The proposal is to remove inappropriate extensions/modifications to the tower and to restore it to active use. The works are small scale and localised and will not be visible in the wider area, or, from designated scenic routes. The works will improve the overall appearance of the tower which will have positive impacts on views in close proximity to the site and on visual receptors using the site. Similarly, the works to the enclosure in the vicinity of the existing signal mast site, which will involve levelling of a small area of ground and cut and fill to create a ha-ha, will be limited

and low impact, which will not adversely affect the visual amenities of the area. No works are proposed to the existing track or looped walk and accordingly no impacts will arise.

The changes to the physical landscape as a result of the proposed development will be highly localised, minor in nature and will not conflict with the landscape designation for the site. I accept the conclusions reached in the Environmental Report that in terms of impacts on landscape character and the visual amenities of the area, the overall magnitude is low.

Cultural Heritage and Archaeology

Bray Head signal tower is not a protected structure but is a landmark building which occupies a prominent position and is of significant historical and cultural significance. Following its original use as one of four Napoleonic-era signal towers long the Co. Kerry coast, it was used as an Admiralty signal station in 1907 and as a Naval War Signal station in the First World War. During the Second World War the tower was reduced in height and used as a coast watching post until 1945. These towers were built within a defensive rectangular walled enclosure with semi-circular prow to the sea which has now collapsed at Bray Head.

The tower has been extensively modified. I note from the application documentation that the original tower was three-storeys in height and a coursed rubble construction, with machicolations to the northeast and southeast corners and bartizan to the west elevation at parapet level. The main entrance door would have been at first floor level accessed by a ladder. The machicolations have been removed and a cornice added. The ground floor windows have been lowered and a ground floor entrance has been added. Extensions have been added along three elevations.

The proposed development will involve works to the interior and exterior of the tower structure and the removal of elements which have no architectural merit. While the proposed development will not restore the full original architectural detail of the tower structure, it will prevent its further deterioration and return it to active use, which is positive in terms of conserving the building and maintaining its special interest and character. The roof top structures incorporating the viewing platform, balustrades, solar panel and antenna are the most visually obtrusive and out of character elements associated with the restoration of the tower. However, I accept that these

structures are an acceptable compromise in terms of bringing the building back to active use.

I concur with the conclusion reached that the works will not impact significantly on the overall integrity of the building. I also accept that the enclosure forms an inherent part of the original functioning of the signal tower and its repair and replacement using locally sourced Valentia Slate will enhance its overall setting.

Regarding archaeology, the area around Bray Head is noted to be rich in archaeological remains which lead to the designation of Bray townland as an 'archaeological landscape' in the development plan. The site is not located within the Zone of Archaeological Potential of any Recorded Monument. There are recorded archaeological features in the vicinity, the closest being a coastal promontory fort c 270m south-west of the signal tower. The Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media (the Department) states in its submission that the National Monuments Service has a record of an additional monument SMR KE084-101 (Promontory Fort, possible) that lies in close proximity to the proposed development.

The proposed development, which is limited to the site of the enclosure will not result in any direct impacts on any known archaeological features. However, the potential for impacts on subsurface material exists and accordingly archaeological monitoring of groundworks is recommended as a condition, should the Board be minded to grant approval for the development.

The Archaeological Impact Assessment (Appendix 5 of Environmental Report) notes that the existing access track that leads to the site traverses the Zones of Archaeological Potential for a number of sites. There are hut site complexes either cut by, or, that abut the existing access track. In addition, there are potential impacts associated with increased visitor numbers which could impact on archaeological features close to the track and the wider area.

The report recommends measures to mitigate impacts including that a monitoring programme be set up to assess the condition of monuments/features annually (Spring/Autumn) and should the condition of any monument/feature deteriorate that further mitigation strategies be implemented in consultation with the National Monuments Service. It is also recommended that suitable signage be erected at

points along the access track and at the viewing point to make visitors aware of the importance of the archaeological resource.

I would point out to the Board that the current proposal does not include any works to the access track and the recommended mitigation measures are outside the scope of this application as the lands on either side of the access track are in separate ownership and are not part of the current proposal.

Roads and Transportation

The site is accessed via the R565 which connects Valentia Island with the mainland and via the L7533 and L11500 to the visitor car park serving the site. The local road network is narrow with stretches where only one-way flow is possible. Passing opportunities are provided at access points and adjacent to dwellings.

Pedestrian traffic counts were conducted by Kerry Co Council at the stile near the car park and at the entrance to the signal tower. The counts were carried out between April 2016 and June 2019. Based on the data collected it was observed that during this period of 37 months, a total of 133,332 pedestrians crossed the stile adjacent to the carpark at the foot of the trail and approximately 50% (65,265) continued to the tower site. There was a significant variation in the number of visitors by month and the data collected indicates that August was the busiest month.

In order to establish background daily traffic flows on the road network in the vicinity of the site, data was used from a continuous traffic counter maintained by TII on the N70 north of Cahersiveen, together with short-term traffic counts carried out on the regional road/local road network on the Bank Holiday Monday May 1st 2017, between the hours of 16.00-17.00. Applying the annual growth rates in traffic volumes (TII data) details of daily traffic flows for the regional/local roads are shown in Table12-2, which also shows predicted traffic flows on the network for the predicted opening year of 2021.

The Environmental Report considers trip generation during construction and the operation of the development. The construction period is expected to last 6 months during which 10 no. construction staff will be employed. Deliveries will be made to the site on 100 days. It is estimated that this will result in 10 car movements (2 staff per car), 4 HGV/tipper truck movements, or 20 passenger car equivalent units (pcus) on the study road network on each day during construction. It is estimated that the

percentage increase in traffic volumes on the road network will range from 1.0% on the R565 to 2.9% on the L-11500-0 approaching the site during construction.

During the operational stage, it is expected that the number of the visitors to the site will increase, which is estimated at 10%. This would result in an increase in traffic volumes ranging from 2.3% increase on the R 565 to 6.6% on the L-11500-0 approaching the site.

The Environmental Report provides estimates of the link capacities for the three links on the road network in the vicinity of the site (Table 12-13). A summary of the daily flows for the background and with development traffic scenario's, and the percentage of link capacities for each are presented in Tables 12-14 and Table 12-15.

The overall conclusion reached is that the R565 has the capacity to accommodate the additional traffic generated by the development both during construction and the operational stage. The capacity of the L7533 and L11500-0 are significantly less, but it is estimated that 72% of the road capacity would be utilised in a worst-case scenario on busy days in August once the development is complete. Most sections of the local roads provide for one-way flow and passing opportunities are provided at informal laybys, at local accesses points and adjacent to dwellings and at the time of inspection (low season) were adequate to provide for the traffic volumes observed on the network.

The impact of traffic on the local road network in the vicinity of the site during construction is assessed as negative and short term. The impact following completion is assessed as negative and long term. In terms of mitigation, there is reference in the report to the proposal by Kerry Co Council to provide additional laybys on the local road network accessing the site to cater for increased visitor numbers.

The car park has the capacity to accommodate 40+cars. It was observed in the traffic study that the car park had 50% spare capacity during the peak hour. The planning authority's response states that the car park currently operates within capacity and will continue to do so even with a 10% increase in visitor numbers. Arising from the pedestrian behaviour, with only 50% of visitors continuing to the tower, it is likely that the majority of visitors to the car park are short stay. There are

no proposals to enlarge the carpark, which is stated will continue to act as a restrictor on the number of people who visit the site at any given time.

Other Environmental Topics

Population and Human Health – Residential density in the vicinity is very low and the nearest dwelling is located c 1.9km east of the site. Services are primarily located in nearby settlements. Primary land uses in the wider area include agriculture, tourism, residential and forestry. The site is currently used for tourism purposes. There are many tourism, outdoor attractions, the natural landscape and visual amenity of the area that provide opportunities for recreation and draw tourists into the wider area.

There will be no significant effects on health and safety during the construction stage of the development as standard good practice measures will be adopted to protect workers and the public. Due to the nature and limited scale of the development, the separation distance to dwellings and the implementation of the best practice protocols to control noise, dust and traffic any impacts will not be significant.

Impacts during the operational stage are assessed as positive associated with increased tourism visitors to the site and increased revenue generated as a result. It is not considered that the proposed development generates any significant risk to the health and safety of the public as it is designed to create a barrier between the currently exposed cliff edge and the tower site. No significant cumulative effects are predicted.

Biodiversity – The results of the ecological monitoring undertaken as part of the Visitor Observation Study (Appendix 4) found habitats within and immediately surrounding the tower site are heavily modified and of low ecological value. Habitats were in poor condition within the core and secondary movement zones where the most visitors were recorded. Habitats outside the proposed development boundary are in good condition and of greater ecological significance. It was noted that the condition of the habitats corresponded directly with visitor usage and movement patterns.

Regarding fauna, Chough was recorded during field surveys, which is a species of Special Conservation Interest for the nearby Iveragh Peninsula SPA. No evidence of other species of conservation concern were recorded within the site boundary and there is no suitable habitat for species of conservation interest including the Kerry

Slug and Marsh Fritillary. There were no signs of roosting bats within the signal tower and the wider exposed area offers little opportunity for foraging or commuting bats. There are no watercourses within the site or the immediate area which would be suitable for otter or other aquatic species.

Due to the modified nature of the habitats on the site, the site is considered of relatively low value to faunal species. The sea cliffs and associated habitats outside the site are considered to be of higher ecological significance and of International importance in relation to the bird species they support.

The works associated with the construction phase of the proposed development has the potential to result in loss/damage of habitat within the site. However, given the nature and limited scale of the works and the modified nature of these habitats, the impact would not be significant and will be minimised by appropriate mitigation measures. Standard best practice measures will be employed to minimise potential impacts on habitats both within and adjacent to the site, which include containing the works area to the minimum within the confines of the site and outside the SPA, measures to prevent accidental spillages, refuelling off-site, appropriate storage of soil, measures to prevent the introduction of invasive species etc.

The works have the potential to cause disturbance to faunal species. The works will avoid the more sensitive area on the cliffs and in the vicinity of identified nests for Chough or other bird species of conservation interest. To mitigate impacts during construction standard best practice measures will be implemented to minimise disturbance associated with noise and the works will only take place during daylight hours.

The operational phase of the development is assessed as positive in terms of disturbance of Chough as the works are designed to focus visitor activity at the signal tower and its enclosure which are less ecologically sensitive than the cliffs. It is considered that visitors are less likely to visit the cliff area when there is a clearly marked viewing area. Mitigation measures are set out in the NIS which is considered in more detail below under Appropriate Assessment.

Land, Soil and Geology – The construction stage will involve the permanent removal of small volumes of soil and bedrock for the construction of the boundary wall. These impacts will be highly localised and confined to the area of the enclosure. Mitigation

will be primarily through the re-instatement and re-use of material for landscaping purposes, negating the need to remove excavated material from the site. Standard best practice measures will also be employed to mitigate potential impacts on soils/subsoils associated with potential leaks of hydraulic oils and fuels during construction. No significant effects on soils and subsoils are predicted.

There is potential for localised soil erosion associated with increased footfall to the site, where pedestrians move away from the designated pathways. It is proposed to erect signage at the car park to advise visitors to only use the designated pathways.

Hydrology and Hydrogeology - The main risk to surface water would be the release of sediment laden water to surface watercourses from on-site excavations and stockpiled material. There are no surface water features within the site. Drainage is by overland flow. There are a number of streams located to the north and northeast, the closest being c 1km to the east of the site boundary. (Fig 7.2). Arising from the significant separation distance and local topography which slopes to the south east, there is unlikely to be any hydraulic connectivity between the site and these waterbodies.

The site is underlain by a 'Poor' aquifer which has an 'Extreme' vulnerability rating. Due to the nature of the proposed development, involving near surface construction activities effects on groundwater will be negligible. The primary risk to groundwater would be via the release of cementitious materials, hydrocarbons spillage and leakages.

Standard mitigation measures will be used to minimise the area exposed to rainfall infiltration so as to prevent/reduce the amount of surface water run-off. Standard best practice measures will also be implemented to prevent other pollutants from entering the surface/ground water environment. No significant effects on surface water or groundwater are therefore predicted.

Due to the nature of the proposed development no impacts are predicted during the operational stage of the development.

Air & Climate - The site is located in a rural area, well removed from any polluting activities. The construction stage will result in exhaust emissions associated with vehicles and plant, which will be temporary and localised. It is proposed to re-use excavated material on the site which will reduce/negate the need for deliveries/

removal of material off site, which will reduce vehicle movements and associated emissions. Emissions will be further curtailed by the maintenance of vehicles/plant in good operational order.

There is also potential for dust generation associated with excavation and construction. These activities will be confined to the development site and will be short lived. The mitigation measures proposed are standard best practice on construction sites and no significant effects are predicted.

During the operational stage, there is limited potential for the generation of dust, except where visitors walk outside the designated pathways. This could result in soil erosion during dry periods. To mitigate this effect, it is proposed to provide signage at the car park, advising visitors to only use the designated pathways.

This is a small scale project in open countryside and it is not considered that emissions to air will be of a magnitude that will impact on the health of workers or visitors to the site, or have significant effects on climate due to greenhouse gas emissions.

Noise – Noise is considered in Chapter 9 of the Environmental Report. The site is located in an isolated rural area approximately 1.9km from the nearest sensitive receptor. The access road to the site passes within 100m of the same receptor, which is a residential dwelling. Ambient noise levels in the area are low.

The construction stage will involve the use of plant and machinery. Table 9-2 of the Environmental Report provides details of the predicted sound pressure levels from construction plant at various distances up to 100m from the works. Due to the significant separation distance between the site and the nearest sensitive receptor, the potential for significant noise impacts will not occur. There will also be movements of machinery/vehicles associated with construction along the access track with the potential to impact on the dwelling close by. This impact will be temporary and minor in nature. To minimise adverse impacts standard best practice measures to control noise will be implemented during the construction stage, including working methods, operation of plant etc. No significant negative effects on sensitive receptors are predicted due to construction noise or vibration impacts.

No significant operational impacts are predicted. The proposed development may result in increased activity at the visitor car park, but this is likely to be imperceptible when compared to the current visitor traffic noise.

Conclusion

Having regard to the nature and location of the proposed development and the types and characteristics of potential impacts, which are capable of mitigation using standard best practice measures, I consider that the potential for significant effects on the environment is not likely to arise.

A mandatory or sub-threshold EIAR is not required in respect of the proposed development and I consider that the Environmental Report submitted is comprehensive provides the Board with sufficient information to assess the potential impacts associated with the proposal. I consider that the report, together with the planning authority's response, addresses the matters raised in the various submissions.

7.2. The likely significant effects on a European site:

The requirements of Article 6(3) as related to appropriate assessment of a project under section 177AE of the Planning and Development Act, 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Screening the need for Appropriate Assessment
- The Natura Impact Statement
- Appropriate Assessment

Compliance with Articles 6(3) of the EU Habitats Directive: The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent

authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

The proposed development is not directly connected to, or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3)

Screening the need for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in significant effects to a European site. This is considered Stage 1 of the appropriate assessment process i.e., screening. The screening stage is considered to be a preliminary examination. If the possibility of significant effects cannot be ruled out on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.

The Stage 1 Screening Report for Appropriate Assessment submitted by the applicant identified the following European sites within a 15km of the proposed development, which are as follows:

1. Iveragh Peninsula SPA (Site code: 004154)
2. Valentia Harbour/Portmagee Channel SAC (Site code: 002262)
3. Puffin Island SPA (Site code: 004003)
4. Skelligs SPA (Site code: 004007)
5. Ballinskelligs Bay and Inny Estuary SAC (Site code:000335)

It is concluded at an early stage that no impacts are likely on the Ballinskelligs Bay and Inny Estuary SAC arising from the proposed development. The SAC lies at the western end of the Iveragh Peninsula, to the southeast of Bray Head. It is of conservation interest for three coastal/estuarine habitats. Having regard to the nature of the proposed development, the distance between the site and the SAC (11.6km), the lack of substantive linkages and impact source-receptor pathways, it is concluded that there is no potential for direct or indirect impacts on the SAC or its qualifying interests arising from the proposed development. The site was not therefore brought forward for further consideration.

The remaining 4 no. sites brought forward by the applicant for Stage 1 Screening for Appropriate Assessment together with their qualifying interests and the distance from the development site are set out in Table 1 below. A description of these sites and their Conservation Objectives/Qualifying Interests/Special Conservation Interests are set out in Section 4.3 of the NIS.

Table 1: European sites brought forward (by applicant) for Stage 1 Screening

European site (SAC/SPA)	Qualifying Interests	Distance
Iveragh Peninsula SPA (Site code 004154)	[A009] Fulmar [A103] Peregrine [A188] Kittiwake [A199] Guillemot [A346] Chough	0km
Valentia Harbour/Portmagee Channel SAC (Site code: 002262)	[1140] Mudflats and sandflats not covered by seawater at low tide [1160] Large shallow inlets and bays [1170] Reefs	0.1km
Puffin Island SPA (Site code: 004003)	[A009] Fulmar [A013] Manx Shearwater [A014] Storm Petrel [A183] Lesser Black-back Gull [A200] Razorbill [204] Puffin	4.4km
Skelligs SPA (Site code: 004007)	[A009] Fulmar [A013] Manx Shearwater [A014] Storm Petrel [A016] Gannet [A188] Kittiwake [A199] Guillemot [A204] Puffin	12.2km

Iveragh Peninsula SPA (Site code 004154)

The SPA is a large site and encompasses the high coast and sea cliff sections of the peninsula from just west of Rossbehy in the north, around to the end of the peninsula

at Valentia Island and Bolus Head, and as far east as Lamb's Head in the south. The site includes the sea cliffs, the land adjacent to the cliff edge and also areas of sand dunes at Derrynane and Beginish.

The SPA site is of special conservation interest for Chough, Peregrine, Guillemot, Fulmar and Kittiwake. It is of ornithological importance as it supports an internationally important population of Chough, a Red Data Book Species that is listed on Annex 1 of the Birds Directive. The SPA is the second most important site in the country for this species. Particularly high densities are noted to occur at Valentia Island where livestock grazing presents the species with widespread feeding opportunities. Communal roosts exist on Lamb's Head near Derrynane and at the western tip of Valentia Island. Studies have shown that Chough forage mainly within 300m of the cliff tops used for breeding and these areas have been included in the site. The site also supports nationally important populations of Peregrine (Annex 1) and three species of breeding seabirds, Guillemot, Fulmar and Kittiwake.

Detailed site-specific conservation objectives have not been published for the site. The generic objective is:

'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'.

The signal tower enclosure is not included within the Iveragh Peninsula SPA, but it surrounds the site on all sides. The pathway to the site is within the SPA. As significant effects arising from habitat degradation and potential disturbance to Peregrine and Chough at breeding, roosting and foraging sites within the SPA could not be ruled out, the site was brought forward for appropriate assessment.

Valentia Harbour/Portmagee Channel SAC (Site code: 002262)

The SAC runs to the south of Valentia Island and includes the Portmagee Channel and Doulus Bay and Valentia Harbour to the east. The site is of particular interest and importance because it contains good examples of three habitats listed on Annex 1 of the Habitats Directive, tidal mudflats and sandflats, large shallow inlets and bays, and reefs.

Site-specific conservation objectives have been published for the site with the overall objective being to maintain the favourable conservation condition of the Annex 1 habitats for which the site is selected.

The habitats for which the site is selected are maritime/intertidal in nature with no potential to be impacted by the development. Due to the limited scale of the construction effort, the lack of accessibility between the site and the SAC, the lack of aquatic pathways between construction areas and the SAC, the presence of a significant buffer of vegetated ground between the works and the SAC and the lack of significant pathways by which significant impacts are likely to occur, it is concluded that there is no potential for significant effects on the SAC, or its qualifying interests.

Puffin Island SPA (Site Code: 04003)

Puffin Island lies c. 0.5km off the northern side of St Finan's bay in south-west Co. Kerry. The site is owned by BirdWatch Ireland and is managed for conservation and is a Statutory Nature Reserve. The SPA is of special conservation interest for the following species: Fulmar, Manx Shearwater, Storm Petrel, Lesser Black-backed Gull, Razorbill and Puffin.

Puffin Island is one of the most important seabird sites in Ireland and is the second most important site in the country for Manx Shearwater. The SPA is of international importance for its breeding seabird assemblage. Chough also breed on Puffin and the presence of Chough and Storm Petrel is of particular note as both these species are listed on Annex 1 of the Bird's Directive. Site-specific conservation objectives have not been published for the site. The generic objective is *'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA'*.

The species for which the site is selected are seabirds which spend most of their time foraging and nesting off-shore. It is concluded in the screening assessment that there will be no significant effects on the SPA arising from the proposed development. This is due to the significant distance (4.4km) between the development site and the SPA, the limited scale of the works and the lack of pathways by which significant effects could occur. While Fulmar and Lesser Black-headed Gull breed at or are otherwise likely to use the Bray Head area, given the small numbers recorded during the surveys and the assessment that neither construction activities or visitor disturbance are likely to have any significant effects on the current or future populations of these species at Bray Head, no likely

significant pathway has been identified for impacts on these species at Puffin Island SPA.

Skelligs SPA (Site code: 004007)

The site comprises Great Skelligs and Little Skellig islands, which are located 14km and 11km respectively from the County Kerry mainland. Great Skellig supports a sparse maritime flora on shallow soils and Little Skellig is largely unvegetated. The SPA is of conservation interests for the following species: Fulmar, Manx Shearwater, Storm Petrel, Gannet, Kittiwake, Guillemot and Puffin. It is also of special conservation interest for holding an assemblage of over 20,000 breeding seabirds. Site specific conservation objectives have not been published for the site. The generic objective is to *'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA'*.

The Skelligs comprise one of the most important seabird colonies in the country for populations and species diversity. Great Skellig has an internationally important population of Storm Petrel and Little Skellig is best known for its internationally important Gannet colony, the largest colony in Ireland and one of the largest in the world, Great Skellig also has one of the largest Puffin colonies in the country. It is also a traditional site for Chough, but due to the relatively small size of the island supports only one nesting pair. Peregrine has also nested in some years. Both islands are designated Statutory Nature Reserves.

This island site is located 12.2km from the development site. The species for which the site is selected are also seabirds which spend most of their time foraging and nesting off-shore. Fulmar occurs in small numbers on Bray Head and for similar reasons outlined for Puffin Island SPA is not likely to be significantly impacted by the proposed development.

Conclusion on Stage 1 Screening for Appropriate Assessment

Stage 1 of the screening process concluded that there is only one Natura 2000 site which could potentially be impacted by the proposed development. The proposed development involves works within and adjacent to the SPA with the potential to create disturbance to qualifying features of the SPA. Potential impacts could arise during both the construction and operational stages of the development, arising from habitat loss/degradation and disturbance to key species (particularly Chough). The

potential therefore exists for significant effects on the designated site. This site was therefore brought forward for Stage 2 Appropriate Assessment.

Based on my examination of the NIS and supporting information, the NPWS website, aerial and satellite imagery, the nature and scale of the development and the likely effects, separation distance and functional relationship between the proposed works and the European site, the conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for the Iveragh Peninsula SPA as the possibility of significant effects cannot be ruled out.

The remaining 3 no. sites can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. The habitats for which the SAC is selected are coastal/estuarine sites with no identifiable pathways for significant effects. The majority of the birds for which the SPA' s are designated seabirds that nest, breed and forage off-shore, with the exception of Fulmar and Lesser Black-backed gull which only occur in small numbers and are not likely to be disturbed by the proposed development.

It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No(s) 002262, 004003, 004007 in view of the site(s) conservation objectives and Appropriate Assessment is not therefore required for these sites.

No measures designed or intended to avoid or reduce any harmful effects on a European Site have been relied upon in this screening exercise.

7.3. The Natura Impact Statement

The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within a number of European Sites that have the

potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- Bird Surveys 2015 & 2016
- An examination of aerial photography and OSi maps.
- Consultations with Department of the Environment, Heritage and Local Government (2015)
- Consultations with BirdWatch Ireland
- Informal consultation with the National Parks and Wildlife Service.
- Consultation with Professor Douglas Shedd (Chough surveys)
- Seabird 2000 data.
- National Chough Census 1992 and 2002.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not individually or in combination with other plans or projects adversely affect the integrity of any European site.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 5.6 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below). I would also draw the attention of the separate report prepared by Dr Maeve Flynn (Inspectorate Ecologist), appended to this report, which confirms that *‘the information provided is more than adequate to ensure that all aspects of the project can be*

assessed to provide for complete, precise and definitive findings for the purposes of Appropriate Assessment’.

Appropriate Assessment of implications of proposed development

The only site brought forward for Appropriate Assessment is the Iveragh Peninsula SPA. The following is an objective scientific assessment of the implication of the project on the relevant conservation objectives of the European sites using the best scientific knowledge in the field (NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

The Board will note that the submission from the Department states that the tower enclosure is contained within the SPA. The applicant identified an apparent mismatch between the SPA boundary and underlying mapping as shown in online GIS platforms. The applicant sought clarity on the boundaries of the SPA from the NPWS and the response is contained within Appendix 2 of the NIS. It was clarified that the boundary of the SPA should exclude the signal tower enclosure and this has been addressed in the NPWS PA1 (Positional Accuracy Improvement) Project and will be reflected in the PAI’s boundary which will be released by NPWS in the future.

I consider that the notice from the NPWS can be considered the most up to date information on the boundaries of the SPA. I would also note that the Appropriate Assessment covers all aspects whether within the SPA or ex situ, and disturbance to designated bird species is considered both from sources inside and outside the SPA boundary.

The SPA is designated for 5 no. bird species (Chough, Peregrine, Fulmar, Kittiwake, Guillemot). The NIS contains an Ecological Report prepared by Ecology Ireland and Wildeye to inform the NIS. The Ecological Report contains details of desk top studies and bird surveys carried out for the proposed development. Survey work was initiated in 2015 and focused primarily on assessing the location of Chough nests and the breeding status of sea birds in the Bray Head area. The survey was continued in 2016 and expanded to assess the distribution and use of the site by designated species, in particular Chough. The surveys were boat based and land based and were conducted during periods of relatively low visitor attendance as well

as periods of peak attendance. The surveys indicate that there are a number of chough nests, breeding Peregrine and breeding seabirds close to the development site.

All recorded Fulmar nests were on ledges on steep cliffs at Bray Head, well away from the tower enclosure. This species forages entirely at sea and the only potential disturbance would be in the breeding season. Having regard to the location of the nests over cliff edges and out of view, it is not considered that the species will experience significant disturbance associated with noise during the construction stage or from increased visitor activity once operational. Kittiwake or Guillemots were not recorded breeding at Bray Head and these species forage also offshore, which reduces the potential for any disturbance to these species.

The species identified with the greatest potential to be impacted by the development are Peregrine and Chough.

Potential adverse effects on qualifying species of the SPA

The following are identified as the likely significant effects likely to arise in the absence of mitigation:

- Disturbance to designated species, particularly Chough at breeding, roosting or foraging sites, during construction or operational stages, due to lighting or human and vehicular activity,
- Direct and permanent loss of potential roosting or breeding habitat for Peregrine or Chough due to the modification of the Signal Tower,
- Impacts from localised spillages or run-off construction materials which could result in a reduction of foraging habitat for Chough.

Disturbance to designated species

A single pair of Peregrine were noted to be nesting on the cliffs 750m north of the tower in 2015 and 2016. The species is noted to breed and roost well down the cliff face in an area that is inaccessible to visitors. It forages along the cliffs and inland over agricultural land. Peregrine are not likely to be disturbed by noise during construction as they breed in quarries and urban areas showing a significant degree of adaptation to noise and human activity. The potential for disturbance associated with noise during construction or increased visitor activity is, therefore, not likely to have a significant impact on breeding, roosting or foraging Peregrine.

Chough breed, roost and forage close to the site. The surveys identified 5 no. Chough nests on Bray Head in 2016, within 1.1km of the tower, the closest at 198m (Nest 4). All nests are in locations in the cliffs that are not easily accessible by tourists. The surveys indicate that a Chough autumn/winter roost remains active on the tip of Bray Head close to the tower. Other roosts occur in other areas mostly on the extreme western cliffs in the vicinity of the nest sites. None of the surveys recorded Chough breeding or roosting at the tower.

In terms of foraging habitat, Chough in the area make substantial use of the maritime turf/ cliff habitats at Bray Head, especially during the breeding season. The areas to the south and west of the tower are stated to be of particular importance with Chough foraging on the sheep trail that extends out to the tip of Bray Head. The surveys indicate that the tower enclosure itself and the adjacent area are not favoured by Chough even when visitors are not present. From May onwards, the heath/bog habitats (involving long flight lines to the north and east) were more substantially used, with almost no use prior to that. In July and August the heath habitat south of Bray Head access track is used and this area is not subject to visitor disturbance.

The NIS identifies the potential for disturbance to breeding and roosting Chough from construction activity (noise and human/vehicular activity), in the absence of mitigation. Outside the breeding season (1st March-31st August) the impacts are not considered to be significant as birds will not be so closely tied to nesting sites and can move to other foraging areas. Given the ability of Chough to climatise, it is expected that an initial negative response will be evident in the first few days of construction activity, but that ongoing activity will not elicit a negative response after the first few days.

In terms of mitigating impacts on breeding Chough, it is recommended that should works commence within the breeding season that a 'soft start' approach be adopted in terms of personnel, machinery and noise generated. The number of personnel and the introduction of noise to the environment would be increased slowly over the first five working days. This would allow Chough to acclimatise gradually and reduce any disruption caused during the most sensitive period for the species.

Without mitigation there is potential for roost activity to be impacted within the hours of darkness and within one hour either side of dusk/dawn throughout the year. A range of mitigation measures are set out in the NIS to address potential disturbance of roosting Chough. In addition to general mitigation measures to ensure good practice including the fencing off of the site, containment of all construction activity, plant/machinery, parking and storage of materials within the site and outside the SPA etc, works will only take place during daylight hours and not within one hour of dawn/dusk to protect roosting activity. No artificial lighting will be used during these hours.

In terms of foraging, there will be some permanent loss of grassland habitat associated with the works. The impacts will be extremely small scale and confined to within the overall footprint of the tower enclosure (0.11ha). Other grassland areas within the enclosure would also potentially be impacted during construction associated with excavation, use of machinery and the storage of materials. These works will take place outside the boundaries of the SPA.

The potential also exists for degradation of grassland habitats outside the tower enclosure (and within the SPA) arising from use of machinery associated with construction, which could result in soil compaction/erosion and areas becoming unsuitable or less productive for foraging birds, particularly Chough, which need to be able to probe the soil for invertebrates. It is intended that machinery will use the existing access track to access the tower enclosure to minimise impacts on habitat outside the enclosure site.

The operational stage of the development has the potential to result in Chough disturbance arising from visitor activity. Both the Department and Mr O' Donoghue raised a number of issues with regard to disturbance of Chough and the appropriateness of the flush distance adopted in the NIS. Comparisons are made with the flush distances adopted in other cases i.e., Ouessant. The response prepared on behalf of Kerry Co Council comprehensively defends the flush distance adopted in the case of Bray Head, noting that it is site specific and based on detailed surveys of Chough behaviour.

Flush distances were measured at Bray Head and it was observed that Chough appear to have a high degree of tolerance to disturbance from visitors to the site. In

some cases birds did not flush even at distances of 15-20m. However, 65m was adopted as the worst-case scenario on within which there is the potential for significant disturbance of Chough at Bray Head. This is because the majority of flush events (91 interaction events recorded) were found to occur within 50m of the disturber, with Chough showing increased awareness within 15m before a flush.

When a 65m buffer is applied to the main access track, tower enclosure, sheep track to the tip of Bray Head, it is evident that the bulk of disturbance will occur to foraging Chough to the south and west of the tower enclosure, in particular along the sheep track to the tip. This primarily affects the nesting birds from Nests 2, 4 and 5. The main impact identified is disturbance associated with unmanaged movement of visitors off the main tracks in the areas west and south of the tower.

The design of the proposal incorporated measures to manage visitor behaviour. Access to the site will only be available from the east and attractions will be incorporated into the tower to draw visitors into the site and away from the ecologically sensitive areas to the south and west. The rebuilding of the enclosure walls incorporating a ha -ha, will limit the potential for egress from the western end of the site. Other mitigation will include the provision of information signage to inform visitors of the sensitivities of the site and will incorporate measures such as prohibition of drones/flying of kites, food litter etc, with the potential to impact on Chough.

I note that the Department have recommended that in addition to the three information signs proposed in the application, that an additional sign be provided to the south west of the enclosure adjacent to the sheep track requesting visitors not to enter the grassland areas used by Chough. These lands are outside the application site and cannot therefore be conditioned as part of any approval. Kerry Co Council have indicated that they are agreeable to any signs considered appropriate by the Board, which could include additional signs within the enclosure.

The Department notes that some Chough habitat is located outside the SPA and within Valentia Island Cliffs pNHA (Site code 001382) and should have been assessed in the NIS. The response from Kerry Co Council provides clarity on the areas that were assessed, noting that the vast majority of the areas within the pNHA

provide habitat that is unsuitable for Chough or are removed/fenced off from the Loop Walk and will not be subject to any significant disturbance.

The Department makes recommendations with respect to maintenance of current levels of sheep grazing to ensue maintenance of this short turf grassland habitat/creation of Chough habitat away from the loop walk. These areas are also outside the application site and it is not, therefore, within the Board's jurisdiction to attach any such conditions.

Modifications to signal tower

The surveys conducted on the site which are comprehensive indicate that the signal tower structure itself is not used and has not been used historically as a breeding or roosting site for Chough or Peregrine. This is attributed to the open and exposed nature of the structure.

In terms of disturbance, the surveys indicate that the overall distribution of flocks is remarkably similar when visitors are absent and visitors were present, with birds clustering in the same locations. Chough numbers remain with no apparent decline as visitor numbers peak.

Impacts on species/habitats from run-off of sediment or spillage of materials.

Accidental run-off or spillages from the construction works could occur due to the mobilisation of sediment during excavation works, spills/leakage of fuels from machinery and spills of cement. This has the potential to impact on habitat quality within the SPA and Chough foraging habitat.

It is intended that construction activity would be limited to the development site, which is not within the SPA. There are no pathways by which any such spillages/leakages could migrate beyond the site and subject to standard best practice is capable of effective mitigation.

Potential cumulative or in combination effects on qualifying species and habitats of the designated sites

The NIS identifies a number of plans/ projects which could act in combination with the proposed development to create cumulative effects.

The Wild Atlantic Way Operational Plan 2015-2019 including the Wild Atlantic Way initiative and the presence of Bray Head as a 'Discovery Point' on the route is likely

to attract increased numbers of visitors to the general area. Increased visitor numbers at Bray Head has the potential to impact on the site by increasing the levels of disturbance to designated species during the operational stage. However, it is predicted that there will be increased numbers of visitors even in a do-nothing scenario.

Another potential cumulative impact identified was the use by visitors of the waymarked loop walk may give rise to a cumulative impact due to disturbance of designated bird species at breeding, roosting and foraging sites within the Iveragh Peninsula SPA. The visitor surveys indicate that only 33% of visitors use the loop walk to return to the car park. This crosses habitat which are not suitable for foraging Peregrine or Chough. Peregrine nests are inaccessible and out of view and Chough showed no noticeable disturbance response to walkers on the route. No cumulative impacts are anticipated.

The development of viewpoints at Kerry Cliffs and Geokane Mountain was considered in the context of cumulative impacts due to potential disturbance of Chough or loss of unknown amount of foraging habitat for Chough in the Iveragh peninsula SPA. Both sites are operational and were visited during the surveys. Chough were not recorded at the Kerry Cliffs but were recorded breeding at Geokane Mountain. Both the sites are primarily 'enclosed' sites whereby visitors follow predetermined paths with significant fencing along the designated paths. Habitats within the bounds of visitor accessible areas are not generally suitable for foraging Chough. Chough at Geokane Mountain were noted occasionally foraging near the onsite roads but showed a high degree of habitation and tolerance to human behaviour. It is unknown how Chough used the areas prior to development, but it is considered that the current situation is likely to be a long established one and that Chough did not make significant use of the areas currently accessible to tourists.

The overall conclusion reached in the NIS is that the Wild Atlantic Way will be the primary driver of increased tourists in the general area and it is not expected that the development of the Kerry Cliff and Geokane Mountain projects will increase visitor traffic at Bray Head. The NIS considers the ease of access to the other locations and the limitations of the Bray Head car park and concludes that it is more likely that these sites will compete with or act to reduce or buffer the number of visitors at Bray Head. Cumulative impacts are not therefore anticipated.

Potential cumulative effects on Fulmar are considered arising on pressures on the regional population as a result of climate change acting in combination with potential impacts identified as a result of the proposed development. However, it is concluded that as no significant effects are predicted on Fulmar associated with the proposed development, there is no potential for cumulative impacts.

8.0 Conclusion

In a 'Do -Nothing' scenario tourism will continue unregulated at Bray Head and is likely to increase due to its location as a Discovery Point on the Wild Atlantic Way. An increase in unmanaged and free movement of visitors to the site may result in increased disturbance to Chough that breed, roost and forage in the cliffs at Bray Head. This has the potential to impact on breeding Chough and in the long term may impact on the integrity of the SPA.

The proposed development is designed to address concerns with visitor behaviour, particularly the movement of people outside the enclosure into areas where they pose a disturbance risk to Chough, in particular areas to the west and south of the tower. The sheep track between the enclosure and the tip of Bray Head is identified as an area which requires management to protect roosting and foraging Chough.

The proposed development contains design features aimed at attracting visitors to the tower itself (rooftop viewing platform, telescope viewing area, interpretive and information material) and managing visitor behaviour off the main tracks. The tower enclosure wall will be rebuilt, incorporating a ha-ha, so as not to allow easy egress from the enclosure apart from a single access facing east. The information signage will also be provided at strategic locations as a means of influencing and altering visitor behaviour on site, to ensure Chough is protected.

The stated focus of the proposal is to safeguard the existing tower and to improve site safety rather than a proposal to increase visitor numbers. There are no proposals to extend the car park or to make the tower site more accessible. While the Wild Atlantic Way initiative may draw increased numbers to Bray Head the surveys of visitor activity conducted on the site confirms that a significant number of visitors do not proceed beyond the stile, deterred by the 2.1km walk to the tower. It

was also confirmed that the vast majority of visitors used the existing trackway to access the tower and returned the same way.

While most of the visitors did not proceed further west than the wall of the tower enclosure, the design of the proposal is to discourage from entering the areas to the south and west of the enclosure in order to breeding, roosting and foraging Chough and the integrity of the SPA.

Conclusion on Appropriate Assessment

Having regard to the nature of the proposed development and the mitigation measures proposed, the information presented with the application, including the Natura Impact Statement, which I consider is adequate to carry out an assessment of the implications of the proposed development on the integrity of European sites, I consider it reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Iveragh Peninsula SPA (Site Code: 004154) or any European site, in view of the site's Conservation Objectives.

9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations (Draft)

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,

- (d) the conservation objectives, qualifying interests and special conservation interests for the Iveragh Peninsula SPA (Site code 004154)
- (e) the policies and objectives of the Kerry County Development Plan 2015-2021, and the West Iveragh Local Area Plan 2019-2025,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the Inspectorate Ecologist's assessment, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Iveragh Peninsula SPA (Site code: 004154) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Iveragh Peninsula SPA (Site code: 004154), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural, archaeological and built heritage of the area, would be acceptable in terms of traffic safety and convenience and would not interfere with the existing land uses in the area. The proposed development is in accordance with the stated objectives of the West Iveragh Local Area Plan which supports the development of Bray Head Tower as a Discovery Point on the Wild Atlantic Way. The proposed development will therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the mitigation measures contained in the Natura Impact Statement, as amended by the further plans and particulars submitted on the 4th day of December 2020, except as may otherwise be required to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of

the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

3. A monitoring programme shall be established for breeding Chough, a special conservation interest species of the Iveragh Peninsula SPA for a period of 5 years after the renovation of the Bray Head Signal Tower and associated works. The monitoring programme shall be conducted by one or more competent, experienced ornithologists and build upon the baseline data collected for the proposed development as detailed in the Natura Impact Statement. The monitoring shall provide data on the number of nest sites being used, number of young birds fledged and the use of grassland south and west of the tower between late June and Early September. The data collected on behalf of Kerry County Council shall be made available annually to the NPWS and details shall be placed on the file and retained as part of the public record.

Reason: To provide effective monitoring of Chough populations following the completion of the works to the tower enclosure.

4. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be placed on the file and retained as part of the public record. The plan shall include all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- (a) location of site/materials compound including areas identified for the storage of construction waste;
- (b) details for traffic management between the site and the public road including speed limits on the site access track to reduce disturbance to protected species and potential impacts on the surface and sides of the track;

- (c) construction sequencing, management and time frames;
- (d) details of location of site office/staff facilities;
- (e) details of site fencing/hoardings;
- (f) containment of all construction related fuel/oil;
- (g) details of how construction and demolition waste will be managed;
- (h) details of how it is proposed to manage excavated soil;
- (i) proposals to prevent the spread of invasive species;
- (j) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and in the interests of protecting amenity, public health and safety and the integrity of European sites.

5. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. In this regard, the County Council shall:

- (a) employ a qualified archaeologist prior to commencement of development who shall assess the site and monitor all construction activity.
- (b) provide suitable arrangements acceptable to the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media for the recording and removal of any archaeological materials which is considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. No lighting shall be provided at the tower enclosure site.

Reason: To protect species of conservation interest and the integrity of the European site.

7. Information panels shall be provided at the exit in the car park, the location of the stile and at the location of the tower enclosure. The panels shall incorporate the following:

- (a) information on the ecological importance and sensitivity of the site;
- (b) clearly identified pathways for visitor use;

(c) prohibition on the use of drones /kites;

(d) prohibition on food litter;

(e) instruction on dog control.

An additional small sign shall be placed to the west and south of the tower and within the enclosure prohibiting access outside the enclosure.

The information signs shall be cleaned and maintained annually to maintain legibility and shall be replaced when required. Details of the design, dimensions and materials for each of the panels/signs shall be placed on the file as part of the public record.

Reason: To protect the integrity of the European site.

Breda Gannon
Senior Planning Inspector

10th March, 2021