Specialist Report to Inspector

ABP-322069-25

Development	Proposed development of the Ballynalacken windfarm project located between the towns of Ballyragget and Castlecomer in North Kilkenny.
Planning Authority	Kilkenny County Council
Applicant(s)	Rowanmere Limited
Type of Application	Strategic Infrastructure Development
Inspector	Liam Bowe
Ecologist	Fiona Patterson
Topic	Specialist ecologist support for the EIA and AA
Report No	R322069_App 1
Date	14th January 2026

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1.0 Introduction

1.1. Proposed Development

1.1.1. The subject application is for the proposed development of a wind farm in North Co. Kilkenny. The proposed development includes 12 No. turbines, turbine foundations and hardstanding areas, windfarm site roads, internal windfarm cabling, windfarm control building, site entrances, ancillary works, Tinnalintan substation, grid connection, works to the Eirgrid Ballyragget substation in addition to works and activities along the turbine component haul route remote from the site, including the construction of a temporary blade transfer area.

1.2. Scope of Specialist Ecology report to Inspector

1.2.1. Specialist ecological support was initially requested via a memo dated 11th September 2025 from the Senior Planning Inspector, following his review of the applicant documentation and the third party and statutory consultees' submissions and particularly noting the comments of the NPWS contained in the Department of Housing, Local Government and Heritage (DHLGH) submission. In his memo, the Senior Planning Inspector sought assistance in ascertaining whether the issues raised in relation to the surveys and impacts within the submitted NIS and EIAR of inter alia kingfisher, otter, marsh fritillary, birds (including hen harrier & merlin), bats and habitats (wet heath in particular) were appropriately addressed by the applicant's response to the submissions and if not, to advise as to the precise information that should be sought from the applicant.

1.2.2. Dr Maeve Flynn, Inspectorate Ecologist reviewed the applicant's response to submissions, in particular the response prepared by Inis Environmental on Biodiversity and Appropriate Assessment incorporating detailed responses made by the DHLGH (on nature conservation). In her memo of 23rd September 2025, she advised that she considered that most issues had been adequately addressed by the applicant and that further information was not required to proceed with the EIA and AA. Notwithstanding the response document, as significant ecological issues were raised in relation to the proposed windfarm development, she recommended that a specialist report would be prepared to provide expert input for the biodiversity impact assessment of the EIA and for AA.

1.2.3. This specialist report provides expert input for the biodiversity impact assessment, particularly focussing on the ecological issues raised in relation to the surveys and impacts within the submitted NIS and EIAR of inter alia kingfisher, otter, marsh fritillary, birds (including hen harrier & merlin), bats and habitats (wet heath in particular). This report to the Planning Inspector and which is available to the Commission is a written record of my review and examination of the submitted information and will support the EIA and AA regarding biodiversity impact assessment.

2.0 Documentation

2.1. Overview

I have read the documentation attached to this file ABP 322069-25 relating to biodiversity, including the EIA and NIS and response prepared by Inis Environmental (on behalf of the applicant) on Biodiversity and Appropriate Assessment incorporating detailed responses made by the DHLGH (on nature conservation). I have reviewed the third-party observations/submissions and the report of the Planning Authority. I have also reviewed the relevant drawings, plans and particulars etc.

3.0 Issues examined and suggestions for consideration by the Planning Inspector/Commission

3.1. Structure of the Biodiversity Chapter

3.1.1. I note that the information in the Biodiversity Chapter is presented in a different format/structure compared to other Ecological Impact Assessment (EclAs) reports and that this is likely to have caused confusion for some third parties reviewing the documentation. However, having reviewed the documentation, I consider that all of the information required to carry out EIA is presented to the required level of detail in the chapter and the content of the chapter is in accordance with good practice.

3.2. Competent Experts

3.2.1. Section 13.1.1 of the EIAR notes that the Biodiversity chapter was prepared by Inis Environmental Consultancy team members who are scientific experts in various

fields of ecology and biodiversity. Section 13.1.1 provides details of the expert qualifications and experience. In addition to Inis, Triturus provided expertise in aquatic ecology & otters (refer to Appendix 13.6 Aquatic Ecology for statement of authority). A statement of authority is also provided in Appendix 13.5 Collision Risk Modelling.

3.2.2. I note that the AA Screening and NIS report, also prepared by Inis, does not provide specific details of the authors who prepared this report. However, I note that the baseline information presented in the NIS is based on the results of the same surveys carried out by Inis for the EIAR and the impacts reported on relevant habitats and species are similar in both the EIAR and NIS.

3.2.3. Having reviewed the documentation, I consider that the Applicant has demonstrated sufficient biodiversity expertise to carry out robust surveys and to prepare the Biodiversity chapter and AA Screening/NIS report.

3.3. Methodology/Baseline including surveys

3.3.1. Item 1b of Appendix I of Applicant response (Inis Biodiversity and Appropriate Assessment) addresses the matter raised in relation to lifespan of the surveys as follows: "*According to the CIEEM Advice Note - repeat surveys are only required between 18 months and three years if the ecologist determines a change to the baseline conditions; up to three years a site visit is all that is required, not a repeat survey. Inis have been carrying out surveys and site visits on the Ballynalacken site since 2021 and up to 2025 and confirm that no change occurred in baseline conditions that would warrant repeat surveys*". I consider this is acceptable in general, however it does need to be considered on a case-by-case basis. I have looked at this matter later in this report in relation to marsh fritillary as it was specifically raised by DHLGH.

3.3.2. The relevant survey information for each habitat/species is detailed in Chapter 13 of the EIAR and in the NIS. Surveys were carried out between 2021 and 2025. The appendices accompanying Chapter 13 include further detail on the baseline for mammals, birds, bats, aquatic ecology and freshwater pearl mussel based on desk studies and field surveys. Refer also to Item 1a of Appendix I of Applicant response which clarifies where the survey results are presented in both the EIAR and NIS.

Refer also to item 5 of Appendix 1 of Applicant response. Appendix 13.8 of the EIAR provides details of the methodology used for the impact evaluation of Biodiversity. It also provides detail on the desktop review and details on fieldwork including timing, frequency, weather conditions, best practice methods and guidance followed.

3.3.3. I consider that the extent of evidence provided by the Applicant provides sufficient details of biodiversity baseline on the site. I consider that that the surveys and reporting have been carried out with regard to best practice guidance and that there is sufficient detail on the biodiversity baseline within the zone of influence of the development such that a robust impact assessment can be carried out for both EIA and AA.

3.4. Distance of works in relation to Natura 2000 sites

3.4.1. For clarity and context, I have set out below details regarding the distance of the works from Natura 2000 sites. I note there are some minor inconsistencies with distances from grid connection to the SAC referenced throughout the document or the distances to Natura 2000 sites are described in different ways throughout the documentation, making it confusing to get clear information as to what works are within the Natura 2000 sites, what works are in close proximity to these sites and what works are located upstream of these sites. However, having reviewed the documentation in its entirety, I do not consider these inconsistencies change the overall impacts reported in the documentation.

3.4.2. Section 13.3.8.1.1 (pg 13-206) provides a figure which shows the location of Haul Route 3 (HR3) located *within* the River Barrow and River Nore SAC. The works at HR3 entail removal of street furniture. HR2 is located 18m from the SAC & includes groundworks at the roundabout. All works at the haul route locations will be located within the public road corridor.

3.4.3. Of particular note to aquatic QIs of the River Barrow and River Nore SAC (including otter) and Kingfisher (QI for River Nore SPA) is the watercourse crossing No 3 (W3) for grid connection. W3 is located c.90m upstream of the SAC boundary (c80m as crow flies) and c180m upstream of the SPA boundary (c120m as crow flies). Two crossing options are proposed at W3 (option 1: through the bridge deck or option 2: underneath the bridge via horizontal directional drilling (HDD)). Instream works are

not required for either option at W3. I examine the potential impacts of the works at W3 further below in relation to otter and kingfisher.

3.4.4. Table 13-28 (pg 13-207) of EIAR provides some clarity on distance of nearest works to the River Nore SPA and River Barrow and River Nore SAC. The main construction works at the windfarm site are upstream of both the SAC and SPA, spread over a number of catchments.

Table 13-28: Proximity of Natura 2000 sites to the proposed Ballynalacken Windfarm Project

	Natura 2000 site	**Approximate Distance of the Natura 2000 site from the nearest works location associated with the proposed Ballynalacken Windfarm Project**
1	River Nore SPA [004233]	c.1.8km to nearest Ballynalacken Windfarm turbine (as the crow flies) c.120m to Ballynalacken Grid Connection (as the crow flies) c.180m downstream of W3. c.1.37km to closest Haul Route Works (HR2) (as the crow flies)
2	River Barrow and River Nore SAC [002162]	c.1.6km to nearest Ballynalacken Windfarm turbine (as the crow flies) c.75m to Ballynalacken Grid Connection (as the crow flies) c.90m downstream of W3. c.18m to closest Haul Route Works (HR2) (as the crow flies)

3.4.5. Section 13.4 (pg 13-247) notes that "*only one Annex I habitat was recorded during aquatic surveys. Water courses of plain to montane levels with Ranunculion fluitantis and Callitricho-Batrachion vegetation (3260) was recorded present underneath the N77 bridge at Ballyragget Town, over 2km downstream of the works at W3 crossing the Rathduff_15 Stream*". I note that this record is not discussed in the NIS. However, potential impacts are considered in Section 13.3.8.2 of the EIAR (Table 13-30).

3.4.6. I have addressed matters relating to specific QIs (otter, kingfisher) for the above SAC/SPAs which were raised in the DCHLG submission in the section below.

3.5. Specific issues raised in DHLGH submission regarding individual species/habitats

3.5.1. This section considers issues raised in the DHLGH submission on specific habitats/species.

Table 1 Issues raised regarding otter

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
Otter	*Refer to Section 13.3.4 Figure 13.2 & App A13.2.2 - A13.2.3 & App 13.6 of Biodiversity chapter. Refer to Sections 2.3.1.4, 2.4.1.7, 2.4.2.1, 2.4.2.2, 2.4.2.3, 2.4.3 and AA Figure 5.6 of NIS. Refer to Pages 2/3 of Appendix I of Applicant response*	
Inconsistent/incorrect reporting of otter couch location in Biodiversity chapter/NIS.	Locations clarified in Item 2a of Appendix I of Applicant response.	I consider the issue raised in submission has been appropriately addressed by Applicant.
NIS: Disturbance/displacement impacts on otter during construction, and degradation of habitat as a result of impacts on water quality. Excavation at watercourse crossing W3 will result in increase in noise & vibration levels. Impacts on downstream SAC to be reconsidered. DHLGH recommends mitigation measures include the provision of an ECoW to oversee all works	Item 2b Appendix I of Applicant response notes no otter holts/activity were recorded within construction works area boundary or within 150m upstream/downstream of watercourse crossings during surveys. Response refers to two mitigation measures proposed to incorporate pre-construction surveys for otter 150m upstream/downstream of crossings (EIAR Monitoring Measure SM04) and procedures to follow if new otter holts/activity are found (EIAR Mitigation Measure MM32) to ensure significant effects will not arise. Item 2 c Response refers to Monitoring Measures SM12 regarding ECoW whose role	Excavation works at W3 crossing (R432) (Rathduff_15) will take 1-2 weeks. All works within road corridor. Limited volume of excavation materials. No in-stream works proposed for either crossing option at W3. Drilling pits (option 2 HDD under bridge) within road corridor and at least 25m from watercourse. Bentonite for drilling, dewatering & water treatment system proposed. All construction personnel/machinery will be within road corridor. Aquatic survey noted river was 100% dry at time of survey (Sept 21 & July/Aug 23) and "*dry mud on the base would indicate river rarely conveys water*". Works will take place in summer months; river is dry in summer. No signs of otter noted near W3. There will already be some existing noise/vibration levels from passing HGV traffic on R432 overhead and works will not substantially increase baseline noise/vibration levels. Taking above into consideration and proposed mitigation, I consider the issue raised in submission

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
	will include monitoring works at watercourse crossings.	has been appropriately addressed by Applicant and no significant residual effects on otter will arise.

Table 2 Issues raised regarding kingfisher

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
Kingfisher	*Refer to Section 13.3.6.1.1.2 of EIAR chapter & Appendix 13.4. Refer to Section 2.3.2.2, Section 2.5.1.1 of NIS. Refer to Pages 3/4 of Appendix I of Applicant response*	
Survey information lacking Disturbance to kingfisher at W3 – no information provided on baseline conditions & associated noise levels from HDD. Degradation of habitat & impacts on prey species due to water quality impacts at W3.	See Items 3 a/b of Appendix I of Applicant response. Surveys carried out on watercourses which interact with project works area. Cummins et al (2010) methodology used Refer to Item 3b of Appendix I of Applicant response, AA Report Section 2.5.1.1 and Section 13.3.6.2 of EIAR.	I consider that the level of survey effort is acceptable. See details above for otter regarding excavation works details at W3 crossing (R432) (Rathduff_15). No in-stream works proposed for either crossing option at W3. No evidence of kingfisher nests near W3. Low suitability foraging habitat within 10m of W3. Intermediate suitable habitat 450m downstream of W3. Works will take place in summer months, river is dry in summer, thus breeding kingfisher will not be present. There will already be some existing noise/vibration levels from passing HGV traffic on R432 overhead and works will not substantially increase baseline noise/vibration levels. Taking above into consideration, I consider the issue raised in submission has been appropriately addressed by Applicant and no significant residual effects on kingfisher will arise.

Table 3 Issues raised regarding marsh fritillary

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
Marsh Fritillary	*Refer to Section 13.3.2 and Figure 13.2 of chapter. Refer to Pages 6/7 of Appendix I of Applicant response*	
Inconsistent/incorrect reporting of larval web locations in Biodiversity chapter.	Item 6 of Appendix I of Applicant response: "*nearest works boundary is approximately 780m (751m) from this field and as stated the nearest turbine is T12 and is 1.88km from this field*". "*Even accounting the closer works, no likely disturbance to larvae is likely beyond 50m from the field where the larvae were observed"*. No suitable habitat with devils bit scabious (DBS) recorded within works boundary	No marsh fritillary webs recorded within study area. Nearest works boundary is 780m from larval webs. No suitable habitat with DBS recorded within works boundary. I consider the issue raised in submission has been appropriately addressed by Applicant.
Latest surveys carried out 2021, update surveys should have been repeated to ascertain spread of species	Item 6 of Appendix I of Applicant response: CIEEM guidance: repeat surveys only required between 18 months & 3 years if there has been a change in baseline conditions, up to three years, a site visit is all that is required, not a repeat survey. Inis have been carrying out site visits up to 2025 & confirms no change in baseline conditions that would warrant repeat surveys. DBS distribution will be captured in pre-construction surveys (see below).	Taking into consideration the CIEEM 2019 guidance, no change in baseline and the additional mitigation proposed in Appendix I of Applicant response (see below), I consider the issue raised in submission has been appropriately addressed by Applicant.
Whilst marsh fritillary is considered a key ecological receptor, impacts on this species are ruled out, despite there being suitable habitat in the proposed Project	Additional mitigation proposed in Item 6 of Appendix I of Applicant response: "*pre-construction survey of construction works plus 100m in all directions to determine the distribution of DBS during last available Aug/Sept prior to commencement of construction works. Any areas of DBS that are located within construction works boundary, will be strimmed/cut to ground level in the last available April/early May period prior to commencement of construction*".	Taking into consideration the additional mitigation proposed in Appendix I of Applicant response, I consider the issue raised in submission has been appropriately addressed by Applicant and no significant residual effects on marsh fritillary will arise.

Table 4 Issues raised regarding mammals and bats

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
Bats/other mammals	*Refer to Pages 7/8, 10 6/7 of Appendix I of Applicant response*	
Impacts on pine martin, red squirrel and irish hare. EcoW.	Refer to item 7 of Appendix I of Applicant response (pg7/8). See also mitigation measures in Ch 19	I consider the issue raised in submission has been appropriately addressed by Applicant.
Bat surveys carried out sub-optimal time of year, do not follow best practice guidance. Gaps in bat survey at turbine locations. Pre-construction bat surveys should be carried out for all trees to be felled and detailed mitigation measures included if a roost is found.	Addressed in Items 9a-c of Appendix I of Applicant response (pg 10). Additional mitigation proposed in Items 9a and 9d.	I consider the issue raised in submission has been appropriately addressed by Applicant. Taking into consideration the additional mitigation proposed in Appendix I of Applicant response, I consider the issue raised in submission has been appropriately addressed by Applicant and no significant residual effects on bats will arise.

Table 5 Issues raised regarding birds including hen harrier

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
Hen Harrier/ Merlin	*Refer to Section 13.3.6.1.1, Appendix 13.4.4 of chapter. Refer to Pages 8/9 of Appendix I of Applicant response*	
Bird assessment inadequate & lacking in supporting information as some species scoped out, including hen harrier (HH) & merlin, as they were not identified on an	Bird survey results presented in Appendix 13.4 of chapter: Countryside bird survey transects carried out winter 21/22 and 23/24 and in breeding season 21/22. VP surveys carried out winter 20/21, 21/22, 23/24 and summer 21/22. HH roost surveys (A13.4.4) winter 21/22 and 23/24. No merlin/HH recorded in any of the surveys.	I note that the wording on HH presented in Appendix 13.8 has been poorly drafted and could cause confusion. One could interpret that roost locations were identified during the surveys. However, the results presented in Appendix 13.4.4

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
NBDC search and/or not identified during surveys. Suitable hen harrier habitat (wet heath, young forestry) is present. HH were known to occur in Castlecomer, now extinct. The assessment should focus on whether the proposal would undermine the potential for halting its decline and allowing it to recover to favourable conservation status. Whilst post-construction monitoring is mentioned, a schedule of the proposed monitoring is not provided and does not detail the response and/or action to be taken if carcass finds are recorded. DHLGH also recommends that a condition is attached to planning all vegetation removal	See Appendix 13.8 (pg 18) regarding the methodology for HH Roost surveys "*Fieldwork methodology followed SNH (2005) guidance. Potential Hen Harrier roost locations within 2km of the Proposed Ballynalacken Windfarm Turbines, were identified during daytime walkover surveys. These potential roosts were observed during a time associated with roost activity, i.e. the last hour before dusk. Details noted during these surveys include identification of birds flying around the potential roost and bird flight behaviour approaching and departing the potential roost*".	show that none were recorded. SNH 2005 is also quoted instead of SNH 2017, but both are included in the reference list in Appendix 13.8. I consider that the level of survey effort is acceptable, accords with best practice guidance and that the extent of evidence provided by the Applicant (desk study & survey) provides sufficient details of HH & merlin baseline on the site. Having regard to the results, I accept the reasoning as to why Applicant scoped out HH & merlin.
	Merlin – In addition to above, see Section 13.3.6.1.1: "*Merlin have not been recorded during bird surveys for the Project and are also absent from the list of birds recorded in grid square S47 with the NBDC. Therefore, Merlin are scoped out from further evaluation".* NBDC: Note one record of merlin recorded in S57 in 2011 (see A13.1.5). S57 only relevant to HR works and TDR not main windfarm site which is S47. Item 8a of Appendix I of Applicant response notes that this area is not recognised as an important area for Merlin under the Natura 2000 network, that suitable supporting habitats are not present & this situation is not going to improve to such an extent that a new viable area of habitat starts attracting Merin to the area.	As above

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
works will be scheduled outside of nesting bird season, which is between 1 March and 31 August.	**Hen Harrier** – In addition to above, see Section 13.3.6.1.1 of EIAR *: "Hen Harriers were not observed during bird surveys for the Project. One Hen Harrier was sighted in OS grid square S47 in 1972. Hen Harriers were not recorded with the NBDC in the site region after this date. As Hen Harriers were not found to be foraging, roosting or breeding within or in close proximity to the Proposed Ballynalacken Windfarm and were not observed in the site, and the area of the windfarm site and the surrounding landscape (2km) does not provide optimal or sufficient levels of suitable habitat to support breeding hen harrier - Hen Harriers are scoped out from further evaluation".* See also A13.4.4 for results of HH Roost surveys. No HH recorded.	As above.
	Item 8a of Appendix I of Applicant response notes that HH are locally extinct and have been for a very long time, they will not be attracted back to this site, the area does not provide optimal or sufficient levels of suitable habitat to support breeding HH and is not expected to improve for HH in a do-nothing scenario. Item 8a of Appendix I of Applicant response also notes "*as HH experts and having surveyed HH in every SPA where HH is an SCI in Ireland, we can say categorically that no HH will be attracted to a small area of suitable habitat in a "sea" of unsuitable, unproductive and fragmented habitat. Forestry in the area is not suitable habitat for HH due to age and again its "island" nature with no connectivity to regularly use HH as core wintering, foraging and breeding areas*".	Having regard to the evidence provided by the Applicant and taking into account the ongoing absence of HH in the do-nothing scenario, it is reasonable to assume that there are other factors responsible for the absence of HH in this area and that those factors would need to change to allow HH to recover. This area is not recognised as an important area for HH under the Natura 2000 network. I accept that the proposal cannot halt the decline of a species that is locally extinct.

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
	Item 8c notes "*to allow a species to recover to favourable conservation status, they need to be present. We cannot halt the decline of a species that is locally extinct*".	
	Refer to Items 8b & 8c of Appendix I of Applicant response which details the proposed mitigation measures (from EIAR): MM42 (vegetation removal outside of breeding bird season), OMM05 (bird activity surveys including fatality monitoring during operation). Further detail on fatality monitoring programme provided in Item 8b. In addition, 8b notes consultant with NPWS will take place if HH carcass found or if HH recorded onsite using wintering roost and/or breeding onsite, OMM13 (vegetation management to maintain bat buffer zone).	Taking into consideration the mitigation measures provided in the EIAR and the additional detail on fatality monitoring provided in Appendix I of Applicant response, I consider the issue raised in submission has been appropriately addressed by Applicant

Table 6 Issues raised regarding habitats

Issues raised	Applicant documentation/response/ref	Inspectorate Ecologist review & comment
Habitats	*Refer to Section 13.3, 13.3.1.1.1.6 and 13.3.1.2 of chapter. Refer to Page 11 of Appendix I of Applicant response. Refer to Section 13.3.1.2.2*	
Clarification as to whether the wet heath habitat, located within 50m of the works corresponds to Annex I habitat. Note this habitat could be susceptible to habitat degradation as a result of air quality impacts during construction.	Refer to item 10 of Appendix I of Applicant response (pg 11). Wet heath is upslope of construction works area, no drainage impacts	I consider the issue raised in submission has been appropriately addressed by Applicant. Refer also to Section 13.3.1.2.2 regarding enhancement

4.0 Conclusion

4.1.1. Having had regard to all of the information provided by the Applicant and to best practice guidance, I consider that the issues raised in relation to the surveys and impacts within the submitted NIS and EIAR of inter alia kingfisher, otter, marsh fritillary, birds (including hen harrier & merlin), bats and habitats (wet heath in particular) were appropriately addressed by the Applicant's response to the submissions.

Signed:

Fiona Patterson, BSc, MSc, MISEP CEnv

Inspectorate Ecologist

14th January 2026