Our Case Number: ABP-318446-23

An Bord Pleanála

Development Applications Unit
The Manager
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 30 January 2024

Re: Proposed construction of Coumnagappul Wind Farm consisting of 10 no. turbines and associated infrastructure.
In the townlands of Coumnagappul, Carrigbrack, Knockavanniamountain, Barricreemountain Upper and Glennaneanemountain, Skeehans, Lagg, Co. Waterford. (www.coumnagappulwindfarmSID.ie)

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

PPHCM

Niamh Hickey
Executive Officer
Direct Line: 01-8737145

PA09

Teil	**Tel**	(01) 858 8100
Glao Áitiúil	**LoCall**	1800 275 175
Facs	**Fax**	(01) 872 2684
Láithreán Gréasáin	**Website**	www.pleanala.ie
Ríomhphost	**Email**	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Niamh Hickey

From: LAPS
Sent: Friday 26 January 2024 10:25
To: SIDS
Cc: Niamh Hickey
Subject: FW: Your Ref: ABP-318446-23 Our Ref: SID-WD-2023-037
Attachments: SID-WD-2023-037.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Friday, January 26, 2024 9:19 AM
To: LAPS <laps@pleanala.ie>
Subject: Your Ref: ABP-318446-23 Our Ref: SID-WD-2023-037

A chara

Please find attached Nature Conservation and Heritage related observations/recommendations for the above mentioned SID planning application.

Kindly forward a copy of your decision to manager.dau@npws.gov.ie as soon as it issues.

In addition, please acknowledge receipt of the attached letter (as required under Article 29(2) of the Planning & Development Regulations 2001).

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at: manager.dau@npws.gov.ie

Kind regards,

Edel Griffin
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90

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

Your Ref: Coumnagappul Wind Farm ABP-318446-23
Our Ref: SID-WD-2023-037
(Please quote in all related correspondence)

26 January 2024

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902
Via email to laps@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Proposed Strategic Infrastructure Development (SID): construction and operation of a 10 turbine wind farm and associated site development works in the townlands of Bleantasourmountain, Carrigbrack, Clooncogaile, Coumnagappul, Glennaneanemountain, Kilkeany, Kilkeany Mountain, Knocavanniamountain and Reanadampaun Commons, Ballymacmague North, Ballymacmague South, Colligan More, Colliganwood, Eaglehill, Garryclone, Garryduff, Kilcooney, Killadangan, Knockacaharna, Knockboy, Lackandarra Upper and Tinalira

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations of the Department co-ordinated by Development Applications Unit under the stated heading(s).

Nature Conservation

The Department has a number of ecological concerns in relation to the proposed development. The main concern is the proposed permanent destruction of 7.25ha of Dry siliceous heath and 4.49ha of Wet heath. These are habitats of ecological value on their own but are particularly important in this location because they are connected to similar qualifying interest habitats within the directly adjoining Comeragh Mountains Special Area of Conservation (SAC) and therefore enhance and support those areas. The greater the area of a habitat the more robust it is and more likely to withstand pressures. The Department acknowledges, as pointed out in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), that these habitats have undergone some damage in places; however, both in the Department's opinion remain Habitat Directive listed Annex I habitats of conservation value. These habitats often occur on the site in mosaic with acid grassland and

management influences the extent of each. Some of the proposed development area has been previously surveyed and mapped by the National Parks and Wildlife Service of this Department and is recorded[1] as Annex I wet and dry heath, in particular turbines 1, 2, 4, and 12 are located in habitat mapped previously as Annex I heath. Turbines 11,10,8, 7 and 6 are in an area not covered by the National Parks and Wildlife Service survey but in the Department's view also contains significant areas of Annex I habitat in mosaic with other related upland habitats. This is not to say that within these areas there are not also areas of degraded habitat such as bracken or encroaching grassland which there are, but overall the habitat is strongly linked to Annex I wet and dry heath.

As identified by the EIAR, management of the site has caused some degradation in quality of habitat through grazing regime and inappropriate burning but in the Department's view it remains Annex I heath and could be restored to better condition again through appropriate management. The area is also hydrologically, geologically and geographically linked to the Annex I habitats within the adjoining Comeragh Mountains SAC, being effectively an ex-situ extension of the habitats outside the SAC boundary. The connectivity and ecological continuity of the Comeragh Mountains will therefore be impacted by removing these habitats. A review of historic aerial imagery indicates greater heath cover of the area in the past, the proposed development will be in combination with such changes. This Department accepts there is evidence of damaging activities and presence of negative indicator species and absence of some positive indicator species at some sample points surveyed but they are nevertheless gradations in time and management of the same dry and wet heath habitat outlined in Annex I of the Habitats Directive. In addition to the aforementioned 13.19ha of heath it is likely the 4.49ha of wet grassland and 1.73ha of bracken within the site could, with appropriate management, also be restored to conservation value habitats. It would be of concern if ecologically inappropriate management of a conservation value habitat leading to some degradation could facilitate or become possible justification for destruction of the habitat entirely by another means. It is hoped that regulation combined with increasing public awareness and increasing financial incentives (ACRES, Comeragh Upland Communities EIP Project etc.) to better manage such upland areas will in time improve ecological conditions. Ecologically rich areas, particularly those attached to existing Natura 2000 sites such as this area would be among the first choice should it be necessary or desirable to increase the area of land formally identified for conservation in the future.

The vegetation assessment prepared to support the application did record one sample of what they consider Annex I quality (Relevé 1) and a greater number of sample points may have presented a different overall picture. The assessment effectively carried out 13 relevés

[1] Environmental Sensitivity Mapping (geohive.ie)

across 110ha (51.8ha of dry heath and 58ha of wet heath. The Guidelines for a national survey and conservation assessment of upland vegetation and habitats in Ireland[2] (Table 5, p48) recommends 12 monitoring stops for each habitat in areas 50-100ha, therefore this Department considers at least 24 monitoring points would have been more appropriate. The assessment concluded for relevés 3 and 9 that there were no links to Annex 1 even though they were not surveyed due to burning at the time of survey; inappropriate burning as already outlined can lead to degradation of habitat, but planned burning can also be used as a tool to manage Annex 1 heath, the fact that these relevés were on fire does not exclude them from being Annex 1 habitat. We disagree with conclusions relating to several of the relevé that were carried out, for example the conclusion of no link to Annex I habitat due to the absence of *Erica tetralix*, when *E. tetralix* occurs widely but didn't fall within the selected 2x2m sample points, fails to see the habitat in context. We also disagree with similar conclusions in relation to the percentage of bare ground or the presence of negative indicator species without seeing the context of surrounding habitat.

Many areas of habitat within the Comeragh Mountains SAC are also damaged through management practises but these and the proposed development site can be restored to better ecological status through better management, this is detailed in section 1.3 of the Comeragh Mountains SAC Conservation objectives supporting documents[3]. The current assessment of the conservation status of wet and dry heath within the SAC is "Unfavourable – Inadequate". The overall objective of the Habitats Directive, in particular Articles one and two, is to ensure that certain listed species and habitat types, including Annex I habitats, are maintained, or restored, to a favourable conservation status within the EU. This applies across member states and not just inside the Natura 2000 network. In terms of Article 17 Guidance, the area of these habitats is among the three criteria that Ireland is obliged to assess and report on. The Favourable Reference Area (FRA) is the total national area that a habitat should cover in order for Area of the habitat to be considered in favourable conservation status. According to the guidance[4]; the FRA cannot be smaller than the habitat area at the date of entry into force of the Directive and must be without significant changes

[2] Perrin, P.M., Barron, S.J., Roche, J.R. & O'Hanrahan, B. (2014). Guidelines for a national survey and conservation assessment of upland vegetation and habitats in Ireland. Version 2.0. Irish Wildlife Manuals, No. 79. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland

[3] https://www.npws.ie/sites/default/files/publications/pdf/Comeragh%20Mountains%20SAC%20(001952)%20Conservation%20objectives%20supporting%20document%20%E2%80%93%20upland%20habitats%20[Version%201].pdf

[4] https://www.eionet.europa.eu/etcs/etc-be/activities/reporting/article-17/docs/art17-public-consultation-guide.pdf

in distribution pattern within range. The most recent assessment[5] (2019), determined that both the short term and long term trend in the area of the FRA for Wet heath (4010) in Ireland was decreasing with future prospects listed as Poor and summarised overall conservation status as Bad with a decline in the habitat overall and in particular an increase in the area with unfavourable Structure and functions. In the case of Dry heaths (4030) area trends in area are also decreasing with future prospects determined as poor and summarised overall conservation status as bad. Therefore, further losses would be incompatible with attaining the FRA.

Drainage and hydrology

The development would entail extensive drainage and excavation works which will remove water from the site at faster speed and in greater than current volumes. This increased drainage will lead to increased drying out of habitats well beyond the immediate footprint of the works. In particular the proposed extensive road construction (25.43km) is likely to have a drying effect over a significant adjoining area which is not quantified in the assessment. Such drying is ecologically detrimental. Mitigation in relation to drainage concentrates on the prevention of sediment entering watercourses which is important but also of ecological concern is the alteration of the hydrological regime and removal of large volumes of water from peatland habitats. The importance of re-wetting peatlands to restore habitats and reduce carbon loss has been recognised nationally. This Department does not have specialist hydrologist consultation available to independently assess the extent of such impacts on adjoining wetland habitats such as blanket bog and wet heath but the Department recognises the potential impacts. The consent authority should fully consider these impacts particularly any potential to adversely impact on such habitat within the Comeragh Mountains SAC but also on the FRA for Annex I habitats. Assessment should include consideration of climate change and in particular how predicted longer dry periods in combination with the proposed project could exacerbate drying out water dependant habitats.

Ornithology

The habitats of the proposed development site are located on upland in largely undisturbed areas and contain habitats of conservation interest which provide habitat to several bird species of high conservation concern. The sites location adjoining larger areas of ecologically important habitat make it an attractive area for a subset of the Irish avifauna adapted to upland areas and many of which are of conservation concern. Some of these species e.g. hen harrier, merlin require very large areas of specific habitat to form successful territories and therefore a large development site such as this while not forming an entire territory forms

[5] NPWS_2019_Vol1_Summary_Article17.pdf

an important part of a larger unit. This does not lessen its ecological value it increases it, as connected habitats are ecologically more valuable than isolated ones and of particular importance for species that require large territories. Scale is important in conserving these species and it is important that they can range over large undisturbed areas and alternate between pieces of habitat which for various reasons (e.g. burning, agricultural activity, forestry works etc.) may become temporarily unsuitable but will later be used again. This is demonstrated by the recent[6] prolonged (July-Nov 2023, possibly still present) occupation of an area outside but close to the proposed site by a wild Golden Eagle. This bird does not carry any artificial tags or markings and is therefore believed to be wild and not part of any release programme. Such a species requires very large undisturbed upland areas and we consider its presence a reflection of the quality and extent of the habitat. Given the mobility of such a species we believe the area proposed for development forms part of the area used by the bird. It is entirely possible, even likely, this bird will again leave the area and this Department is not suggesting the area currently holds a long term resident population; however, we believe the occurrence is indicative of the value of the area as a habitat. If such species are ever to re-establish populations they will require areas such as the greater Comeragh Mountains area. It should be noted the presence of the wild Golden Eagle also overlapped with the presence of two white tailed sea eagles in the same area which we believe are part of the current Irish WTSE reintroduction programme. Eagles would in our view be particularly sensitive to windfarm development and while we accept they were not detected during the surveys of the site we consider their now well-known presence and proximity to the development should be considered in the EIAR.

It is apparent from the surveys carried out that a range of both Birds Directive Annex I and Red listed Birds of Conservation Concern Ireland (BoCCI) occur in the zone of influence of the development and in our view several of these will be adversely affected to varying degrees by the development. The site is not a designated Special Protection Area for Birds and the protection of populations of widely dispersed or far ranging species is challenging. The ornithological significance of the loss of a block of upland habitat such as is proposed is difficult to measure in a national context and likely small as a percentage of national populations but is nevertheless an adverse effect on already declining species. In particular this Department notes the area is clearly within both breeding and wintering territories of Hen Harrier and Merlin both listed on Annex I of the Birds Directive and the removal of this significant area of habitat from their range both through habitat destruction and displacement would be a negative impact on them. There is no national population estimate for Merlin in Ireland but 28-41 pairs are estimated to be present in the SPA network[7], in the case of Hen

[6] Bird Sighting Search - Irish Birding
[7] Lusby, J., O'Brien, I., Lauder, A., Wilson-Parr, R., Breen, D., Cummins, S. & Tierney, D. (2022). Survey of breeding Merlin in the Special Protection Area network 2018. Irish Wildlife

Harrier the 2015 National Hen Harrier Survey[8] estimated the national population at 108-157 pairs; therefore the direct loss or loss through degradation of occupied territory in combination with other pressures is of concern. This Department notes also the wintering population of the Annex I species Golden Plover using the site and consider the proposed development likely to have a negative impact on them through loss of foraging area and other associated factors. This Department also notes the presence of the Red-list Birds of Conservation Concern in Ireland 2020-2026 Red Grouse, Kestrel, Meadow Pipit and Snipe on site and consider Woodcock may also be present had appropriate survey been carried out. All of which would be impacted upon to some degree by the development.

In the case of Hen Harrier this Department acknowledges the surveys did not detect a nest on the site; however the repeated presence of birds during the breeding period and in particular the presence of a female harrier during this period indicate a nest was close and that the area makes up a core portion of hen harrier territory. Similar is true for Kestrel and Merlin; nests do not need to be within the development site for adverse effects to occur when the development is within the bird's overall territory. Species, particularly Merlin, often relocate nest site within suitable territories between different breeding seasons, emphasising the importance of the territory rather than the site chosen to nest in any one year.

In the case of Golden Plover, this Department has concerns in relation to the assessment and conclusions drawn from it. The assessments have detected significant usage of the site and also large numbers of birds circling over the site, these are useful observations; however, Golden Plover are known to be active at night but no meaningful survey of nocturnal usage of the site by wintering golden plover has been carried out. The collision risk assessment has been carried out for this species based on daytime assessments without any knowledge of what is using the site or passing over at night. In addition the collision risk assessment is based on the exclusion of significant sightings of flocks of birds on the basis that they are above the height that would be the sweep zone of turbines. Both distance and especially height estimates for birds can be prone to very substantial error and we can find no evidence in the assessment to demonstrate how such errors have been measured or controlled for. Such errors can be reduced through the use of technology or where features at known measured distance can be compared to; however, estimating height of moving birds often at distance from the observer without use of technology is in the Department's view potentially a source of significant error and caution should be exercised in using such estimates for

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Manuals, No. 139. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

[8] Ruddock, M., Mee, A., Lusby, J., Nagle T., O'Neill S., & O'Toole L. (2016). The 2015 National Survey of Breeding Hen Harrier in Ireland. *Irish Wildlife Manuals*, No. 93. National Parks and Wildlife Service, Department of the Arts, Heritage and the Gaeltacht, Ireland.

further extrapolation. Such error is compounded by the use of several different observers, with no documented calibration over different survey periods, as is the case for this project. Errors in extrapolation can again be compounded by other variables such as avoidance rates based on turbine sizes different to those proposed and recording conditions which may not reflect nocturnal or poor visibility conditions such as bad weather often experienced in upland areas or a combination of both. The addition of lighting, as proposed, also further complicates any predictions. Lighting on wind turbines may in some circumstances reduce collision risk from lack of visibility[9] but it is well documented[10] that in adverse weather conditions (low ceiling, fog, precipitation) night migrating birds congregate around lighted structures. These birds have lost access to normal orientation cues and tend to approach lights, become disorientated, and fly about in the lighted area, this would of course increase collision risk. The EIAR notes this issue referencing studies that indicate structures with no lighting are the least attractive[11][12] but does not resolve concern as lighting remains proposed. There is very little documented information on strike rates at windfarms in Ireland and of what is available it is clear carcases of dead birds and bats are removed very quickly potentially leading to significant underestimates. The EIAR (Chapter 10, P34, paragraph 6) acknowledges that relatively little is known about collision risk with estimates based on the number of corpses found extremely unreliable with most corpses quickly removed by predators. Reference is made to a study at a windfarm in Tipperary where scavengers were present at a bird corpse within 45 minutes of it being placed in the vicinity of a wind turbine and 72% of corpses gone after 5 days. Therefore studies based on monthly sampling, such as are proposed for monitoring of this development post construction are problematic and may underestimate casualties dramatically. This Department acknowledges proposals to estimate the rate of carcass removal by scavengers through trials on corpse placement but this still leaves considerable room for error given numerous variables, time of year/day, type/size/attractiveness of carcass, status of scavenger populations, proximity of refuge areas for scavengers, anthropogenic influence over scavengers, alternative food resource etc.. To summarise due to insufficient information this Department is not confident of collision rate estimations or proposed monitoring systems for species such as golden plover at this site.

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[9] Evans W.R. Applications of Acoustic Bird Monitoring for the Wind Power Industry

[10] Avery et al. 1980

[11] Kerlinger, P., Gehring, J.L., Erickson, W.P., Curry, R., Jain, A. and Guarnaccia, J., 2010. Night migrant fatalities and obstruction lighting at wind turbines in North America. The Wilson Journal of Ornithology, 122(4), pp. 744-754.

[12] Gehring, J., Kerlinger, P., and Manville, A.M., 2009. Communication towers, lights and birds: successful methods of reducing the frequency of avian collissions. Ecological Applications, 19(2), pp.505-514.

In the case of cryptic species such as woodcock, snipe and red grouse, vantage point survey are not in the Department's view suitable methods of survey and cannot reflect the populations of these species accurately. That is not to say that they cannot occasionally record such species such as did occur for red grouse and snipe but they could equally miss significant presence of these species. Transects or species specific techniques are a more suitable way to survey for these species and the Department notes some transects were carried out; however, these were limited in application and extent with a greatly disproportionate extent of them in coniferous forestry and along the existing roadway through the site and very little through the core heath and wet grassland parts of the site where more suitable habitat occurs and where most development is proposed. There also was no transect covering the entire eastern portion of the site where five turbines and associated infrastructure are proposed. Specific recognised survey methodologies exist for these species, for example survey methodology for red grouse includes transects and playback responses, no such surveys are apparent in the report. The Department would expect probability of some presence of woodcock on or adjoining the site but the surveys carried out did not detect any. It is of course possible no woodcock are present but in the absence of the appropriate survey this Department cannot know. Generally breeding Woodcock survey should be carried out between 1st May and 30th June, commencing 15 minutes before sunset and finishing 60 minutes after sunset. Two nocturnal surveys were carried out as part of the assessment and one of these (09-06-2020) to some degree (75minutes of a 185 minute survey) overlaps with such parameters but the transect was substantially too short to represent the site, away from the most suitable habitats, and consisted of one visit instead of three. The second transect (16-07-23) was not within the recognised appropriate survey period. Similarly, we would not consider the geographically limited two nocturnal transects an adequate assessment or reflection of potential long-eared owl presence or absence.

In the Department's view the assessment on the significance of the impact of the development on the key avian receptors is underestimated. Apart from collision risk and direct removal of habitat for infrastructure, it is generally accepted[13] that wind turbines and associated infrastructure will cause displacement of certain species on adjoining habitat, this includes hen harrier and golden plover but also other red-list birds of conservation concern such as snipe and to a lesser extent Meadow pipit. While the extent of habitat displacement may be debated and varies between species; for hen harrier 2-300 metres is likely[14] with

[13] Pearce-Higgins, J.W., Stephen, L., Langston, R.W., Bainbridge, I.P. and Bullman, R. (2009). The distribution of breeding birds around upland wind farms. Journal of Applied ecology, 46: 1323-1331.

[14] Madders, M & Whitfield, D.P. (2006). Upland raptors and the assessment of windfarm impacts. Ibis, 148, 43–56.

reduced usage[15] up to 500m. It should be noted that where displacement guidance is available e.g. McGuinness 2015[16] it is very qualified guidance based on studies carried out much earlier than 2015 when turbines were far smaller than the turbines being proposed in this case. The 185m turbines proposed in this case are of the order of twice the height and sweep of the turbines in earlier studies on which referenced displacement distances were estimated. It is, in our view, likely that displacement distances may therefore also be greater[17] and as a consequence may adversely affect sensitive species identified in surveys over a greater distance than the EIAR recognises. This would not be a concern if the habitats and species concerned were widespread and abundant such as coniferous forestry or improved grassland; however, they are not, they are in decline and are important habitat for species which are of conservation concern and themselves in decline in the surrounding vastly greater area of improved agricultural landscape.

In addition to displacement from windfarm infrastructure, further sources of displacement will be associated with human activity in this currently largely undisturbed area. Human related disturbance distances[18] for hen harrier are considered to be 300-750m and for golden plover 200-500m with the upper limit of the disturbance buffer recommended for use. The impact assessment has only used the area of habitat to be directly removed and replaced with infrastructure and not factored in the displacement that will occur, effectively rendering significant areas of habitat unusable or at best substantially degraded for sensitive avian species. This is particularly relevant for the proposal given the significant amount of proposed new infrastructure other than turbines (25.43km new roads) which apart from habitat destruction will have a displacement impact particularly if human presence is regular. Such effective habitat loss through displacement is acknowledged elsewhere in the assessment e.g. EIAR Chapter 10 p29 (10.6.1.2); however it is not included in the overall quantification of impact. The assessment of the impact on various sensitive species also references the amount of similar habitat elsewhere outside the site and uses this to support assessments of negligible effects but fails to acknowledge the main reason for the decline of most of these species (hence Annex I or red list status), is the decline or degradation of their habitat

[15] Pearce-Higgins, J.W., Stephen, L., Langston, R.W., Bainbridge, I.P. and Bullman, R. (2009). The distribution of breeding birds around upland wind farms. Journal of Applied Ecology 46: 1323-1331.

[16] Mc Guinness, S., Muldoon, C., Tierney, N., Cummins, S., Murray, A., Egan, S. & Crowe, O. (2015). Bird Sensitivity Mapping for Wind Energy Developments and Associated Infrastructure in the Republic of Ireland. BirdWatch Ireland, Kilcoole, Wicklow.

[17] Hötker, H., Thomsen, K.-M. & Jeromin, H., 2006. Impacts on biodiversity of exploitation of renewable energy sources: The example of birds and bats. Report by Nature and Biodiversity Conservation Union (NABU).

[18] Goodship, N.M. and Furness, R.W. (MacArthur Green) (2022). Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 128

nationally or internationally. The development proposes to remove and degrade a significant area of such habitat which may be a small in the context of the entire habitat occupied by a species nationally but must be seen in the context of declining habitat available to species. Even wide ranging species cannot alternate between disparate fragments of habitat nationally and for species which cannot range far and are habitat type specialists (i.e. can only survive in a specific habitat), such as red grouse; the existence of suitable habitat elsewhere is irrelevant as they cannot utilise it unless close to existing habitat and therefore the range of the species is affected by habitat removal or fragmentation. The existence of adjoining habitat in this case, rather than making the proposed loss less significant, points to the loss of a more ecologically valuable area because it is connected to or makes up part of a bigger more stable ecological unit. Potential loss of this habitat must also be seen in the context of proposed losses of similar habitats through proposed windfarm developments at Dyrick Hill and Scart Mountain both also within the local ranges of mobile species such as hen harrier, merlin and golden plover.

This Department notes The Southern Regional Assembly Regional Spatial & Economic Strategy (RSES) lists Regional Policy Objectives (RPOs) for this region and RPO1 states "*Any reference to support for all plans, projects, activities and development in the RSES should be considered to refer to 'environmentally sustainable development' that has no adverse effects on the integrity of European sites and no net loss of biodiversity*". In our view it has not been established that the proposed project would not cause a net loss of biodiversity nor does this Department accept that the destruction of large areas of habitat directly linked to the habitats for which the adjoining Comeragh Mountains Special Area of Conservation is designated should be considered insignificant.

Archaeology

It is noted that the Environmental Impact Assessment Report (EIAR) submitted as part of the planning application includes a desk-based Archaeological Impact Assessment (AIA) which was carried out in relation to the proposed development by John Cronin & Associates (EIAR Chapter 15; date October 2023).

The Department has reviewed the EIAR and advises that the following should be included as a condition of any grant of permission. Note these recommended conditions align with Sample Conditions C3, C5 and C6 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

Archaeological Requirements:

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 15 of the EIAR (John Cronin & Associates; date October 2023) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

2. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service of this Department, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.

    a) The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required.

    b) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service of this Department, shall be complied with by the developer.

    c) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.

3. A suitably qualified archaeologist shall be retained to advise on, and establish appropriate Exclusion Zones around the external-most elements of vulnerable Heritage Assets (as identified in Chapter 15 of the EIAR).

    a) Exclusion Zones shall be fenced off or appropriately demarcated for the duration of construction works in the vicinity of the monuments. The location and extent of each Exclusion Zone and the appropriate methodology for fencing off or demarcating at each location shall be agreed in advance with the National Monuments Service of this Department and the planning authority.

    b) No groundworks of any kind (including but not limited to advance geotechnical site investigations) and no machinery, storage of materials or

any other activity related to construction will be permitted within Exclusion Zones.

4. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 15 of the EIAR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

5. The planning authority and the National Monuments Service of this Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Julie Sullivan

Assistant Principal
Development Applications Unit
Administration