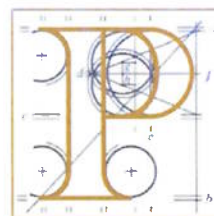


**Our Case Number:** ABP-318816-24



**An  
Bord  
Pleanála**

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

**Date:** 04 March 2024

**Re:** 10 year planning permission for wind energy development consisting of 8 no. wind turbines and all associated works  
located at Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, Co. Offaly.  
([www.cushwindfarmplanning.ie](http://www.cushwindfarmplanning.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](http://www.pleanala.ie).

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Ellen Moss  
Executive Officer  
Direct Line: 01-8737285

PA09

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

## Ellen Moss

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**From:** LAPS  
**Sent:** Friday 1 March 2024 12:51  
**To:** SIDS  
**Subject:** FW: Your Ref: ABP-318816-24 Our Ref: SID-OY-2024-001  
**Attachments:** ABP -318816-24.pdf  
  
**Categories:** Ashling

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**From:** Housing Manager DAU <Manager.DAU@npws.gov.ie>  
**Sent:** Friday, March 1, 2024 12:45 PM  
**To:** LAPS <laps@pleanala.ie>  
**Subject:** Your Ref: ABP-318816-24 Our Ref: SID-OY-2024-001

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Attached please find the archaeological and nature conservation observations/recommendations of the Department in relation to the aforementioned Strategic Infrastructure Development Planning Application.

Can you please confirm receipt of same?

Kind Regards,  
Sinéad

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**Sinéad O' Brien**  
Executive Officer

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**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

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



Your Ref: ABP-318816-24  
Our Ref: **SID-OY-2024-001**  
(Please quote in all related correspondence)

1 March 2024

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

Via email to [laps@pleanala.ie](mailto:laps@pleanala.ie)

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

**Proposed Strategic Infrastructure Development (SID): SID Planning Application for**  
(i) 8 no. wind turbines with hub height of 114 metres, a rotor diameter of 172 metres and an overall tip height of 200 metres; (ii) all associated turbine foundations and crane hardstanding areas; (iii) a wind farm control building with a gross floor area of 131 square metres; (iv) underground electrical and communications cabling; (v) Construction of internal wind farm access tracks and the upgrade of existing agricultural and forestry tracks; (vi) upgrade works to 2 no. existing site entrances from the N62 national secondary road to provide access for the construction phase; (vii) Upgrade works to 2 no. existing site entrances from the L30033 and L300321 local roads to provide access during the operation phase; (viii) 1 no. guy-wired meteorological mast with an overall height of 30 metres; (ix) 2 no. temporary construction compounds; (x) ancillary forestry felling to facilitate the construction and operation of wind farm infrastructure; (xi) temporary works to public roads along the turbine component haul route, including a vehicle turning area at the junction of the N52 and N62 national secondary roads; (xii) all associated and ancillary site development, excavation, construction, landscaping, spoil deposition and reinstatement works, including the provision of site drainage infrastructure and environmental mitigation measures and, (xiii) a 35-year operational life from the date of commissioning of the entire proposed development at Cush, Galros West, Boolinarg Big, Eglis and Ballindown, County Offaly.

A Chara

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated headings.



## **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 Dermot Nelis Archaeology (EIAR Chapter 10; date December 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 10 of the EIAR (Dermot Nelis Archaeology; date December 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 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 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. The Construction Environmental 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.

4. The Planning Authority and the 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.

**Nature Conservation**

**Matters related to Appropriate Assessment**

A Natura Impact Statement (NIS), dated 17 December 2023, has been prepared by SLR Environmental Consulting (Ireland) Ltd. The Department agrees with the conclusions of the Stage 1: Screening that it cannot be excluded on the basis of objective evidence and in view of best scientific knowledge, that there will not be any likely significant effects from the Project alone or in combination with other plans and projects on a number of named Natura 2000 sites.

Of particular concern to the Department is the location of the proposed development within 4.5 km of the River Little Brosna Callows Special Protection Area (SPA) (Site Code: 004086). This is an internationally important site for wintering waterfowl, being notable both for numbers and diversity of species. Of particular note is the internationally important Greenland white-fronted goose flock that is based along the Brosna. The populations of golden plover and black-tailed godwit are also of international importance. The River Little Brosna Callows SPA is an important spring passage site and the black-tailed godwit flock, which is the largest in the country, exceeds over 4,000 birds on some occasions. A further seven species have populations of national importance, i.e. whooper swan, wigeon, teal, pintail, shoveler, lapwing and black-headed gull. The populations of wigeon, teal and golden plover are consistently among the largest in the country.<sup>1</sup>

Whooper swan is considered to be in a favourable condition as the mean peak count between 2016/17 and 2020/21 (303) is higher than the baseline reference value (122; 1995/96 – 1999/2000) cited in the synopsis. The remaining species, wigeon, teal, golden plover, lapwing, black-headed gull, and Greenland white-fronted goose are considered to be in an unfavourable condition as the mean peak counts between 2016/17 and 2020/21 are considerably lower than the baseline reference values (mean peaks between 1995/96 and

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<sup>1</sup> River Little Brosna Callows Site Synopsis (<https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004086.pdf>)



1999/2000) cited in the site synopsis. Specifically, wigeon numbers have fallen from 8,116 to 4,281, teal from 2,683 to 1,899, golden plover from 10,577 to 5,110, lapwing numbers from 6,552 to 3,258, black-headed gull numbers from 1,939 to 101 and Greenland white-fronted goose numbers from 537 in 1994/95 to 111 in 2020/21.<sup>2</sup>

The proposed Cush Wind Farm consists of 8 no. turbines with a hub height of 114 metres (m) and a rotor diameter of 172m, and an overall tip height of 200m.

Golden plover is a Special Conservation Interest (SCI) species for the River Little Brosna Callows SPA as well as for the Middle Shannon Callows SPA (Site Code: 004096) (6.25km from the site) and the River Suck Callows SPA (Site Code: 004097) (17.11km from the site). The Natura Impact Statement (NIS) states, on page 11, that during flight activity surveys in the winter of 2022/23, a peak count of approximately 3,500 golden plover was observed within 500m of the project site boundary. On page 59 of the NIS, it is stated that during flight activity surveys in the winter of 2021/22, a peak count of approximately 2,000 golden plover were observed within 500m of the Project site boundary.

From a review of the Appendices to the NIS, it appears that golden plover were recorded in April 2021 (5 birds, 1 flight), January 2022 (2 flights, 1 of 42 birds and 1 of >2000 birds), October 2022 (14 flights), November 2022 (5 flights, 3500 birds), December 2022 (2 flights), February 2023 (1 flight) and March 2023 (1 flight). On page 71 of the NIS, it is stated that flight activity was very low, with only 16 flight lines recorded across the three years of surveys. However, the Appendices to the NIS state, in relation to winter 2022/2023, that 21 flight lines or 91% recorded within potential collision risk height. From a review of the NIS and Appendices, it appears 33 flight lines were recorded. The Department recommends that information in relation to golden plover is collated and presented in a holistic manner in the NIS. The number of golden plover flight lines (total and within potential collision risk height) and number of birds recorded on each flight line must be clarified.

As outlined above, this species is a SCI of River Little Brosna Callows SPA, Middle Shannon Callows SPA and River Suck Callows SPA. Due to the proximity of the SPAs to the project site and a lack of any scientific evidence to the contrary, and in accordance with the precautionary principle, the Department considers that it must be assumed that these birds are part of the SPA populations and therefore there is ecological connectivity to these sites.

The NIS outlines (page 71) that assuming a 98% avoidance rate (SNH 2018), there was a mean annual collision rate of 77.358 collisions (approximately one collision every 0.01 years) predicted. The latest five year IWeBS mean count for golden plover at River Little Brosna Callows is 5,110. The predicted increase in annual mortality (taking into account the current level) on that size of population is 5.61%. The Department has focused on the default 98% avoidance rate recommended by best practice guidance<sup>3</sup>, as while it may be highly precautionary, this accords with the precautionary principle which underlies of Article 6 (3) of

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<sup>2</sup> SLR (2023) Natura Impact Statement Cush Wind Farm (p65)

<sup>3</sup> SNH (2018) Avoidance Rates for the onshore SNH Wind Farm Collision Risk Model September 2018 v2



the Habitats Directive (92/43/EEC). Furthermore, the guidance states that it will be updated when robust new information becomes available. In relation to the recent research cited in the NIS proposing avoidance rates of 99.6% and 99.8%<sup>4</sup>, the Department notes that these rates are based at wind farms with maximum turbine diameters of 92m. The proposed wind farm has a rotor/turbine diameter of 172m. The data used is from six wind farms in the UK, which appear to be in a lowland intensive agricultural setting (tillage). This is very different from the landscape surrounding the currently proposed windfarm which is a mixture of cutaway and cutover bog, conifer plantation and pasture.

The NIS states that the realised effects of collision with the project are likely to be much lower, as evidenced by the low number of golden plover killed at European and Irish wind farms (Durr 2022) (page 71). This statement is repeated on page 73 (twice), page 75, page 109, page 112 and page 118. The Department has reviewed the presumed source of this data<sup>5</sup> and cannot find reference to any data collected from Ireland. A lack of scientific evidence in the form of bird casualties does not equate to an absence of adverse effects. The onus should be on demonstrating the absence of adverse effects rather than their presence, reflecting the precautionary principle.

NatureScot has reported that it has often proven difficult to encourage developers and their consultants to provide and share data from constructed wind farm sites, especially where mitigation measures have been adopted.<sup>6</sup> A paper by Langgemach and Dürr (2023)<sup>7</sup> states that the results of Grünkorn et al. (2005, 2009) suggest a high risk of collision for golden plover. The Department requires that further scientific evidence is presented in order to support the statement that there is a low number of golden plover killed at Irish wind farms.

The First Order Site-Specific Conservation Objectives for the River Little Brosna Callows SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Golden plover are considered to be in an unfavourable condition as the mean peak counts between 2016/17 and 2020/21 are 50% lower than the baseline reference values. Declines of >20% have been recorded nationally.<sup>8</sup> The NIS states (page 109) that the in-combination collision risk for golden plover is between 24.272 and 93.896 collisions per year. In light of the most recent population estimate for golden plover at River Little Brosna Callows SPA (5,100), the predicted increase in annual mortality remains between 1.76% and 6.81%. Taking into consideration the two outlying large

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<sup>4</sup> [https://www.ballivorwindfarmplanning.ie/wp-content/uploads/sites/38/2023/04/Appendix\\_7-6\\_Collision\\_Risk\\_Assessment.pdf](https://www.ballivorwindfarmplanning.ie/wp-content/uploads/sites/38/2023/04/Appendix_7-6_Collision_Risk_Assessment.pdf)

<sup>5</sup>

<https://lfu.brandenburg.de/lfu/de/aufgaben/natur/artenschutz/vogelschutzwarte/arbeitschwerpunkt-entwicklung-und-umsetzung-von-schutzstrategien/auswirkungen-von-windenergieanlagen-auf-voegel-und-fledermaeuse/>

<sup>6</sup> <https://www.nature.scot/doc/guidance-assessing-significance-impacts-bird-populations-onshore-wind-farms-do-not-affect-protected>

<sup>7</sup> <https://lfu.brandenburg.de/sixcms/media.php/9/Dokumentation-Voegel-Windkraft.pdf>

<sup>8</sup> Burke, B., Lewis, L.J., Fitzgerald, N., Forst, T., Austin, G. & Tierney, T.D. (2018) Estimates of waterbird numbers wintering in Ireland, 2011/12 – 2015/16. Irish Birds No. 41, 1-12.



flocks, which is only assumed to be part of an SPA population, the risk of undermining the conservation objective to restore the SPA population is described as low-moderate.

The Department advises that the flocks recorded at the site must be assumed to be part of the SPA population where no scientific evidence has been provided to the contrary. NatureScot<sup>9</sup> advises that for a species that is already in decline such as golden plover, 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. Further Information is required to determine whether the project will undermine the conservation objectives for the River Little Brosna Callows SPA.

### **Migrating Special Conservation Interest Birds Species**

The Department considers that the risk to birds on migration of being involved in collisions with the proposed wind farm in its operational phase has not been satisfactorily evaluated by the applicant. Additionally, in-combination effects of several wind farms across this area on migrating birds has not been assessed.

Migratory birds fly at altitudes generally greater than 100m so taller structures, such as the proposed wind turbines, are more likely to intercept passage migrants. It is also known that migratory birds may lose height during foggy or overcast conditions, which may bring flocks previously flying above turbine height into the collision risk zone (Avery et al. 1977, Huppopp et al. 2006).<sup>10</sup> Although fewer and larger turbines may reduce collision risk for most local species, there might be an increased risk for species flying at higher altitudes during seasonal migration.<sup>11</sup>

Relevant to assessment of the risk of migrant collisions is the information recently received by the Department from Alec Schindler, PhD Candidate, Department of Biology, University of Saskatchewan<sup>12</sup> concerning records of an electronically tagged Greenland white-fronted goose passing circa 6km from the proposed wind farm site during migrations from the Wexford Slobs (see Appendix 1 below). The funding for these devices came from Dr. Lei Cao at the Chinese Academy of Sciences. Migration patterns associated with the River Little Brosna Callows SPA and other nearby SPA's are unknown.

In light of the record of white-fronted goose migratory movement outlined above and due to the very limited data available on migration patterns and how birds on migration may interact with wind farms of this scale, the Department recommends the applicant should be requested to submit as Further Information a more thorough analysis, based if possible on additional

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<sup>9</sup> <https://www.nature.scot/doc/guidance-assessing-significance-impacts-bird-populations-onshore-wind-farms-do-not-affect-protected>

<sup>10</sup> <https://www.nature.scot/sites/default/files/2020-10/Wind%20farm%20impacts%20on%20birds%20-%20Turbine%20lighting%20and%20birds%20-%20Information%20Note.pdf>

<sup>11</sup> European Commission (2020) Guidance document on wind energy developments and EU nature legislation

<sup>12</sup> [alec.schindler@usask.ca](mailto:alec.schindler@usask.ca)



survey using radar, camera, acoustic or other techniques, of the potential of migrants and especially Special Conservation Interest species colliding with wind farm turbines.

### **Mitigation Measures**

In Section 5 (Conclusion) the NIS states that with the identified mitigation measures in place, it can be concluded, beyond all reasonable scientific doubt that the Project, either alone or in combination with other plans or projects will not undermine the conservation objectives of any European sites.

Section 4.7.1.9 states that Turbine Curtailment will be implemented via a system of adaptive management. Thus, if bird carcasses are recorded during post-construction monitoring, curtailment will be implemented where appropriate during 'at-risk' time periods and as discussed and agreed with the Department.

The Department has a formal role as a prescribed authority under the Planning and Development (Strategic Infrastructure) Act 2006. In such capacity, the Department may make submissions or observations to assist An Bord Pleanála in carrying out its consent functions, in compliance with legislative and administrative requirements with respect to the conservation, protection and preservation of natural heritage. The Department (which includes the National Parks and Wildlife Service (NPWS)) cannot agree or approve changes or alterations to the project, or associated conditions or mitigation measures, after approval by An Bord Pleanála. Therefore, any reference to post-consent consultation with or approval by the Department of any aspect of the project must not be taken into consideration by the Board in making a decision in respect of the proposed development, including appropriate assessment determination.

The appropriate assessment must be sufficiently detailed and reasoned to demonstrate the absence of adverse effects, in light of the best scientific knowledge in the field (European Commission, 2019, chapter 4.7.3). The appropriate assessment must contain complete, precise and definitive findings and conclusions, and may not have lacunae or gaps.

### **Matters related to Environmental Impact Assessment**

Chapter 5 (Biodiversity), page 5:56 states in relation to Cutover Bog (PB4) that the northern section of the project site is dominated by cutover bog (30.31ha). It is stated that this is comprised of exposed, cut peat with drains running at regular intervals throughout. From a review of Geohive Environmental Sensitivity Mapping<sup>13</sup> the Department considers that part of this area may be raised bog (PB1) as the surface of the bog appears not to have been removed. Degraded raised bog still capable of regeneration (7120) is listed as an Annex 1 habitat under the EU Habitats Directive (92/43/EEC). The Department advises that Further Information is requested to ascertain whether raised bog is present within the development site and, if so, whether it conforms to the Annex 1 habitat 'Degraded raised bog still capable of regeneration (7120)'. It is stated on page 5:123 that there will be a permanent loss of 0.805 ha and a temporary loss of 15.953ha to accommodate roads and temporary loss for site

<sup>13</sup> <https://airomaps.geohive.ie/ESM/>



compound and spoil deposition. From reviewing Drawing Number CUS\_PAS\_LOC\_002, it is noted that the largest spoil deposition area within the site is located directly adjacent and may overlap potential Raised Bog habitat. The impacts of this on any raised bog habitat present must be assessed.

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

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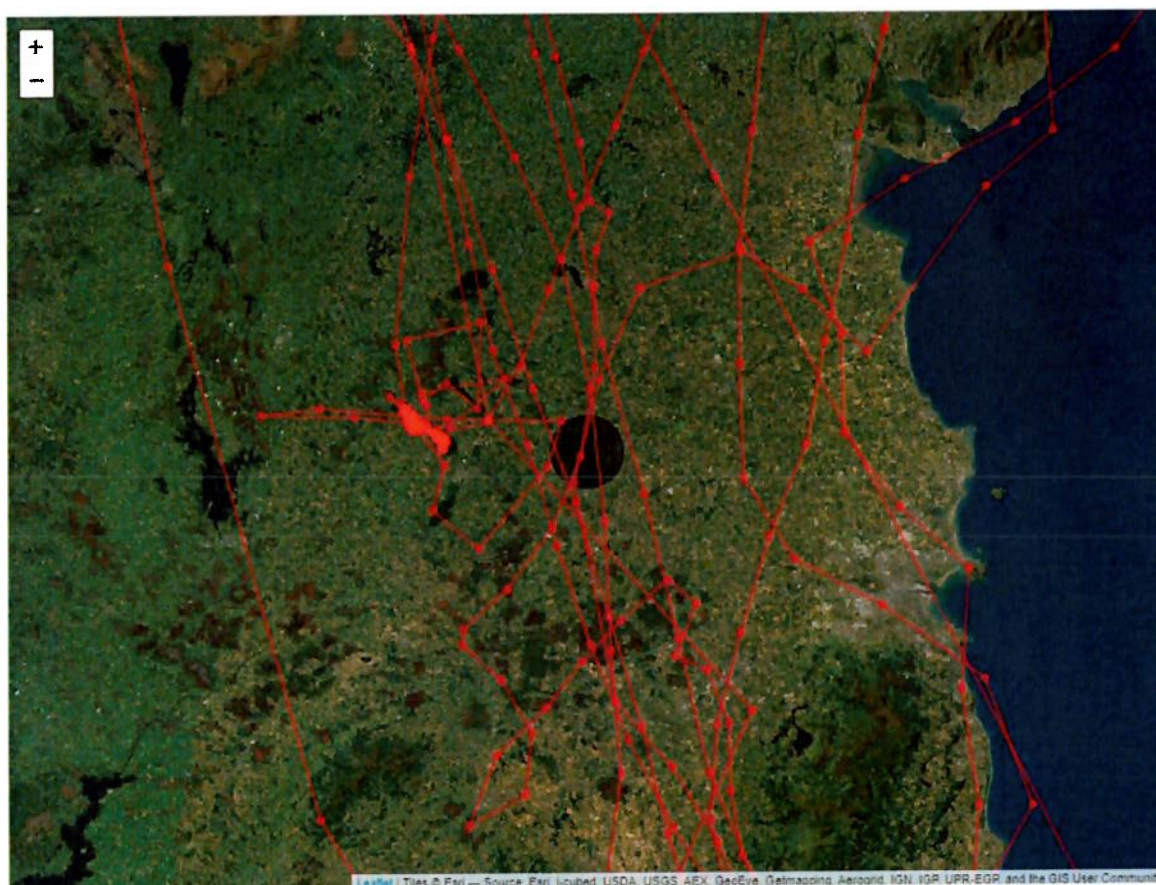
Julie Sullivan  
Assistant Principal  
Development Applications Unit  
Administration



## Appendix 1



**Figure 1. Tracks of electronically tagged Greenland white-fronted geese during migration north from the Wexford Slob.**



**Figure 2. Tracks of electronically tagged Greenland white-fronted geese during migration north from the Wexford Slobbs. The western-most track is circa 6km from the proposed development site. The dark circle in the centre does not relate to this development.**