



Your Ref: ABP-321029-24

Our Ref: **SID-KY-2024-32**

(Please quote in all related correspondence)

9 December 2024

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

Via email to laps@pleanala.ie

Re: Notification under Section 37 (E) of the Planning and Development Act, 2000 (as amended).

Proposed Strategic Infrastructure Development (SID): Cummeennabuddoge Wind Farm which consists of the construction and operation of a 17 turbine wind farm and associated site development works located on land at Cummeennabuddoge (County Kerry), Clydaghroe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork) almost entirely within County Kerry, although a proportion of the grid connection cabling is proposed within County Cork. The nearest settlements are Ballyvourney and Millstreet (both in County Cork) located approximately 5km south of and 7km north east of the site respectively.

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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 Rubicon Heritage Services Ltd (EIAR Chapter 14; date September 2024).

The proposed development is located in proximity to a number of Recorded Monuments which are subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1930-2014. The EIAR acknowledges that there is a potential that previously unknown sub-surface archaeological features or deposits may be present within



the proposed development site (PDS). The Department notes that no advance archaeological investigations have been carried out within the PDS to inform the EIAR, other than a walkover survey. The Department advises that advance archaeological test excavation should be carried out in advance of any development and note that some provision for this has been made in the mitigation measures proposed in the EIAR along with the carrying out of Advance Geophysical Surveys (where appropriate).

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 14 of the EIAR (Rubicon Heritage Services Ltd; date September 2024) 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 within all greenfield sections of the site 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. Please note that:
 - 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 14 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.

Underwater Archaeology

The planning and environmental assessments, submitted to the Department as a prescribed body, under Section 182A of the Planning and Development Act 2000 (as amended), including the Environmental Impact Assessment Report (EIAR) Chapter 14 Cultural Heritage (Rubicon Heritage Services Ltd; date September 2024), have been reviewed. It is noted that the proposed development is located proximal to a number of Recorded Monuments which are subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1930-2014. It is further noted that the proposed development includes interactions with a number of waterways and water-crossings that, given the concentration of known archaeological monuments in their environs, have the potential to contain Underwater Cultural Heritage. Wrecks and archaeological objects underwater are protected by Section 3 of the National Monuments (Amendment) Act 1987. In light of the potential significant effects of the proposed development on underwater cultural heritage, as outlined above, the Department recommends that a programme of pre-development underwater archaeological assessment should be undertaken as a condition of any planning approval that may issue from An Bord Pleanála.

The assessment should be carried out at the earliest possible stage to facilitate the embedding of any recommended further mitigation within the post-consent detailed design for the project, as necessary, in order to ensure the preservation in-situ of any identified/potential underwater cultural heritage and to develop an informed archaeological strategy to be implemented in agreement with the Department.

Underwater Archaeological Impact Assessment (UAIA)

The developer shall commission an Underwater Archaeological Impact Assessment (UAIA) report which shall include the following:

- a. A desktop assessment that addresses the underwater cultural heritage (including wrecks, archaeological objects, built, and industrial/canal heritage) of the



development area, as identified by fieldwork, cartographic analysis, historical research and prior archaeological investigations. The assessment shall include a full inventory, mapping and survey (photographic, descriptive, photogrammetric, as appropriate) of all underwater cultural heritage features and structures that are proposed to be significantly affected by the proposed development.

- b. The UAIA shall include a licensed wade/dive survey, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where in stream works are proposed, including the proposed locations of enabling works, coffer dams and machinery movements that may affect the underwater environment. The wade/dive assessment and metal detection survey shall be undertaken by a suitably licensed and experienced underwater archaeologist. All identified underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment. A Dive/Survey licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the dive/wade survey and metal detection, respectively. Licences should be applied for to the National Monuments Service and should be accompanied by a detailed Method Statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of the licence applications and Method Statement. All archaeological wading/diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
- c. Having completed the above-described works, a final report describing the results of the UAIA shall be submitted to the Department. The report shall include a comprehensive Archaeological Impact Statement (AIS) that comments on the degree to which the extents, location and levels of all proposed works (including Site Investigation works) required for the development, will impact upon any underwater cultural heritage and areas of archaeological potential that have been identified. The AIS shall describe the potential impact(s) of all proposed development works and shall also assess any proposed additional potential secondary/indirect impacts, such as those caused by scouring resulting from changes in hydrology. The AIS should be illustrated with appropriate plans, sections and photographs that clearly describe any adverse effect(s) of the development on underwater cultural heritage and proposals for their mitigation. Mitigation shall prioritise redesign to allow for full or partial preservation in situ and the institution of archaeological exclusion zones, and may also include further wade/dive surveys, test-excavations, excavations ('preservation by record') and/or monitoring, as deemed appropriate. The Department will advise with regard to these matters. No construction works shall commence until after the UAIA has been approved in writing to the developer by the Department.

Nature Conservation

Protected bird species

The proposed 17-turbine Wind Farm is not within a designated or proposed European or National biodiversity site, but it is within 0.5 km of the Mullaghanish to Musheramore



Mountains Special Protection Area (SPA) (Site Code: 004162), designated¹ for the Hen Harrier (Cromán na gCearc). Hen harriers breeding within the SPA will hunt for prey outside the boundaries of the SPA in suitable habitat within up to 4km of the SPA. Hen Harriers will often nest and hunt for prey within secondary rotation re-afforested land, so despite the mostly closed canopy conifer woodland occurring on the site, all areas of the site may be suitable habitat at some stage in the rotation. However, the VP (Vantage Point) data from the Environmental Impact Assessment (EIA) shows little use of the proposed Wind Farm site during the breeding season, with most records occurring during the overwintering season.

It is recommended that surveys for the following bird species are carried out, by one or more experienced ornithologists, annually during the lifetime of the Wind Farm, and during the appropriate seasons: Hen Harrier, Merlin, White-tailed eagle, Red grouse and Golden Plover. Annual corpse surveys using trained dogs are also recommended. The results of these surveys will be made available to the Planning Authority and to the Department.

Drainage impacts

Increased efficiency of drainage of upland areas, due to the combination of many drainage works for farms, forests and roads, can, at least initially, result in accelerated runoff, with greater storm hydrographic peaks where more water flows through the river system in a shorter time period (e.g. Holden *et al.*, 2006²). This can exacerbate flood levels in rivers due to the increasing magnitude of rain events, likely to be due to climate change, where exceptional falls of rain occur in more intense and more frequent periods (e.g. Fowler *et al.*, 2007³).

It is understood that virtually all of the Wind Farm site drains into the catchment of the River Flesk, which is part of the Kerry Biosphere area, and includes Killarney National Park Special Area of Conservation (SAC), as it is also the catchment of the River Leane. The Department would be concerned with the level of nutrient release to the Flesk tributaries if all the conifer stock was felled in one season. The Department recommends the spreading of felling over a number of years.

It is recommended that daily sediment sampling in streams within the Flesk catchment is carried out by a qualified ecologist or hydrologist clerk-of-works during the active road and turbine foundation construction period, and that construction contracts require immediate work stoppages when sampling indicates excessive sediment release.

It is also particularly important that the geotechnical stability assessments are reviewed by an independent competent geologist, geomorphologist or hydrogeologist.

¹ Under S.I. No. 627 of 2011.

² Holden, J., Evans, M.G., Burt, T.P. and Horton, M. (2006) Impact of land drainage on peatland hydrology. *Journal of Environmental Quality* 35: 1764-1778.

³ Fowler, H., Ekström, M., Blenkinsop, S. and Smith, A.P. (2007) Estimating change in extreme European precipitation using a multi-model ensemble. *Journal of Geophysical Research* 112 D18104, doi: 10.1029/2007JD008619.



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:

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