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**To:** [Marine](#); [Ellen Moss](#)  
**Cc:** [Billy Hoey](#); [Eoin OShea](#); [Ankur Goyal](#)  
**Subject:** Rosslare ORE Hub - ACP Ref. 323952-25 - Response to submissions  
**Date:** Thursday 28 May 2026 17:40:21  
**Attachments:** [ACP Ref. 323952 Response to submissions.pdf](#)

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Dear Ellen

Please see the attached document containing responses to observations from public bodies and third parties on the proposed Rosslare ORE Hub. This response document has been prepared on behalf of the Applicant Iarnród Éireann – Irish Rail. It is submitted following invitation from ACP in letter dated 30<sup>th</sup> April 2026 (ACP Ref. 323952-25).

A hard copy follows by post.

We look forward to receiving acknowledgement of receipt of this response document.

Kind regards,

**Laurie McGee**

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# Rosslare ORE Hub

## Response to Observations

In relation to the section 291 consent application by Iarnród Éireann – Irish Rail (ACP Ref. 323952-25)

28<sup>th</sup> May 2026

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# 1 INTRODUCTION

On behalf of Iarnród Éireann – Irish Rail (‘the Applicant’), the multi-disciplinary consultancy team from Nicholas O’Dwyer Limited (NOD) and Gavin and Doherty Geosolutions Limited (GDG) have prepared this submission in response to observations made by prescribed bodies and third parties in relation to the application for consent under section 291 of the Planning and Development Act 2000, as amended, which was made by the Applicant for the proposed Rosslare Europort Offshore Renewable Energy Hub (ORE Hub) (An Coimisiún Pleanála (ACP) Ref. 323952-25).

By letter dated 30<sup>th</sup> April 2026 addressed to the Agent, NOD, ACP invited a response to the submissions received from prescribed bodies and third parties on the consent application. Fourteen submissions were received. Of these, seven submissions were from prescribed bodies, and seven were received from third parties. These are listed below.

## **Prescribed bodies**

- Wexford County Council (WCC) – 24<sup>th</sup> February 2026
- Health and Safety Authority (HSA) – 28<sup>th</sup> January 2026
- Maritime Area Regulatory Authority (MARA) – 18<sup>th</sup> February 2026
- Commissioners of Irish Lights (CIL) – 24<sup>th</sup> February 2026
- Environmental Protection Agency (EPA) – 24<sup>th</sup> February 2026
- Development Applications Unit (DAU) – 24<sup>th</sup> February 2026
- Department of Agriculture, Food and the Marine (DAFM) – 20<sup>th</sup> April 2026

## **Third parties**

- Rosslare Harbour Lifeboat Station (RNLI) – 15<sup>th</sup> January 2026
- Sonja Moore – 10<sup>th</sup> February 2026
- Kilrane Concerned Residents’ Group (KCRG)– 22<sup>nd</sup> January 2026
- The Heritage Council – 24<sup>th</sup> February 2026
- SSE Renewables (Ireland) Ltd (SSE) – 23<sup>rd</sup> February 2026
- BirdWatch Ireland (BWI) – (undated) but received by 20<sup>th</sup> April 2026
- Irish Whale and Dolphin Group (IWDG) – 09<sup>th</sup> April 2026

ACP supplied copies of all submissions listed above to the Applicant’s Agent by letters dated 25<sup>th</sup> February 2026 and 28<sup>th</sup> April 2026. All submissions are available to view in the case documentation on ACP’s website under ACP Ref. 323952-25.

This document is structured to respond to each of the submissions received by directing ACP to the relevant sections of the environmental information, planning documentation, and supporting documents submitted for the consent application. No additional reports or supplementary documents are provided. Where prescribed bodies and third-party observers raised items addressed

in response to other submissions, responses have been cross-referenced to the items to avoid unnecessary duplication.

## **2    RESPONSE TO WEXFORD COUNTY COUNCIL**

The coastal planning authority, Wexford County Council, provided their observations on the consent application in letter to ACP dated 24<sup>th</sup> February 2026.

This submission was reviewed and no concerns were raised. On that basis, no response is necessary.

### **3 RESPONSE TO HEALTH AND SAFETY AUTHORITY**

The submission of the Health and Safety Authority in relation to the consent application in letter to ACP dated 28<sup>th</sup> January 2026 was reviewed. No specific observations or concerns were raised in relation to the proposed development, noting that the development is considered to fall outside the scope of the Chemicals Act. On this basis, no further response is deemed necessary.

## 4 RESPONSE TO MARITIME AREA REGULATORY AUTHORITY

The observations of the Maritime Area Regulatory Authority (MARA) in relation to the consent application are contained in their letter to ACP dated 18<sup>th</sup> February 2026. MARA notes that the development is subject to an existing Marine Area Consent (MAC) and emphasises that any grant of permission should align with the terms of this consent, including requirements for a Rehabilitation Schedule.

As required under section 291 of the Planning and Development Act 2000, as amended, a copy of the MAC (ref: MAC20230005) as issued to Iarnród Éireann on 2<sup>nd</sup> July 2025, was submitted with the consent application. Additionally, to fulfil a condition of the MAC, a Rehabilitation Schedule was supplied with the consent application.

## 5 RESPONSE TO COMMISSIONERS OF IRISH LIGHTS

In its letter to ACP dated 24<sup>th</sup> February 2026, the Commissioners of Irish Lights (CIL) made observations on the consent application with focus on navigational safety and marine operations. The CIL recommends that the Local Lighthouse Authority (Rosslare Europort) undertake a detailed review of Aids to Navigation (AtoN) required for the development, including lighting, positioning, power supply, and durability of navigational markers. The CIL highlights that statutory consent under the Merchant Shipping Act must be obtained for any such changes to AtoN prior to works commencing.

The Applicant and the consultant team engaged with the CIL at early stages of the Proposed Development. A report of this engagement is contained in EIAR Volume 2, [Chapter 4 Scoping and Consultation](#), in Table 4.2, page 4-5. Therefore, the Applicant understands the requirements for consent under the Merchant Shipping Act.

EIAR Volume 2, [Chapter 20 Shipping and Navigation](#) contains an assessment of impacts to port operations, search and rescue, and navigational safety hazards such as collision, allision and grounding during construction and operation phases of the Proposed Development, as informed by EIAR Volume 3, [Technical Appendix 20 Navigation Risk Assessment](#). EIAR [Chapter 20 Shipping and Navigation](#) includes an assessment of the effects arising from the construction and operation of the Proposed Development on shipping and navigation receptors. The effect was assessed to be not significant.

Rosslare Europort operates a Local Port Services (LPS) which is manned 30 minutes prior to the arrival or departure of any cargo ship or Roll-on Roll-off vessel. The LPS provides four principal risk control measures:

- Monitoring of vessel movements
- Provision of clearance for vessel movements
- Remote pilotage assistance
- MetOcean monitoring.

As set out in EIAR [Chapter 20 Shipping and Navigation](#), Section 20.5.1, prior to the operational phase of the Proposed Development, the LPS manual will be reviewed and updated by the Maritime Safety Office of the Department of Transport. This will include a detailed review of AtoN required for the ORE Hub, including lighting, positioning, power supply, and durability of navigational markers.

Where required, a statutory consent under the Merchant Shipping Act will be obtained for any changes to AtoN prior to works commencing.

## 6 RESPONSE TO ENVIRONMENTAL PROTECTION AGENCY

In its letter to ACP dated 24<sup>th</sup> February 2026 in relation to the consent application, the Environmental Protection Agency (EPA) observes that a licence may be required under the Waste Management Act 1996, as amended, and potentially a Dumping at Sea permit, in the event that any deliberate disposal of a substance or material in the maritime area, as defined in Section 1 of the Dumping at Sea Act 1996, as amended. The EPA identifies the environmental information (the EIAR prepared for the section 291 consent application) would be required to support an application under the Waste Management Act and states that it cannot issue a Proposed Determination on a licence application until a planning decision has been made.

The necessary permits and licences under the Waste Management Act and Dumping at Sea Act, as relevant to the Proposed Development, will be applied for at the appropriate time.

## 7 RESPONSE TO DEVELOPMENT APPLICATIONS UNIT

This section contains the response to observations on the consent application made by the Development Applications Unit (DAU) concerning Underwater Archaeology, Archaeological Recommended Conditions, and Nature Conservation, in letter to ACP dated 24<sup>th</sup> February 2026.

### 7.1 OBSERVATION 1: UNDERWATER ARCHAEOLOGY

The DAU observes that, in respect of underwater archaeology, it agrees with the assessment as contained in EIAR Volume 2, [Chapter 16 Cultural Heritage](#), which has enabled the Department to assess likely significant effects on archaeology, including underwater cultural heritage, and the adequacy of the proposed mitigation.

#### 7.1.1 ARCHAEOLOGICAL RECOMMENDED CONDITIONS

While the DAU agrees with the mitigation measures set out in the EIAR, it recommends that any consent include conditions aligned with Office of the Planning Regulator (OPR) Practice Note PN03: *Planning Conditions* (2022), adapted as necessary to reflect the specific characteristics of the development and the findings of the archaeological assessment.

### 7.2 OBSERVATION 2: NATURE CONSERVATION

Responses to observations made by DAU related to Nature Conservation are below.

#### 7.2.1 ANNEX I MARINE HABITATS

DAU's agreement regarding the conclusion of the [AA Screening Report](#) submitted with the consent application is noted. The AA Screening concludes that no likely significant effects are predicted on qualifying interest (QI) marine Annex I habitats within European sites in the Zone of Influence (Zol) of the Proposed Development.

#### 7.2.2 WINTERING WATERBIRDS AND SEABIRDS

##### 7.2.2.1 POINT 1: RELEVANT DATA SOURCES

The Hi-Def digital aerial bird surveys from winter 2018-19 (HiDef, 2019) recorded no wintering waterbird or seabird species of relevance to the Proposed Development within the Proposed Development Boundary, with the exception of two records of Herring Gull during a January 2019 survey.

With agreement and guidance from National Parks and Wildlife Service (NPWS), the Applicant commissioned an analysis by Hi-Def of data Hi-Def collected from digital aerial bird surveys from winter 2023-24. The results of this analysis are summarised in an objection to the Rosslare Europort Seas off Wexford cSPA Objection – 004237. This information was provided as [Appendix 3](#) to the [Planning Report](#), that was submitted with the consent application. The analysis of the Hi-Def data shows that within 5km of the Proposed Development Boundary, abundance and density of all species were typically low. The abundances for wintering waterbirds and seabirds in the area surrounding the Proposed Development from these data sources are comparable to and validate the

data collected in baseline ornithology surveys undertaken between May 2022 and September 2024 within the relevant study area.

### 7.2.2.2 POINT 2: QUANTITATIVE ASSESSMENT OF DATA

Baseline surveys conducted to inform the EIAR and AA reporting indicate that the majority of waterbirds recorded in the vicinity of the Proposed Development occurred in low numbers. While red-throated diver and common scoter are considered sensitive to disturbance, baseline data indicates that these species do not regularly use the Proposed Development area in significant numbers, as presented in the EIAR. Additionally, in EIAR Volume 2, [Chapter 14 Ornithology](#) considered that the waterbird species that occur in and around Rosslare Europort are already accustomed to anthropogenic noise due to existing high levels of vessel activity and the heavily modified habitats within the port environment, therefore likelihood of disturbance was considered not significant.

Regarding heterogeneity of habitats across the Seas off Wexford SPA, the EIAR does not assume that all areas of the SPA are equally suitable for all bird species. When considering potential impacts of operational activities associated with the Proposed Development, the distribution of sensitive species such as red-throated diver and common scoter from recent visual aerial surveys undertaken as part of the ObSERVE survey programme (e.g., Rogan *et al.* 2018) was considered. The Seas off Wexford SPA Conservation Objectives document notes that red-throated diver are known to concentrate within shallow coastal waters, with a preference for waters of 5m to 20m depth, while common scoter utilise shallow nearshore coastal waters and forage primarily on benthic prey species associated with suitable substrate conditions.

The benthic ecology surveys undertaken for the EIAR identified that the Proposed Development area is characterised predominantly by common and widespread infralittoral and circalittoral sediment habitats within an already active commercial port environment, including muddy sand, mixed sediment and mobile coarse sediment biotopes, with evidence of disturbance associated with existing harbour activity and vessel manoeuvring. Species diversity within parts of the site was low and no rare or unusual benthic species or communities were recorded.

The available regional survey data indicate that the highest densities of these species occur in areas supporting more suitable foraging habitat and prey resources within the wider cSPA and outside the Proposed Development Boundary. In contrast, the Proposed Development is located within an already active commercial port environment characterised by heavily modified habitats and existing vessel activity, where baseline surveys recorded low numbers of these species.

The use of thresholds of significance (e.g., the All-Ireland 1% importance threshold) as presented in the EIAR is standard practice.

Assessment of effects in the breeding season are discussed in EIAR [Chapter 14 Ornithology](#), Section 14.4.3, page 14 wherein it is stated:

*“As the baseline sightings of common scoter and red-throated diver were only recorded between August and March, any disturbance will be limited to the non-breeding season, when birds are in the vicinity of the site, and there will be no*

*disturbance to breeding birds of these species in the breeding season, therefore reproductive rates will not be affected.”*

Overall, the Proposed Development will be an extension of the existing, operational Rosslare port. In the EIAR, extensive baseline surveys and other published data sources demonstrate that numbers of birds in the vicinity of the Proposed Development were low, and that these birds are likely to be already accustomed to vessel activity in the vicinity. Note project-specific baseline surveys extended to 1.5km from each of the two coastal Vantage Point locations while other data sources indicated numbers of birds were low within 5km of the location of the Proposed Development. While further analysis of data in relation to SPA populations and additional consideration of disturbance distance bands or buffers could be utilised, the Consultant Ornithologist considers that these would not change the overall findings of the EIAR and [Natura Impact Statement](#) (NIS) assessments of sensitive species such as red-throated diver or common scoter.

In relation to kittiwake, as reported in EIAR [Chapter 14 Ornithology](#), Table 14.8 and displayed in Figure 14.6, seventeen Apparently Occupied Nests (AON) of kittiwakes were recorded on the outer wall of Rosslare Harbour, outside the Proposed Development Boundary in June 2025 during buoy recovery operations. Kittiwake nests were not previously recorded at this location.

As shown in EIAR [Chapter 14 Ornithology](#), Figure 14.6, the kittiwake nests were located on the seaward side of the outer wall of Rosslare Europort, to the east of existing port infrastructure which itself is to the east of the location of the Proposed Development. No likely pathway for disturbance from the Proposed Development to this newly founded colony has therefore been identified.

As further establishment and continuation of this colony into the future may be vulnerable to disturbance from other factors, including weather, and following the precautionary principle, kittiwake breeding surveys will be undertaken as part of post-construction monitoring as described in EIAR [Chapter 14 Ornithology](#), Section 14.7, page 75.

Following completion of construction works, kittiwake breeding surveys will be undertaken as part of post-construction monitoring with nest counts to be conducted following construction each June for a minimum of two years.

### **7.3 OBSERVATION 3: MARINE MAMMALS**

In relation to Marine Mammals, the specific points raised by DAU under Pinnepeds and Cetaceans are responded to as follows.

#### **7.3.1 POINT 1: DATA ISSUES GIVING RISE TO LACK OF CERTAINTY IN CONCLUSIONS OF ASSESSMENT**

Section 13.2.2 of EIAR Volume 2, [Chapter 13 Marine Mammals](#) describes the extensive engagement undertaken by the Applicant and the consultant team with NPWS in relation to Proposed Development and EIAR including recommendations on data collection and summarises the data the NPWS provided to the Applicant.

On 15<sup>th</sup> May 2025, the Consultant Ecologist made a data request to the NPWS Data Requests Team in relation to the Aerial Thermal-Imaging Survey of Seals in Ireland (Morris, C. D., *et al*, 2025) and the associated dataset, to inform the EIAR and AA reporting. The NPWS Data Requests Team confirmed

on 16<sup>th</sup> May 2025 that the report and data were not available at that time. Subsequently, the NPWS Data Requests Team provided the Consultant Ecologist with a link to the report on 31<sup>st</sup> March 2026.

Section 13.3 of EIAR [Chapter 13 Marine Mammals](#) also sets out the baseline data used for the assessment, which includes all publicly available information on marine mammals up to the time of submission as well as a 24-month land-based visual marine mammal Vantage Point (VP) survey, and a Static Acoustic Monitoring (SAM) campaign to assess the presence and activity of marine mammals in and around Rosslare Europort. These results are recorded in EIAR Volume 3, [Technical Appendix 13 Marine Mammals](#), Report 1 Desk Study and Surveys. Underwater noise modelling for dredging, piling and blasting activities was also undertaken to support the assessment. The report of the modelling is contained in [Final Draft response document no tracked changes 27052026 EOS BH.docx](#)

The [AA Screening Report](#) submitted with the consent application, at page 43 section 4.6.2, refers to and provides a summary of the information provided in EIAR [Technical Appendix 13 Marine Mammals](#). A full assessment of relevant data from ObSERVE Phase 2 is provided in EIAR [Technical Appendix 13 Marine Mammals](#), Report 1 Desk Study and Surveys. These data have been fully considered in the assessments undertaken, which concluded here will be no Likely Significant Effects on the Conservation Objectives of Natura 2000 sites of which they are qualifying interests or sensitive receptors lying within the Zone of Influence of the Proposed Development identified in the relevant biodiversity chapters of the EIAR.

### **7.3.2 POINT 2: CLARIFY WHETHER THE MORPHOLOGY/LAYOUT OF THE EXAMPLED HARBOUR HAS SIMILARITIES TO THE PROPOSED PROJECT AND THUS HOW MUCH THE PROJECT'S PHYSICAL STRUCTURE, IN COMBINATION WITH THE USE OF ROTARY PILING, WILL REDUCE THE MODELLED ZONE OF IMPACT AND IF THIS REDUCTION WILL ALSO BE APPLICABLE TO IMPACT PILING**

The example harbour referred to in the EIAR is Port of Gdynia, a Polish seaport located on the western shore of Gdańsk Bay, Baltic Sea. It is a TEN-T port like Rosslare Europort. While depths are generally comparable (i.e., < 15 m) at both ports, the Port of Gdynia is a larger and busier port with more port infrastructure than Rosslare Europort, including outer breakwaters.

### **7.3.3 POINT 5: CLARIFY HOW MARINE MAMMAL OBSERVER (MMO) MONITORING BETWEEN ACTIVITIES WILL BE CONDUCTED**

During construction, Marine Mammal Observer (MMO) monitoring between activities (i.e., whilst transitioning from dredging to materials placement activities) will be carried out in accordance with the Department of Arts, Heritage and the Gaeltacht (DAHG) *Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters* (DAHG, 2014), as set out in EIAR [Chapter 13 Marine Mammals](#), Section 13.6.2: Construction Phase Mitigation Measures for Marine Mammals (pages 13-121 to 13-122).

To clarify, MMO monitoring will be conducted for marine mammals during piling, dredging, dumping of sediment, rock placement and blasting operations. The MMO(s) will scan the surrounding area to ensure no marine mammals are in the pre-determined exclusion zone in the 30-minute period prior to operations. Where dredging and material placement activities are undertaken consecutively, MMO monitoring will continue throughout dredging operations and transiting between the Dredging Area and Reclamation Area, thereby maintaining continuous monitoring coverage. Where material

placement activities occur immediately before or after dredging activities, pre-watch monitoring may be coordinated within a single continuous monitoring period. As per the NPWS guidance (DAHG, 2014), there is no requirement to cease operations should animals enter the MZ after operations have commenced.

If noise-producing activities cease for a period greater than 30 minutes, Pre-Start Monitoring will be repeated in accordance with NPWS guidance prior to the recommencement of dredging activity, including material placement.

MMO(s) will be dedicated solely to monitoring duties and implementation of the relevant mitigation measures in order to minimise observer fatigue and maintain effective monitoring coverage.

#### **7.3.4 POINT 6: PROVIDE JUSTIFICATION FOR THE 50M AS THE ‘IMMEDIATE WORKS AREA’**

EIAR [Chapter 13 Marine Mammals](#), Section 13.6.1 General Mitigation Measures (pages 13-120 to 13-121) states *“Any approach by marine mammals into the immediate (<50m) works area will be reported to NPWS”* and *“All records of marine mammals in the relevant Mitigation Zone will be reported to NPWS”*.

The reference to the *“immediate (<50 m) works area”* relates to an additional close proximity reporting trigger during active works and was not intended to define the activity-specific MZ applied during mitigation monitoring. As set out in EIAR [Chapter 13 Marine Mammals](#) of the EIAR, MMO monitoring and recording will be undertaken in accordance with NPWS (DAHG, 2014) guidance. All marine mammal detections will be systematically recorded, encompassing both sightings observed during formal monitoring watches and incidental observations made outside of these designated periods, including during associated vessel transit and operational movements between activities, and observations made by additional personnel on board.

This will be reflected in the Construction Environmental Management Plan (CEMP) to be prepared in advance of construction.

#### **7.3.5 POINT 7: CLARIFY THE DEGREE OF UNDERWATER NOISE FROM IMPACT PILING CONTAINED BY THE ROCKFILL BUND ENCLOSURE**

Integrated noise-reduction measures have been incorporated into the design of the Proposed Development as embedded (primary) mitigation (see Section 13.5.2 of EIAR [Chapter 13 Marine Mammals](#)), and broader statutory or regulatory measures (e.g., compliance with MARPOL and existing codes of practice) function as tertiary mitigation. Where significant impacts are predicted to remain following the implementation of these measures, further (secondary) mitigation has been adopted.

Secondary mitigation comprises project-specific actions which are aimed at further reducing the scale, intensity, or likelihood of effects on marine mammals, particularly in relation to underwater noise during construction, including piling. These measures go beyond the inherent project design features and existing legislative controls and are informed by the impact assessment set out in Section 13.5 of EIAR [Chapter 13 Marine Mammals](#). These mitigation measures will be implemented during the construction phase of the Proposed Development to minimise the risk of injury or

disturbance to marine mammals in the area of operations, in accordance with the NPWS guidance (DAHG, 2014).

As set out in EIAR [Chapter 13 Marine Mammals](#) and the [NIS](#) submitted with the consent application, the secondary mitigation measures outlined therein are based on the noise modelling undertaken for piling activities (EIAR Volume 3, [Technical Appendix 13 Marine Mammals](#), Report 2 Underwater Noise Modelling), which did not consider any noise reduction associated with the stone bund and used a higher energy impact hammer than will be used for the Proposed Development, to ensure a precautionary worst case scenario was considered.

The proposed secondary mitigation measures will be supported by acoustic monitoring to ensure effective implementation. This adaptive management approach will allow for modifications to the activity generating the impact, should monitoring indicate that this is required. During the harbour seal breeding season (May–July), real time underwater noise monitoring using Static Acoustic Monitoring (SAM) will be used with a precautionary peak displacement threshold of 140 dB re 1  $\mu\text{Pa}^2$  applied. If SAM detects an exceedance of this threshold outside the Mitigation Zone (MZ), the works will cease. Appropriate adjustments such as the use of less noisy methods of piling, reducing the power of the piling equipment or the use of a Noise Abatement System will then be implemented to ensure that displacement thresholds remain below this level outside the MZ before piling can resume.

Reduction of underwater sound emissions can be achieved at source by reducing the source power, for example, by using alternative low-noise foundations or using alternative hammers (e.g., vibratory hammers), or by reducing sound propagated through the water column (Stephenson, S., *et al*, Seiche Ltd & Tetra Tech RPS Energy Limited, 2024).

The stone bund enclosure (a primary mitigation measure) will be employed during construction of the Proposed Development to reduce sound emissions propagated through the water column by providing a physical barrier to the sound waves which would otherwise propagate directly into the marine environment, thereby interrupting direct transmission pathways between the piling source and the marine environment.

The stone bunds will also fully enclose the new Small Boat Harbour during impact piling for the pontoons and provide an encircling absorptive barrier between the sound source and open water.

The use of the stone bund during construction will act as an additional layer of protection; however it has not been relied upon in the impact assessment for marine mammals.

### **7.3.6 POINT 8: CLARIFY THE DEGREE OF UNDERWATER NOISE CONTAINED BY FULLY OR PARTIALLY ENCLOSING THE SMALL BOAT HARBOUR DURING BLASTING**

The secondary mitigation measures and monitoring outlined above will be implemented to minimise the risk of injury or disturbance to marine mammals in accordance with the NPWS guidance (DAHG, 2014), as there is a lack of published, empirical data which can be used to quantify the expected efficacy of the stone bund in terms of expected noise reduction in decibels (dB).

Blasting activities will not take place in construction of the new Small Boat Harbour. If required, blasting will take place at the ORE Berth 1 and ORE Berth 2 quay walls, with blasting locations fully enclosed by a perimeter bund of rockfill during any blasting events.

As set out in response to Point 7 above, the stone bunds will provide an encircling absorptive barrier between the sound source and open water. Additional measures will also be implemented during blasting activities, in accordance with the NPWS guidance (DAHG, 2014) and the Joint Nature Conservation Committee (JNCC) *Guidelines for minimising the risk of injury to marine mammals from explosive used in the marine environment* (JNCC, 2025), and further set out below in the response to Point 10 and in the [NIS](#) and EIAR [Chapter 13 Marine Mammals](#). These secondary mitigation measures have been identified to further minimise the risk of impacts associated with blasting noise.

### **7.3.7 POINT 9: CLARIFY THE DURATION OF THE PRE-WATCH FOR ENCLOSED OR PARTIALLY-ENCLOSED AREAS PRIOR TO WORKS COMMENCING**

As set out in Section 13.6 of EIAR [Chapter 13 Marine Mammals](#), a 30-minute pre-watch by a suitably qualified MMO prior to commencement of piling, blasting, dredging, and dumping activities will be undertaken to confirm the absence of marine mammals for all areas within the defined monitoring zone.

### **7.3.8 POINT 10: PROVIDE ADDITIONAL JUSTIFICATION FOR ADD AND/OR NAS METHODOLOGIES. SPECIFICALLY, PROVIDE DETAILS OF CALCULATIONS TO DETERMINE EFFICACY OF MEASURES, A QUANTITATIVE ASSESSMENT OF THE EFFICACY OF PROPOSED NOISE ABATEMENT MEASURES AND AUGMENT THE PROPOSED ADD METHODOLOGY WITH JUSTIFICATIONS FOR METHODOLOGY, ASSESSMENT OF ANY IN-COMBINATION EFFECTS, AND THE INCLUSION OF ESTIMATES OF NUMBERS OF EACH SPECIES THAT ARE LIKELY TO BE AFFECTED.**

There is a strong body of evidence, as detailed in JNCC Report 615 Version 5 (Phillips, B., *et al* for JNCC, 2025) titled *Evidence base for application of Acoustic Deterrent Devices (ADDs) as marine mammal mitigation (Version 5)*, which shows animals move away from an ADD and therefore ADDs can be successfully used as tools for mitigation. Literature cited in JNCC Report 615 (Phillips, B., *et al* for JNCC, 2025) is evidence for clear reductions in animal encounters/detections during ADD activation (e.g., Rose, 2019; Thompson *et al.* 2020; Voss *et al.* 2023), behavioural responses such as fleeing or moving away, increasing speed and extending dives (e.g., Boisseau *et al.* 2021; Elmegaard *et al.* 2023). Investigations found that harbour porpoises could be excluded from a 1km radius for over two hours, following deployment of a specified Lofitech ADD at a piling site at Beatrice Windfarm for 15 minutes (e.g., Thompson *et al.* 2020). There is also evidence of animals returning to the area after ADD operation (e.g., Voss *et al.* 2023).

The JNCC 2025 guidelines at page 9 states:

*“If predicted injury ranges, and consequently the mitigation zone, are greater than 1 km, the use of a proven acoustic deterrent device (ADD) should be considered to encourage marine mammals to leave the required area prior to clearance”.*

For Harbour porpoise, the predicted injury range is greater than 1km, therefore use of a proven acoustic deterrent device (ADD) is proposed to encourage harbour porpoise to leave the required area prior to blasting events (if blasting is required).

Note at section 4.3.2.1 of the [NIS](#) titled “Blast Delay Protocol”, it is stated:

*“if Harbour porpoise or other QI species remain within the MZ, blasting will not proceed until clearance is confirmed through visual observation and/or ADD effectiveness”*,

This section should instead state:

*“if Harbour porpoise or other QI species remain within the MZ, blasting will not proceed until clearance is confirmed through visual observation **of** ADD effectiveness”*.

ADD effectiveness will be confirmed through absence of the marine mammal sightings within the blasting Mitigation Zone (MZ) for a 30-minute period between deployment of the ADD and commencement of any blast event.

Further details of methodology to be employed, including an assessment of any in-combination effects with surrounding anthropogenic sources and the inclusion of an estimation of numbers of each species that are likely to be affected, will be provided in the ADD deployment plan, which will form part of the Marine Mammal Mitigation Plan that will form part of the Construction Environment Management Plan and will be prepared in advance of construction and which will be based on the selected model of ADD to be used.

In line with the JNCC 2025 guidance, the ADD deployment plan will also set out:

- Details on the ADD device with technical specifications;
- Role of ADD operator, including training requirements and experience;
- Role of MMO
- Location of deployment and deployment depth;
- Failsafe procedures in place including spares required and method of testing to ensure that the ADD is functioning effectively; and,
- Task plan to illustrate how mitigation will be carried out through communication with the Environmental Manager and Ecological Clerk of Works.

The underwater noise modelling reported in EIAR [Technical Appendix 13 Marine Mammals](#) Report 2 identifies the Very high frequency (VHF) hearing group (i.e., Harbour porpoise) are most at risk of permanent threshold shift and Temporary Threshold Shift from the proposed blasting. Considering the JNCC 2025 guidance, the use of ADD alongside MMO monitoring and other primary and secondary mitigation measures outlined in the [NIS](#) and EIAR [Chapter 13 Marine Mammals](#) is considered a more appropriate, species-specific approach than the use of Noise Abatement Systems technologies to mitigate the risk to Harbour porpoise from blasting impacts.

## 7.4 OBSERVATION 4 IMPACTS ON TERRESTRIAL BIODIVERSITY

### 7.4.1 POINT 1: OTTERS (ANNEX II)

The Applicant will shortly make an application to NPWS for a derogation licence in relation to the Proposed Development. The application documentation will include mitigation measures proposed for otters.

The Consultant Ecologist does not consider that the otter survey findings support the conclusion that the level of otter activity in the proposed operational areas of the Proposed Development requires enhancement measures for otters to be incorporated in the project design. Given the busy port setting and the absence of a nearby freshwater watercourse, the installation of an artificial holt in this area is not considered appropriate.

However, the current design of the outer edge of the harbour wall will provide additional foraging habitat and could be used as a new ‘couch’ feature. It may also be feasible to install an artificial holt at the western end of the Proposed Development Boundary, near the Sea Scouts area, more removed from the busy port environment.

### 7.4.2 POINT 2: ANNEX I COASTAL HABITATS

The site of the Proposed Development is not within a Special Area of Conservation, so potential effects on fragments of Annex I habitat would not require Appropriate Assessment. Instead, as required, these habitats have been considered in the EIAR.

In accordance with The Heritage Council’s *Best Practice Guidance for Habitat Survey and Mapping* (Smith, G. F., *et al* for The Heritage Council, 2011), [https://www.heritagecouncil.ie/content/files/best\\_practice\\_guidance\\_habitat\\_survey\\_mapping\\_ons\\_green\\_version\\_2011\\_8mb.pdf](https://www.heritagecouncil.ie/content/files/best_practice_guidance_habitat_survey_mapping_ons_green_version_2011_8mb.pdf) fragmented or highly localised linear habitat features may be recorded as components of the surrounding habitat mosaic where they do not form a coherent or functionally representative habitat feature.

EIAR Volume 3, [Technical Appendix 10 Terrestrial Ecology](#) at Section 10.3.4.1 describes and provides photos of the narrow, fragmented linear patches of beach where partially vegetated drift lines and stony banks were observed. These patches were located in a heavily modified coastline with seawalls to the east and west. Therefore, these patches do not form a functionally representative habitat feature.

The habitat recorded as sedimentary sea cliff presented in the environmental information is based on the habitat survey completed in September 2025 and reported within EIAR [Technical Appendix 10 Terrestrial Ecology](#). The previous record of Vegetated sea cliffs [1230] is based on the 2013-2018 Article 17 Reporting dataset, itself based on data with a temporal range of 2005 – 2011, which itself is based on the National Inventory of Sea cliffs and Coastal Heaths dating to 2005 (Browne, unpublished), as cited in the *National Survey and assessment of the conservation status of Irish sea cliffs* (Barron *et al*, 2011). The previous record of vegetated sea cliffs in the Article 17 reporting is based on historic data that have been superseded by this assessment.

The latest NPWS Article 17 report titled *The Status of EU Protected Habitats and Species in Ireland* (NPWS, 2025) notes that the conservation status of Annex I habitats is assessed with reference to

the “*specific structure and functions which are necessary for its long-term maintenance*” and that assessment of habitat “*Structure and Functions includes an assessment of the condition and the typical species that characterise the habitat*”. The Article 17 report also notes that drift line habitats are typically “*very species-poor and fragmented*” and “*tend not to occupy large areas due to [their] narrow, linear nature*”.

While small elements of coastal vegetation characteristic of Annex I coastal habitats were locally present, the habitat features identified within the Proposed Development Boundary were narrow, discontinuous and highly fragmented within an already heavily modified port environment and did not form part of a larger continuous or ecologically representative Annex I coastal habitat system. As such, no significant functional loss of habitat continuity or ecological connectivity for Annex I coastal habitats will arise as a result of the Proposed Development.

The Proposed Development will not result in any significant loss of Annex I coastal habitat.

Winter heliotrope (*Petasites fragrans*) was the only invasive non-native plant species recorded within the Proposed Development Boundary during the terrestrial ecology surveys (September 2025). The species is already identified and assessed within EIAR [Chapter 10 Terrestrial Ecology](#) and appropriate management measures are included within the [outline Construction Environmental Management Plan](#) (oCEMP). Section 3.14 Invasive Species Management Plan of the oCEMP sets out measures for the management of invasive species which will be implemented through the CEMP to be prepared in advance of construction.

## 8 RESPONSE TO DEPARTMENT OF AGRICULTURE, FOOD AND THE MARINE

The Marine Divisions of the Department of Agriculture, Food and the Marine (DAFM) provided observations in letter dated 28<sup>th</sup> April 2026 which was informed by comments it received from the Marine Institute (MI) and Bord Iascaigh Mhara (BIM). The DAFM raises observations in relation to:

- National Marine Planning Framework (NMPF) policies on coexistence
- Potential for temporal and spatial cumulative impacts in relation to similar/other activities taking place in close proximity
- Loss, displacement and provision of fishing grounds and catch monitoring and early preparation of a Fisheries Management and Mitigation Strategy (FMMS)
- BIM have requested that the Applicant ensure that any harbour fees due from fishermen to access new facilities do not increase prohibitively from what they are currently paying and that road access to the fisherman's wall and new small boat owners' facility is made easy without too onerous security restrictions.

### 8.1 POINT 1: ROSSLARE EUROPORT ORE HUB TO BE ASSESSED IN ACCORDANCE WITH NMPF FOLLOWING THE PRINCIPLES OF AVOIDING, MINIMISING AND MITIGATING IMPACTS AND MAXIMISING COEXISTENCE

The DAFM raises observations regarding consistency with the NMPF, including the principles of avoiding, minimising and mitigating impacts and supporting coexistence with existing marine users.

The [Planning Report](#) and EIAR Volume 2, [Chapter 2 Policy and Legislation](#) generally consider the NMPF while EIAR [Chapter 15 Commercial Fisheries and Aquaculture](#), at Section 15.2.2, specifically considers the relevant NMPF fisheries policies, including policies relating to minimising impacts on existing fishing activities and maintaining access for established fisheries users.

Integrated design measures have been incorporated into the Proposed Development to avoid or reduce potential effects on existing fishing activities. Construction activities are phased to maintain continuous operation of Fisherman's Quay throughout the construction period and to ensure an always afloat construction programme for the new Small Boat Harbour, thereby maintaining access for the inshore fishing fleet.

The completed development will provide enhanced facilities for existing harbour users, including deeper water berthing, additional pontoon and quay space, and improved operational capacity for fishing vessels and other marine users.

As outlined in EIAR [Chapter 15 Commercial Fisheries and Aquaculture](#), Section 15.8, the Rosslare Harbour Fisheries Consultative Group will continue to operate before and during construction to support ongoing fisheries engagement, fisheries management, mitigation planning, and liaison with local fishers throughout all stages of the Proposed Development. During operation engagement with fisheries will continue in line with long standing arrangements between the port operators and fishers.

The Proposed Development has been assessed in accordance with the relevant principles and objectives of the NMPF and incorporates measures to support ongoing coexistence with established fishing activities.

## **8.2 POINT 2: ROSSLARE EUROPORT ORE HUB AND POTENTIAL FOR TEMPORAL AND SPATIAL CUMULATIVE IMPACTS WITH OTHER NEARBY ACTIVITIES**

The DAFM raises observations regarding the potential for temporal and spatial cumulative impacts associated with other marine activities and developments occurring within the wider area.

Cumulative effects on commercial fisheries and the seafood sector were assessed within Section 15.7 of EIAR [Chapter 15 Commercial Fisheries and Aquaculture](#). The cumulative assessment considered other relevant projects and activities within the wider area, including existing port activities, dredging and dumping at sea activities, and future marine site investigations associated with offshore renewable energy developments within the Irish Sea.

The assessment of cumulative effects found is that significant cumulative effects on commercial fisheries and the wider seafood sector are not anticipated. This conclusion reflects the localised and temporary nature of the construction activities, the retention of access to existing fishing facilities throughout construction, and the implementation of integrated mitigation measures designed to minimise disruption to established fishing activities.

As stated in EIAR [Chapter 15 Commercial Fisheries and Aquaculture](#), Section 15.6.7, current users of the Small Boat Harbour and Fisherman's Quay will continue to have access to fish landing facilities and existing fishing grounds throughout both the construction and operational phases of the Proposed Development.

The Consultant EIAR Team maintains that cumulative effects on commercial fisheries and the seafood sector have been appropriately assessed within the EIAR, and no significant cumulative effects are predicted.

## **8.3 POINT 3: LOSS, DISPLACEMENT AND PROVISION OF FISHING GROUNDS AND CATCH MONITORING**

As set out in EIAR [Chapter 15 Commercial Fisheries and Aquaculture](#) and the [outline Construction Environmental Management Plan](#) (oCEMP) submitted with the consent application, a FMMS will be prepared by the Applicant in advance of construction commencing. The FMMS will set out the approach to fisheries liaison and the means of delivering coexistence and disruption agreements during the construction phase of the Proposed Development.

The FMMS will set out the mitigation measures outlined in EIAR [Chapter 15 Commercial Fisheries and Aquaculture](#), to include:

- Appointment of a Fisheries Liaison Officer (FLO) to maintain effective communication with the fishing community throughout construction, in accordance with national guidance. This will include ongoing liaison with fishing interests and the timely issue of Notices to Mariners and other navigational warnings.

- A defined fisheries liaison procedure, co-existence measures, and disruption agreements. A buoyed construction area and dropped object protocol will be implemented to manage risks during construction.
- A contingency plan to address any unforeseen impacts on the local fleet, including potential displacement effects such as increased steaming times, fishing pressure on adjacent grounds, gear interactions, and associated economic impacts.

#### **8.4 POINT 4: OBSERVATIONS FROM BIM IN RELATION TO HARBOUR ACCESS AND FEES**

The DAFM raises observations regarding continued access to harbour facilities for fishers, including harbour access arrangements, security measures and harbour fees associated with the completed development.

Provisions to ensure continued access to harbour facilities is outlined in the response to Point 1.

No changes to existing fee arrangements are currently proposed. Any future changes would be subject to consultation with harbour users.

## 9 RESPONSE TO ROSSLARE HARBOUR LIFEBOAT STATION

In its letter to ACP dated 15<sup>th</sup> January 2026, Rosslare Harbour Lifeboat Station (RNLI), highlights that the organisation is an existing operational stakeholder within Rosslare Europort. The RNLI submission is focused on ensuring that its current and future search and rescue operations are adequately accommodated within the Proposed Development, particularly in relation to the new Small Boat Harbour.

As highlighted by Wexford County Council in their written response on the proposals (refer to Volume 2, EIAR [Chapter 4 Scoping and Consultation](#), Table 4.3, page 4-17 and 4-21), the Applicant and consultant team engaged with RNLI and other users of the existing small boat harbour at an early stage in development and design of the proposals. The Planning Report (page 19) reiterates this fact and states:

*“RNLI has been consulted on the final layout of the new Small Boat Harbour and specifically the proposed berthing arrangements and provision of services, as described in EIAR Chapter 6: Project Description and shown on the Application Drawings.”*

The RNLI’s letter broadly welcomes the inclusion of infrastructure provisions within the design (including a dedicated lifeboat berth, enabling works for a future RNLI base, and segregation from commercial port activities) and emphasises the need for these commitments to be secured as part of any grant of permission.

Indeed, in the plans and particulars submitted with the section 291 consent application, the Applicant has committed to making provision for a new RNLI base. However, as stated in the Planning Report, page 60, buildings for the RNLI and other possible future uses are not included in the plans and particulars at this time, and will be subject to their own application for development permission at the appropriate point in the future.

Following a grant of consent by the Commission, the Applicant will engage further with RNLI and other small boat harbour users as detailed design is progressed to ensure the requirements of all users of the new Small Boat Harbour can be met as relates to the arrangement and layout of facilities and buildings, and use of the new Small Boat Harbour, subject to the necessary planning permissions being obtained.

## 10 RESPONSE TO SONJA MOORE

The observations on the consent application from Sonja Moore are contained in letter dated 10<sup>th</sup> February 2026. The letter raises observations on:

- the adequacy and compliance of the EIAR bat surveys and assessment
- the scope and sufficiency of the Appropriate Assessment (AA) Screening report and Natura Impact Statement (NIS).

The Consultants' responses to these observations are provided below.

### 10.1 OBSERVATION 1: APPLICATION OF ARTICLES 12–16 OF THE HABITATS DIRECTIVE

The Consultant Ecologist notes the observation refers to Articles 12 - 16 of the Habitats Directive. The Articles 13, 14 and 15 are considered not relevant as:

- Article 13 refers to the protection of plants
- Articles 14 and 15 places restrictions on the collection of certain plants and animals for economic purposes (hunting etc)

Article 16 refers to derogations, which the Applicant will shortly be making an application to NPWS for (refer to response at Section 7 of this Response Document, section 7.4.1 **Error! Reference source not found.**).

Volume 2, EIAR [Chapter 10 Terrestrial Ecology](#), Section 10.3.8 explicitly recognises that all bat species in Ireland are strictly protected under Annex IV Habitats Directive and the Wildlife Acts 1976 (as amended). The terrestrial ecology assessment was undertaken with reference to relevant ecological and legislative guidance applicable at the time of survey including (Collins, 2016) subsequently validated against the updated guidance (Collins, 2023) together with relevant Chartered Institute of Ecology and Environmental Management (CIEEM) guidance (CIEEM, 2019).

A Preliminary Roost Assessment (PRA) was undertaken in 2023 and updated in September 2025 to validate the baseline conditions prior to submission of the application. These assessments confirmed:

- No confirmed bat roosts within the Proposed Development Boundary;
- Buildings within the Proposed Development Boundary were assessed as having Low or Negligible bat roost suitability only; and
- Trees within the Proposed Development Boundary were assessed as having Negligible suitability for roosting bats.

The Proposed Development Boundary is located within an active and highly modified operational port environment characterised by existing artificial lighting, regular human activity, existing infrastructure, and surrounding disturbance associated with port and construction activities. These site characteristics were considered as part of the bat roost suitability assessment.

Otter surveys undertaken in 2023 and updated in September 2025 identified evidence (prey remains, couches, spraints) of otter activity along the stretch of coastline to the west of the small fishing harbour (outside the Proposed Development Boundary) and along the vegetated breakwater structure forming the western extent of the small fishing harbour. This was fully considered within the EIA assessment, and appropriate mitigation measures were incorporated into the project design and mitigation strategy (EIA [Chapter 10 Terrestrial Ecology](#), Section 10.3.7.1).

Mitigation measures relating to bats and otters are set out within Sections 10.4.3 and 10.4.4 of EIA [Chapter 10 Terrestrial Ecology](#), and form part of the commitments for the Proposed Development.

The Consultant Ecologist is satisfied that the EIA appropriately considers the requirements of Article 12-16 of the Habitats Directive and provides a robust and proportionate assessment of the potential effects on strictly protected species.

## **10.2 OBSERVATION 2: EIA BAT SURVEY GUIDELINES AND SURVEY DATA**

As stated within EIA [Chapter 10 Terrestrial Ecology](#) and EIA Volume 3, [Technical Appendix 10 Terrestrial Ecology](#), the 2023 bat surveys were undertaken in accordance with relevant guidance available at the time of survey, including Collins (2016) [https://cdn.bats.org.uk/uploads/pdf/Resources/Bat\\_Survey\\_Guidelines\\_2016\\_NON\\_PRINTABLE.pdf?v=1542281971](https://cdn.bats.org.uk/uploads/pdf/Resources/Bat_Survey_Guidelines_2016_NON_PRINTABLE.pdf?v=1542281971) and relevant CIEEM guidance (CIEEM, 2024). The surveys demonstrated that no bats were roosting within any of the buildings proposed for demolition, and thus that there would be no negative effects or legal implications.

An update to the guidance recommended some changes to survey methodology but did not invalidate the results of previous surveys. It is not necessary to repeat all surveys due to the release of updated guidance.

The September 2025 validation survey was undertaken with reference to the updated Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins 2023) and with consideration of (CIEEM, 2019).

The purpose of the 2025 survey was to:

- validate the 2023 baseline conditions prior to submission of the application;
- confirm whether any material change had occurred in relation to bat roost suitability; and
- confirm whether any additional survey effort was required.

The updated survey confirmed that:

- no bat roosts or evidence of bat occupation were identified;
- no material change in bat roost suitability had occurred since completion of the 2023 surveys; and
- all buildings and trees within the Proposed Development Boundary remained categorised as having Low or Negligible suitability for roosting bats only.

Therefore, in accordance with the CIEEM (2019), the survey data from 2023 was considered to be valid.

The survey strategy adopted for the EIA was informed by desk study findings, habitat appraisal, field survey results, and professional ecological judgement. Survey effort was considered proportionate to the level of ecological risk identified within the Proposed Development Boundary, which comprises a highly modified operational port environment with limited suitable bat roosting habitat.

The Consultant Ecologist considers that the terrestrial ecology baseline, survey effort, impact assessment and mitigation measures presented within the EIA remain robust and appropriate.

### **10.3 OBSERVATION 3: BAT ROOSTS, SEASONALITY AND MOVEMENT BETWEEN ROOSTS**

Bat roosting behaviour, seasonal movement between roosts, commuting behaviour and foraging ranges are recognised within the EIA assessment. Bat surveys undertaken in 2023 recorded low to moderate activity within the Proposed Development Boundary, consisting primarily of occasional commuting passes by common pipistrelle, soprano pipistrelle and Leisler's bat. No roosting activity or confirmed bat roosts were identified during the PRA surveys, emergence surveys, static monitoring or transect surveys. The absence of bat droppings or other field signs in any of these buildings indicates that they had not been used by roosting bats in recent years. Therefore, the results provide a longer-term appraisal of bat roosting activity rather than a single snapshot survey.

The Proposed Development Boundary is located within an active and highly modified operational port environment and was assessed as functioning primarily as a minor commuting and occasional foraging area rather than supporting important bat roosting habitat or key commuting infrastructure. The EIA assessment acknowledges the importance of bat commuting routes, foraging behaviour and wider ecological connectivity. Potential effects associated with lighting, habitat loss and construction disturbance were assessed within EIA [Chapter 10 Terrestrial Ecology](#), and mitigation measures relating to bats are incorporated within Section 10.4.3 and Section 10.4.4.

Following implementation of the proposed mitigation measures, effects on bats were assessed within the EIA as not significant.

### **10.4 OBSERVATION 4: DEFINITIONS OF STUDY AREA, SURVEY AREA, BUFFER ZONES AND ZONE OF INFLUENCE (ZOI) TERMS**

Definitions of the terms 'Study Area', 'Survey Area', 'buffer zones' and 'Zone of Influence (ZOI)', as relate to terrestrial ecology in the context of the EIA provided with the application, are provided in Section 10.2.3.1 and Section 10.2.3.2 of EIA [Chapter 10 Terrestrial Ecology](#).

As set out in the EIA, the terrestrial ecology assessment adopted a receptor-led and pathway-based approach to defining survey extents and assessment boundaries. Survey areas and buffer distances were therefore refined where appropriate to reflect:

- the ecology of the receptor being assessed;
- habitat availability and connectivity;
- the nature and extent of potential impact pathways; and
- the scale and characteristics of the Proposed Development.

The bat assessment did not rely solely on a fixed buffer distance and instead considered the wider ecological context, including habitat connectivity, commuting behaviour, lighting effects and adjacent habitats where relevant to the assessment.

It is considered that the survey extent and ZoI applied within the EIAR were appropriate and proportionate to the characteristics of the Proposed Development and the ecological sensitivities identified during surveys.

## **10.5 OBSERVATION 5: UNDERSTANDING OF THE FIELD AND HABITAT SURVEYS UNDERTAKEN IN 2023 AND 2025**

As set out within EIAR [Chapter 10 Terrestrial Ecology](#) and EIAR [Technical Appendix 10 Terrestrial Ecology](#), the 2023 bat survey programme comprised:

- Preliminary Roost Assessments (PRA);
- bat emergence surveys;
- bat activity transect surveys; and
- desk-based review of available ecological information.

These surveys were undertaken across multiple survey dates and seasons in accordance with relevant guidance and are described within the EIAR and Technical Appendix.

The September 2025 validation survey was undertaken with reference to the updated *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins, 2023) and in consideration of the *CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys* (CIEEM, 2019).

The purpose of the September 2025 survey was not to repeat the full 2023 surveys programme, but rather to validate the established baseline and confirm whether any material change in ecological conditions or bat roost suitability had occurred prior to submission of the application.

The 2025 survey confirmed that:

- no bat roosts or evidence of bat occupation were identified;
- no material change in bat roost suitability had occurred since completion of the 2023 surveys; and
- no additional emergence surveys were required.

The Proposed Development Boundary comprises a highly modified operational port environment characterised by existing infrastructure, artificial lighting, regular human activity and ongoing disturbance associated with port operations and surrounding construction activity.

Trees within the Proposed Development Boundary were assessed as having Negligible suitability for roosting bats. The fishermen's huts and associated ancillary structures were generally assessed as having Low suitability only due to the presence of limited potential roost features. No structures of Moderate or High suitability were identified during the PRA surveys.

The bat survey strategy was developed using a proportionate and risk-based approach informed by:

- desk study findings;

- habitat appraisal;
- PRA findings;
- field survey observations; and
- professional ecological judgement.

The survey methodology, survey timing, survey equipment, weather conditions and survey coverage are described within the EIAR [Chapter 10 Terrestrial Ecology](#) and EIAR [Technical Appendix 10 Terrestrial Ecology](#). Surveys were undertaken by suitably qualified ecologists in accordance with relevant guidance applicable at the time of survey.

The EIAR and Technical Appendix provide sufficient detail to describe:

- the scope and extent of surveys undertaken;
- the rationale for survey effort applied;
- the suitability of surveyed structures and trees;
- bat activity recorded during surveys; and
- the conclusions of the assessment.

The assessment conclusions presented within the EIAR were informed by the combination of:

- PRA survey findings;
- emergence survey findings;
- bat activity survey results;
- habitat suitability;
- the absence of evidence of roosting bats;
- the low suitability of surveyed structures; and
- the highly modified and disturbed nature of the operational port environment.

No structures of Moderate or High bat roost suitability were identified during surveys, no confirmed bat roosts were recorded, and bat activity within the Proposed Development Boundary was characterised primarily by occasional commuting and foraging activity.

It is considered that the survey effort undertaken was proportionate to the ecological sensitivities identified and sufficient to inform the EIAR assessment and mitigation strategy, and that the survey information, datasets, professional ecological judgement and mitigation measures presented within the EIAR provide a robust and proportionate basis for the assessment of potential effects on bats.

## **10.6 OBSERVATION 6: EXTENT OF HABITAT MAP AND HABITAT MAP AVAILABILITY FOR THE 2023 SURVEYS**

Field surveys and a habitat appraisal were undertaken in 2023 as part of the terrestrial ecology assessment and informed the subsequent bat survey programme and ecological assessment. The

September 2025 survey was undertaken to validate and update the established baseline prior to submission of the application.

As set out within EIAR [Chapter 10 Terrestrial Ecology](#), habitat mapping and survey extents were undertaken on a receptor-specific basis and informed by the characteristics of the Proposed Development and associated impact pathways. Figure 10.6 of EIAR [Chapter 10 Terrestrial Ecology](#) presents habitats recorded within and adjacent to the Proposed Development Boundary, including vegetated habitats associated with the southern coastal boundary and adjoining areas relevant to the assessment.

The Consultant Ecologist remains satisfied that the habitat survey information and mapping presented within the EIAR were sufficient to inform the terrestrial ecology assessment, including the bat assessment.

### **10.7 OBSERVATION 7: APPROPRIATE ASSESSMENT**

The AA process was undertaken in accordance with the requirements of Article 6(3) of the Habitats Directive and applied the S-P-R framework, in line with OPR Practice Note PN01 (2021), to identify potential impact pathways between the Proposed Development and European sites.

Bats are not listed as qualifying interests of any nearby SACs (or any other SACs in the south-east of Ireland), so they do not need to be considered under Article 6 of the Habitats Directive (i.e., Appropriate Assessment). Instead, the provisions of Article 12 apply, and the Consultant Ecologist remains satisfied that this has been assessed correctly

The Consultant Ecologist considers that the AA Screening Report and [Natura Impact Statement](#) (NIS) provide an appropriate, robust and proportionate assessment of likely effects on European sites arising from the Proposed Development.

### **10.8 OBSERVATION 8: ROSSLARE HARBOUR DEVELOPMENT CUMULATIVE ASSESSMENT**

Cumulative effects were assessed within Section 10.6 of the EIAR [Chapter 10 Terrestrial Ecology](#), including consideration of existing port operations, surrounding infrastructure, the Rosslare Europort Access Road, maintenance dredging activities and other relevant developments within the wider area.

The cumulative assessment considered the potential for combined effects on terrestrial ecological receptors, including bats, arising from habitat disturbance, lighting, noise and general construction-related activity.

The bat baseline established within EIAR [Chapter 10 Terrestrial Ecology](#) of the EIAR identified low to moderate levels of bat activity within a highly modified operational port environment, with no confirmed bat roosts identified within the Proposed Development Boundary.

The Consultant Ecologist remains satisfied that cumulative effects were appropriately considered within the EIAR and that no significant cumulative effects on bats are predicted following implementation of the proposed mitigation measures.

## 10.9 OBSERVATION 9: CONCERNS RAISED REGARDING LOSS OF HABITAT FOR BATS

Baseline surveys identified low to moderate bat activity, consisting primarily of occasional commuting and foraging activity by common pipistrelle, soprano pipistrelle and Leisler's bat within an already disturbed operational port environment. Also, these are the three most-common and widespread bat species in Ireland, and they are listed as 'least concern' on the Irish Red List of Terrestrial Mammals (Marnell, F. *et al.* 2019).

No confirmed bat roosts were identified within the Proposed Development Boundary, and no structures of Moderate or High suitability for roosting bats were recorded during the PRA surveys.

Habitats within the Proposed Development are predominantly highly modified and of limited suitability for supporting bat roosting or foraging function. While some localised habitat loss will occur, the EIAR concluded that the Proposed Development does not support habitat of significant importance to local bat populations (e.g., broadleaved woodlands, freshwater wetlands).

Potential effects associated with habitat loss, lighting and construction disturbance were assessed within the EIAR [Chapter 10 Terrestrial Ecology](#), and appropriate mitigation measures are incorporated within Sections 10.4.3 and 10.4.4, including measures relating to lighting control and sensitive construction practices.

Following implementation of the proposed mitigation measures, effects on bats were assessed within the EIAR as not significant.

## 10.10 OBSERVATION 10: IMPACTS OF PROPOSED CONSTRUCTION ON BAT POPULATION

Bats were identified as a Key Ecological Receptor and potential construction phase effects were assessed within EIAR [Chapter 10 Terrestrial Ecology](#). The assessment considered potential effects associated with:

- habitat loss and disturbance;
- artificial lighting;
- noise and vibration;
- increased human activity; and
- temporary disturbance associated with construction activities.

Baseline surveys identified low to moderate bat activity within the Proposed Development Boundary, consisting primarily of occasional commuting and foraging activity within a highly modified operational port environment. No confirmed bat roosts were identified during the PRA surveys, emergence surveys, static monitoring or bat activity surveys.

The EIAR assessment concluded that the Proposed Development does not support important bat roosting habitat or significant bat commuting infrastructure.

Mitigation measures relating to bats are incorporated within Sections 10.4.3 and 10.4.4 of EIAR [Chapter 10 Terrestrial Ecology](#) and include measures relating to sensitive lighting design, timing of works, pre-construction ecological checks and ecological supervision where required.

Following implementation of the proposed mitigation measures, the EIAR concluded that effects on bats during construction and operation of the Proposed Development would be not significant.

# 11 RESPONSE TO KILRANE CONCERNED RESIDENTS' GROUP

This section contains the response to the observations on the consent application made by Kilrane Concerned Residents' Group (KCRG) in letter to ACP dated 22<sup>nd</sup> January. The KCRG observations are addressed under key thematic headings including traffic, road safety, cumulative impact, planning policy, and community effects.

Some of the KCRG observations concern matters that are outside the control of the Applicant and are not subject of the section 291 consent application. It is submitted that certain observations raised by KCRG would be more appropriate to raise directly with the relevant officials of the local authority (Roads, Waste) and during consultations on any forthcoming revision of the local development plan for Wexford County, and in the context of projects planned by the national transport authority, Transport Infrastructure Ireland (TII). In response to the KCRG observations, only those matters that relate to the subject consent application are addressed.

## 11.1 PRINCIPLE OF DEVELOPMENT AND SEQUENCING

The Irish government's commitment to connecting major ports via the motorway network is primarily driven by the European wide TEN-T policy, Project Ireland 2040 and the National Development Plan (NDP) 2021 - 2030. Project Ireland 2040, comprising the National Planning Framework (NPF) and the NDP, supports enhanced regional and international connectivity through investment in strategic transport infrastructure, including national roads and port infrastructure serving Ireland's Tier 1 and Tier 2 ports.

Neither the construction nor the operation of the Proposed Development is reliant upon the completion of the M11 Motorway between Oylegate and Rosslare Europort.

The Proposed Development is capable of operating independently of any wider infrastructure plans which fall outside the scope of the consent application and are a statutory responsibility of the local authority and/or TII. Delivery of the final portion of the M11 is a separate project subject to independent processes and cannot reasonably be tied to this application.

The development has been assessed based on the existing and permitted transport network.

## 11.2 SUPPORTING INFRASTRUCTURE FOR TRAFFIC AND HGV MOVEMENTS

Existing post-Brexit freight pressures and associated traffic and HGV movements form part of the established receiving environment which has been considered in Volume 2, EIAR [Chapter 17 Traffic and Road Transport](#). The proposed ORE Hub development would represent a small proportion of overall Europort-related traffic.

EIAR [Chapter 17 Traffic and Road Transport](#) considers impacts during both the construction and operational periods for the Proposed Development. It presents an assessment of the baseline, future traffic scenarios and cumulative effects and concludes that the Proposed Development would generate an average of 10 additional vehicles per day over a 24-month construction period, of which 5 are expected to be HGV and limited additional operational traffic, totalling 51 HGV trips per day.

The resulting impacts on road safety, pedestrian amenity, severance, driver delay and fear and intimidation would be slight adverse during construction and imperceptible during operation, which are not significant (Sections 17.4.5 and 17.4.6 of EIAR [Chapter 17 Traffic and Road Transport](#) refer).

As outlined in Section 3.3 of the [outline Construction Environmental Management Plan](#) a Construction Traffic Management Plan will be developed by a Traffic Management Design Engineer prior to the commencement of construction related activities. It will be agreed with the relevant road authorities and An Garda Síochána and will aim to

*“ensure the safe and efficient movement of vehicles, minimise disruption to the public, and incorporate measures for pedestrian safety, haul route integrity, school traffic, and delivery coordination”*

Key elements of it will include:

- Appointment of a traffic management coordinator who will be the main point of contact for traffic related queries throughout the construction period.
- Provision of a deliveries programme for onsite deliveries to Wexford County Council in advance of the delivery of any oversized components to ensure no overlap with other projects (e.g., N25 REAR Project).
- Communication protocol with local residents in advance of any temporary lane or road closures or overnight deliveries if required.

The proposed measures are considered sufficient to appropriately manage temporary construction traffic impacts. No significant operational traffic impacts are anticipated arising from the proposed development.

### **11.3 ROAD SAFETY**

The proposed development does not involve any alterations to access arrangements for Kilrane National School. The proposed works are located outside the immediate area of the school and are not expected to affect access to the school.

EIAR Volume 2, [Chapter 2 Legislation and Policy Context](#) describes the Proposed Development as port infrastructure to facilitate the assembly, storage and marshalling of offshore renewable energy components within Rosslare Europort. The development is principally a marine-based operation, with the transportation of ORE components mainly by sea.

The existing operation, geometry and traffic conditions associated with the N25 and L7102 form part of the established receiving environment within which the Proposed Development has been assessed. The EIAR considers the likely traffic and transport effects arising from the proposed development having regard to this existing context. Existing traffic conditions and activities unrelated to the Proposed Development are not attributable to the subject application.

### **11.4 LOCAL ROAD NETWORK CONSTRAINTS**

The constraints on the L7102 as highlighted by KCRG are noted. These constraints reflect historic patterns and existing land uses and do not relate to the subject consent application. The Proposed

Development will not alter the access to or use of the L7102 and does not introduce new industrial or logistics development within Kilrane village.

Strategic interventions such as a bypass fall outside the scope and are independent of this consent application.

## **11.5 CUMULATIVE IMPACT**

The EIAR presents a comprehensive assessment of cumulative impacts arising from the Proposed Development in combination with existing and permitted developments within the topic specific chapter (EIAR [Chapter 17 Traffic and Road Transport](#)) and integrated assessment contained in EIAR Volume 2, [Chapter 25 Interactions](#).

EIAR [Chapter 17 Traffic and Road Transport](#), Section 17.4.6 concludes that no road link within the study area would experience increases above the applicable significance thresholds and that significant cumulative traffic effects would not arise.

The submission principally references existing post-Brexit freight activity and longstanding operational pressures associated with Rosslare Europort generally. These matters form part of the existing receiving environment which have been the basis of the assessment reported in EIAR [Chapter 17 Traffic and Road Transport](#).

## **11.6 PLANNING POLICY**

EIAR Volume 2, [Chapter 2 Legislation and Policy Context](#) and Section 6 of the [Planning Report](#) identify consistency with the NPF First Revision, including NPOs 50, 51 and 55, the National Marine Planning Framework and the Climate Action Plan 2025.

Port infrastructure is key to the successful delivery and operational maintenance of offshore wind projects and serve as a link between marine and landside activities, often becoming a hub for supply chain activity. The Rosslare ORE Hub has the potential to support the development of Ireland's Phase 1 and Tonn Nua offshore projects (c4.7GW in total) and make a critical contribution to Ireland's energy security and decarbonisation policies and objectives. The Rosslare ORE Hub is also ideally located to support the development of the remaining sites identified in the South Coast Designated Maritime Area Plan (DMAP) as well as sites to be established in the forthcoming National DMAP for Offshore Renewable Energy.

The Proposed Development which will be located adjacent to existing port operations will not impact on the settlement strategy for Kilrane and Rosslare Harbour which focuses on the consolidation of both village centres with residential development mainly to the east of the N25 and commercial development to the port side of the N25 where there are a number of existing logistics and similar operations (Wexford County Development Plan 2022 – 2028, Vol. 3: Settlement Plans and Specific Objectives, Section 2: Rosslare Harbour and Kilrane Settlement).

## **11.7 HGV PARKING AND ENVIRONMENTAL EFFECTS**

The concerns raised regarding HGV parking, marshalling and driver welfare facilities relate primarily to existing freight operations rather than to likely significant effects arising from the Proposed Development.

As previously stated, EIAR [Chapter 17 Traffic and Road Transport](#) concludes that the Proposed Development would not materially intensify HGV activity or exacerbate existing traffic conditions to a significant degree. Existing and future strategic transport infrastructure matters, including wider freight management measures, fall within the remit of the relevant transport and road authorities.

The Proposed Development includes plans for onsite offices and facilities to service offshore wind farm related activity and does not generate standalone demand for such facilities outside the Proposed Development.

## **11.8 QUALITY OF LIFE AND TOURISM**

The Proposed Development is located within an established port environment and should be viewed within that context.

The EIAR assesses the impact of the Proposed Development on quality of life including tourism on a worse-case scenario basis such as when the Proposed Development is being used for ORE related activities with both ORE components and vessels present. EIAR Volume 2, [Chapter 21 Population and Human Health](#) of the EIAR concludes that the Proposed Development would result in positive socio-economic effects through employment generation and support for regional economic activity. EIAR [Chapter 21 Population and Human Health](#), Section 21.7.6.1 also concludes that the Proposed Development would only result in significant adverse effects through impacts on visual amenity in the immediate vicinity of the Proposed Development (within 250m), with effects quickly reducing to moderate and moderate-slight beyond that distance.

Accordingly, the contention that the Proposed Development would materially undermine tourism, residential amenity or quality of life within Kilrane or Rosslare Harbour is not supported by the findings of the EIAR.

## **11.9 SECTION 47 CONTRIBUTIONS**

Section 47 of the Planning and Development Act 2000, as amended, relates to specific public infrastructure or facilities required as a direct consequence of a Proposed Development and provided, or intended to be provided, by a planning authority. The broader community benefit measures proposed in the submission do not fall within the ordinary statutory purpose or operation of Section 47.

The Proposed Development is strategic port infrastructure and is not analogous to renewable energy generation developments where voluntary community benefit schemes have emerged through national policy and industry practice. The EIAR does not identify significant adverse effects requiring compensatory measures or additional strategic road infrastructure required for the operation of the Proposed Development. Any contributions must meet statutory tests of necessity, relevance and proportionality with any decision in relation to contributions falling within the statutory responsibilities of the Commission.

## 12 RESPONSE TO THE HERITAGE COUNCIL

### 12.1 INTRODUCTION

The Heritage Council makes their observations on Ecology, Landscape and Seascape, and Cultural Heritage in letter to ACP dated 24<sup>th</sup> February 2026. The Heritage Council states that the Cultural Heritage Chapter in the EIAR (Chapter 16) provides adequate information on any potential archaeological and architectural heritage impacts. This aligns with response from DAU (Section 7.1 of this response document). The Heritage Council’s comments on Ecology in relation to cumulative effects are noted and addressed in other responses in this submission (Sections 8 and 10), and in relation to mitigation measures (Section 7, 10, 14 and 15). The response to comments on the Landscape is provided below.

### 12.2 LANDSCAPE RESPONSE

This statement has been prepared in response to observations of the Heritage Council. It is made by Macro Works Ltd, the Consultant Landscape Architect (LVIA Consultant). It is noted that that the competent local authority with direct functional responsibility for the receiving coastal environment, Wexford County Council, has not identified any material concerns regarding Seascape or Landscape and Visual Effect in their letter to the ACP dated 24<sup>th</sup> February 2026.

The observations raised by the Heritage Council relate to an assessment of Regional Seascape Character Area (SCA) 13 – South-East Irish Sea, and the classification of the receiving Coastal Landscape Character Unit as Medium sensitivity, in contrast to the High sensitivity assigned in the Wexford County Development Plan 2023–2028. The following response provides clarification on these matters.

#### 12.2.1 REGIONAL SCA 13

EIAR Volume 2, [Chapter 23 Seascape / Landscape and Visual Assessment](#) is a combined Seascape, Landscape and Visual Impact Assessment (SLVIA), within which seascape forms an inherent and integral component of the assessment. The relevant policy section of the report explicitly references the Regional Seascape Character Assessment (Marine Institute, 2020), including SCA 13 – South-East Irish Sea, and this informs both the baseline characterisation and the subsequent assessment of effects.

The assessment of seascape effects is undertaken within Sections 23.4.5 and 23.4.6 of EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#), wherein the receiving environment is consistently treated as a combined seascape/landscape resource, in accordance with the principles of the [Guidelines for Landscape and Visual Impact Assessment 3rd Edition \(GLVIA3\)](#). While it is acknowledged that certain subsection headings do not explicitly reference the term “seascape”, this is a presentational matter only and does not reflect any omission in the scope or substance of the assessment.

Furthermore, the methodology adopted within the SLVIA is consistent with established best practice principles of GLVIA3. The assessment does not define effects specific to either landscape character or seascape character areas within the study area. Indeed, these broad level character areas comprise a

variety of characteristics, some of which are not relevant to the site and study area for the Proposed Development. As an example, the SCA 13 is an extensive area traversing from Wicklow Head to Carnosore point – a distance of over 90km. Due to the nature and scale of the Proposed Development, the study area adopted for the Proposed Development is a 5km study radius (based on professional judgement and current best practice) from the centre of the site, and thus the study area encompasses a very small portion of this overall SCA 13. In this regard, it is not considered necessary to provide assessment of high-level character areas, such as Regional Seascape Character Areas, in isolation. Instead, GLVIA3 emphasises the need to assess effects at an appropriate scale, with a focus on the specific characteristics and receptors within the defined study area (refer to sections 3.16 and 5.2 of GLVIA3).

The defining characteristics of SCA 13, including views from low-lying headlands, coastal perceptual qualities, and views experienced by ferry passengers and other marine receptors, have been fully incorporated within the baseline and visual assessment of the SLVIA (EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#)). These receptor types are explicitly represented within the viewpoint selection and visual impact appraisal. The assessment does not omit consideration of SCA 13; rather, it integrates its key attributes and character within a more detailed and proportionate receptor-based assessment, which is entirely consistent with established best practice.

Overall, assessment of seascape character areas is an inherent part of the overall SLVIA and has been fully assessed within EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#). Operational phase Seascape/Landscape effects were classified with a significance of effect of Substantial-moderate, Negative in terms of quality and Permanent in terms of duration. With regard to residual operational phase significance of visual effect, these ranged from 'Substantial' to 'Imperceptible'.

### **12.2.2 SEASCAPE AND LANDSCAPE SENSITIVITY**

In respect of the classification of landscape and seascape sensitivity, the LVIA Consultant acknowledges the designation of the 'Coastal' Landscape Character Unit as High sensitivity within the Wexford County Development Plan 2023 - 2028. However, such classifications are applied at a strategic, county-wide level and are intended to guide policy formulation. In contrast, the SLVIA is required, in accordance with GLVIA3, to apply professional judgement in determining sensitivity at the scale of the receiving environment, having regard to both the value of the landscape and its susceptibility to change. As such, while the Wexford County Development Plan 2022 – 2028 classification has been fully considered, it does not preclude a more refined assessment of sensitivity at a localised level, which is appropriate given the nature and scale of the Proposed Development.

The assignment of 'Medium' sensitivity to the receiving environment as set out in the submitted EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#) (refer to section 23.4.3) is robustly justified in the context of the site's immediate setting within an established and intensively developed port complex. As set out in the EIAR (refer to section 23.3, EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#)), the baseline environment is characterised by extensive anthropogenic modification, including reclaimed land, large-scale port infrastructure, freight handling areas, and frequent vessel movements. This results in a landscape and seascape context that is already highly influenced by utilitarian and industrial activity, and which exhibits a

demonstrable capacity to accommodate further development of a similar nature. In this regard, the Proposed Development represents a logical extension of the existing port function and does not introduce a new or incongruous land use.

Notwithstanding this, the assessment clearly recognises that areas of higher sensitivity occur within the wider coastal landscape, where the influence of port-related infrastructure diminishes and more natural coastal characteristics prevail. This distinction is explicitly reflected with the assessment of seascape/landscape sensitivity (refer to section 23.4.3, EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#)), which states “*the sensitivity of the receiving landscape/seascape is considered to be Medium. However, areas of much higher sensitivity exist in the wider surrounds of the study area, where the built development and highly utilitarian forms within the working Port complex have less of an influence on the perceived character of the surrounding coastline*”. Similarly, this variation in sensitivity throughout the study area is clearly reflected within the assessment of sensitivity for visual receptors, where receptors located outside the immediate port-influenced context are assigned higher sensitivity ratings, typically within the High–Medium range (refer to representative viewpoints [VP1](#), [VP2](#) and [VP9](#) in Technical Appendix 23, and in Table 23.8 of EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#)). The approach adopted therefore provides a balanced and proportionate assessment, which differentiates appropriately between the modified local environment and the more sensitive wider coastal context.

While the Heritage Council places emphasis on the macro-scale coastal character extending from ‘Rosslarefort [*sic*] to Greenore Point’, the LVIA Consultant remains satisfied that the SLVIA appropriately considers both the broader landscape context and the specific characteristics of the receiving environment. As an example, viewpoints VP1 and VP2, both of which are representative of the wider Rosslare Strand within the study area, are assigned a receptor sensitivity of High-medium, accounting for their heightened susceptibility to visual change. Overall, the application of a Medium landscape/seascape sensitivity rating at the site level, alongside explicit recognition of higher sensitivity areas in the wider seascape/landscape, is considered to be both reasonable and consistent with best practice.

### **12.2.3 CONCLUSION**

In conclusion, the Landscape Architect submits that the SLVIA as contained in EIAR [Chapter 23 Seascape / Landscape and Visual Assessment](#), provides a comprehensive and robust assessment of seascape, landscape and visual effects. Seascape considerations, including SCA 13, have been fully integrated within the assessment, and the methodology adopted accords with established best practice. The classification of the receiving environment as Medium sensitivity is appropriately justified having regard to the highly modified nature of the immediate context, while also recognising the higher sensitivity of the wider coastal landscape. Accordingly, the Heritage Council’s observations do not identify any deficiency in the assessment, and the conclusions of the submitted SLVIA remain unchanged.

## 13 RESPONSE TO SSE RENEWABLES (IRELAND) LTD

SSE Renewables (Ireland) Ltd's submission is in its letter to ACP dated 23<sup>rd</sup> February 2026. The observations made by SSE Renewables are in line with the policy context contained in EIAR Volume 2, [Chapter 2 Legislation and Policy Context](#), and the [Planning Report](#) submitted with the consent application.

## 14 RESPONSE TO BIRDWATCH IRELAND

In its letter to ACP BirdWatch Ireland (BWI) raises observations in relation to:

- need to increase post-construction bird monitoring
- improved consideration for common scoter and diver species;
- forage fish concerns;
- habitat removal during construction;
- kittiwakes
- important bird areas (IBAs).

The observations raised by BWI are responded to below.

### 14.1 OBSERVATION 1: NEED TO INCREASE POST-CONSTRUCTION BIRD MONITORING

The submission raises observations regarding the extent and duration of proposed post-construction ornithological monitoring.

Post-construction ornithological monitoring has been incorporated into the Proposed Development and is outlined within the EIAR Volume 2, [Chapter 14 Ornithology](#), Section 14.7. The proposed monitoring programme was developed with regard to the findings of the baseline surveys, the characteristics of the receiving environment, the scale and nature of the Proposed Development, and the conclusions of the impact assessment.

The ornithological assessment was informed by extensive site-specific survey data collected between 2022 and 2024, including vantage point surveys, breeding bird surveys, winter walkover surveys and tern roost surveys. These surveys informed the identification of key ornithological receptors and the assessment of potential effects of the Proposed Development.

The EIAR [Chapter 14 Ornithology](#), Section 14.6 concluded that, following implementation of the proposed mitigation measures, residual effects on ornithological receptors would be not significant. On that basis, the Consultant Ornithologist considers that the proposed post-construction monitoring programme is proportionate and appropriate to the nature and scale of the predicted effects identified within the EIAR.

### 14.2 OBSERVATION 2: IMPROVED CONSIDERATION FOR COMMON SCOTER AND DIVER SPP

The submission raises observations regarding the assessment of common scoter and diver species, including red-throated diver.

Common scoter and red-throated diver were specifically assessed within EIAR [Chapter 14 Ornithology](#) of the EIAR (Sections 14.4.3 and 14.4.4) and within the [AA Screening](#). Both species are Special Conservation Interests (SCIs) of the Seas off Wexford SPA and were considered in relation to potential disturbance, displacement and habitat loss effects associated with the Proposed Development.

The assessment was informed by extensive baseline surveys undertaken between 2022 and 2024, together with published survey datasets including the ObSERVE aerial survey programme. Baseline surveys recorded generally low and intermittent usage of the Ornithology Study Area by both species.

Common scoter were recorded primarily between 1km and 1.5km offshore, with recorded numbers remaining below the All-Ireland 1% importance threshold. Red-throated diver were similarly recorded in low numbers dispersed throughout the wider study area.

The EIAR also considered the existing operational context of Rosslare Europort, which is characterised by regular vessel activity and heavily modified habitats. The assessment concluded that the local bird assemblage is already accustomed to ongoing anthropogenic activity within the port environment.

Published survey information considered within the EIAR [Chapter 14 Ornithology](#), including ObSERVE survey data, indicated that higher density usage areas for sensitive species such as common scoter and red-throated diver occur elsewhere within the wider region and do not coincide with the Proposed Development Boundary.

The EIAR concluded that baseline sightings of common scoter and red-throated diver were limited to the non-breeding season and that disturbance effects would therefore not affect breeding birds or reproductive rates for these species.

The Consultant Ornithologist remains satisfied that common scoter and diver species were appropriately considered within the EIAR and [Natura Impact Statement](#) (NIS) and that the conclusions of no significant effects are robust.

### **14.3 OBSERVATION 3: FORAGE FISH CONCERNS**

The submission raises observations regarding potential effects on forage fish resources and the potential implications for seabird foraging activity within the wider area.

Potential effects on fish and shellfish ecology were assessed within EIAR Volume 2, [Chapter 12 Fish, Shellfish and Turtle Ecology](#) of the EIAR, including consideration of habitat disturbance, suspended sediment, underwater noise and potential effects on spawning and nursery habitats.

The assessment was informed by site-specific benthic ecology surveys, grab sampling, video surveys and sediment analysis undertaken within the Proposed Development Boundary between 2023 and 2024 and presented within EIAR Volume 2, [Chapter 11 Benthic Ecology](#) of the EIAR. These surveys identified the reclamation and dredging areas as comprising predominantly modified harbour habitat characterised by mixed sediment, muddy sand, gravelly sand and disturbed substrates.

The dominant benthic communities recorded within the survey area comprised common and widespread sediment biotopes, including *Abra alba* and *Nucula nitidosa* communities associated with circalittoral muddy sand habitats. The EIAR did not identify the reclamation area as supporting particularly sensitive or important forage fish habitat.

The ornithological assessment considered bird usage of the area in the context of available foraging habitat and recorded generally low levels of foraging activity by sensitive offshore and coastal waterbird species within the Proposed Development Boundary.

Published survey datasets considered within the EIAR, including the ObSERVE aerial survey programme, indicate that more important offshore foraging areas for sensitive seabird and waterbird species occur elsewhere within the wider region and do not coincide with the Proposed Development Boundary.

The Consultant Ornithologist remains satisfied that potential effects on forage fish resources and associated ornithological receptors were appropriately considered within the EIAR and that the conclusions of the assessment are robust.

#### **14.4 OBSERVATION 4: HABITAT REMOVAL DURING CONSTRUCTION**

The submission raises observations regarding the timing of habitat removal and construction activities during the bird breeding season.

EIAR [Chapter 14 Ornithology](#) of the EIAR includes mitigation measures relating to the timing of vegetation clearance and habitat removal works to minimise the potential for disturbance to breeding birds. In response to the observation raised, it is proposed that habitat removal and vegetation clearance works will be avoided during the core bird breeding season from March to September inclusive, unless otherwise confirmed by a suitably qualified Ecologist.

Any habitat removal or vegetation clearance required during this period will be subject to pre-construction nesting bird checks undertaken by a suitably qualified ecologist. Where active nests are identified, appropriate exclusion zones and protection measures will be implemented in accordance with relevant legislative requirements and standard ecological good practice.

No habitat removal works are proposed as part of the Proposed Development near the location of the kittiwakes and guillemot nests on the outer harbour wall.

The Consultant Ornithologist remains satisfied that, with the implementation of these measures, potential effects on breeding birds during construction will be avoided or reduced to not significant levels.

#### **14.5 OBSERVATION 5: KITTIWAKES**

The submission raises observations regarding the recently recorded kittiwake colony within Rosslare Harbour and the potential for disturbance effects associated with the Proposed Development.

As outlined within EIAR [Chapter 14 Ornithology](#) of the EIAR and [NIS](#), seventeen Apparently Occupied Nests (AONs) of kittiwake were recorded on the outer wall of Rosslare Harbour during surveys undertaken in June 2025 (EIAR [Chapter 14 Ornithology](#), Figure 14.6). This colony is located outside the Proposed Development Boundary on the seaward side of the outer harbour wall.

The EIAR considered the location of the colony relative to the Proposed Development and concluded that no likely pathway for significant disturbance effects was identified between the main construction works and the nesting location. The colony is situated on the far side of the operational harbour environment from the main construction footprint.

Notwithstanding this, and applying the precautionary principle, kittiwake breeding surveys will be undertaken as part of the proposed post-construction ornithological monitoring programme outlined within EIAR [Chapter 14 Ornithology](#). Kittiwake breeding surveys will include annual nest

counts undertaken each June following completion of construction works for a minimum period of two years.

The proposed post-construction monitoring programme provides an adaptive management framework through which any unforeseen changes in bird usage or breeding activity can be identified and reviewed, where necessary, in consultation with the relevant statutory authorities.

The Consultant Ornithologist remains satisfied that the EIAR and [NIS](#) appropriately considered potential effects on kittiwake and that the conclusions of the assessments are robust.

#### **14.6 OBSERVATION 6: IMPORTANT BIRD AREAS (IBAs)**

The submission raises observations regarding the identification of Important Bird Areas (IBAs) within the wider region.

The recent identification and publication of additional IBAs relevant to the wider coastal and marine environment surrounding the Proposed Development is acknowledged. These new IBAs will be considered by the project team going forward in the context of ongoing ornithological monitoring and future ecological review, where relevant.

The ornithological assessment presented within EIAR [Chapter 14 Ornithology](#) of the EIAR and [NIS](#) was undertaken using the best available information and guidance available at the time of assessment, including extensive site-specific baseline surveys undertaken between 2022 and 2024, together with published regional datasets and designated site information.

IBAs are non-statutory designations and do not constitute European sites designated under the Birds Directive or Habitats Directive. Nevertheless, the Consultant Ornithologist acknowledges that IBAs may provide useful contextual information in relation to bird distribution and habitat usage within the wider region.

The Consultant Ornithologist remains satisfied that the ornithological assessment and associated conclusions presented within the EIAR and [NIS](#) are appropriate and robust.

## 15 RESPONSE TO IRISH WHALE AND DOLPHIN GROUP

This section contains responses to observations on the consent application made by Irish Whale and Dolphin Group (IWDG), in letter to ACP dated 9<sup>th</sup> April 2026. This section should be read in conjunction with the response to observations by DAU in Section 7 of this document.

### 15.1 OBSERVATION 1: CLARIFY HOW THE STONE BUNDS WILL REDUCE PILING NOISE

Integrated noise-reduction measures have been incorporated into the design of the Proposed Development as embedded (primary) mitigation (see Section 13.5.2 of EIAR Volume 2, [Chapter 13 Marine Mammals](#)), and broader statutory or regulatory measures (e.g., compliance with MARPOL and existing codes of practice) function as tertiary mitigation. Where significant impacts are predicted to remain following the implementation of these measures, further (secondary) mitigation has been adopted.

Secondary mitigation comprises project-specific actions designed to further reduce the scale, intensity, or likelihood of effects on marine mammals, particularly in relation to underwater noise during construction, including piling. These measures go beyond the inherent project design features and existing legislative controls and are informed by the impact assessment set out in Section 13.5 of EIAR [Chapter 13 Marine Mammals](#). These mitigation measures will be implemented during the construction phase of the Proposed Development to minimise the risk of injury or disturbance to marine mammals in the area of operations, in accordance with the NPWS guidance (DAHG, 2014).

As set out in EIAR [Chapter 13 Marine Mammals](#) and the [NIS](#) submitted with the consent application, the secondary mitigation measures outlined therein are based on the noise modelling undertaken for piling activities, which did not consider any noise reduction associated with the stone bund and used a higher energy impact hammer than will be used for the Proposed Development, to ensure a precautionary worst case scenario was considered.

The proposed secondary mitigation measures will be supported by acoustic monitoring to ensure effective implementation, should monitoring indicate that this is required.

During the harbour seal breeding season (May–July), real time underwater noise monitoring using Static Acoustic Monitoring (SAM) will be used with a precautionary peak displacement threshold of 140 dB re 1  $\mu\text{Pa}^2$  applied. If SAM detects an exceedance of this threshold outside the MZ, the works will cease. Appropriate adjustments such as the use of less noisy methods of piling, reducing the power of the piling equipment or the use of a Noise Abatement System will then be implemented to ensure that displacement thresholds remain below this level outside the MZ before piling can resume.

Reduction of underwater sound emissions can be achieved at source by reducing the source power, for example, by using alternative low-noise foundations or using alternative hammers (e.g., vibratory hammers), or by reducing sound propagated through the water column (Stephenson, S., *et al*, Seiche Ltd & Tetra Tech RPS Energy Limited, 2024). As outlined above, the stone bund enclosure will be used as a primary mitigation measure during the construction phase of the Proposed Development to reduce sound emissions propagated through the water column by providing a physical barrier to

the sound waves which would otherwise propagate directly into the marine environment, interrupting direct transmission pathways between the piling source and the marine environment.

The stone bunds will also fully enclose the Small Boat Harbour during impact piling for the pontoons and provide an encircling absorptive barrier between the sound source and open water.

The use of the stone bund during construction will act as an additional layer of protection however it has not been relied upon in the impact assessment for marine mammals.

## **15.2 OBSERVATION 2: PROVIDE A CLEAR SEQUENCE FOR BUND CONSTRUCTION AND PILING**

As described in Section 6.4.6.1 of EIAR Volume 2, [Chapter 6 Project Description](#), a perimeter bund of rockfill will be constructed in advance of piling activities. This integrated design feature will act as a physical barrier between the piling works and the open marine environment.

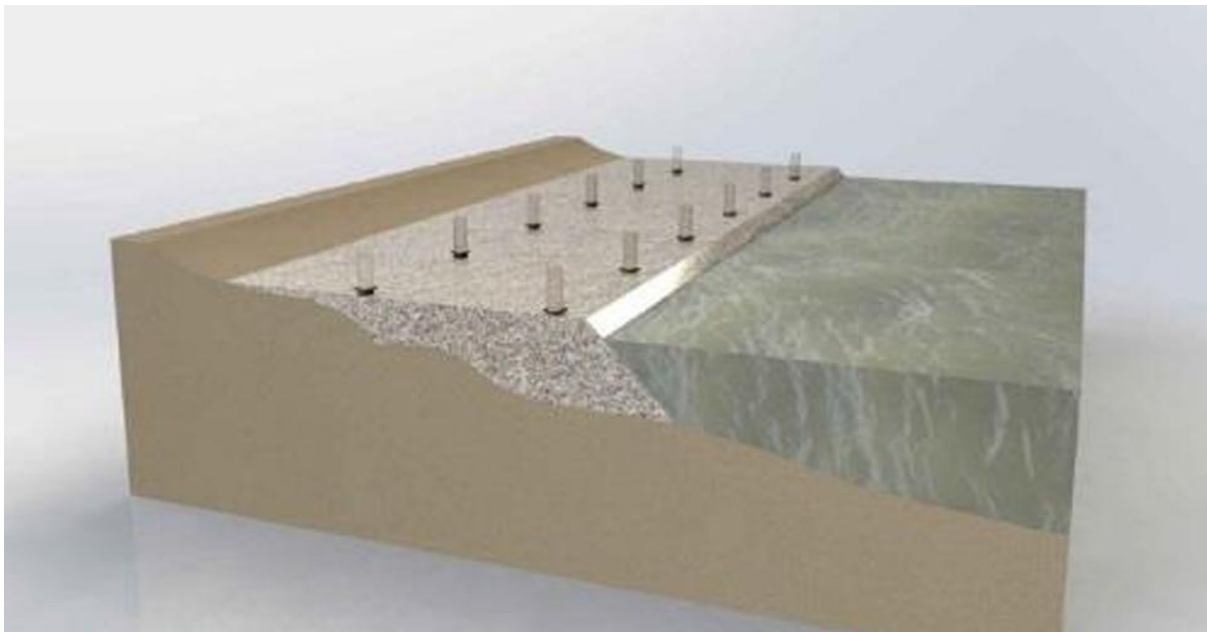
The below construction methods will be undertaken:

- Excavators operating either from land, a bund or a floating barge platform, will construct the bunds to create a temporary working platform for piling works. This is illustrated in Figure 15-1 (Source: Ros an Mhil Deep Water Quay, EIAR Chapter 2: Project Description, November 2025, ACP Ref. 323895).
- At the ORE Berth 1 and ORE Berth 2, temporary bunds will fully enclose the piling works to create the quay walls. In advance of piling works to create the new Small Boat Harbour, the rockfill bunds forming part of the perimeter of the reclamation area will be temporarily extended, effectively creating a closed lagoon which will fully enclose the piling works.
- Piling will only commence after the temporary bund is in place. At the ORE Berth 1 and ORE Berth 2 quay walls, piles will be driven through the temporary bunds. This is illustrated in Figure 15-2 (Source: Aberdeen Harbour Expansion Project Piling Management Plan, Marine Scotland Ref. 05965).
- During the construction of the ORE Berth 1 and ORE Berth 2 quay walls, when piling is completed in one area, the bunds will be excavated from around the piles which will remain in situ, and that excavated material will be used to create a new temporary bund in advance of the next stage of piling works. This will be repeated at each piling location so that piling always takes place within a fully enclosed bund. Once piling within the new Small Boat Harbour is complete, the temporary rockfill enclosure will be removed and the material reused in subsequent phases of the works.

The perimeter bund of rockfill will provide a stone barrier between the location of piling activities at any given time and the open water, with the perimeter bund filling the space from the seabed to above the water level. The exact size, shape and orientation of the perimeter stone bund will depend on the location of piling and adjacent infrastructure. Piling will not commence at a given location until there is a perimeter stone bund in place.



**Figure 15-1: Excavators working behind a semi-enclosed stone bund in Ros an Mhíl, Co. Galway**



**Figure 15-2 Schematic of piles driven into temporary stone filled bund from Aberdeen Harbour Expansion Project, Scotland**

### **15.3 OBSERVATION 3: IF EVIDENCE OF HOW NOISE ABATEMENT USING BUNDS CANNOT BE PROVIDED, USE MULTIPLE MMOs OR NAS SUCH AS BUBBLE CURTAINS**

The risk avoidance and risk minimisation measures proposed in the application to mitigate the effects of anthropogenic sound in the marine environment have been identified following application of an evidence-based risk assessment informed by DAHG guidance (DAHG, 2014).

Where relevant, measures additional to those set out in the 2014 Guidance have been identified through engagement with NPWS (see EIAR Volume 2, [Chapter 4 Scoping and Consultation](#), Section 4.4.3) and reference to more up to date published guidance (e.g., JNCC, 2025a).

Should real-time monitoring demonstrate that the noise abatement measures are insufficient to maintain thresholds outside the mitigation zone, additional mitigation measures such as bubble curtains, less noisy piling methods, reduced hammer energies, modified piling schedules or additional exclusion measures will be implemented. These measures will ensure the required zone of impact is within mitigation zone of a single MMO.

#### **15.4 OBSERVATION 4: NAS SHOULD BE USED IN PLACE OF ADD FOR BLASTING, AS PER JNCC 2025 UXO CLEARANCE GUIDANCE**

The submission states that ADDs are not allowed in the current NPWS guidance (DAHG, 2014). The current NPWS guidance does not mention ADDs as a mitigation approach, however it also does not advise against their use. The current guidance is > 10 years old and does not represent current best practice in relation to the use of ADDs. Current best practice in relation to the use of ADDs is set out below.

There is a large amount of evidence, as detailed in (JNCC 2025), which shows animals move away from an ADD and therefore ADDs can be successfully used as tools for mitigation. The literature cited includes evidence for clear reductions in animal encounters/detections during ADD activation (e.g., Rose 2019; Thompson *et al.* 2020; Voss *et al.* 2023), behavioural responses such as fleeing or moving away, increasing speed and extending dives (e.g., Boisseau *et al.* 2021; Elmegaard *et al.* 2023). Investigations found that harbour porpoises could be excluded from a 1km radius for over two hours, following deployment of a specified Lofitech ADD at a piling site at Beatrice Windfarm for 15 minutes (e.g., Thompson *et al.* 2020). There is also evidence of animals returning to the area after ADD operation (e.g., Voss *et al.* 2023).

The Consultant Ecologist considers the use of the *JNCC Guidelines for minimising the risk of injury to marine mammals from explosive use in the marine environment* (JNCC, 2025a) to be more appropriate to the Proposed Development than the guidance related to UXO clearance. The JNCC (2025a, page 9) guidelines state:

*“If predicted injury ranges, and consequently the mitigation zone, are greater than 1 km, the use of a proven acoustic deterrent device (ADD) should be considered to encourage marine mammals to leave the required area prior to clearance”.*

For Harbour porpoise, the predicted injury range is greater than 1km, therefore use of a proven acoustic deterrent device (ADD) is proposed to encourage harbour porpoise to leave the required area prior to blasting events (if blasting is required).

Note section 4.3.2.1 of the [NIS](#) “Blast Delay Protocol, which states “*if Harbour porpoise or other QI species remain within the MZ, blasting will not proceed until clearance is confirmed through visual observation and/or ADD effectiveness*”, should state “*if Harbour porpoise or other QI species remain within the MZ, blasting will not proceed until clearance is confirmed through visual observation of ADD effectiveness*”.

ADD effectiveness will be confirmed through absence of the marine mammal sightings within the blasting MZ for a 30-minute period between deployment of the ADD and commencement of any blast event.

Further details of methodology to be employed, including an assessment of any in-combination effects with surrounding anthropogenic sources and the inclusion of an estimation of numbers of each species that are likely to be affected, will be provided in the ADD deployment plan which will be provided, based on the selected model of ADD to be used, as part of the Marine Mammal Mitigation Plan that will be prepared in advance of construction.

In line with the JNCC 2025a guidance, the ADD deployment plan will also set out:

- Details on the ADD device with technical specifications;
- Role of ADD operator, including training requirements and experience;
- Role of MMO
- Location of deployment and deployment depth;
- Failsafe procedures in place including spares required and method of testing to ensure that the ADD is functioning effectively; and,
- Task plan to illustrate how mitigation will be carried out through communication with the Environmental Manager and Ecological Clerk of Works.

The underwater noise modelling reported in EIAR Volume 3, [Technical Appendix 13 Marine Mammals](#), Report 2 Underwater Noise Modelling identifies the Very High Frequency (VHF) hearing group (i.e., Harbour porpoise) are most at risk of PTS and TTS from the proposed blasting. Considering the JNCC (2025a) guidance, the use of ADD alongside MMO monitoring and other primary and secondary mitigation measures outlined in the [NIS](#) and EIAR Volume 2, [Chapter 13 Marine Mammals](#) is considered a more appropriate, species-specific approach than the use of Noise Abatement Systems technologies to mitigate the risk to Harbour porpoise from blasting impacts.

## 16 CONCLUSION

NOD and GDG, on behalf of the Applicant, have reviewed the above observations and have provided commentary where applicable. We reiterate that the material included in the planning application submitted to ACP provides sufficient detail to enable ACP to complete their assessment of the application; however, should ACP require additional information we would be happy to oblige in responding to such a request in a timely manner.

If you have any queries in relation to any aspect of this letter, please do not hesitate to contact the undersigned.

Yours faithfully,



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**Laurie McGee**  
**for NICHOLAS O'DWYER LTD.**  
**on behalf of Iarnród Éireann – Irish Rail**

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