
OA26.323952 Rosslare Europort - Offshore Renewable Energy Hub

From Housing Manager DAU <Manager.DAU@npws.gov.ie>

Date Tue 2/24/2026 5:27 PM

To Marine <marine@pleanala.ie>

 1 attachment (1,022 KB)

OA26.323952 Rosslare Europort ORE Hub DHLGH.pdf;

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A chara,

This Department's observations on the Rosslare Europort - Offshore Renewable Energy Hub referral are attached. Please acknowledge receipt of this submission.

Le meas,

Joanne

Joanne Lyons

Higher Executive Officer

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Aonad na nIarratas ar Fhorbairt

Development Applications Unit

Oifigí an Rialtais

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90

Newtown Road, Wexford, County Wexford, Y35 AP90

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Your Ref: **OA26.323952**
Our Ref: **Plan00377/2026**
(Please quote in all related correspondence)

24/02/2026

Marine / Climate Section
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902
Via email to marine@pleanala.ie

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

Proposed Development: NOTICE OF THE MAKING OF A SECTION 291 APPLICATION FOR DEVELOPMENT PERMISSION ON BEHALF OF IARNRÓD ÉIREANN – IRISH RAIL FOR THE ROSSLARE OFFSHORE RENEWABLE ENERGY HUB, ADJACENT ROSSLARE EUROPORT, CO. WEXFORD

A chara,

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

Underwater Archaeology

Planning Submission, Underwater Cultural Heritage

It is noted that the plans and particulars submitted as part of the planning application to An Coimisiún Pleanála incorporates an EIAR Cultural Heritage chapter by the Archaeological Diving Company (EIAR Chapter 16). The report aims to identify Cultural Heritage, including Underwater Cultural Heritage, within the stated study area and to assess and mitigate any likely significant effects on this resource.

The Cultural Heritage assessment comprised a desktop review of known baseline information and included reviews of: marine geophysical survey acquired for the project in 2023 under licences 23D0102 and 23R0407 granted by the Department of Housing, Local Government and Heritage; marine geotechnical investigations data acquired for the project; an archaeological site inspection completed on 16th June 2023; and an archaeological underwater inspection carried out on 09th May 2025 (Appendices 7 and 16). The chapter concludes that

‘the existing information indicates that while there are terrestrial cultural heritage assets adjacent to the PDB, the only asset within the PDB is the lighthouse (NIAH 15704829) located on the existing pier head. The lighthouse, which is not a protected structure, lies



outside the development footprint of the proposed works. In a marine geophysical survey commissioned to inform the EIAR, two geophysical targets (AT05 and AT06) were recorded to the west of and outside the PDB. The targets were inspected in 2025 and confirmed as pieces of debris that are not archaeologically significant features. However, there is a potential for unrecorded terrestrial (cliff and shore area) and marine (particularly unknown shipwrecks) cultural heritage to be present. As described earlier, the absence of recorded sites is not an indication of the absence of evidence but rather the absence of research and observations' (EIAR Section 16.3.8).

Potential construction stage impacts on both recorded and unrecorded terrestrial and marine archaeological features are assessed as including:

- 'Potential loss or damage to archaeological features from capital dredging of approach channel and new ORE Berths 1 and 2.
- Potential loss or damage to archaeological features from reclamation of existing shoreline and seabed, including the rock filled bund to enable piling and the infilling of the existing small boat facility of Ballygeary Harbour.
- Terrestrial excavation has the potential to expose previously unrecorded archaeological features' (EIAR Section 16.4.4 and Table 16.5).

The EIAR proposes mitigation measures to comprise of construction phase archaeological monitoring by a suitably qualified and experienced maritime archaeologist licensed by this Department.

Legal Codes and Policy Context

Archaeological monuments are afforded statutory protection in the Record of Monuments and Places (RMP) established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. The *Frameworks and Principles for the Protection of the Archaeological Heritage* (Department of Arts, Heritage Gaeltacht and the Islands 1999, see section 3.6.1(3) and 3.6.4) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature of the archaeological heritage, the need to always consider its preservation in-situ as the first option, and also the need to carry out appropriate levels and forms of archaeological assessment in advance of development.

Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater, irrespective of age. Wrecks that are less than 100 years old and archaeological objects underwater or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. Underwater Cultural Heritage also encompasses a broad range of saltwater and freshwater heritage, the protection of which is provided for in legal codes. The Wreck Inventory of Ireland Database (WIID) is the official register of historic shipwrecks protected under the National Monuments Acts. All



wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the marine area under consideration here.

The assessment of the project that has been undertaken facilitates the Department to determine its likely significant effects on archaeological including Underwater Cultural Heritage, resulting from the construction of the project and whether the proposed mitigation measures would adequately allow for the avoidance, reduction or offsetting of significant effects. Whilst the Department broadly concurs with the proposed mitigation measures as set out in the EIAR, in order to ensure the project aligns with statutory obligations, policy and guidelines for the protection of the State's archaeological heritage, as set out above, it is recommended that the following conditions be considered for attachment to any approval that may issue from An Coimisiún Pleanála. Note these recommended conditions align with Sample Conditions C5 and C6 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the archaeological assessment.

Archaeological Recommended Conditions:

Archaeological Assessment Mitigation

1. All recommendations and mitigation measures as set out in the Cultural Heritage chapter of the EIAR shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

Project Archaeologist

2. A Project Maritime Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, construction activities and the management of all archaeological works.

Geotechnical Investigations Underwater Archaeological Impact Assessment

3. Prior to all further geotechnical investigation works taking place an Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded by the Developer to the National Monuments Service for review and approval. The UAIA shall augment previous archaeological assessments and shall include the following:



a. Results of geophysical survey data sets assessment and archaeological interpretation by a suitably qualified and experienced maritime archaeologist, to ensure that any proposed geotechnical works do not impact on locations where there is known or potential Underwater Cultural Heritage.

b. Any further geophysical surveys shall be licenced under the National Monuments Acts 1930-2014. A Dive Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) shall be required. Any dive surveys required in connection with proposed geophysical surveys or other works shall also be licenced (Section 3 1987 National Monuments Act). Any dive survey shall be accompanied by a handheld metal detection survey which shall also be licenced (Section 2 1987 National Monuments Act).

c. Once all geophysical surveys and archaeological interpretations have been completed, the full information shall be compiled into a final UAIA report and submitted to the National Monuments Service for review and approval, prior to undertaking any geotechnical works. The UAIA Report shall contain a detailed Archaeological Impact Statement that addresses all identified or potential impacts on Underwater Cultural Heritage and also makes recommendations on measures to avoid (through the institution of Archaeological Exclusion Zones) or, where necessary, mitigate (by archaeological dive surveys/archaeological test excavations/archaeological geophysical surveys/archaeological monitoring/preservation by record or any other means as recommended by the National Monuments Service) all potential/identified significant effects on Underwater Cultural Heritage. Where warranted, specific archaeological sample locations may be recommended by the Project Archaeologist for geoarchaeological investigation. The Developer shall be prepared to be advised by the National Monuments Service in this regard or in regard to any subsequent recommendations that may issue. No geotechnical works shall be undertaken until approval in writing from the National Monuments Service has been received by the Developer.

d. Following the completion of all geotechnical works, the Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to site investigation cores and physical samples for archaeological and, where warranted, geoarchaeological review and analysis by a qualified geoarchaeologist. The National Monuments Service shall be furnished with a final archaeological report describing the results of the works.

Archaeological Monitoring

4. Archaeological monitoring of construction stage works and activities shall be undertaken as follows:

a. The services of a suitably qualified and experienced, to the satisfaction of the National Monuments Service, maritime/underwater archaeologist shall be engaged to carry out full-time archaeological monitoring of all marine construction activities that impact on the



seabed, intertidal zone, or works with the potential to impact on Underwater Cultural Heritage.

b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the National Monuments Service, maritime/underwater archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.

c. A Finds Retrieval Strategy shall be implemented and agreed with the National Monuments Service, as part of the archaeological licence application. This shall include for the systematic spreading of all dredged material at a suitable repository to facilitate hand-searching and metal detection for finds retrieval, to be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound. The Finds Retrieval Strategy shall address the likely post-excavation requirements for all archaeological objects, including those from an underwater environment, including recording, finds processing, analysis and long-term conservation of material recovered during the project.

d. Sufficient, suitably experienced and qualified, to the satisfaction of the National Monuments Service, underwater archaeologists shall be in place to ensure continuous archaeological monitoring works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be on standby in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licenced (Section 2 1987 National Monuments Act).

e. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring. The monitoring archaeological shall be provided with adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.

f. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the National Monuments Service (NMS) and other statutory authorities, as required.



g. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the National Monuments Service. Such mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the National Monuments Service. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the National Monuments Service. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the National Monuments Service. All resulting and associated archaeological costs shall be borne by the Developer.

h. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the National Monuments Service and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format and be the subject of a public dissemination programme. All post excavation and publication costs shall be borne by the Developer.

Construction Environment Management Plan

5. The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or Underwater Cultural Heritage constraints relevant to the proposed development. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or Underwater Cultural Heritage environment during all phases of site preparation and construction activity.

Nature Conservation

The Department (National Parks and Wildlife Service) is of the view that while it may be invited to comment on post consent management/monitoring plans, any agreements on these plans are only to be made between the applicant and the competent authority. There is no statutory basis for which the Department (NPWS) can "agree" such plans or similar details after consent has been granted. Note the advice in the Department's *Development Management: Guidelines for Planning Authorities* (Section 7.9), which states that:



“Conditions requiring matters to be the subject of consultation with, or to be agreed with, a named officer of the planning authority, or with a particular department or branch of the local authority, or with another public authority, should not be attached to a permission.”

An Coimisiún Pleanála are advised that any proposals for such post-consent agreements with the Department should not be accepted.

As with other offshore renewable energy developments, the Department will commit to making resources available to meet the applicant to discuss points raised.

1. Annex I Marine Habitats

The Appropriate Assessment (AA) Screening Report identifies no direct overlap between the Proposed Development footprint and any Special Area of Conservation (SAC) designated for marine Annex I habitats. However, a number of coastal and offshore SACs containing Annex I habitats within the zone of influence were examined by the applicant to evaluate effects. The potential sources of ecological impacts examined for marine Annex I habitats are dredging-related suspended sediments, seabed disturbance, smothering, and changes in water quality. Project-specific sediment dispersion modelling indicates that increases in suspended sediment concentrations at designated sites are low, localised and temporary, with no predicted exceedance of relevant ecological thresholds at SAC features. The following sites were examined by the applicant:

- Long Bank SAC
- Blackwater Bank SAC
- Lady’s Island Lake SAC
- Tacumshin Lake SAC
- Slaney River Valley SAC

The sediment dispersion modelling shows Suspended Sediment Concentration (SSC) levels below ecological thresholds and no pathway for Likely Significant Effects on habitat structure or function and SSC levels were consequently excluded. However, for Carnsore Point SAC further examination was warranted. Increased SSC levels are predicted by the applicant to remain concentrated in the area around Rosslare Harbour with levels predicted to decrease substantially quite quickly with increasing distance from Rosslare Harbour. The highest SSC level predicted to occur in an SAC (9.96 mg/L) was predicted to occur in Carnsore Point SAC. Within the Stage 1 Screening for Appropriate Assessment, in the Appropriate Assessment Screening Report, the maximum predicted seabed thickness change is 0.008cm (0.08mm) in the northwest of Carnsore Point SAC. Modelling predicts a maximum seabed thickness change of 0.03cm (0.3mm) in the northwest area of Carnsore Point SAC and further modelling predicts a maximum total seabed thickness change of 0.04cm (0.4mm) will occur in the northwest area of Carnsore Point SAC. Negligible seabed thickness changes are also predicted for all other Natura 2000 sites.



Most benthic biota can adapt to 'light' smothering, which is up to 5cm of material added to the habitat in a single, discrete event by vertically migrating through the deposited sediment (Hinchey *et al.* 2006). The benthic habitats in Carnsore Point SAC are highly dynamic, and sediments being deposited on the seabed will disperse naturally through the area. Sediment-dwelling organisms are mobile and adapted to a dynamic environment. Therefore, the increase in suspended sediment concentrations is not expected to affect the community distribution of the Annex I mudflats and sandflats, the community structure or community extent for Annex I reefs or the habitat or community distribution for the Annex I sandbanks.

No European site designated for marine Annex I habitat was retained for further examination by the applicant in the Natura Impact Statement (NIS) on the basis that no likely significant effect could be found for the Proposed Development either alone or in combination during the construction and operational phase of the Proposed Development at Rosslare Port.

The Appropriate Assessment (AA) Screening Report concluded that there was no likely significant effects predicted on qualifying interest (QI) marine Annex I habitats within European sites in the zone of influence of the Proposed Development. The Department is in agreement with the conclusion, which was based on an absence of direct overlap, limited and localised sediment dispersion, and predicted suspended sediment concentrations below ecological threshold, with no pathway identified for adverse effects on habitat extent, structure or function.

2. Wintering waterbirds and seabirds

2.a. Relevant data sources

Not all data sources of significant relevance to the assessment of this Proposed Development have been utilised (both in the Appropriate Assessment Screening Report or the EIAR Ornithology chapter). Specifically, these comprise results of the Hi-Def digital aerial bird surveys from winter 2023-24 and the 2025 report with detailed analysis of these data (HiDef, 2025), as well as the results from the Hi-Def digital aerial bird surveys from winter 2018-19 (HiDef, 2019). It is noted that the 2019 Hi-Def report and data resources have been referenced and utilised within the *Planning Report Appendices 1- 3* document, in *Appendix 2 – Copy of cSPA Submission No. 1*. These data sources have direct relevance to the Seas off Wexford candidate Special Protection Area (cSPA), The Raven SPA, Wexford Harbour and Slobs SPA and Proposed Development Area.

It is recommended that The Commission consider requesting that the applicant update their assessments to incorporate and reflect the aforementioned significant information resources.



2.b. Quantitative assessment of data

In general, the AA Screening Report and the associated Environmental Impact Assessment Report (EIAR) Chapter 14 Ornithology, are lacking in quantitative analyses of bird data. While useful data from empirical surveys and published resources are presented, there are very few applications of these data in a quantitative manner that help inform identification and evaluation of the potential impacts of the Proposed Development on bird species. Instead, the assessment relies heavily on subjective descriptions (e.g. “low” numbers) rather than objective and these are often not always corroborated to the evidence base. There is insufficient use of the data to support the findings from empirical and published surveys in context.

Specifically, the Commission may wish to interrogate the level of assessment of the number of birds of a given species that may be impacted, in the context of the estimated size of the population within the Seas off Wexford cSPA, The Raven SPA or Wexford Harbour and Slobs SPA.

It is advisable that such assessments consider each of these three SPAs individually (as relevant), as well as in-combination, due to the clear ecological links between these SPAs (e.g. for special conservation interest species that are common to the European sites, such as Common scoter and Red-throated diver). The 2025 analysis of Hi-Def data provides regional population estimates at various scales which are directly relevant to these assessments, with estimates provided at scales such as the ‘full survey area’ (covering the aforementioned SPAs) and 5km and 10km buffers from the Proposed Development Area.

The Commission may wish to consider incorporating an analysis of the potential impacts at each aforementioned scale. On the topic of the consideration of habitats for birds, there does not appear to have been a consideration of the heterogeneity of habitats across the SPA. This suggests that the applicant has assumed that all areas of the SPA are equally suitable for all bird species. This point is of particular relevance with regard to understanding and accurately assessing the potential impact of the proposed permanent habitat loss from within the SPA upon bird species.

Consideration of disturbance distance bands (or buffers) for species such as Red-throated diver and the potential impact that the proposed development may have upon these species at various distances from the Proposed Development Area, may be appropriate.

Other observations of a general nature include:

- a reliance on peak values as part of the assessment, rather than separate seasonal assessment (e.g. assessment of effects on breeding season),
- use of thresholds of significance (e.g. considering 50 or more birds notable) and,
- justification for the determination of the zone of influence.

The Commission may wish to consider additional and deeper quantitative analyses of existing data (and to include data referred to above).



The EIAR Chapter 14 makes reference to a Kittiwake colony adjacent to (but not within) the Seas off Wexford cSPA. This colony is suspected to be relatively new and due to its location (i.e. sited on a harbour wall), makes it uncommon and potentially vulnerable to disturbance.

The Commission may wish to consider further information on the significance of this colony to the Proposed Development and the potential impacts arising from it.

3. Marine Mammals

Marine developments during their construction, operation and decommissioning have the potential to impact on marine mammals, these include

- (i) direct,
- (ii) indirect, and
- (iii) cumulative effects.

3.a. Pinnipeds

As per the application, there are a number of SACs designated for Annex II marine mammal species in close proximity to the Proposed Development. Slaney River Valley SAC includes Harbour seal as a marine mammal QI. The boundary for the Proposed Development does not overlap with any designated sites for which Annex II species have been listed as qualifying interests. However, the zone of influence, as stated in the application, overlaps with Carnsore Point SAC and Blackwater Bank SAC. While the zone of influence does not overlap with the boundary of the Slaney River Valley SAC for which Harbour seal is a QI, this SAC has been further considered by the applicant due to the life cycle and behaviour of this species. The closest SAC designated for Grey seal is Saltee Island SAC. Saltee Island SAC is one of seven key breeding sites for Grey seal in Ireland and is the only key breeding site for Grey seal on the South-East coast of Ireland (O’Cadhla *et al.*, 2013).

As part of pinnipeds’ normal ecological activity, both pinniped species travel varying distances from haul-out sites and thus may forage directly within the Proposed Development Area or zone of influence or transit the Proposed Development Area or zone of influence to foraging areas further afield.

The Commission is advised that the most recent and up to date scientific information should be used throughout all assessments and to inform their conclusions.

For example, Harbour seal population assessments were most recently carried out in 2024 (Morris *et al.*, 2025) but this data appears not to have been considered by the applicant. As with Morris and Duck, 2019, the 2024 survey is constrained to Harbour seal moulting season and thus provides only part of their life history. In addition, the inclusion of grey seal counts during this Harbour seal moulting period, August – September, provide only part of



the information on numbers and distribution of grey seals in Ireland. During these surveys, grey seal counts are included as additional information on summer distribution, and they can be highly variable from day-to-day during the summer months.

The Commission may wish to consider if these apparent data issues will give rise to a lack of certainty in the conclusions of such assessments.

3.b. Cetaceans

Carnsore Point SAC and Blackwater Bank SAC are the closest sites where Harbour porpoise is listed as a qualifying interest (QI). It is noted that Appropriate Assessment Screening Report page 43 section 4.6.2 states “Sightings during ObSERVE Aerial Surveys carried out in summer and winter 2015 and 2016 (from Rogan *et al.*, 2018) were reviewed, with Harbour porpoise the most abundant cetacean in the vicinity of the Proposed Development”. However, the applicant should have also included ObSERVE Phase II (Giralt Paradell *et al.*, 2024) data which has been publicly available since October 2024.

The Commission may wish updated information to include such data in the application and update the assessments where required.

The size, community structure and distribution or habitat use of Harbour porpoise inhabiting Carnsore Point SAC and Blackwater Bank SAC are not fully understood. In acknowledging limitations in the understanding of aquatic habitat use by the species within the sites, it should be noted that all suitable aquatic habitat is considered relevant to the species’ range and ecological requirements at the site, and thus all suitable aquatic habitat is therefore of potential use by Harbour porpoise. Recent studies of cetacean distribution and abundance in the Irish exclusive economic zone (EEZ) reported Harbour porpoise primarily observed in coastal waters across all seasons (Rogan *et al.*, 2018; Giralt Paradell *et al.*, 2024).

Several species of cetacean occur regularly within the Irish and Celtic Sea. Most appear to be small-toothed cetacean species, particularly Harbour porpoise, Short-beaked common dolphin, Bottlenose dolphin, Risso’s dolphin, White-beaked dolphin and Common dolphin and Minke whale. All are wide-ranging pelagic species that may travel over many tens or hundreds of kilometres as part of their normal ecological activity and annual life history cycles. Recent studies of cetacean distribution and abundance in the Irish EEZ reported the Irish Sea as having the greatest abundance and density estimates for Harbour porpoise across all seasons (Rogan, *et al.*, 2018; Giralt Paradell *et al.*, 2024). Predicted density maps highlight the Irish Sea, as an important area for Harbour porpoise (Giralt Paradell *et al.*, 2024). Based on combined abundance estimates from aerial surveys in summer 2016 (Hammond *et al.*, 2017; Rogan *et al.*, 2018), Harbour porpoise occurring in Irish waters make up approximately 8% of the abundance across the eastern North Atlantic. Gaps remain in the knowledge of the species’ foraging ecology within Carnsore Point SAC and Blackwater Bank SAC, and the data available may be biased toward particular locations due to the nature of survey effort. There is currently no detailed information available on individual or group movements by Harbour porpoise within or into/out of the two closest



SACs, nor is it known whether individuals/groups of the species demonstrate any faithfulness to either of these SAC sites (i.e. site fidelity or residency). Nevertheless, the consistent annual and seasonal occurrence of the species at these sites, and its occurrence during the calving/breeding period indicate the importance of these coastal sites for these species. As per NPWS (2014) “*An evidence-based risk assessment for each marine mammal species that occurs in and around the proposed works area needs to consider the nature of the sound source, its likely and/or potential effects on individuals and/or populations and on their likely habitats*” (page 17 (NPWS, 2014)). The applicant does not appear to have taken into consideration whether individuals would or will be disturbed at a sensitive time during their life cycle or if the impacts are likely to focus on a particular section of the species’ population, e.g. adults/juveniles, males/females. It is not clear whether the applicant measured the number of individuals of each species that are likely to be affected were and how quickly the affected population is likely to recover once the plan or project has ceased. An assessment of risk forms an important part of the decision-making framework for mitigating the effects of anthropogenic sound in the marine environment, thus the applicant should have included the above in its analysis.

The applicant’s NIS makes the following statement regarding impacts of piling: “Accordingly, the actual zone of impact for adverse effects during piling, particularly with the inherent noise reduction from rotary piling and the influence of the project’s physical structures, is expected to be significantly reduced from the modelled zone of impact” (page 27). The application provides Strykowska *et al.* (2023) as an example for “attenuation and interference from ambient harbour noise” reducing received underwater noise levels. However, the applicant does not indicate whether the morphology/layout of the exemplified 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. This has relevance to the assessment of effects on the integrity of Carnsore Point SAC for which Harbour porpoise is a QI.

The Commission may wish to request updated information from the applicant to ensure that the best available scientific information is used in the application, taking into account the observations made above. This information must include an assessment of risk for mitigating the effects of anthropogenic sound in the marine environment that needs to be included in the analysis.

The Commission may wish to request that the applicant provides a post-construction marine mammal monitoring plan and a system in which to report and investigate any incidences with marine mammals (e.g. collisions, entanglements). The monitoring plan should include clear details of monitoring methodology (population, distribution and abundance) and how the response of marine mammals to the effects of the Proposed Development will be recorded. Remedial action to be undertaken in the event of unforeseen impacts arising should also be stated.

Marine Mammal Observer (MMO) monitoring between activities, i.e. whilst transitioning from dredging to materials placement activities as outlined in section 4.3.1 of the NIS , must be carried out in accordance with the NPWS (2014) guidance. MMOs must be dedicated



and engaged solely in effectively monitoring the relevant mitigation zones to avoid observer fatigue.

The same section in the NIS states “*Any approach by marine mammals into the immediate (<50m) works area will be reported to NPWS*”. However, the details on calculations used and justification to determine 50m as the “immediate works area” have not been included. In the Department’s view, this information is necessary to determine if this mitigation measure is sufficient.

Section 4.3.2.1 in NIS states “For piling at the New Small Boat Harbour, the rockfill bunds forming part of the permanent perimeter of the reclamation area will be temporarily extended to fully enclose the Small Boat Harbour to contain underwater noise generated by impact piling. This will create a closed lagoon during piling works, shielding the open sea from underwater noise propagation. Once piling within the Small Boat Harbour is complete, the temporary rockfill closure will be removed and the material reused in subsequent phases of the works. Implementation of these mitigation measures will reduce underwater noise transmission from piling”. It is unclear as to the degree of underwater noise contained by fully, or partially, enclosing the Small Boat Harbour during impact piling. In the Department’s view, this information is necessary to determine if this mitigation measure is adequate.

Section 4.3.2.1 in the NIS states “This construction methodology ensures that blasting occurs entirely within a physically enclosed and bunded environment. The presence of the rockfill bund between the blast point and the open marine environment significantly dampens the transmission of impulsive sound waves. The bund acts as a natural acoustic barrier, interrupting the direct path of noise propagation into the water column”. It is unclear as to the degree of underwater noise contained by fully or partially enclosing the Small Boat Harbour during blasting. In the Department’s view, this information is necessary to determine if this mitigation measure is sufficient.

As stated in section 4.3.2.2 of the NIS “Bunded Area Checks: For works within the enclosed Small Boat Harbour or partially enclosed ORE Berths, MMOs will confirm the absence of marine mammals within the enclosed areas before works commence”. The duration of the pre-watch for these enclosed or partially-enclosed areas is unclear. As per NPWS (2014) guidance, a 30-minute pre-watch by a suitably qualified MMO is required prior to commencing piling, blasting, dredging, or dumping. The applicant should be reminded that construction, or other disruptive activities must not commence if marine mammals are observed within the defined monitored zone during this period (DAHG, 2014).

Section 4.3.2.1 in the NIS outlines an Acoustic Deterrent Device (ADD) methodology as a mitigation measure to address the effects of blasting activities. In the Department’s view, the proposed use of ADD as a mitigation tool is insufficient, based on the current level of information provided. It is advised that the applicant’s justifications for methodology, 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.



As stated in section 4.3.2.1 of the NIS “Blast Delay Protocol: 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”. The use of and/or ADD effectiveness is unclear in the information provided. Further explanation on ADD is needed to justify its effectiveness in these circumstances.

When carrying out any assessment it is important to note that as per NPWS (2014) “.... anthropogenic sound sources with the potential to induce Temporary threshold shift (TTS) in a receiving marine mammal contain the potential for both (a) disturbance, and (b) injury to the animal.” In the Department’s view, the applicant needs to take the above into account during all assessments, specifically when determining ranges over which both disturbance and injury could occur to all marine mammal species and in determining the appropriate mitigation measures. In regard to blasting activities, Technical Appendix 13 Report 2 Underwater Noise Modelling states “*modelling suggests that Permanent Threshold Shift (PTS) and TTS to the Very high frequency (VHF) hearing group (e.g., Harbour porpoise) could occur over larger distances exceeding 1 km that may be difficult to fully mitigate against without the use of noise reduction measures (such as bubble curtains)*”. The application states that these are appropriate but does not confirm their intended use. In the Department’s view, these noise abatement systems need to be considered, and evidence provided to justify their use, or otherwise.

The Commission may wish to request updated information from the applicant in the context of demonstrating good practice and effectiveness of the proposed mitigation measures. Specifically, details of calculations must be provided to determine efficacy of measures; a quantitative assessment of the efficacy of proposed noise abatement measures must be provided and the proposed ADD methodology needs to be augmented 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.

4. Impacts on Terrestrial Biodiversity

4.a. Otters (Annex II)

The 2025 Otter survey results indicated usage of the Proposed Development site by otters, including for feeding and resting. Since the Proposed Development will result in the permanent loss of known resting places, as well as having the potential to cause disturbance to resting otters, through construction noise and the use of acoustic deterrents, a Regulation 54 derogation licence must be obtained from NPWS. The granting of any such licence may be subject to conditions including a requirement for further monitoring, timing restrictions and additional mitigation.

Given the scale of the Proposed Development and the level of otter activity in the area, the Department would expect enhancement measures for otters to be incorporated in the project design. The installation of an artificial holt in a suitable location, in parallel with the existing proposals to enhance landscape connectivity, would be considered appropriate.



The derogation application should include detailed specifications for these measures, together with a reasoned choice of location to be indicated on a site plan. It is recommended that targeted monitoring of otter spatial usage of the site is undertaken (using camera traps) in order to more effectively inform the artificial holt location and wider mitigation measures. Details of specific measures to mitigate against noise disturbance during construction on land, such as terrestrial landscaping features, should also be included in the application.

An Coimisiún Pleanála may wish to request updated information from the applicant to include enhancement measures, targeted monitoring and noise mitigation measures for otters be incorporated in the project design.

4.b. Annex I Coastal habitats

Further clarification may be advisable in relation to several coastal Annex I habitats occurring within or adjacent to the Proposed Development boundary. It is noted that annual vegetation of drift lines [1210] and perennial vegetation of stony banks (vegetated shingle) [1220] were recorded near the Small Boat Harbour, but were not considered to be of Annex I quality. A detailed explanation of the criteria on which this assessment was based needs to be included, and their potential for restoration assessed, particularly since their conservation status nationally is “Inadequate” (NPWS, 2025).

Vegetated sea cliffs [1230], also assessed nationally as “Inadequate” (NPWS, 2025), have been mapped previously to the west of the Small Boat Harbour¹. The fact that they are contiguous with the “sedimentary sea cliffs” recorded during the current habitat survey within the development boundary, and the extent to which the habitat types overlap, needs further discussion and clarification, particularly as “vegetated sea cliffs” are subsequently mentioned in the description of connectivity enhancement measures. The functional impact of loss of habitat continuity is a potential issue which should be addressed here, as well as the absolute area of Annex I habitat envisaged to be lost.

In relation to invasive species, specific and detailed measures need to be described as part of the proposed biosecurity measures for Winter heliotrope, to ensure that a clear protocol is in place in advance of construction.

An Coimisiún Pleanála may wish to request updated information to include measures that address the potential impacts on Annex I habitats - including Annual vegetation of drift lines [1210], Perennial vegetation of stony banks [1220] Vegetated sea cliffs [1230] - as a result of the Proposed Development. Such mitigation may include, for example, the selection of strategic areas for retention, together with management actions to facilitate habitat development, expansion or recovery where appropriate.

¹ <https://storymaps.arcgis.com/collections/1a721520030d404f899d658d5b6e159a?item=1>



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

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A handwritten signature in blue ink, appearing to read 'Joanne Lyons', is written above a horizontal line.

Joanne Lyons
Development Applications Unit
Administration



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