

An Coimisiún Pleanála
64 Marlborough Street,
Dublin 1, D01 V902

81 Dara Court
Celbridge
Co. Kildare

10 February 2025

Dear Sir, Madam,

Re. Proposed development of Rosslare Europort Offshore Renewable Energy (ORE) Hub,
An Coimisiún Pleanála Case: 323952

I wish to make to make the following observations and objections to the above mentioned application under the following points:

- 1) EIAR Bat survey
- 2) Natura 2000 Impact Statement

Environmental Impact Assessment Report (EIAR) – Bat survey

Legislations

The EIAR (Chapter 10 Terrestrial Ecology) for the proposed development mentions numerous legislations under 10.1.1.1 inter alia that all bat species in Ireland are strictly protected under Annex IV in the Habitat's Directive:

*"A number of plant and animal species are legally protected in Ireland. Some of these species are included in a **system of Strict Protection** pursuant to the requirements of **Articles 12, 13 and 16 of the Habitats Directive (92/43/EEC)** and are sometimes referred to as 'Annex IV species'."*

Irish Rail (Iarnród Éireann) is public authority being a subsidiary of CIÉ and a statutory body under the Department of Transport with the National Transport Authority regulating Irish Rail through a direct award contract. Irish Rail also acts as the port authority for Rosslare Harbour. In both capacities Irish Rail is fulfilling roles as a state body which is among other public authorities listed in Regulation 2 of the EC (Birds and Natural Habitats) Regulations 2011.

Irish Rail is the applicant for this proposed Europort Offshore Renewable Energy (ORE) Hub development. **Articles 12 and 16 of the Habitats Directive (92/43/EEC)** have extra

relevance for public authorities. The following legislation for public authority should have been included as it has significant bearing on the EIAR for this proposed development:

'Strict Protection of Animal Species Guidance for Public Authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public Authority, National Parks and Wildlife Service Guidance Series, vol 2, www.npws.ie, <https://www.npws.ie/sites/default/files/files/article-12-guidance-final.pdf>

This particular document refers to Articles 12-16 of the Habitat's Directive for Public Authorities regarding European and Irish legislations, mitigation reasons and derogation licences for **certain Annex IV(a) Irish fauna species**:

*"This guidance is intended to assist and guide public authorities in the application of Article 12 and Article 16 of the Habitats Directive¹ to ensure that their own works are compliant with these articles. It will also be useful to anyone planning works which may impact on strictly protected species. It focuses on the main obligations resulting from Articles 12 and 16 of the Habitats Directive which **require member states to establish a system of strict protection for the animal species listed in Annex IV(a), and allow derogation from these provisions under strictly defined conditions.** The animal species listed in Annex IV(a) which occur in Ireland are **the otter, all bats, all cetaceans (whales and dolphins), marine turtles, the natterjack toad and the Kerry slug.**"*

The relevant mammals for the proposed development are **the otters and bats**. Natterjack toad and the Kerry slug have no bearing on this planning application site as they do not occur in county Wexford. All cetaceans and marine turtles in the Annex IV(a) in the Articles 12-16 of the Habitat's Directive come under the '*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*'.

The Articles 12-16 of the Habitat's Directive must be considered in conjunction with the following guideline:

'Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland', National Parks and Wildlife Service Guidance Series 1, 2021:

"... the aim of the Strict Protection measures set out in Article 12 and 13 of the Directive is that the species in question will reach and remain at favourable conservation status. This means that there must be enough individuals of a species in its natural habitat to breed successfully, thus ensuring that the population will survive into the future. It also means that the geographical area where the species is found (its natural range) is secure and will not reduce in size in the foreseeable future. And it means that the habitat of such species must continue to be large enough to support the species into the future.

What Strict Protection means for Public Authorities: A particular concern arises in relation to actions, works and projects carried out on or on behalf of public authorities, including local authorities, some of which involves maintenance or repair works:

“Ensuring compliance with the requirements of the Regulations means avoiding impacts to Annex IV species. It may be necessary to change the planned activity to ensure that there are no impacts to strictly protected species. This may mean:

- ☒ choosing a different location for an activity, event or project*
- ☒ undertaking works at a time of year when a species of concern is not present*
- ☒ changing the design of a building, wall or other structure to retain areas used by species such as bats*
- ☒ altering the way in which activities or works are undertaken or using different methods or machinery in order to avoid impacts.*

Attention must be focussed in the early stages of planning for activities or works on finding alternative solutions so that there will be no impact on the Annex IV species. It is important to look closely at all possible alternative solutions.”

Articles 12 1(b)(d), 3 and 4 are of significance:

“1. Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;

(d) deterioration or destruction of breeding sites or resting places.”

3. The prohibition referred to in paragraph 1 (a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.

4. Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

In relation to the wordings ‘deliberate’, ‘deterioration’ and ‘destruction’, the following clarifies the meanings as per NPWS *Guidance to Article 12*

Deliberate meaning:

“ Article 12 (1) (a)-(c) use the word “deliberate”. Those clauses prohibit the deliberate capture/killing, deliberate disturbance and deliberate destruction or taking of eggs from the wild of protected species. The use of the word “deliberate” in (a), (b) and (c) above must be read in light of the relevant case law of the Court of Justice of the European Union (CJEU), namely cases C-103/00 and C-221/04. The Commission’s Guidance, based on these cases, proposes the following definition and commentary: “Thus, ‘deliberate’ actions are to be understood as actions carried out by a person or body who knows that their action will most likely lead to an offence against a species, but chooses to ignore the risks or consciously

accepts the foreseeable results of his action. In other words, the provision applies not only to a person who intends to capture or kill a specimen of a protected species but also to a person who is sufficiently informed and aware of the likely consequences of his/her action but goes ahead anyway." This means that the carrying out of any work which has the potential to capture or kill any specimen of a Strictly Protected species, or to disturb these species, or to take or destroy eggs of such a species, and for which a derogation licence has not been granted, may constitute an offence."

Deterioration and Destruction meaning:

*"Deterioration or destruction It is of particular importance to note that, in accordance with Article 12 (1)(d) of the Directive the deterioration or destruction of breeding sites or resting places of Annex IV(a) species does not have to be deliberate. This means **it is a strict liability offence**; it is not required that the offender was aware that he or she was carrying out an action leading to the deterioration or destruction of such breeding sites or resting places. **This imposes a duty of due diligence and care on public authorities to ensure that their works or works undertaken for them will not have such consequences**, or where works likely to have such consequences are considered essential and there are no satisfactory alternatives, that they are covered by a derogation licence granted by the Minister for Housing, Local Government and Heritage.*

This means that the carrying out of any work which has the potential to capture or kill any specimen of a Strictly Protected species, or to disturb these species, or to take or destroy eggs of such a species, and for which a derogation licence has not been granted, may constitute an offence.

The further duties of a public authority are defined in Birds and Habitats Directives and the EC (Birds and Natural Habitats) Regulation 27 of 2011 in conjunction with the Planning and Development Act 2000, as amended.

All Annex IV(a) species are strictly protected wherever they occur within their natural range including outside SACs and SPAs and the requirements to comply with the Regulations in this regard applies in all cases and at all times"

Both bat and otter species (Annex IV(a) species) are present at the wider Rosslare Harbour environment and need therefore extra stringent and meticulous methodology processes, result analysis and assessments, and where necessary appropriate and delicate mitigation applications.

EIAR bat survey guidelines and data accessed:

The available bat data and ecology guidance utilised for this EIA (Chapter 10 Terrestrial Ecology 10.1.1 Relevant Legislations and Guidelines) relies primarily on a few sources such as maps by the National Biodiversity Data Centre (NBDC), NPWS and the EPA, Article 17 reports (2019), CIEEM (2024) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine' Version 1.3. *Chartered Institute of Ecology and*

Environmental Management, Collins' Bat Survey for Professional Ecologists (2016) and NatureScot (2021)

According to the EIAR the most up-to-date Collins' *Bat Survey for Professional Ecologists of 2023* had not been applied; the reason given was that *"It should be noted that the 4th edition of these guidelines was released in 2023 after the completion of the bat surveys; therefore, this updated edition was not consulted."*

The preliminary bat roost assessment was carried out on 4 April 2023; the last survey date was on 25 September 2023 just before the release of the new Collin's edition.

The completion of the bat survey however was not finished until 4 September 2025 when a re-validation of bat roosts, habitat survey and habitat mapping were acted on *"The habitat map presented in Figure 10-6 was produced by GDG based on the **September 2025** walkover survey."* (Chapter 10 Terrestrial Ecology, p 10-40)

The statement in Chapter 10 Terrestrial Ecology, p. 10-63, then states:

"The suitability of the buildings and trees was re-assessed in September 2025 to validate the baseline. This survey was undertaken with reference to the updated Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins et al., 2023)..."

The Irish Rail Europort development application was not submitted to An Coimisiún Pleanála until December 2025. There was a two year period between the last bat survey in 2023 and a re-assessment of bat roosts in 2025 whereby the Collins 2023 edition could have been consulted and the 2023 survey could have been re-visited, re-assessed or up-dated in the meantime.

Moreover, the CIEEM's guideline edition of **2024** was utilised, thus Collins' up-dated 2023 edition ought to have been applied shortly after the surveys were carried out by September 2023, or within the next two years.

Additionally, CIEEM's own Advice Note on the '*Lifespan of Ecological Reports & Surveys*' (2019) regarding the Age of EIA Data of 18 months to 3 years:

*"A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report, based on the factors listed below. **Some or all of the other ecological surveys may need to be updated.** The professional ecologist will need to issue a clear statement, with appropriate justification, on:*

- *The validity of the report*
- *Which, if any, of the surveys need to be updated; and*
 - ***The appropriate scope, timing and methods for the update survey(s). The likelihood of surveys needing to be updated increases with time, and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken. Factors to be considered include (but are not limited to):***
- *Whether the site supports, or may support, a mobile species which could have moved on to site, or changed its distribution within a site*

- *Whether there have been significant changes to the habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the surveys were undertaken, including through changes to site management*
- *Whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased), increasing the likelihood of its presence* (<https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>)

Although there had been a one-day bat roost re-assessment on 4 September 2025, no particular reason is provided for not having utilized Collins' 2023 edition or reassessing the EIA bat data of 2023 within the following two years between September 2023 – September 2025.

Bat species are highly mobile. By September 2025 the bat survey data was between 2 - 2.5 years old. No clear statements and appropriate justifications are provided in the EIAR for not having re-examined as recommended the ecological survey and recorded survey data.

NatureScot (2021):

NatureScot (2021) is referenced in the EIAR as a bat survey guidance (point 10.2.3.1.6 Bat Activity (Static Detector) Surveys) however NatureScot bat guidance is particularly intended for on-shore windfarms.

EPA:

The EPA maps are referenced under 'Key Sources' (Chapter 10 point 10.2.4.2) but no details are provided as to which maps were accessed.

NBDC:

The NBDC is a private Company Limited by Guarantee with Charity status (Reg. Charity Number: 20206927); it is not an appointed national government agency. The company relies on voluntary submissions by the public and/or environmental organisations, or other NGOs. It does not have the sole national bat data base/collection. NBDC only displays or registers species that can be verified which in the case of bat identification (visually or acoustic) is very difficult for anyone not having the equipment or the knowledge of bat identification.

Other sources not utilised:

- 1) Kelleher, C. & Marnell, F. (2006) 'Bat Mitigation Guidelines for Ireland'. *Irish Wildlife Manuals, No. 25*. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.
This is an Irish government manual on bat surveying and mitigation by the NPWS. This Mitigation Guideline is mentioned in the Reference but not in the actual EAI application in

comparison to the NatureScot (2021) that is designed for on-shore windfarms
<https://www.npws.ie/sites/default/files/files/mitigation-guidelines-for-bats.pdf>

- 2) Bat Conservation Ireland (BCI), established in 2004, a member and partner of BatLife Europe, has vast bat data and information base.

BCI supports and is supported by numerous county bat groups, consultants, and volunteers, including the counties along the east coast of Ireland

BCI was only mentioned in the EIAR in relation to BCI's Car-based Bat Monitoring Scheme (soprano & Nathusius pipistrelle, Leisler and brown long-eared bat species)

BCI, in relation to coastal bat species presence, is undertaking a '**Monitoring Project for the East Coast of Ireland 'Investigation of Nathusius' Pipistrelle and Leisler's bat activity along the Eastern coastline of Ireland from counties Louth to Waterford'**, with particular aims:

- to document locations of Nathusius' Pipistrelle and Leisler's bat activity along the coast of six counties
- to determine if there is Autumn migration in particular areas along the coast of six counties for Nathusius' Pipistrelle
- to provide data for Bat Conservation Ireland in relation to off-shore wind farm developments (<https://www.batconservationireland.org/latest-news/new-monitoring-project-for-the-east-coast-of-ireland#:~:text=July%2010%2C%202024%20By%20Karen,the%20in%20the%20attached%20document>)

BCI additionally has '*Bat Landscape Images*' that display not only the number of records for all of the 9 Irish resident bat species, but also the suitable habitats for each in the Irish context. See appendix for further details ((<https://www.batconservationireland.org/irish-bats/bat-landscapes/images>)

BCI's Bat Atlas (2010) 'Irish Bats in the 21st Century' provides bat species data within 10km² for the whole country. The new 2020 Bat Atlas is near completion; the survey for the area of Rosslare Harbour and environment has been completed (<https://www.batconservationireland.org/what-we-do/monitoring-distribution-projects/batlas>)

Brown Long-eared, Natterer's, Leisler, Soprano and Common pipistrelle, and Nathusius bats have all been recorded in the vicinity and the nearby surrounding environment of Rosslare

- 3) OPW also holds bat database belonging to their historical sites, woodlands, rivers, parks and so on, and has responsibility regarding managing the coastal erosion at Rosslare Strand as well as the Lighthouse Keeper's House at Rosslare Harbour. The OPW should have been contacted if and what bat data they may have for these locations.

- 4) The Wexford County Development plans also have a register for the Rosslare Harbour and surrounding areas of protected structures that may be suitable for summer, maternity, hibernation and transition bat roosts within the 3km buffer zone around Rosslare Harbour for the proposed development. For instance, buildings close to Rosslare Harbour are: Convent of Mercy Rosslare Strand, Bush Farm House Rosslare, Bearlough House and Bearlough Cottage Rosslare Strand, Walsheslough Railway Station Rosslare, Ballygillane Lighthouse and Coast Guard Station Rosslare Harbour. The SEA (2022-2028) for Rosslare Harbour and Kilrane lists 16 such buildings
- 5) Bat surveys have increasingly found that certain bats species migrate across open sea waters including from one country to another. These surveys should have been consulted, for instance:

The Array offshore windfarm bat survey found 5 bat species off-shore and 6 bat species onshore along the Irish east coast (<https://dublinarray-marineplanning.ie/wp-content/uploads/2025/02/Volume-3-Chapter-7-Bats-in-the-Offshore-Environment-2.pdf>)

EIAR for NISA North Irish Sea Array Vol 5 (<https://northirishsearraysid.ie/wp-content/uploads/2024/06/Chapter-35-Offshore-Bats.pdf>)

The GREENBAT: Migratory bats and offshore wind energy in Ireland survey by the Marine and Freshwater Research Centre is also surveying chiefly the Nathusius pipistrelle and Leisler bat species between the UK and Ireland (<https://mfrc-atu.ie/projects/greenbat-migratory-bats-and-offshore-wind-energy-in-ireland/>)

Morecambe Offshore Windfarm 'Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea' ([https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-001207-Morecambe%20Offshore%20Windfarm%20Ltd%20-%209.48%20Technical%20Note%20on%20the%20Assessment%20of%20Offshore%20Impacts%20on%20Bats%20over%20the%20Irish%20Sea%20-%20Revision%202%20\(clean\).pdf](https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-001207-Morecambe%20Offshore%20Windfarm%20Ltd%20-%209.48%20Technical%20Note%20on%20the%20Assessment%20of%20Offshore%20Impacts%20on%20Bats%20over%20the%20Irish%20Sea%20-%20Revision%202%20(clean).pdf))

Bat roosts

Irish bat species inhabit various roosts at different times of the year: winter (hibernation), summer, maternity and transition roosts. Because bat's metabolic and social requirements vary throughout the year, most bats will use a variety of roosts types. During the summer season bats may, or may not, change roost sites. Different bat species have different roosting preferences and may turn up in different buildings types (derelict, old, new, historic, churches, farms, barns, in attics of modern houses), in trees, under bridges, in underground caves or cellars, bridges, etc. (see above for some of listed buildings nearby).

Male bats may roost individually or in groups. Different Irish bat species may live together in one roost site during the summer season, while maternity roosts operate under a unique scheme as non-pregnant females may act as creche supporters in maternity roosts. Mature females bats will give birth to only one pup once a year or every second year. This makes bat species very vulnerable.

Maternity roosts:

*“During this spring and summer period female bats gather together into maternity colonies for a few weeks to give birth and rear their babies. Once the pup is independent, **the colony breaks up and the bats generally move to other roosts.** Bats may gather together from over a large area to form these colonies, **so any disaster at this summer breeding site can affect all the females from this area.** Many of these maternity sites are used every summer and bats have a strong tradition of returning to the same site year after year.”*

<https://www.npws.ie/sites/default/files/files/article-12-guidance-final.pdf>

Bats may fly many kilometres from roost sites to foraging areas along linear green corridors and structures. Although bats may or may not change roosts during the summer time they are very loyal to their specific winter, summer and maternity roosts, habitual in their flight paths to and from roost to foraging sites, between summer to hibernation roosts and vice versa. If flight corridors are removed bats, especially female bats nursing pups, may have to fly long distance, circuitous routes to foraging sites that may prove fatal for the female due to too high energy expenditure and thus consequential for the pup (starvation).

Bats are very susceptible to infrastructure changes, even small ones, due to losses of their habitat, roost sites, commuting paths, mating sites, foraging areas, habitat degradation and fragmentation.

“Recent studies using radio-tracking have shown that bats are very variable in the distances that they travel from their roosts to forage. For example, at some roost sites for Daubenton’s bats activity took place within 2 km of the roost whereas at other roosts some individuals travelled up to 19 km to forage. Brown long-eared bats appear to be a relatively sedentary species, with few individuals travelling more than 2 km whereas other species such as Leisler’s bat will frequently travel more than 5 km. Travelling distances are even greater between summer and winter roosting sites when distances of 100+ km have been recorded for certain species.” (NPWS, Mitigation Guidelines for Bats)

Bat roosts are protected even if the bats are not in residence as bats are migratory mammals from summer to winter roosts and are habitual and loyal to their roost sites (European Court of Justice case C-357/20).

As bats inhabit seasonally different roost sites it is vital that all probable roost sites within the proposed development boundary, the 3km buffer zone or the whole of the ZOI are meticulously surveyed, including habitats, and linear routes suitable for bat flight-paths.

Surface area of bat survey, ZOI and Buffer Zone:

The EIAR refers to the survey area:

“The term “Survey Area” refers to the geographic area where field surveys were conducted, encompassing the Proposed Development Boundary and a buffer area tailored to the

specific needs of each ecological receptor A 50m buffer was generally applied around the Proposed Development” (Technological report, 10.2.3.1)

A Zone of Influence (Zoi) for bats was stated for **3km** (Table 10.12) and under point 10.4.1.4 VOLANT MAMMALS (BATS) *“Impacts on bats varies depending on several factors, including species, roost type, surrounding habitat, and commuting routes. **The Zoi for volant mammals is therefore the Proposed Development Boundary and a buffer of 3 km”.***

However, according to TA-10 Terrestrial Ecology, p. 3:

*“The term "Study Area" refers to the extent of the desk study conducted to gather background information on terrestrial ecology species and habitats. ... included an examination of the habitat range and known ecological requirements for each species and habitat. ...regarding the presence or absence of protected habitats, flora, and fauna within the surrounds, species foraging ranges and best practice methodologies for assessing the footprint of potential effects on terrestrial ecological features. Buffer zones were incorporated as recommended by CIEEM (2018, 2022). CIEEM suggests **that surveys incorporate buffer zones based on potential impact distances, ensuring that all relevant habitats are evaluated.** The "Survey Area," is the geographic zone where field surveys were conducted, encompassing the Proposed Development Boundary and a species-specific buffer area (**note no buffer was applied to habitats**). ”*

“Both the Study Area and the Survey Area consider landscape features such as water bodies, hedgerows, and forested areas, which may act as corridors or barriers for species movement. For instance, habitats connected to linear features are often included for species like bats, which rely on these corridors for commuting. The final determination of the Study Area and Survey Areas have relied on the ecologist's professional judgment. This approach ensures that the areas are appropriately scaled to capture potential effects on each habitat and species effectively.”

The statements in the TA-10 Terrestrial Ecology report regarding the buffer zone survey are unscientifically contradictory to each other in the EIA's applied methodology and logic. From spring to autumn period (outside hibernation time) bats are highly mobile on a daily basis. Incorporating a buffer zone habitat and roost survey is absolutely crucial.

No explanation is provided as to why the buffer zone was not surveyed.

Furthermore, there is no explanation given as to the arbitrary 3km buffer zone for the bat species. Bat species may commute greater distances than 3 kilometres. It is necessary to provide an appropriate buffer zone for bat species and not a random one - or a buffer zone that overlaps the same buffer zone range as for the otter EIA survey.

Bat species are protected Annex IV species and highly mobile. Buffer zone surveys are consequently and unquestionably necessary to establish and map any possible existing foraging habitats, commuting routes, man-made and natural structures, and probable roost

sites that link up directly with the proposed development sites to ensure that all of these features and the bat species are protected within the whole of the Zol from development impacts.

No bat surveys were carried in buffer zone to investigate if bat species are foraging or using commuting routes between the buffer zone and the actual proposed development site.

Field surveys:

According to the EIAR Technical report (point 10.4.7.1) "*Field surveys undertaken in 2023 to assess bat activity and roost potential did not identify any features of medium/high suitability for roosting bats within or immediately adjacent to the Proposed Development Boundary.*"

And according to 10.2.5.1 Overview of ecological survey: "*Field surveys were undertaken over the course of 2023 and in September 2025 ... An extended survey timeframe with multiple site visits was therefore implemented throughout 2023*"

The September 2025 survey was on one day only, on 4 September

According to Table 10-1: Summary of field survey conducted in 2023 which includes the one-day field survey of 4 September 2025:

4/4/2023: preliminary roost assessment, as well as amphibian and reptile field survey

4/9/2025:

- *Annex I Habitats*
- *Flora Species*
- *Invasive Non-native species*
- *Mammal Walkover Survey Including, but not limited to, badgers, stoat, pine marten, hedgehog, Irish hare, otter, amphibians,*
- *Reptiles (Reptile Walkover Survey, deployment of artificial refugia for direct observational surveys) and bat roosts*

Regarding the 4 September 2025 surveys, it is unlikely that on the same day together with all of these other time-consuming vital fauna and flora surveys that there was enough dedicated time to examine in detail all the cluttered 21 fishermen's huts for a close-up re-assessment and validations of the bat roosts base line, surveyed 4 April 2023.

The 'extended field surveys' pertain to the other fauna and flora species and habitats as there was only **one** preliminary bat roost assessment/field survey mentioned in the EIAR in

Table 10-1 dating to 4 April 2023. The other bat survey dates were static and handheld bat detector surveys, not field or habitat surveys.

Field/habitat surveys and assessments should have been included the buffer zone as recommended by CIEEM (2016) for potential bat roost sites, habitat and commuting paths, but these were not taken into consideration in the EIA.

Habitat map:

The habitat map was produced in 2025: *Figure 10-17: Habitat Map prepared by GDG based on September 2025 survey data with habitat codes as per Fossitt (2000)*

As stated above “...CIEEM suggests that **surveys incorporate buffer zones based on potential impact distances, ensuring that all relevant habitats are evaluated**. ... **(note no buffer was applied to habitats)**”

The habitat map is of the proposed development site only, it does not include the buffer zone.

The habitat map is based on a 2025 September survey produced after surveys were carried out in 2023.

Field and habitat surveys should be conducted and mapped **before** adequate and appropriate bat roosts and transect surveys can be carried out and static detectors are placed not only in order to identify the maximum potential roosts sites, but to assess other necessary habitat features for bats, that contribute to bats daily activities and behaviour, i.e., flight patterns, foraging sites, etc. in advance of surveys.

Bats are highly mobile species utilising long commuter routes and a wide variety of foraging and roosting sites. The non-inclusion of buffer zone field/habitat survey and mapping for this EIA contradicts the various recommendations to include the necessity of buffer zone surveying.

SACs in proximity to the proposed development site

Because of bats long distance flight paths, behavioural patterns and activities, and their vulnerability to changes in their habitat the close proximities of the ten (10) listed SACs, coast lines, open water areas, other natural and man-made habitats, structures and roost possibilities should have been taken more into consideration for the bat EIA.

According the NPWS (*Guidelines for Bat Mitigation*): “**Although foraging areas and commuting routes are not legally protected, the effects of development proposals on these may be taken into consideration when assessing the impact of the proposal on the**

maintenance of favourable conservation status. Similarly, they may be taken into account by planning authorities, certainly where specially protected sites are involved. For example, the impact of planning proposals close to SACs (Natura 2000 sites) for bats is likely to receive close attention.”

For the proposed development this consideration should be taken in combination with the ***‘Strict Protection of Animal Species Guidance for Public Authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public Authority’*** (NPWS) as bats within this guidance re an Annex IV(a) species.

As the actual surveys were only carried out within the proposed development site it is therefore not known if the recorded bat species frequent any of the close-by SAC sites, bats being perhaps a part of the ecology of these SACs both as a predator and a prey, that these SACs may provide mating sites necessary for bat gene pool diversity. Any potential loss of bat species, roost sites or commuting paths between the Zol and any of the surrounding SAC sites may impact negatively on the overall ecology and bat species of SACs and the Zol.

Article 6(3) of the Habitats Directive states that: *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications of the site in view of the site’s conservation objectives”* (Natura Impact Statement (NIS) for the National Planning Framework, <https://cdn.npf.ie/wp-content/uploads/Natura-Impact-Statement-%E2%80%93-Ireland-2040.pdf>)

The Wexford County Development plan 2022-2028, pp 12-130:

5.2.11 Ecological Networks and Connectivity Article 10 of the Habitats Directive recognises the importance of ecological networks as corridors and stepping stones for wildlife, including for migration, dispersal and genetic exchange of species of flora and fauna. The Directive requires that ecological connectivity and areas of ecological value outside the Natura 2000 network of designated ecological sites are maintained and it recognises the need for the management of these areas through land use planning and development policies. See Appendix A8.6 for mapping showing areas with which make contributions to potential ecological networks

5.2.11.1 Ecological Networks & Wildlife Corridors The EU Habitats Directive recognises the importance of ecological networks as corridors and stepping stones for wildlife. Ecological corridors are important for the migration, dispersal and genetic exchange of species, particularly for mammals, bats and small birds and facilitate linkages both between and within designated ecological sites, non-designated surrounding countryside and the more urban areas of the County. In County Wexford, these networks include the rivers and their tributaries and the network of hedgerows and pockets of woodland across the rural landscape as well as undeveloped areas of the coastline.”

(Figure A8.6.4 Contributions to Potential Ecological Networks & Figure A8.6.5 Contributions to Potential Ecological Networks in Appendix)

Bat survey days

The bat survey was carried out only from April to September in 2023. However, as recommended by Collins (2016): “...at least **two surveys** required for low suitability sites and **three** for moderate to high suitability.”

Ideally, a second survey should have been repeated in 2024 as bat presence in 2023 may have been negatively impacted from the previous year (2022) by, for instance, a low birth rate, inclement weather conditions, habitat changes, diseases, lack of food source, etc. A once-off spring to autumn survey does not provide a conclusive proof of the average bat presence, roost occupation, migratory patterns and paths, foraging sites.

Bat survey days in 2023 for the EAIR within the survey area:

Preliminary roost survey 1 day - 4 April
Transect survey 17 April; 19 June; 12 September
Static Detector 4-17 April; 5 June – 18 July (?)*; 15 – 25 September
Bat emergence/re-entry in proposed development area 28 – 30 August 2023**

*it is unclear when exactly the static detectors were employed for June/July. Static detectors were stationed for 10-14 days. June/July survey days as stated are 44. It is unclear on what days the summer detectors were actually employed for recording.

**Female bats give birth to one pup at the end of May to beginning of June. Pups emerge from the maternity roost about 5 - 6 weeks later from mid-July to beginning of August onwards.

No surveys had been carried out from 18th July (or before?) till 27th August inclusive when maternity roosts and emerging pups are at their most vulnerable.

As no survey was carried out during the weeks when pups emerge and when any possible maternity roosts within the ZOI were disbanded it is therefore unknown how many pups would have potentially used the proposed development site as well. This is however critical data to know and absolutely necessary as construction work would be carried out during the summer months when both nursing females and their pups are at their most vulnerable.

Combined survey dates:

April 14 dates (including first transect day)
May none
June/July 14 days (?) (may or may not include transect day)
August 3 dates at the end of August
September 12 dates (includes transect day)
October none (see Static Detector section below re October survey)
Total out of 214 available survey dates (April – October) : 42/43

Different bat species emerge at different times from their winter roosts in the spring time to make their way to their summer roosts. The month of May should thus have been surveyed as only 14 days from early to mid-April were recorded. This leaves a vital survey gap of 48 days from 18 April to sometime for the June/July static detector recording.

October – March survey also should have been included to detect any possible hibernation roosts, such as in trees, buildings or other structures (NPWS, *Guidelines for Bat Mitigation*), especially any deciduous trees within the 3km buffer zone. The lack of winter foliage exposes cracks, holes, loose bark that can be more easily spotted for potential roost sites.

A bat roost re-assessment (not a survey) in September 2025 took place on one day only (4/9/2025), despite the recommendation for a second survey (Collins 2016) and that bats can change roost sites during the summer period, maternity roosts may disband and many variable conditions such as weather, infrastructure changes, etc., may have affected, positively or negatively, the bat presence at this proposed development site over the 2 years between 2023 and 2025.

Bat roost emergence survey days:

According to the EAIR 10.2.3.1.4 (Emergence Survey, Technical Appendix 10): *“ To conduct bat emergence surveys for buildings and trees, as per Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016), the following steps are followed: Timing: Surveys are conducted at dusk and dawn to detect bats leaving or entering roosts. The optimal survey period is from May to September, with at least two surveys required for low suitability sites and three for moderate to high suitability.”*

Only **one emergence survey** was conducted at the end of August for 3 days (28-30 August) surveying different sections of the fishermen’s huts for each day in question.

There was no second survey in 2023, 2024 or in 2025.

Static detectors:

Spring and summer static detectors were placed along a slim stretch at the southern and western development boundary; the autumn static detectors at a reclamation site near the water’s edge (Figures C 4-6 TA-10 Terrestrial Ecology).

Summer static detectors:

Chapter 10 Terrestrial Ecology Summer (pp. 10-22; 10-65) and Technical Appendix (p.39) static detectors: **“Summer (14 nights) 05/06/2023 – 18/07/23”**

The number of days from 5 June to 18 July are actually 44 days (5th June & 18 July inclusive), not 14.

On which of the 10 days from 5 June-18 July were the static detectors taking recordings?

Seasonal static detectors:

EIAR statement (10.2.3.1.6 Bat Activity (Static Detector) Surveys): *"...those features assessed as providing moderate or high suitability for commuting and/or foraging bats were subject to one static detector survey each month during the active bat season (which is typically between April and October, inclusive). Data was obtained for a minimum of 10 nights per season, as per NatureScot (2021) guidance."*

This contradicts the actual survey dates. There were no static detector surveys for the months of May, August and October inclusive.

Placement of static detectors:

The EIAR states: *"The static detectors were positioned at a specific height, which may have favoured the detection of lower-flying species over higher-flying species, potentially making it easier to record activity for species with flight patterns closer to the detector."*

Detectors should not be employed *'to record activities of flight patterns closer to the detector'*. Detectors should be placed at varying heights to record the majority of possible bat activity, and where possible linear commuter routes may represent bat flight patterns. The actual placement of detectors should be stated in detail.

It is important to give the height of the detectors placed and to what structure (i.e., slim pole or a high broad wall), as well as detectors' orientation and surrounding landscape as noise from vegetation, wind, road traffic, passing fauna, etc. may also be recorded or interfere with the acoustic recording and thus can skew data analysis, may not capture or misrepresent passing bat species. If there is doubt to the height of passing bats, static bat detectors should have been placed at different levels.

The spring and the summer static detectors were positioned and spaced ca 200m apart from each other along the slim southern section of the survey site west of the fishermen's hut but no height and placement structure of detectors were provided.

Spring/summer detectors vs autumn detector placement:

It is questionable as to why the 2 autumn detectors were placed beside each other instead of some distance apart in the reclamation area, where no spring or summer detectors had been placed in the first instances, thus missing vital spring and summer surveys for this area for inclusiveness and comparisons.

Moreover, not placing the autumn detectors within the same location as the spring and summer detectors that had already shown various activity levels, up to high for pipistrelle species, will critically distort the combined seasonal data (April – end September) for these spring and summer locations also.

For the spring and summer detectors locations there was consequently an absence of the critical autumn bat survey which would have captured any possible juveniles accompanying their adult bats. Placing 2 static detectors for the autumn survey in a very different vicinity

from the spring and summer detectors range gave neither location the necessary combined seasonal bat activity data from beginning of April to end of September.

Juvenile bat fatalities:

According to research juvenile bat fatality is highest from mid-July to end of August with August displaying the highest numbers of fatalities due to juveniles' inexperience* and especially road vehicle collisions. The lack of summer surveys from mid-July to the end of August 2023 failed to capture potential juvenile numbers in August. Thus, it is not known how many potential juveniles may have been present at potential roost emergence sites, passing in flight or foraging and/or how many would have survived by the end of August into the autumn months. (**Assessing road effects on bats: The role of landscape, road features, and bat activity on road-kills*, https://www.researchgate.net/figure/Total-number-of-bat-casualties-per-month-found-during-the-survey-period-Bat-annual-cycle_fig2_257677046)

Survey timing:

For the roost emergence survey, the EIAIR states that the Collin's (2016) manual guidance was used for bat surveys starting point of 15-30 minutes before sunset and again that a 15 minute starting time before sunset was applied. It is also stated however in the EIAIR, *Terrestrial Ecology*, pp 10-22, that the survey started at sunset, not 15 minutes before.

Which starting time was then actually used and for what survey days

If the starting point was at sunset, why was this decision made against recommendation

No actual starting and finishing times, no first and last recorded bat presence for any of the surveyed days are provided.

It is important to note that some bat species such as Leisler and pipistrelle species are known to emerge much earlier than 15-30 minutes before sunset. Leisler nursing female bats may leave maternity roosts before sunset*. Leisler bats as well as pipistrelle species are often seen and detected long before sunset survey times especially on warm days. To obtain more accurate numbers of emerging or passing bats surveys of a 30 minute start time before sunset would have been more appropriate.

(* *Evening emergence of two nursery colonies of Leisler's bat (Nyctalus leisleri) in Ireland*, *Journal of Zoology*, Zoological Society of London, <https://zslpublications.onlinelibrary.wiley.com/doi/10.1111/j.1469-7998.1999.tb01007.x#:~:text=Abstract,over%2060%20min%2C%20after%20sunset>)

Surveyors:

The EIAIR states that a 'number of surveyors' were engaged per bat roost survey each night from 28-30 August 2023. It does not state how many and on what days, what their

experiences or qualifications were for this survey, or at what location any of the surveyors were stationed.

NPWS 'Bat Mitigation Guidelines for Ireland' expresses that "Surveys must be carried out by licensed personnel, where there is a risk of bats being disturbed".

'Ecologists employed to carry out commercial bat surveys should have the relevant qualifications, experience and a NPWS licence' (Bat Conservation Ireland)

Survey weather conditions:

Survey time and weather conditions are limited to temperature and windspeed only (roost survey): "Lowland 10 degree 18km/hr windspeed max; Upland 8 degree 27 km/hr windspeed"

It is not stated where these 'Low or Upland' areas are in relation to the construction site or what they represent, if these 'Low and Upland' areas were surveyed, if the temperature and windspeed relates purely to general weather forecasting, if these are actual weather data for the ZoI site surveyed, and/or if this weather data was the same for all the bat roost survey days and from which source the temperature and windspeed information were obtained.

The weather conditions according to Met Eireann for the month of August 2023 were very mixed with storms, rain, low/high pressure and some sunshine. It is unlikely that the windspeed and temperature for the 3 days at the end of August at Rosslare Harbour were so consistent particular for a coastal site.

"August was again dominated by Atlantic low pressure systems. Two named storms, storm Antoni at the beginning of the month, ... were the significant weather events of the month. They brought spells of very heavy rain and strong winds causing coastal and flash flooding and brought down numerous trees in the East of the country..... The centre of the storm crossed the country from south to north in the early hours of Saturday 19th causing some coastal flooding and downing numerous trees, especially in the South and East. The rest of the month saw low pressure to the north of Ireland, bringing further bands of rain or showers, sometimes thundery, interspersed with drier sunnier periods." (Met Eireann, Climate Statement for Summer and August 2023, <https://www.met.ie/climate-statement-for-august2023>)

It is also survey practice to record on each survey day if there is also a full moon, percentage of cloud cover, type and strength of precipitation (or if it is dry weather), if it had been raining recently (e.g., August weather 2023 above), or if a sudden drop in temperature occurred or any change in the weather, i.e. cloud cover, on the night in question that can influence the bat activity on the survey night.

The reason for taking notes on these other weather conditions is that bat species nocturnal activities or behaviour are influenced by weather, e.g., no cloud cover with a full moon may

significantly delay the emergence of bats from roost sites or its behaviour, full cloud cover on warm days may have increased insect numbers and therefore bat activity, heavy rain and high wind speed may prevent bats emerging altogether, no insects prey may be because of inclement weather, sudden drop in temperature can alter bat activity during an actual survey.

Bat emergence fishermen's huts survey:

Bat roosts:

Irish bat roosts entrances and exits are very small, even for Ireland's largest bat specie, the Leisler bat, the gaps only need to be 15 – 20mm in size although even as small as 12mm can be an entry/exit point for them. Smaller bat species, such as the common pipistrelle may only need a gap of 12-15mm. Diverse buildings of all ages, structures and material may provide roost sites.

Many buildings offer more than one entrance/exit point for bat species. Depending on the building size and extend several surveyors covering at least 2-4 sides of the building would be necessary to cover and record bat emergence.

Besides noting the type of building surveyed it is also constructive to describe the positions of the surveyors in relation to the building, i.e., front, back or to the side, as well which direction the bats fly such as to the nearest linear feature; in the case of the fishermen's huts it may be the vegetated ridge or high vegetation at the back of many of the them. The flight directions observed during the roost surveys are not given, nor where the surveyors were placed.

Brown long-eared bat:

Diverse Irish bat species can roost in the same site and most Irish bat species use echolocation when exiting/re-entering a bat roost. The brown long-eared bat specie (BLE) however is known to be silent – it may not use its echolocation while exiting. This can make roost surveying of unknown roosts very difficult to ascertain if BLEs are using the building being surveyed or not.

Recording of bat emergence:

Usually the first bat emergence and the last bat re-entry is recorded at the start and end time for both dusk and dawn surveys. The time delay of the first bat recording at dusk starting time at an unknown possible roost site might determine how far the bat(s) travelled, for instance, if bats are recorded within minutes before or after survey starting time these bats may have emerged from a roost close by which is particularly important if the next possible roost site is deemed to be unknown, or quite a distance away in the Zol.

There was no second roost survey as recommended by Collins (2016): “... ***least two surveys required for low suitability sites and three for moderate to high suitability.***”

Fishermen's huts:

The fishermen's huts were surveyed for potential roosts on 4 April 2023. Out of the 30 huts (BL 1-30) 21 were deemed to have a possible opportunity for bat roosts. Judging by the accompanying photographs in the EIAR these huts consist of wooden material with potentially many gaps for bats to enter/exit.

Five huts (BL 1, 2, 10, 25 and 29) are metal containers and thus deemed not suitable.

Under point 10.3.2.2 Emergence Survey Results, the following huts were surveyed for bat roosts: BL 3, 7-9 on 28 August; BL 11-17, 27-28 on 29 August; BL 18-24 & 30 on 30 August;

Re BL 4, 5, 6, 26 and 27: huts BL 4-6 were classified as negligible but no reason given. The photographs however show that these are wooden huts similar to the other huts, with potential entry gaps.

BL 26 and 27: no reason(s) given as to why these were not surveyed; BL 26 may consist of mixed materials; BL 27 is a wooden hut similar to the others.

Fishermen's huts surroundings:

Many of the wooden huts are surrounded by much bulky material placed directly at the huts and/or are surrounded by grassy/muddy ground.

Numerous huts also have high vegetation, tall shrubs (i.e., gorse) and/or an overgrown ridge at the back. A few huts are close to three trees also, while some are very closely built to each other.

Surveying the immediate surroundings of these materially cluttered, vegetated, hemmed-in huts for diminutive and difficult-to-see bat urine staining, droppings, scratches, insect wings or minute gaps especially amongst the bulky material would have been very problematic and time consuming, and probably not appropriate given that these are private huts surrounded by personal items.

It would thus be very difficult for any experienced surveyor to examine in detail all of these wooden huts on all sides for every gap small enough (max 2cm) to allow entrance for bats. Lack of access to and lack of visible droppings, insect wings, scratches or urine stains in those many inaccessible areas around those huts does not proof absence of possible bats roosting inside them.

As stated in the EIAR, any investigation for bat presence inside of these privately owned huts was not possible.

PRA survey results at Fishermen's huts:

According to the EIAR 10.3.2.1.1.PRA Survey Results (2023):

Thirty (30) buildings and three (3) trees were identified and surveyed to determine their roosting suitability. No structures of 'High' or 'Moderate' roosting suitability were identified during the PRA. While no bat roosts could be identified, twenty-one (21) buildings were

classified as being of Low suitability to roosting bats, while nine (9) buildings were classified as being of Negligible suitability to roosting bats. All three (3) trees within the Proposed Development Boundary were classified as being of Negligible suitability to roosting bats. Based on ground level visual survey it was considered unlikely that any maternity roosts were present in trees within or adjoining the Proposed Development Boundary.

According to EAIR 10.3.2.1.2 PRA Survey Results (2025)

Trees recorded within the Proposed Development Boundary were assessed as having Negligible suitability to support roosting bats. No features such as cracks, cavities, or loose bark were identified that would provide potential roosting opportunities. Several small ancillary structures, including garden sheds associated with the fishermen's plots adjacent to the harbour, were assessed as having Low suitability due to the presence of limited PRFs (e.g. gaps beneath roof materials and cladding). No signs of bat presence, such as droppings, staining or feeding remains, were observed during the assessment. However, access to the interior of these sheds was not possible, and therefore a thorough search to determine the likelihood of a roosting site could not be undertaken. Based on their size, construction type and limited roosting opportunities, these structures were considered unlikely to support significant roosts, and no further survey effort was deemed necessary.

The PRA of 2025 is supposed to up-date and validate the 2023 PRA. It reads however as if it is a first-time assessment of the potential roost assessment, not a re-evaluation.

In comparison Chapter 10 Terrestrial Ecology, p 10-21, simply states: *"The PRA was repeated in September 2025 in line with Collins (2023). No trees or structures within the updated Proposed Development Boundary or immediate surrounds were identified as requiring follow-up emergence surveys"*

This statement however also does not follow the above mentioned CIEEM's Advice Note on the 'Lifespan of Ecological Reports & Surveys' (2019) regarding the Age of EIA Data of 18 months to 3 years for a second emergence roost survey for low suitability sites.

Moreover, as outlined above, it is questionable if the surveyors actually had the time to re-assess the bat roost at the fishermen's huts on 4 September 2025 (see above).

The 2025 PRA survey result in the TA-10 Terrestrial Ecology also provides no detail as to the tree species and their location within the proposed development boundary – are these the same three trees in the photographs for the 2023 survey or are located somewhere else?

The PRAs of 2023 and 2025 also provide no details if those structures that are deemed 'unlikely roost sites' refer to BL 4-6, 26 and 27, or are they completely different buildings in the proposed development boundary, and if these are of wooden, metal, brick material or are other structures.

Other indicated possible roost sites:

In Figure C-3 (Technical Appendix 10) there are 5 locations indicated west and south-west of hut BL3. These are not detailed in the PRAs of 2023 and 2025 – are these trees or structures or both, what was the PRA assessment of these and why were these not surveyed?

Emergence bat roost survey:

The emergence bat survey at the fishermen’s huts were carried out once over 3 days from 28 – 30 August 2023 with no second survey as per recommendation.

Clusters and not individual huts (aside from BL 3 and 30) were seemingly surveyed simultaneously. It is however not specified how many undertook these surveys on each of the 3 days nor their level of qualification and experience, where the surveyors were placed in relation to each hut (back, front, side), starting/finishing time for both dusk and dawn survey and the first and last bat recorded (if any) for each hut, the direction of bat flight noticed. Only a summary table for the 3 days is provided (Table 10-9)

The Table 10-9 second column refers to ‘commuting’. However, it is not known where the surveyors were placed in relation to the huts (front, side, back) and no precise starting time and first bat records are provided. It is possible that bats may have emerged from gaps at the inaccessible backs or sides of many huts and would have immediately taken a flight path along the high vegetated areas, the vegetated ridge and other linear lines.

These bats may have therefore been recorded as commuting bats and not as emerging bats, or not being recorded at all. That does not mean however that these ‘commuting’ bats did not leave any possible roost sites within these huts.

BLEs have been recorded in the study area though BLEs can switch of their echolocation. This bat species is difficult to survey and may be missed in the survey recording or may be recorded as unidentified bat.

Transect walks:

*“ A transect route was **carefully designed** to cover all habitat types identified within the site (refer to Appendix C, Figure C-5).” (TA-10 Terrestrial Ecology, p 10)*

Table 10-1 Chapter 10 Terrestrial Ecology, p 10-22: *“Three (3) walked Bat Activity (Transect) Surveys were conducted in 2023 (17th April 2023, 19th June 2023, 12th September 2023)) to assess bat activity within the Proposed Development Boundary focusing on identifying flight lines and estimating bat numbers. **Following a thorough assessment of the characteristics of the Proposed Development Boundary, a bat transect route was designed to encompass all habitat types present within the area** (see Figure 1.3 EIA Technical Appendix 10; Appendix C, Figure C.5).*

When was the ‘thorough assessment of the characteristics’ of the proposed development site before for the bat transect walks to encompass all habitat types carried out

Why was a transect walk decided on before a habitat assessment was conducted

The first transect walk was on 17 April 2023, however the habitat types were only surveyed in 2025 and not before for the bat transect walks according to Figure 10-6 (Habitats recorded during the Habitats Walkover Survey (2025))

The characteristic site assessment timing contradicts the transect walk survey days. Not having undertaken a field/habitat survey before any transect walk can lead to making a wrong choice regarding the most suitable habitat for bat transect walks.

Timing of transect walks:

These surveys were performed at dusk, starting at sunset and continuing for 1.5 to 2 hours afterward, using handheld bat detectors (Anabat Walkabout and BatBox Duet models), in line with best practice guidance from Collins (2016).

Why were the transect walks starting at and not before sunset

When were the starting and finishing times

What were the weather conditions

Upon hearing a bat, surveyors recorded the bat's location, the direction and height of the bat's flight and any notable behaviour (e.g. foraging or commuting) where possible. In addition, direct observations of how bats interact with and use the landscape were also documented (number of bats, flightlines and direction), providing further insight into their behaviour within the Survey Area.

Where are these details in the EIAR

There was one record of an unidentified bat specie, no location, activity or direction given

Overall bat survey results:

Spring/summer static detectors:

Results for spring and summer static detector surveys (Table 10-10, p 1—100):

- common pipistrelle activity was high for both periods > 100 passes
- for Leisler bat twice moderate and one low 50-99 and 10-49 passes
- for Soprano pip. twice low and one moderate 10-49 and 50-99 passes
- for BLEs low 10-49 passes
- Nathusius bat low to negligible <9 (but still present)

No actual daily data for each bat specie are given in a table or graph form to show how many passes for each bat species for every night were recorded for all spring and summer 1 & 2 detectors.

It is not known for instance the highest number of common pipistrelle passes, are they 100, 120, 150, 200 and so on? Are the moderate Leisler bat passes close to high passes (100 +), near the medium range or towards the lower range (49)?

It would be far more transparent if a daily graph for each bat species for all the survey nights were provided.

The autumn static detector cannot be included as it was placed in a completely different area to the spring and summer detectors and shows in its survey site result only one pass by an unidentified bat species.

Bat emergence data:

Bat emergence data at the fishermen's huts are listed as passes:

- Leisler 8; with 4 times at BL30 - possible bat roost?
- Common pipistrelle 6 - possible bat roost?
- Soprano pipistrelle 1
- unidentified bat 1

There is a lack of transparency, vital information and survey data. These bat surveys were carried out on a small area at the proposed development site which is actually a coastal habitat with mixed man-made and quite limited natural features and is situated beside an active harbour.

And yet, the overall results however show that this location is frequented by 5 out of 8 possible bat species for the east of Ireland and must therefore offer various levels of supporting habitats and sufficient diverse prey. Bat activities range from high levels for 1 species, to moderate and low for another 2 species, and low and negligible for the other 2 species. Although, BLE can be a quiet bat species difficult to record and the 'negligible' Nathusius bat is a relative new-comer to Ireland, but both were present nonetheless.

Rosslare Harbour Development in isolation or not

This proposed construction project is not carried out in isolation. It is connected also to changes to road alignments/improvements from Oilgate to Rosslare Harbour and an access road to Rosslare Harbour.

The proposed development relates to the initial and long-term delivery of materials to proposed off-shore windfarms by the different delivery vessels, resulting in increased sea traffic by these vessels for many years. There will also be an anticipated increase in road traffic, and human activities during the construction phases and afterwards.

The proposed development leads also to increased ferry traffic, tourism, sailing boats, commercial and other leisure activities in the sea buffer zone (impact on possible sea-based bat flight paths), increased road traffic (bat collisions), habitat, foraging and green corridor loss, changes to bat behaviour and activities.

(An Coimisiún Pleanála - Case reference: HC26.317256;

<https://www.pleanala.ie/anbordpleanala/media/abp/cases/reports/314/r314015.pdf>;

<https://www.independent.ie/regionals/wexford/wexford-district/new-rosslare-motorway-remains-ten-years-off-despite-increases-in-traffic/a681184604.html>)

Proposed development works

Removal of vegetation:

The EIAR under 4.4.2 ASSESSMENT OF EFFECTS states that *“Approximately 1.8 hectares of existing habitat will be removed, primarily consisting of artificial surfaces and scrub. The habitats removed include:*

- 0.6 ha of Scrub (WS1)
- 0.09 ha of Dry Meadows and Grassy Verges (GS2)
- 0.2 ha of Mixed Sediment Shore (LS5)
- 0.6 ha of Sea Walls, Piers, and Jetties (CC1)
- 0.4 ha of Buildings and Artificial Surfaces (BL3)

All habitats designated for removal are valued at Local Importance (Lower Value). While they may exhibit some biodiversity value and are not characteristic of areas with extremely low species diversity (e.g., amenity grassland, improved agricultural grassland), they do not support rare or protected species

This area supports 5 out of 8 possible bat species in the east of Ireland and all bat species are strictly protected. The Nathusius pipistrelle species is still one of the rarest and least understood species in Ireland

or provide significant ecological functions at a scale beyond the local level.

Sea coast bats surveys and their coastal ecological functions are only in their infancy, it is incomprehensible to refer to ‘not providing significant ecological function at local level’ when the coastal habitat and the ZOI were not surveyed, analysed and assessed. Even local habitats are afforded protection under the Habitat’s Directive, or Wexford County Development plans

Their permanent loss is not expected to impact the conservation status of these habitats or any protected species.

It is disconcerting that a permanent loss of an Annex IV and Annex IV(a) species is referred to as ‘having no impact on its conservation status’. As a public authority it is the Irish Rail’s and planning authority’s responsibility to ensure that no losses, permanent or otherwise will impact on any of the bat species present proposed development site or within the encompassing ZOI as outlined in the beginning under legislations. Furthermore, this statement does not align with the National Biodiversity Action Plan 2023-2030, or the NPWS guideline (see above), or the bat species conservation plans

Given the limited extent of removal, no significant effect is anticipated at any geographic scale.”

There is a significant lack of transparency, crucial data, surveys range, connectivity to SACs and analysis in the EIAR to make such a statement. Neither the buffer zone nor any of the surrounding SACs had been surveyed or assessed to conclude that no significant effect is anticipated at any geographical scale.

Furthermore, Ireland has declared a National Biodiversity Crisis in 2019 but Irish biodiversity continues to decline. Biodiversity crisis happens on local levels too, not only on a national

level which in effect is a combination of local levels (<https://biodiversityireland.ie/ipbes-irelands-biodiversity-crisis/>)

Loss of any local fauna particularly a strictly protected Annex IV species, and its supporting habitat, its connectivity to other habitats and any consequential negative impacts on their conservation status should not be contemplated as having ‘no significant effect’.

Irish bat species require different food sources and therefore are not in food competition with each other. The survey area shows clearly that the site can support 5 out of 8 different bat species to varying degrees - that requires an abundant biodiversity and habitat in this surveyed site. The designated habitat removal may be classed of low human value, but obviously it is of more than satisfactory value and abundance for both bat and their food source, the insect species.

Bat species, as outlined in the beginning, are an Annex IV and an Annex IV(a) species. This places special responsibility for public authorities under the **‘Strict Protection of Animal Species Guidance for Public Authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public Authority, as well as Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland’**, *National Parks and Wildlife Service Guidance Series 1, 2021*” to ensure the protection and conservation status on bat (and otter) species for this proposed development pan.

Impacts of proposed construction on bat population:

Bats species are not only affected by light pollution. Their insect prey can gather around light sources and away from their normal habitats that can lead to bat starvation of light-sensitive bat species.

Other severe negative impacts aside from light pollution/spillage during construction and within the buffer zone is habitat loss, habitat degradation and fragmentation, roost site and flight path loss, proximity to humans, dust, vibration, high levels of anthropogenic noise from construction works (bats are not deaf) such as pile driving, heavy machinery, building demolition and construction, increased traffic noise, traffic collision, all of which can cause significant behavioural and physiological disturbances and a decrease in bat numbers and may have bearings on the strict conservation aims for all bat species.

‘Noise impact’: Bat Conservation International <https://www.batcon.org/acoustic-overload-how-noise-pollution-impacts-bats/>
<https://www.vincentwildlife.ie/news-media/blog/the-impact-of-traffic-noise-on-bat-activity>
<https://ecology.peercommunityin.org/articles/rec?id=136>
<https://pmc.ncbi.nlm.nih.gov/articles/PMC5031215/>

Strategic Environmental Objectives for Rosslare Harbour and Kilrane

The following is from the SEO Rosslare Harbour and Kilrane Local Area Plan 2012 – 2018:

B1 To avoid loss of habitats and flora and fauna in designated wildlife sites.

B2 To avoid significant adverse impacts, including direct, cumulative and indirect impacts, by development within and outside designated wildlife sites to habitats and flora and fauna within these sites.

B3 Conserve, protect and avoid loss of diversity and integrity of non-designated habitats, species or their sustaining resources in non-designated ecological sites.

B4 To prevent the loss of ecological corridors, networks or parts there of which provide significant connectivity between areas of local biodiversity.

(<https://www.wexfordcoco.ie/sites/default/files/content/Planning/ArchivePlans/RosslareHbrAndKilraneLAP12-18/Strategic%20Flood%20Risk%20Statement.pdf>)

Wexford County Development Plan 2022-2028:

5.2.3.1 Wexford Biodiversity Action Plan (WBAP) 2013

Objective 1 - To identify Biodiversity information and fill data gaps for the County, to prioritise habitats and species for protection and to inform conservation action and decision making.

Objective 2 - To make information on biodiversity available.

Objective 3 - To raise awareness across all sectors

Objective 4 - To promote and support best practice in biodiversity conservation, taking into account national and local priorities.

Objective 5 - To incorporate and raise the profile of biodiversity conservation issues in the local authority's actions and policies.

5.2.9 Other Protected Sites -

Protected Species and Natural Habitats In addition to certain species and habitats already mentioned above, other species are protected under law wherever they occur, such as:

'Protected Species and natural habitats' as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations 2008 including annexed habitats and species listed under Annexes I, II and IV of the EU Habitats Directive and Annex I of the EU Birds Directive.

Other species of flora and fauna and their key habitats which are protected under the Wildlife (Amendment) Act 2012 including all native mammals.

Stepping stones and ecological corridors including nature conservation sites (other than European sites), habitats and species locations covered by Article 10 of the Habitats Directive.

5.2.11 Ecological Networks and Connectivity

Article 10 of the Habitats Directive recognises the importance of ecological networks as corridors and stepping stones for wildlife, including for migration, dispersal and genetic exchange of species of flora and fauna.

The Directive requires that ecological connectivity and areas of ecological value outside the Natura 2000 network of designated ecological sites are maintained and it recognises the need for the management of these areas through land use planning and development policies.

5.2.11.1 Ecological Networks & Wildlife Corridors

The EU Habitats Directive recognises the importance of ecological networks as corridors and stepping stones for wildlife. Ecological corridors are important for the migration, dispersal and genetic exchange of species, particularly for mammals, bats and small birds and facilitate linkages both between and within designated ecological sites, non-designated surrounding countryside and the more urban areas of the County.

In County Wexford, these networks include the rivers and their tributaries and the network of hedgerows and pockets of woodland across the rural landscape as well as undeveloped areas of the coastline.

Ecological networks are important in connecting areas of local biodiversity with each other and with nearby designated sites so as to prevent islands of habitat from being isolated entities.

9.8.1 Biodiversity

Biodiversity (natural heritage) is of central importance to County Wexford and in accordance with Article 6(3) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) an Appropriate Assessment (AA) of the effect of the Draft Plan on Natura 2000 sites has been undertaken.

WCC will ensure the protection of such sites designated in National and European legislation, and in other relevant International Conventions, Agreements and Processes.

WCC will work with the relevant statutory authorities, such as the NPWS to **identify, protect and conserve vulnerable, rare and threatened species of wild fauna and flora and their habitats.**

Any proposed development not directly connected with or necessary to the management of the Natura 2000 sites and likely to have a significant effect in a Natura 2000 site(s) either individually or in-combination with other plans or projects will require proponents to conduct an AA in accordance with Article 6(3) and 6(4) of the Habitats Directive (Council Directive 92/43/EEC), regarding the potential impact that the proposed development may have on the conservation status of the site.

Conclusion:

A scientific survey is a method that should be systematic, consistent, exact and reliable in its application. The required EAI for the strictly protected Annex IV and Annex IV(a) bat species is insufficient in information and data accessed, methodology, assessment and analysis, is not transparent and sometimes contradicts its own statements for to conclude that no negative impact will be envisaged by the proposed development.

Irish Rail as a public authority body has the responsibility and duty to protect these Annex IV bat species when works are carried out at this proposed development site, that their continuous conservation status is upheld or improved (not in decline) and ensure that no negative impact will occur on the bat species within the Zol, as stipulated in the ***‘Strict Protection of Animal Species Guidance for Public Authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public Authority.***

No development should be granted until fully detailed, systematic, methodological, transparent and comprehensive surveys are carried out that include buffer zone and habitat surveys appropriate for possible bat activities and roost sites and SACs connectivity.

Natura Impact Statement (NIS)

CONSERVATION OBJECTIVES Article, National Planning Framework Ireland 2040 Our Plan:

6(3) of the Habitats Directive states that: *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications of the site in view of the site’s conservation objectives.”*

(<https://cdn.npf.ie/wp-content/uploads/Natura-Impact-Statement-%E2%80%93-Ireland-2040.pdf>)

Slaney River SAC:

The NIS lists the Slaney River SAC information dating to 2011. The Slaney River SAC has however been updated in 2023 and encompasses now not only the river itself and the harbour area, but now also the whole catchment area.

Slaney River SAC Statue Book: S.I. No. 637/2023 - European Union Habitats (Slaney River Valley Special Area of Conservation 000781) Regulations 2023

(<https://www.irishstatutebook.ie/eli/2023/si/637>)

For a complete NIS, the River Slaney would have to be re-examined for any possible land, air and aquatic connectivity and impact by the proposed development .

Other SCAs:

The proposed development is surrounded by ten (10) SACs (as listed in the EIAR), some of these SACs are in very close proximity to Rosslare Harbour, such as the Long Bank, Holden’s Bed, Raven Point, Wexford Slob and Harbour.

Except for the possible noise impact on seals and dolphin species, the SACs according to the EIAR were deemed not of relevance for a further impact statement after an AA screening. No in-depth scientific reasons were provided to exclude these from the NIS, despite the close proximity to Rosslare Harbour and the numerous bird, fish and other mammals and aquatic species that may utilise the area in and around the proposed development site, such as birds specie, salmon, whales, etc.

The NIS concentrates on the noise impact of seal and dolphin species leaving out the SACs land and air connectivity to Rosslare Harbour and any aquatic migratory species within these SACs, such as for the River Slaney (salmon, eel, birds, etc.)

None of the connected SACs have been examined under the NIS.

For instance, the Holden Bank and the Wexford Harbour SACs may be impacted by the underwater sediment plumes caused by the excavation works. The Holden Bed is only a mere km away from Rosslare Harbour, the mudflats of Wexford Bay about 5-6km.

The tidal directions are for the incoming tide: north/north-west, the outgoing tide: east/south-east. Heavy eastern or southern sea storms may transport sediment plumes from underwater excavation and loose sediment deposit sites to these Annex I habitats.

The Sea of Wexford the largest Irish SPA should also have been examined under the NIS and not just in the Ornithology section of the EAIR. The changes in size, depth and food availability of Rosslare Harbour can impact the activities of many bird species that are and have been utilising this specific area for various activities, and have been spotted in more recent times at this location such as the Common Scoter, Cormorant, Common Shell duck, Northern Lapwing, Black-tailed Godwit, Red Phalarope, Common Tern, European Black Cap, Greate Whitethroat, Song Trush, Redwing, Eurasian Siskin, Large alcid sp., Gull Sp., Tern sp., Great Crested Tern, Eared Grebe, Hen Harrier, Common Buzzard, Eurasian Kestrel, Merlin, Eurasian Blue Tit, Great Tit (Rosslare Harbour and Europort, eBird https://ebird.org/hotspot/L7342144/bird-list?rank=lrec&hs_sortBy=taxon_order&hs_o=asc)

pNHA:

Wexford bay which would include Rosslare Harbour is also a proposed Natural Heritage Area (see Appendix below)

Conclusion

In order to protect and conserve any of the ten Annex I habitats and the protected land, air and aquatic Annex II and Annex IV species, including the Sea of Wexford SPA, from any negative impact from the proposed development site an inclusive explorative NIS should be provided

Conclusion for the bat survey and NIS, SACs and SPA:

Overall the Precautionary Principle must be applied until such time that the Public Authorities can be sure beyond any scientific doubt by having re-surveyed both the Bat species within an appropriate zone of influence as well as the connected SACs and SPA in the NIS that none of the Annex IV, Annex IV(a) and Annex II species that are utilising the proposed development area and the connectivity to any Annex I habitats including any SAPs are in any way negatively impacted by the proposed development either impacting the species themselves or their habitat. (<https://eur-lex.europa.eu/EN/legal-content/summary/the-precautionary-principle.html>; https://eur-lex.europa.eu/eli/treaty/tfeu_2016/art_191/oj/eng)

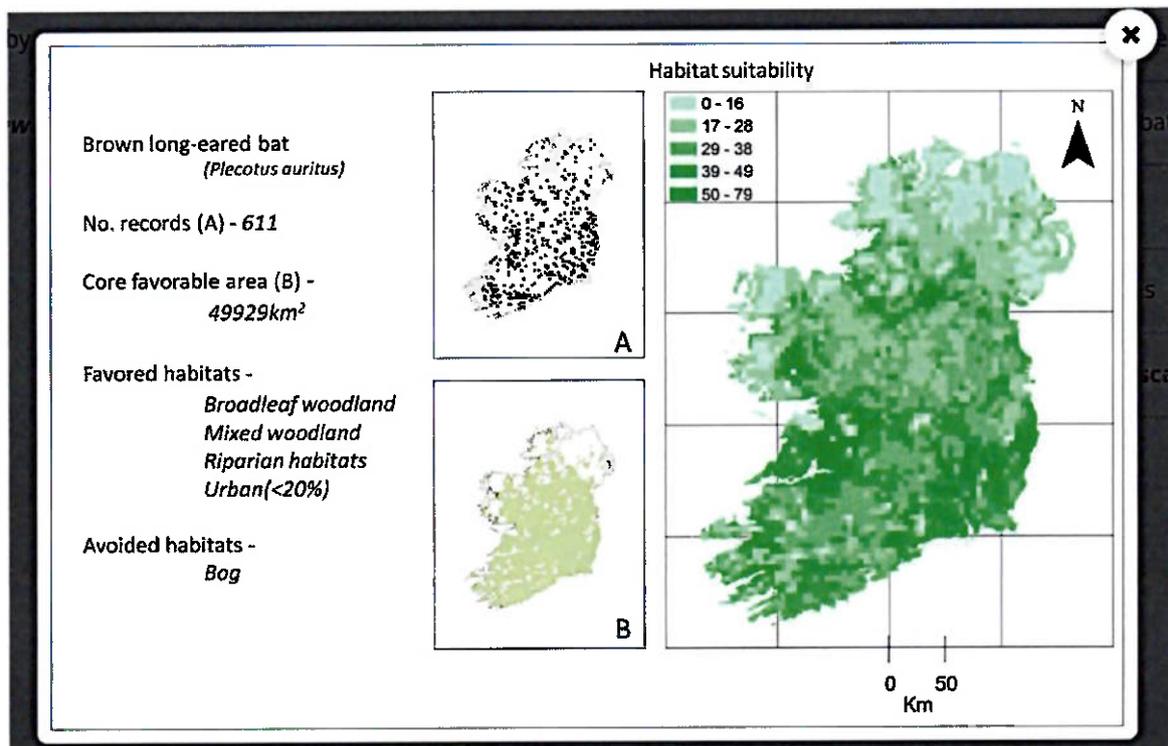
Yours sincerely,

Sonja Moore

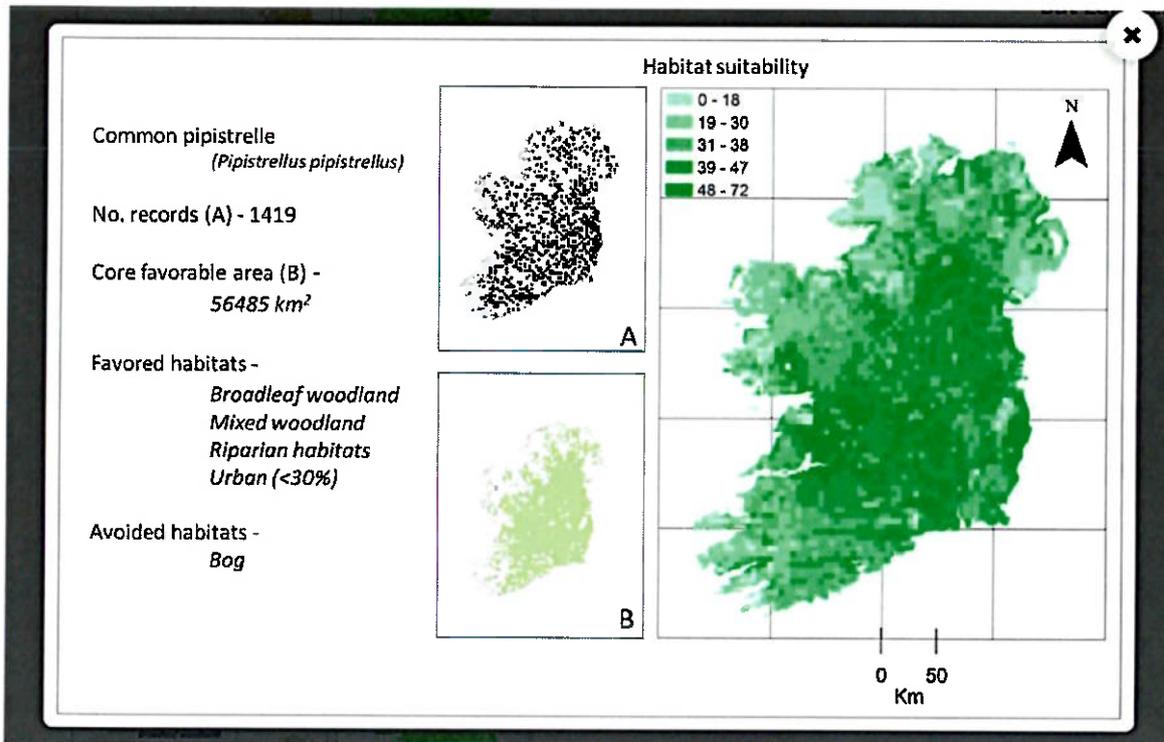
Appendix

BCI 'Bat Landscape Images' relevant for the proposed development

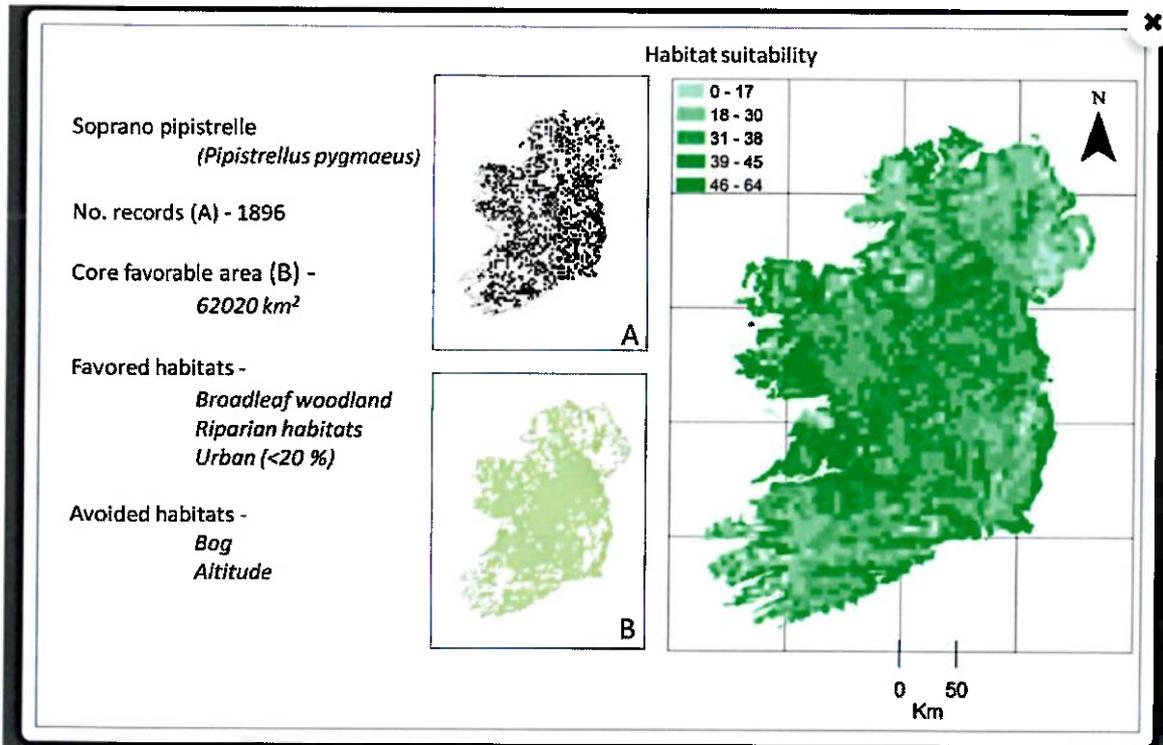
BLE – Brown long-eared bat



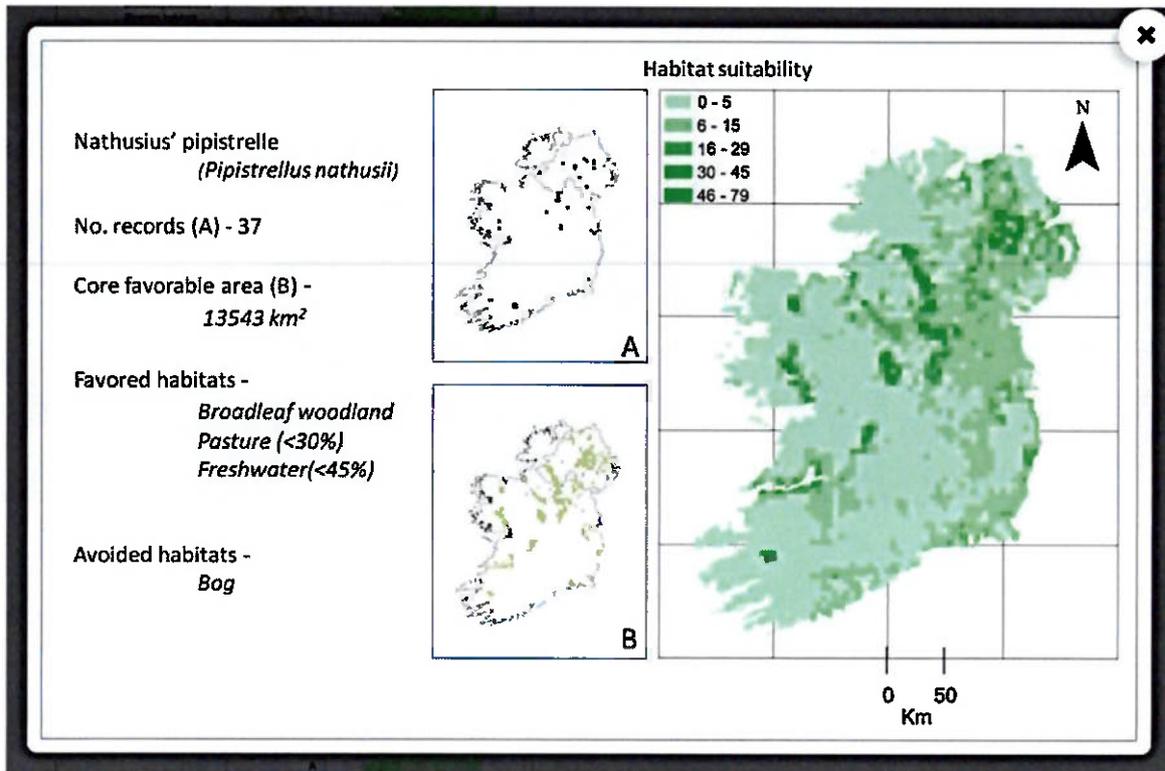
Common pipistrelle



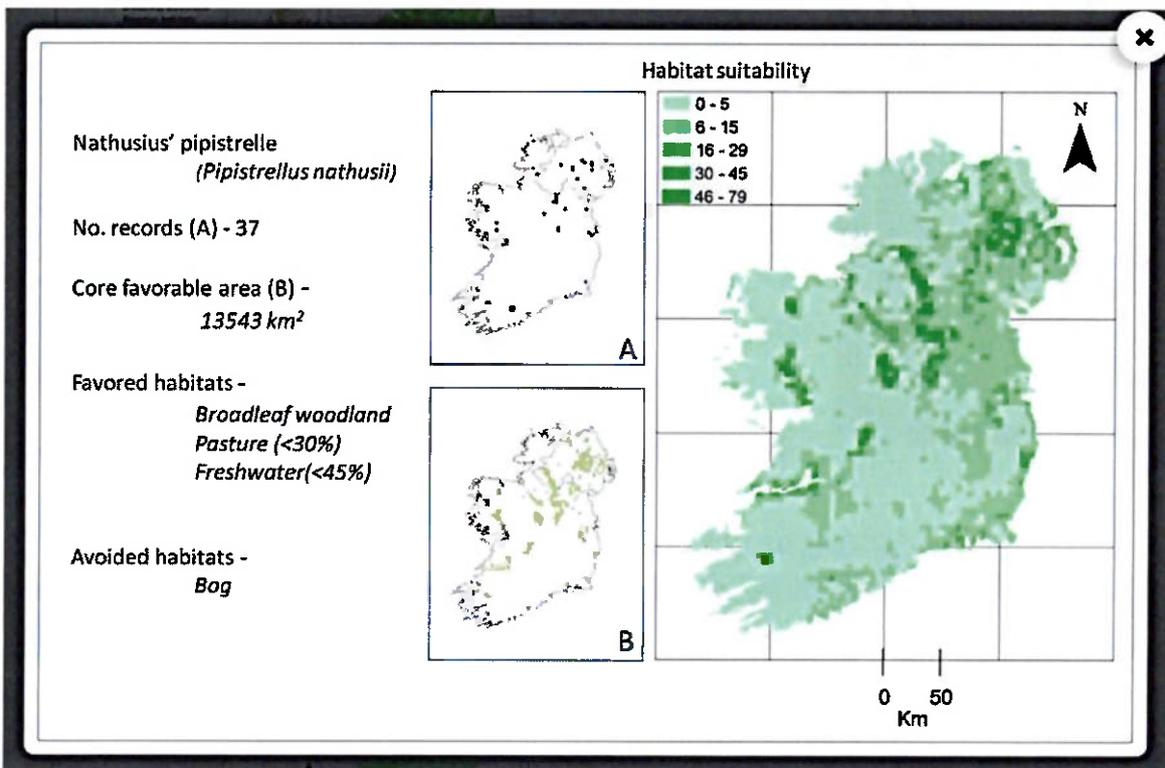
Soprano pipistrelle



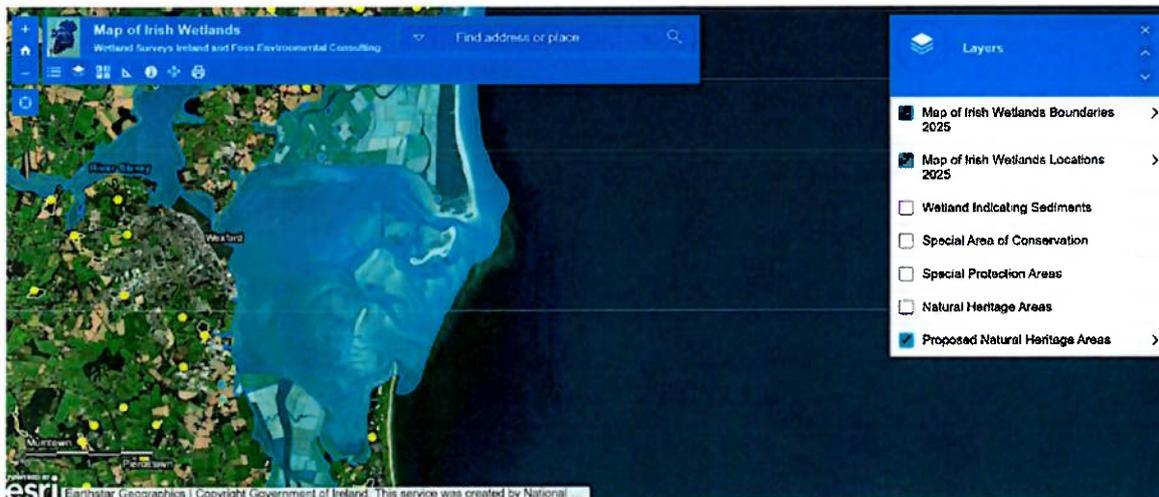
Nathusius pipistrelle



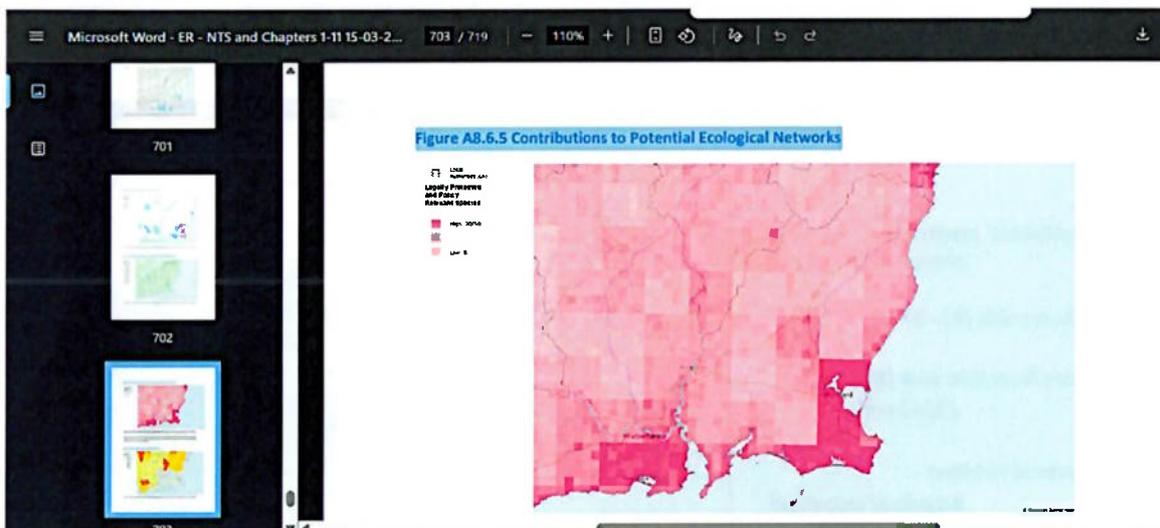
Leisler bat



ESRI Government of Ireland Wetland maps (www.arcgis.com)



Potential Ecological Networks, Wexford County Council (www.consult.wexfordcoco.ie)



Long Bank and Holden's Bed Irish Statute Book
(www.irishstatutebook.ie/eli/2016/si/103/made/en)

