

# Appendix 12

## NPWS Correspondence





**An Roinn**  
**Ealaíon, Oidhreacht agus Gaeltachta**  
**Department of**  
**Arts, Heritage and the Gaeltacht**

Our Ref: **G Pre00401/2014**  
(Please quote in all related correspondence)

12 December 2014

Fehily Timoney & Co  
Core House  
Pouladuff Road  
Cork  
Via email to: [chris.cullen@ftco.ie](mailto:chris.cullen@ftco.ie)

**Re: Proposed Maighne windfarm in counties Kildare, Meath & Offaly**

A chara

On behalf of the Department of Arts, Heritage and the Gaeltacht, I refer to correspondence in connection with the above.

Outlined below are heritage-related observations from this Department under the stated heading(s).

**Archaeology**

The Department has examined the Maighne Wind Farm: Environmental Impact Statement-Scoping Report (October 2014), in particular Section 4:17 Archaeology, Architecture and Cultural Heritage Section, which has addressed the issues in a comprehensive manner. However, the Department would recommend that Section 4:17 should include an assessment of the visual impact of this development on the World Heritage Site at Brú na Bóinne, County Meath, and its impact on Ireland's World Heritage Sites on the Tentative list (2010). Some of these are located in the general midlands area of this proposed development, including The Monastic City of Clonmacnoise and its Cultural Landscape and The Royal Sites of Ireland at Dún Ailinne and Hill of Uisneach.

The proposed development is large in scale and concentrated with up to 55 wind turbines with an optimal performance blade tip height of 169m and their associated ancillary in counties Kildare, Offaly and Meath. In the townlands listed for Co. Kildare alone there are for instance 15 Recorded Monuments in Timahoe East/West tds.; 8 Recorded Monuments in Drehid td. and 3 Recorded Monuments in Derrybrennan.

**Architectural Heritage**

Architectural Heritage is considered in Section 4.17 of the scoping document and refers to the assessment as comprising both a proposed desk study and a field walkover survey. The Department is in agreement that both need to be carried out as architectural heritage extends beyond what is listed for protection in local authorities' records of protected structures and other records including the surveys of the NIAH and this Department's RMP. Attention is drawn to the 'Department's Architectural Heritage Protection Guidelines for Planning Authorities' (2004/2011), in particular Chapter 13, wherein is stated (at 13.2.1) 'the attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation'.

The Department agrees with the proposal to carry out 'a review and interpretation of aerial photographs to be used in combination with historic mapping to map potential cultural heritage assets' and with the proposal in assessing potential impacts to include indirect impacts such as on

historic character, setting and visual amenity of heritage assets. The Department considers that the impacts arising both during the construction and operational phases of the wind farm will need to be assessed.

## **Nature Conservation**

This Department previously submitted EIS and appropriate assessment (AA) scoping comments on 25<sup>th</sup> June 2012, including the need for licenses where there are impacts on protected species (Our ref G Pre00199/2012). In addition the project proponents consulted with staff of the birds' unit and met regional and Dublin based staff of the National Parks and Wildlife Service of this Department on a number of occasions. The previous comments, and most of the meetings, related to a larger project. This proposed project in counties Kildare and Meath, which is to connect to the Irish grid, was previously part of this larger project where the power produced was to be exported. Any comments in this submission are in addition to previous comments made by this Department on both this project and the larger project where applicable.

This Department notes that there is one other project taken out of the larger project, the Emlagh windfarm, currently with An Bord Pleanála, which will be connected to the Irish grid. The EIS and AA screening/Natura Impact Statement (NIS) should consider these and other proposed windfarm projects when addressing the issue of cumulative impacts. Details of contracted windfarms not yet built are available on the Eirgrid website which could aid in determining any potential cumulative impacts.

## **EIS Scoping Report**

### **Appropriate Assessment**

The EIS scoping has not mentioned appropriate assessment. In accordance with article 6.3 of the Habitats Directive (Council Directive 92/43/EEC), this project should be subject to appropriate assessment (AA) screening and if necessary a NIS should be produced. Please refer to our previous scoping comments on AA. Please note however that the guidance documents referred to in that submission have been clarified by CJEU case law which should be consulted. For example case C-258/2011 on the N6, Galway City Outer Bypass and the Briels Case, C-521/12.

### **EIS Scoping general**

The EIS should include the impacts of construction, operation and decommissioning on the Natural Heritage. The EIS scoping report does not appear to mention decommissioning in the ecology section.

### **EIS scoping report and bats**

The EIS scoping covers the issue of bat surveys. If any trees or hedges along the haul routes need to be removed, or any bridges along the haul routes for turbine parts will require strengthening, which may involve grouting or otherwise infilling of cracks and crevices, then these should be included in the bat surveys.

### **Bird Surveys**

Survey methodologies should follow best practice and if necessary be modified to reflect the Irish situation. Two full years of bird surveys is normally considered to be necessary. When survey results are being presented in an EIS and NIS it is important that best practice is followed and that the full survey methodology, including dates and times, is detailed. Results for species need to be referenced back to the overall populations and their dynamics as, in some cases, even a small risk to a population of a species could be considered significant.

### **Construction Management Plans**

Complete project details including construction management plans (CMPs) need to be provided in order to allow an adequate EIS and appropriate assessment to be undertaken. Applicants need to be able to demonstrate that CMPs and other such plans are adequate and effective mitigation, supported by scientific information and analysis, and that they are feasible within the physical constraints of the site. The positions, locations and sizes of construction infrastructure and mitigation, such as settlement ponds, disposal sites and construction compounds, may significantly affect European and other designated sites, habitats, and species in their own right and could have an effect for example on drainage, water quality, habitat loss, and disturbance. If these are undetermined at time of the assessment, all potential effects of the development on the site are not

being considered. This Department understands that it may not be possible to have final cable route details until a grid connection agreement is given. However, if applicants are not in a position to decide the exact location and details at time of application, then they need to consider the range of options that may be used in their assessment so that all issues are covered.

### Monitoring

This Department recognises the importance of pre and post construction monitoring, such as recommended in Drewitt et al. (2006), and Bat Conservation Ireland (2012). The applicant should not use any proposed post construction monitoring as mitigation to supplement inadequate information in the assessment. Please refer to Circular Letter PD 2/07 and NPWS 1/07 on this issue. This can be downloaded from the Department's website at <http://www.npws.ie/media/npws/publications/circulars/media,6683,en.pdf>

The EIS process should identify any pre and post construction monitoring which should be carried out. The post construction monitoring should include bird and bat strikes/fatalities including the impact on any such results of the removal of carcasses by scavengers. Monitoring results should be made available to the competent Authority and copied to this Department. A plan of action needs to be agreed at planning stage with the Planning Authority if the results in future show a significant mortality of birds and/or bat species.

### Turbine specification

Should the exact height and rotor diameter of the turbines to be used not be known at EIS stage then the assessment of impacts must be applicable to a variety of turbine heights and rotor diameters which could be used. This should be made clear in the EIS.

### References

Bat Conservation Ireland (2012) Wind Turbine/Wind Farm Development Bat Survey Guidelines. Version 2.8 December 2012.

Drewitt, Allan L. and Longston Rowena H. W. (2006) Assessing the impacts of wind farms on birds. Ibis 148, 29-42.

The above observations and recommendations are based on the papers submitted to this Department on a pre-planning basis and are made without prejudice to any observations that the Minister may make in the context of any consultation arising on foot of any development application referred to the Minister, by the planning authority/ies, in his role as statutory consultee under the Planning and Development Act, 2000, as amended.

You are requested to send the acknowledgement to this letter and any further correspondence to this Department's Development Applications Unit at [manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie) (team monitored); if this is not possible, correspondence may, alternatively, be sent to:

The Manager  
Development Applications Unit  
Department of Arts, Heritage & the Gaeltacht  
Newtown Road  
Wexford

Is mise, le meas




---

Muiris Ó Conchúir  
Development Applications Unit  
Tel: 053-911 7387