
Ref: 319864

From Sean O'Callaghan <socallaghan@antaisce.org>

Date Wed 7/29/2026 2:55 PM

To Marine <marine@pleanala.ie>

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A Chara,

Please find enclosed An Taisce's submission on planning application ref: 319864.

Is mise le meas,

Seán O'Callaghan

Planning and Environmental Policy Officer

An Taisce – The National Trust for Ireland

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Sent by email to: marine@pleanala.ie

27th July 2026

Ref: 319864

App: Sure Partners Ltd

For: Proposed offshore wind energy development - Arklow Bank Wind Park 2

Site: Located off the coasts of Co. Wicklow and Co. Wexford

A Chara,

We thank you for referring the above further information items to An Taisce for comment.

1. Seabird Foraging Habitat

The applicant appears to retain an assumption that impacts to vulnerable seabird prey species and habitats, in which key foraging areas within the development footprint are located, will be negligible due to rapid recoverability and existence of alternative foraging habitat. This needs to be clarified as a preliminary matter and underpinned by robust research. The abundance of sandy habitat within the project footprint containing prey species, and the introduction of hard substrates and the alteration of habitat dynamics, will likely lead to displacement. As a result, the existence of alternative foraging areas must be demonstrated. The affected bird species are associated with the Wicklow Head SPA (site code: 004127), for which the Kittiwake is listed as a Qualifying Interest (QI). However, other bird species associated with the SPA but not listed as QIs, such as Guillemot, Razorbill and Shag require close consideration to ensure that alternative foraging habitat is available and to inform mitigation and management measures. The Guillemot and Shag are amber-listed on the Birds of Conservation Concern 2020-2026, while the Kittiwake and Razorbill are red-listed.

We would emphasise the general protection in place for all wild bird species under Article 5 of the Birds Directive, for which deliberate disturbance is prohibited. The CJEU has taken a broad interpretation of the concept of "deliberate" acts of harm which includes the acceptance of a possibility of disturbance. This means that harm would be a foreseeable outcome of a proposed course of action, even if not the aim of the activity or project concerned. (Case C-784/23 *Voore Mets*)

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Finbarr Murray, Helen Shaw, Tony Holohan

Furthermore, a recent ruling in CJEU Case C-131/24 *VIRUS (I)* has confirmed that the protection of wild birds from disturbance otherwise prohibited by Article 5(d) is conditional on the conservation status of the species concerned and prohibits disturbance at a population level. Consequently, given the importance of the foraging area within the proposal's footprint for amber/red-listed birds of conservation concern, deliberate disturbance with regard to the general objectives of the Birds Directive of general protection for all bird species must be considered. The Court also confirmed that it is permissible to take account of mitigation measures when deciding whether disturbance is likely to occur under Article 5(d), necessitating an assessment by the planning authority of the rigour of proposed mitigation, which should be effective and grounded in the best available science. It should be ensured that the objective of maintaining populations of birds at a satisfactory level or adapting them to that level is not compromised by approval of the project:

"Para. 41: Thus, Article 5(d) of the Birds Directive prohibits disturbances which have a significant effect on the level deemed sufficient for the populations of wild bird species, and not on specimens of those species, unless the population of a given wild bird species is numerically reduced to such an extent that the disturbance of isolated specimens of that species is such as to jeopardise its conservation."

"Para. 44: It follows that, if appropriate preventive measures effectively prevent a project from disturbing wild birds or are effectively capable of reducing that disturbance such that it does not have significant effects on the objectives of the Birds Directive, it follows from the wording of Article 5(d) thereof and from the context of that provision that the prohibition of deliberate disturbance referred to in that provision is not applicable. The existence of such measures, the implementation of which is provided for by the project, must therefore be taken into consideration in assessing whether the prohibition on disturbance of wild birds laid down in Article 5(d) of the Birds Directive precludes the project."

"Para. 47: It follows from the foregoing that Article 5(d) of the Birds Directive must be interpreted as meaning that there is no deliberate disturbance, within the meaning of that provision, where measures, implemented as part of a project, make it possible to prevent any significant effect contrary to that directive's objectives of maintaining or restoring to a sufficient level the population of all species of naturally occurring birds in the wild state in the European territory of the Member States, taking into account, in particular, ecological, scientific and cultural requirements, as well as economic and recreational requirements."

The above case law also appears to clarify that Article 9 derogations under the Birds Directive are highly restrictive, with derogations to permit harm to commonly occurring birds in the wild being difficult. This necessitates robust mitigation measures to ensure that alternative foraging habitat is available and suitable for affected bird species, given uncertainties around any assumption of recoverability for affected species in the absence of articulated alternatives. Adaptive mitigation and management measures to safeguard the conservation status of bird species at a population level within the region could be specified within planning conditions.

2. Cumulative Impact

It is submitted that the observations on cumulative impact in our initial submission on the subject application remain relevant given the applicant's assertion within EIAR Chapter 12: Offshore Ornithology (p. 180) that no barrier to migration is anticipated:

"the location of the Proposed Development, when considered alongside the other proposed Irish Sea windfarms and the location of seabird breeding colonies, would not be expected to combine with other projects to produce a cumulative barrier effect during the breeding or nonbreeding seasons."

This requires clearer evidence as we would not consider it to be a precautionary approach given the existence of data from BirdWatch Ireland and BirdLife International suggesting that the subject stretch of coastline contains abundant seabird activity and migratory channels. This may have adverse implications in terms of long-term, population-wide bird effects. For example, research on wind farms in the North Sea has found that *"potential impacts from disturbance and barrier effects were higher than impacts caused by collision"* and such impacts are noted to be indirect causes of mortality affecting future survival and reproduction for migratory bird species in particular. This research also notes that:

"there is a risk that if wind farms are placed too close together within a core migration area, the cumulative impact due to barrier effects could be greater due to the large additional distances travelled by the migrating birds. Siting of future wind farms in the North Sea beyond 2030 should be carefully considered in this context to ensure that we are not creating excessively large barriers across core migration routes."

As a result, a cumulative impact assessment underpinned by robust bird migratory data is essential, as well as continuous retrospective monitoring being conditioned if development consent is granted to track the impact of permitted windfarms in the region on bird populations. This is important to inform management measures to achieve the requirement for a general system of protection for all wild bird species under Article 5 of the Birds Directive.

The applicant frames windfarm barrier impacts as being of *"high reversibility"*, an assertion for which evidence is required given the long-term operational timeframe of these projects and the permanent alterations envisaged due to installation of hard substrate turbines upon seabird foraging habitat. We would also question the conclusion that *"Given the range of species involved, and their varied sensitivities, together with the Project's orientation (parallel to the coast) it is considered that the risk of significant adverse barrier effects is very low and...not significant."* The likelihood of species associated with coastal seabird colonies seeking to engage in foraging behaviour around turbines cannot be discounted, and even if species displacement from their coastal habitats occurs due to wind farm presence this cannot be considered insignificant in EIA terms. Furthermore, the impact of barrier effect on wintering migratory birds is also of concern.

We also seek a demonstration of collaboration in strategic planning between offshore wind applicants in the same region and a joint monitoring approach and commitment to adaptive measures from the developers associated with the subject proposal and the nearby Dublin Array and Codling wind farm proposals.

The applicant's cumulative effects assessment methodology should also be cross-referenced with best practice examples to ensure that the sufficient rigour has been achieved. Examples include guidance

¹ Critchley, J. E *et al.* 2025. Life-cycle impact assessment of offshore wind energy development on migrating bird diversity in the North Sea. Journal of Applied Ecology.
<https://besjournals.onlinelibrary.wiley.com/doi/10.1111/1365-2664.70087>

from JPI Oceans² (2024), the UK Government Planning Inspectorate (2024)³ and recommendations from a French case study⁴.

The applicant acknowledges in revised EIAR Ch. 12 (p. 212) that:

"The presence and maintenance of the Proposed Development, together with the presence and maintenance of other offshore windfarms in the Irish Sea, may contribute to cumulative indirect disturbance and displacement resulting from changes to prey species and habitats, in the event the operational phases of different projects overlap."

However, a lack of data is referenced as the primary reason for not undertaking a quantitative cumulative impact assessment due to application material from the Codling, Dublin Array, North Irish Sea Array and Oriel projects not being available. The EIARs from each of these projects, and associated data, are in the public record and there should be no reason why developers for each project cannot share data accordingly for the purposes of a cumulative assessment. A centralised accessible geospatial data sharing platform could be a useful tool for these purposes to provide a single access point for environmental data, avoid unnecessary data duplication, allow for harmonisation of ecological indicators to improve joint monitoring, and provide a shared resource for continued research, innovation and refinement. These are integral for ensuring a truly meaningful cumulative effects and holistic approach for the projects in this region. We would consider it unacceptable for these projects to operate in a siloed fashion given the regional-level ecological sensitivities.

These projects represent an opportunity to improve data sharing, complementary adaptive management and mitigation approaches, collaborative surveillance etc., things that would be best practice in the continued rollout of offshore wind projects which balances decarbonisation need with ecological sensitivity. This relates to aspects such as timing of construction phase piling activity to minimise cumulative noise impact, harmonisation of operational phase curtailment in the event of bird migration fluxes, real-time and collaborative monitoring of ecological receptors within the cumulative sphere of influence etc. Examples of harmonisation efforts between offshore wind projects in the North and Baltic Seas should be examined, as well as other jurisdictions, to ensure that Irish projects are embedding best international practice.⁵

The lack of an ecosystem-led approach within the Phase 1 ORE projects exacerbates the need for a joined-up approach between these projects to minimise ecological impact and to provide evidence-based and effective measures which conserve and restore favourable conservation status at a population level for affected habitats and species. Articulated planning conditions in the event of a grant of development consent should utilise joint monitoring and management approaches envisaged in the DMAP process, Maritime Spatial Planning Directive (MSPD) and Marine Strategy Framework Directive (MSFD).

² JPI Oceans (2024) A common hand book: Cumulative effects assessment in the marine environment. JPI Oceans Knowledge Hub on Cumulative effects of human activities in the marine environment.
[https://www.jpi-oceans.eu/sites/jpi-oceans.eu/files/managed/Publications%20files/a common handbook cumulative effects assessment in the marine environment final.pdf](https://www.jpi-oceans.eu/sites/jpi-oceans.eu/files/managed/Publications%20files/a%20common%20handbook%20cumulative%20effects%20assessment%20in%20the%20marine%20environment%20final.pdf)

³ <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-cumulative-effects-assessment>

⁴ <https://www.sciencedirect.com/science/article/abs/pii/S1462901121003580?via%3Dihub>

⁵ <https://offshore-coalition.eu/new-factsheets-data-monitoring/>

We would argue that Ireland's National Marine Planning Framework is particularly inadequate in failing to conform with Article 8(1) of the MSPD, including in respect of a temporal and spatial mapping of existing and future uses and activities when it comes to marine and avian species, including migratory bird species and avian species who cross and use Ireland as important staging or feeding points on their migrations, and in their over-wintering habits. Consequently, continued and sustained research effort with regard to species likely to be affected by the proposal is urgent; especially with regard to Guillemot, Razorbill, Shag and other auk species which may be associated with Wicklow Head SPA (004127); and species associated with The Murrough SPA (site code: 004186). Research associated with BirdWatch Ireland Important Bird and Biodiversity Areas (IBAs) and breeding seabird species should underpin assessment of the proposal to ascertain the overlap with the three proposed projects (Dublin Array, Arklow Bank and Codling) and to potential for adverse displacement and barrier effects.

3. Seabed Sediment Dynamics

We would reiterate a point from our original submission regarding the interconnected and dynamic nature of sand dunes and sandbanks, with changes to the structural composition of the sand and coarse sediment habitat between the Buckroney-Brittias Dunes and Fen SAC (site code: 000729) and the cable/windfarm area potentially impacting this SAC. The issue of disturbances to the natural circulation of sediment and organic matter between the dunes, adjoining beaches and the offshore sandbank, when excavated sediment materials are disposed of during the construction and maintenance phases of the subject proposal and due to buildup and mobility of sediment around turbine bases, is an issue of concern for certain local community groups. As a result, assessment of this aspect of the proposal requires consideration of current state-of-the-art scientific literature, some of which suggests that the hydrodynamic forces driving sediment mobility in the wake of offshore wind turbine foundations is stronger and extends further than previously recognised.⁶ An accurate quantification of sediment disturbance due to turbulence caused by monopile foundations is essential in this respect and should be reflected in the applicant's methodology. This should also include modelling of climate change impacts on these processes. As highlighted by the researchers in this paper:

"Our results show bed stress amplification is expected to cover 3-8% of a typical windfarm area. Enhanced seabed mobility can alter seabed habitats and should be factored into impact assessment and marine planning."

Please acknowledge our submission and advise us of any decision made.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

⁶ Unsworth, C. A., *et al.* 2026. Turbulence drives seabed modification by offshore wind farms. Nature Communications. <https://www.nature.com/articles/s41467-026-73089-x>

