



BirdWatchIreland
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protecting birds and biodiversity

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An Bord Pleanála

Planning ref 322204 Request for Substitute Consent

26/5/2025

To whom it may concern :

BirdWatch Ireland sends the following observations on the application for Substitute Consent at the Moundillon Bog group.

1. Article 6.3 of the Habitats Directive does not allow for remedial or retrospective appropriate assessments to be done to determine the impacts of past activities on Natura sites. We are not clear how this can meet legal requirements of the Habitats Directive. This should be spelled out otherwise the basis for the determination is open to legal challenge.
2. BirdWatch Ireland manages the Irish Wetland Bird Survey under contract for the National Parks and Wildlife Service. The IWeBs data and site trend data for Lough Rea SPA can be found here¹ and is pasted here also in Figure 1. It shows catastrophic declines for most of the qualifying interests of the SPA in the last 23 years.

birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_0G001_Lough_Rea.html

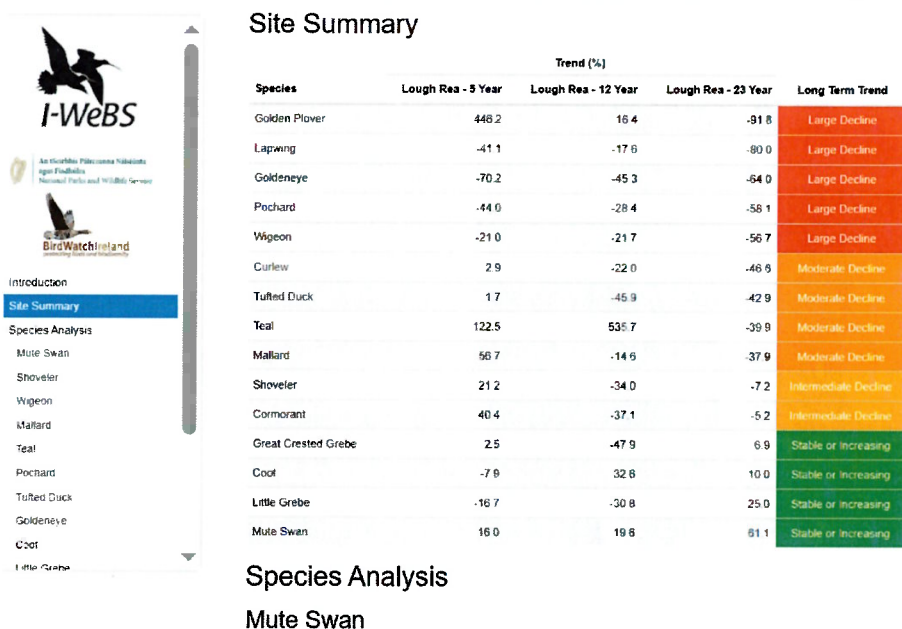


Figure: IWeBS Site Trends for Lough Rea SPA

¹ Kennedy, J., Burke, B., Fitzgerald, N., Kelly, S.B.A., Walsh, A.J. & Lewis, L.J. 2022. Irish Wetland Bird Survey: I-WeBS National and Site Trends Report 1994/95 – 2019/20. BirdWatch Ireland Waterbird Report to the National Parks and Wildlife Service https://birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_0G001_Lough_Rea.html



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A 2019 study by BirdWatch Ireland found that waterbirds had declined by a shocking 40% since 1999 in Ireland. The causes of the declines include pollution, habitat loss, disturbance, and climate change². Sectoral activities must be thoroughly assessed for their impacts to this important group of migratory birds and the habitats they require.

3. Pressures and Threats on Lough Ree SPA

Page 29 of the rNIS includes Table 5.5. This table is listed as that which presents pressures and threats to Lough Ree SPA using codes signifying the different pressures and threats according to the Standard Data Form classification. The codes and detail in Table 5.5 don't correlate with those in the reference provided for the table which links to <https://www.npws.ie/sites/default/files/protected-sites/natura2000/NF004064.pdf>. The pressure codes identified are different in the table compared to the link. Is it possible that table 5.5 is outlining codes for the Lough Ree SAC?

Examples of discrepancies include code F03.01 in table 5.5 which is listed as Forestry Activities in the rNIS but the EIONET excel spreadsheet of codes lists this code as Hunting. J02.04 in EIONET is Flooding Modifications but in the rNIS it is listed as Drainage. L08 in EIONET is inundations but in the rNIS it is listed as habitat modifications. A03.03 in EIONET is land abandonment but in the rNIS it is listed as agricultural pollution. D03.01.02 in EIONET is piers / tourist harbours or recreational piers but in the rNIS it is listed as Changes in Land Management.

The code J02.11.02 is listed in the standard data form for the Lough Ree SAC (linked in the reference) but it is not listed in the Table 5.6. J02.11.02 in the EIONET database is defined as 'other siltation rate changes'. In the Lough Ree SAC Standard Data Form the pressure level is H for High and the pathway is from 'outside'. J02.11.02 is also listed in the rNIS Table 5.5 for Lough Ree SPA but it is labeled 'Other human-induced changes in hydraulic conditions' though that label carries a different code in EIONET, namely J02.

We also assume that the same EIONET classification system and database for pressures is used for Natura sites as well as for species and habitats³ but perhaps it isn't and different codes are in use. We suggest clarification is sought on the information provided to assist in our understanding of the info presented.

In addition, Lough Ree includes Annex 1 habitat code 3150 Rich Pondweed Lake habitat. The National parks and Wildlife Service undertook a review of this and related Annex 1 lake habitat types and the pressures and threats on them which can be found on Lough Ree Site page here⁴ and should be considered as part of the assessment. Rich Pondweed Lake habitat is in unfavourable conservation status.

² Burke, B., Lewis, L. J., Fitzgerald, N., Frost, T., Austin, G. & Tierney, T. D. (2018) Estimates of waterbird numbers wintering in Ireland, 2011/12 – 2015/16. Irish Birds No. 41, 1-12.

³ https://www.eionet.europa.eu/etcs/etc-be/activities/reporting/article-17/docs/list_threats_pressures.xls

⁴ <https://www.npws.ie/protected-sites/sac/000440>



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4. IPC license as mitigation measure for the risk of water pollution

Page 76 of the rNIS : “Further supporting these efforts, the measures implemented under the IPC Licence in 2000 played a crucial role in regulating water management practices. The licence mandated strict environmental controls, including monitoring requirements and compliance measures, ensuring that drainage systems, sediment control, and pollution prevention strategies were effectively managed to safeguard water quality throughout the Peat Extraction Phase.” The IPC license is included in Appendix 6 along with the technical amendment in 2012. There is no mention of the Lough Ree SPA in the licence, while the SAC is mentioned. The Appropriate Assessment for the IPC licence should be included for reference in the current application to determine the assessment of impacts on waterbirds within the Lough Ree SPA and also what conditions were required to ensure no significant adverse impacts on the qualifying interests. While the licence is provided there is no further information on compliance with the licence that we can see in the rNIS. Nor is there any information on complaints about the licence or adjudication of same, or any monitoring of the license conditions. There may well be no issues whatsoever but that information would be helpful.

The IPC licence is put forward as the chief mitigation measure to underpin the conclusion of no significant adverse impacts from peat extraction activities to water quality and therefore to waterbirds, wetlands, or the integrity of the Natura 2000 network, but the controls listed in the licence are not targeted for these SPA interests. If no appropriate assessment was done to determine the effects of the drainage activities on the waterbirds of the SPA, it cannot be stated that the licence conditions provide the appropriate protection for the aquatic habitats of waterbirds.

5. Past survey work

The application states that “Drainage works and clearance of vegetation commenced at the Application Site from 1949 in Derryaroge Bog and from 1960 in Derryadd and Lough Bannow Bogs. Prior to this time the Application Site would have likely consisted of uncut raised bog, however, no survey data are available for this time period”. In 1972 a report on the Areas of Scientific Interest of Longford was published by An Foras Forbartha. This report is online here⁵. Appendix 1 includes the description of Lough Bannow.

Conclusion

BirdWatch Ireland seeks clarification on the information above. From what has been presented and coupled with the stark declines in waterbirds and that habitat 3150 is listed as unfavourable under the Article 17 reporting, we do not believe that the conclusion of no significant adverse impacts is possible. Noting that European Union case law has ruled that complete, precise and definitive findings of no significant adverse impacts are required, it is our view that this has not been reached. In addition, there is a legal requirement now to restore the habitats for all birds in Ireland under the Nature Restoration regulation⁶ which came into effect in August 2024. Ireland

⁵ https://www.npws.ie/sites/default/files/publications/pdf/Farrell_1972_ASI_Longford.pdf

⁶ European Commission: Directorate-General for Environment and Sundseth, K., *The nature restoration regulation*, Publications Office of the European Union, 2025, <https://data.europa.eu/doi/10.2779/5842922>



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must submit its Nature Restoration plan in September 2026 to the European Commission. Coherence is required between planning consents and the Nature Restoration legislation. Loss of peatland has resulted in the loss of carbon and significant loss in wetland habitats important for waterbirds. It would be in line with the Nature Restoration regulation if these habitats were restored as wetlands and to cut carbon emissions and restore populations of waterbirds.

Kind regards

Oonagh Duggan
Head of Policy and Advocacy
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Appendix 1: Lough Bannow as described by An Fóras Forbartha

<u>Name of Area</u>	LOUGH BANNOW
<u>Acreage</u>	640
<u>Grid Reference</u>	N. 030, 690
<u>Scientific Interest</u>	Ecological, Ornithological, Botanical
<u>Rating</u>	Local
<u>Priority</u>	C

Description of Area

A small area of open water existed when visited in March. The lake is becoming choked by *Phragmites communis*. Numerous drainage channels interconnect throughout the area providing habitats for aquatic species, but depleting the lake area. To the west is a wet, muddy meadow with very short vegetation which is obviously frequently inundated. Five Whooper Swans were roosting here.

A small raised hillock stood in the centre of the dried up region; and a Harrier was seen hunting around it.

To the east, birch and alder trees were scattered and gorse bushes grew around the perimeter. Further investigation of the botany is needed in a drier period, but no comprehensive list was made during the visit owing to the deep drainage channels being unnegotiable.

Whooper Swan, Curlew, Snipe, Moorhen, Mallard and a Harrier were observed during the short visit and the area is probably of greater ornithological interest.

A small part of raised bog is found to the east along the roadside, and this adds to the habitat diversity.

Threats to the Area

The continued drainage of the area would detract from its ecological value.