



From: vincent lusby <[REDACTED]>
Sent: 28 September 2022 08:48
To: Planning <Planning@causewaycoastandglens.gov.uk>
Cc: planning mailbox <Planning@Donegalcoco.ie>; CARMEL KELLY <[REDACTED]> Housing Minister Of State <ministerofstate@housing.gov.ie>
Subject: Objection LA01/2019/0890/F

Dear Sirs

I draw to your attention the following evidence for your consideration:

<https://www.bbc.co.uk/news/world-europe-41995662>

<https://www.independent.ie/irish-news/migrating-swans-spark-power-cuts-28821845.html>

<https://ecofact.ie/birds-and-power-lines/>

Yours faithfully

Vincent



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President of Ireland Uachtarán na hÉireann

Kerry CoCo Planning reference: 211441, Ballynagare Wind Farm

26th January 2022

To Whom It May Concern:

Below are the points BirdWatch Ireland would like to make on the proposed windfarm development at Ballynagare Co Kerry.

1. It is clear from the bird survey work undertaken that the site proposed for development is an important area for biodiversity. A high number of Ireland's red and amber listed migratory and resident bird species use the site for foraging, roosting or staging.

This includes 8 Annex 1 species -Whooper Swan, Hen Harrier, Dunlin, Golden Plover, Bar-tailed Godwit, Short-eared Owl, Peregrine Falcon and Kingfisher, aswell as waterbirds many of whom are very seriously threatened such as Curlew, Lapwing, Snipe, and Redshank, and other waterbirds such as Oystercatcher, Shoveler, Brent Goose, Grey Plover, Wigeon, Teal, Little Egret; birds of prey such as red listed Kestrel and Barn Owl, and other species of conservation concern including Meadow Pipit, Grey Wagtail and Mallard. Unthreatened species also use the site such as Cormorant, Common Gull, Black-headed Gull, Sparrowhawk and Buzzard.

It is our view that considering that 29 bird species, several of which are of international importance, from a variety of bird groups, use the site, that Kerry County Council should not give permission for this site to be developed as a windfarm. Instead the cutover bog habitats should be restored to support this wealth of bird life, plant life and other wildlife, to cut the reductions in emissions being released from the site currently and to support good hydrology in the area.

2. With regard to the reference to the BirdWatch Ireland Bird Wind Sensitivity Mapping study and GIS tool, it is critical to recall that the tool serves to draw attention to developers, planners and the public of areas of sensitivity based on data provided at the time of its development. It does not signify the presence or absence of a species. It is essential that the effective surveys conducted by appropriately qualified individuals and according to the appropriate methodologies to determine the importance of a site for birds.
3. **Whooper Swan:** The Appropriate Assessment screening report screens out Whooper Swan though flocks were seen 371 times during the survey work. Whooper Swan is an Annex 1 species and should not have been screened out for two important reasons:

3.1 As an Annex 1 migratory species reliant on wetlands, Whooper Swan is afforded additional protections under the Birds Directive. Specifically under Article 4.4-

In respect of the protection areas referred to in paragraphs 1 and 2, **Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.** Outside these protection areas, **Member States shall also strive to avoid pollution or deterioration of habitats.**



Directors: JE Fitzharris (Chair), E. Lee, C O'Keeffe, J Taylor.
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In this instance Kerry County Council should take appropriate steps to avoid deterioration of habitats for Whooper Swan outside of the SPA designated for it and avoid disturbances to the birds including at the proposed development site by refusing permission for the development.

The BirdWatch Ireland Bird Sensitivity Mapping for Wind Energy Developments Guidance document¹ states the following in relation to Whooper Swan “Whooper Swan has been identified as being at particular risk of disturbance displacement and collision as a result of wind energy development (Langston & Pullan 2003). In particular, exclusion from habitat around wind turbines has been identified (Larsen & Clausen 2002), in some cases up to 300 m from wind energy installations (Percival 2003). Observations of swan non-breeding activity from 8 European studies have given a mean minimum distance of 150 m from the base of wind turbines (Hötker et al. 2006), while other studies have shown a reduction of 1-2.5% in available habitat through disturbance displacement (Larsen & Clausen 1998). Whooper Swans have the highest recorded migratory flight height of any species of bird, at up to 8km above sea level (Elkins 1983). However, while moving between roosting and feeding sites, most flocks travel at between 5 and 30 m, putting this species at a much higher risk of collision with medium and large turbines, especially when the size and reduced maneuverability of this species is considered (Larsen & Clausen 2002). Though Whooper Swans can avoid turbines and have been known to habituate to these (especially resident birds) their risk of collision is much greater than that of other species. In addition to collisions with turbines themselves, swans have a high observed collision rate with overhead power lines, which may be associated with these installations (Langston & Pullan 2003). Despite this, observed collision rates for Whooper Swans have remained low around the wind Given the high risk of collision with wind turbines in comparison to other species and the observed disturbance to occupied habitat up to 300 m (Percival 2003), Whooper Swans have been assigned a zone of sensitivity of radius 600 m around occupied I-WeBS subsites. A more conservative approach has been taken in this instance given the international importance of the Irish distribution of this species.

Given the high risk of collision with wind turbines in comparison to other species and the observed disturbance to occupied habitat up to 300 m (Percival 2003), **Whooper Swans have been assigned a zone of sensitivity of radius 600 m around occupied I-WeBS subsites.** A more conservative approach has been taken in this instance given the international importance of the Irish distribution of this species”.

3.2 In addition, in 2020 the International Swan Census was undertaken². The results of this Census shows that the River Cashen and Estuary is the 4th most important national site for Whooper Swan in the country. The Census also shows that the River Cashen and Estuary is the number 1 site for Whooper Swan in Kerry.

It is our view that this site is extremely important for Whooper Swan; that this species is afforded specific protections under the Birds Directive; and that zone of influence for this species is 600m considering the IWeBs subsite proximity. The bird survey work recorded Whooper swan at much

¹ Mc Guinness, S., Muldoon, C., Tierney, N., Cummins, S., Murray, A., Egan, S. & Crowe, O. (2015). *Bird Sensitivity Mapping for Wind Energy Developments and Associated Infrastructure in the Republic of Ireland*. BirdWatch Ireland, Kilcoole, Wicklow.

² Burke, B., McElwaine, J. G., Fitzgerald, N., Kelly, S.B.A., McCulloch, N., Walsh, A. J., & Lewis, L. J. (2021) **Population size, breeding success and habitat use of Whooper Swan *Cygnus cygnus* and Bewick's Swan *Cygnus columbianus bewickii* in Ireland: results of the 2020 International Swan Census.** *Irish Birds* 43, 57-70



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closer range to the proposed wind farm. **This site should not be developed as a windfarm due to the potential of significant effects on Whooper swan.**

4. **Hen Harrier:** The Natura Impact Statement rules out displacement and barrier effects on Hen Harriers which was found foraging on site 10 times during the surveys but no reason for no displacement effects is given. This is an error in the NIS and a cause for concern. It cannot be stated that there will be no significant impacts to this Annex 1 species and on the Stacks and Mullaghereirks SPA. Hen Harriers are clearly using this site for foraging and there's a high likelihood that these birds breed in the SPA. The scientific literature also clearly demonstrates that Hen Harrier are displaced by wind turbines. Specifically the following applies: Pearce Higgins³ highlighted Hen harrier avoidance of suitable habitat within 250m of wind turbines and predicted reduction of flight activity within 500m of a wind farm.

According to research undertaken by UCC, Hen Harriers are known to forage at least 11.4km from breeding sites⁴. It is a concern that no reference is made by the NIS authors of the available Irish data and instead there's a reliance on Scottish data. Clearly there is a high likelihood that breeding Harriers could be using this site to forage considering the distance of 4.8km from the SPA.

In addition, the quantity and quality of the habitat within the Stacks SPA for Hen Harrier has declined due to increases in afforestation, wind farm development and ensuing fragmentation of the landscape. The breeding population for Hen harrier within this SPA declined by 37% decline between the 2015 survey and the 2010 survey. Under the Habitats Directive and the Birds Directive there is a requirement to restore habitats to favourable conservation status protected habitats and to restore species to favourable population status. Hen Harrier is an Annex 1 species afforded strict protection under the Birds Directive. Under Article 4(4) of the Birds Directive³ the Directive states that "In respect of the protection areas referred to in paragraphs 1 and 2, Member States **shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds**, in so far as these would be significant having regard to the objectives of this Article. **Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats**". In 2007 Ireland was found guilty by the European Court of Justice for failing to implement Article 4(4) of the Birds Directive-failing to protect birds in the wider countryside. This case is still open. In addition, Site Specific Conservation Objectives are being drawn up by the National Parks and Wildlife Service for each Hen Harrier SPA. No further developments should be granted in this area until these Conservation Objectives are published so that the Council can undertake a correct appropriate assessment.

The NIS authors statement that the proposed development will not prevent the Hen harrier population from achieving and maintaining favourable conservation status is unfounded. They do not provide evidence to support this statement. Rather, on the contrary, inappropriate evidence is provided and should be challenged.

5. **Inadequate cumulative assessment:** the NIS fails to undertake an adequate cumulative impact assessment. A list of plans and developments is included but no assessment is undertaken. The development should be refused on this basis alone-this is not a proper assessment.

³ Pearce-Higgins, J.W., Grand, M.C., Beale, C.M., Buchanan, G.M. & Sim, I.M.W. 2009a. International importance and drivers of change of upland bird populations. In Bonn, A., Allott, T., Hubacek, K. & Stewart, J. (eds.) Drivers of Environmental Change in the Uplands, 209–227. Routledge, Abingdon

⁴ Irwin, S., et al (2012) Optimum Scenarios for Hen harrier Conservation in Ireland. UCC.

<https://www.ucc.ie/en/media/research/planforbio/pdfs/HEHHARRIERFinalProjectReportJune2012.pdf>



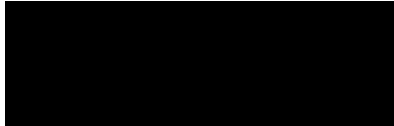
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Yours sincerely,



Oonagh Duggan
Head of Advocacy
BirdWatch Ireland



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