

Ref No :PL 05B.240166

Donegal County Council Ref: 11/30127

Brief of Evidence: Lorcán O Toole, Golden Eagle Trust, (Birds and Bird Surveys)

Date 16 October 2011

Introduction

1 Bird of Prey Experience.

Lorcán O Toole is an experienced bird of prey specialist and raptor (birds of prey and owls) conservationist. He has been the Golden Eagle Reintroduction Project Manager and General Manager of the Golden Eagle Trust (GET) since 2000. Lorcan was the co-founder, and is the current secretary, of the Irish Raptor Study Group – a group dedicated to the conservation of Irish Birds of Prey. Lorcán was the primary author and editor of Irish Birds of Prey and Owls – Restoration, a booklet giving an overview of the status of Irish Birds of Prey. Lorcán worked for the Royal Society for the Protection of Birds in Scotland between 1992 and 1999 and still visits Scotland annually to collect Golden Eagle chicks. He has also worked for the Irish Wildbird Conservancy (renamed Birdwatch Ireland) and Dúchas (now National Parks and Wildlife Service /NPWS).

Lorcán has on occasion carried out windfarm Environmental Impact Assessment work for consultants in the past. He is familiar with bird of prey vantage point work and methodologies used in Ireland and in Scotland. As a conservation ranger, he represented Dúchas at Oral Hearings in Donegal in 1999. He also represented a quarry developer at an Oral Hearing in Clare in 2006. Lorcán is friends with or has worked with many of the Scottish windfarm/raptor experts quoted by others in this planning process, including

Dr Phil Whitfield, the late Dr Mike Madders, Dr Mike McGrady, Dave Walker, John Hardey and Dr Paul Haworth.

Lorcán has monitored Golden Eagles and Merlins in Scotland and Ireland, including national surveys and has ringed both Merlin and Golden Eagles chicks at a variety of nests, under licence. As part of the Irish Raptor Study Group, Lorcán helped develop the voluntary guidelines for Hen Harrier monitoring, designed to assist the planning applications for Hen Harriers, especially in Munster.

2 Experience of Donegal's Mountains

I have worked and walked many of the Donegal Mountains over the last twelve years. On behalf of the Golden Eagle Trust, I have been in periodic contact with Donegal County Council Planning Services regarding the Golden Eagle project for several years. The Golden Eagle Trust has not submitted any objection to the Planning Authorities over its 12 year history; though two planning observations were made to Donegal County Council in regard to this planning application.

Lorcán is familiar with many, though not all, the uplands in Donegal as the Golden Eagles have wandered through most of the Donegal hills over the last decade or more. The Golden Eagle Trust Mission Statement shows we are focussed on a variety of wildlife species, including upland bird species, such as Red Grouse.

3 European Concerns over Irish Upland Birds

The European Court of Justice, 13 December 2007, has raised concerns with the Irish Government over some Annex 1 birds, including upland birds, namely Peregrine, Merlin and Golden Plover and expressed concerns about the lack of steps to avoid the pollution or deterioration of habitats of Annex 1 birds outside of SPAs (see sections 103 and 176).

4 European Wind Energy Sector Best Practice

There are several details of current wind energy bird monitoring best practice guidance contained in the original GET submission to and Bord Pleanála.

There is an increasing focus across the European Wind Energy Association (EWEA) members on best practice as regards speeding up the time and the associated costs of gaining planning permission. The IWEA'S Best practice Guidelines for the Irish Wind Energy Industry, drafted by Fehily Timoney & Company, state on page 29, "Many of the field surveys mentioned above [Ecology Section 6.3.5] are seasonally constrained (....) and it is important to factor this into the programme of works." In order to maximise the environmental benefits of wind farms and minimise the conservation risk from these same windfarms, the Statutory Authorities should consider the confusion over requirements of Environmental Impact Assessment (EIA) and associated best practice.

It could set an unfortunate precedent, if planning permission is upheld for such a large scale windfarm, without any Breeding Bird Survey, especially in light of previous National and Local planning decisions and requests for further information.

This appeal is primarily our view of the failure of the applicant to observe due planning process. The correspondence shows that the Statutory Nature Conservation Authority were satisfied with the Developer's Environmental Impact Statement or at least decided not to oppose same after assessing the information available. But the guidelines quoted by Atkins, Coakley O'Neill and Natura Environmental Consultants have not been complied with. Because of the poor breeding bird survey methodologies adopted, the evaluation of importance of the site is based on incomplete data and does not comply with international best practice, in my view.

I would request An Bord Pleanála to examine the accepted and widespread industry norms, regarding "breeding bird survey" dates. This is a fundamental part of good practice ecological assessment and some minimum standards should be set by precedent, "in the absence of any nationally recognised

standards or guidance” on the matter (Bernie O Connell, Atkins – Brief of Evidence to the Oral Hearing 16/10/2012).

I would also ask that the Renewable Energy Sector consider lobbying for an imaginative Upland Agri-Environment package for small upland farmers that would simultaneously promote hill sheep farming, tourism, recreation and wildlife. Such a coherent national approach could quickly lift the threatened populations of several upland Annex I Species in Ireland. Ultimately this could alleviate some of the current constraints on the windfarm and forestry sector in the Irish Mountains.

5 Coakley and O’Neill’s First Party Response to an Bord Pleanála 26/3/2012.

Page 17, section 2.0

Contrary to the first party response, we contend that the issue of breeding bird surveys, raised in the FIR 10/30221, was not amended sufficiently in this regard.

Page 25, section 4.2.1

Atkins did engage with the Golden Eagle Trust. Unfortunately, we did not agree on the best way forward.

Page 26-27

Table 3.1 of the EIS is repeated here. The only bird survey described as a breeding bird survey is the Red –throated Diver Breeding bird survey, 3-4/7/2010. In addition summer bird community (breeding birds), transect survey and landscape search were carried out also in the months of July and January. Vantage Point watches were unlikely to turn up Red Grouse, as suggested by findings at Straboy, Tangaveane and Edinfinfreagh listed in the EIS.

Page 27, 4.2.2

The quote, “Furthermore, the range of bird species recorded at Straboy was very much in line with expectations”. This statement may be indicative of an attitude toward the site adopted by Atkins, initially unfamiliar with the area. It

may have been suggested to them by people Donegal. It would be worth clarifying, who expressed these “expectations”!

Page 50, 4.8.1

There are 2-3 primary ways to monitor grouse populations either by; walking a 100 metre apart parallel lines (as used in the Northern Ireland Survey), using a tape lure method (as used in the Republic of Ireland survey) or walking transects with gun dogs, under NPWS Licence, as used in the Boleybrack Red Grouse project in Leitrim. Vantage point watches are ineffective for monitoring Red Grouse.

Page 52, 4.8.1

It states that “.... the absence of Golden Eagle sightings undertaken by competent surveyors suggested that eagles were clearly using the wider landscape, but were clearly using the wider landscape, but were not consistently being recorded over Straboy at that time”. Competent surveyors employed by Atkins failed to notice the active pair of breeding Golden Eagles near the proposed Tangaveane wind farm site in 2010 once. The birds would have been visible several times each day. It suggests that the survey methodology was inappropriate, and therefore one cannot assume the birds were absent from Straboy either.

Page 56, 4.9.2

Coakley O’Neill spent nearly half a page outlining their proposal for a year-long breeding survey starting in April 2012. It appears that this did not happen. But why did they feel the need for it in March 2012 – did they believe that data presented in the EIS was incomplete?

As stated on page 56 of the First Party Response to an Bord Pleanála, the developer has proposed he monitor the birds on site, post construction if planning is granted, for a period of three years. This is regular practice on larger windfarms and aims to detect whether changes in patterns of breeding bird populations may be induced by the operational windfarm. The developer needs to state whether this post construction monitoring should only take place in the month of July in future and therefore be comparable with July data collected in 2010 or 2011? The difficulty is that if breeding data is collected

across the 'standard' breeding season (i.e. April-June) in future in will not be comparable with previous July data, and is most likely to show a large increase in breeding birds number and could be interpreted as an increase due to the construction of the windfarm, rather than due to the use of an alternative breeding bird survey methodology.

Page 61, 4.10

It should be welcomed, and noted, that Coakley O'Neill "would strongly encourage the appropriate authorities to develop an accepted Guidance document for bird impact assessment which deals specifically with Ireland.."

Page 62, 4.10

Coakley O'Neill stated that it is unfortunate and unnecessary for the Golden Eagle Trust to, "disparage the professional reputation of the ecologists who undertook the work". The Golden Eagle Trust has the utmost respect and regard for all the ornithologists who undertook the fieldwork at Straboy, as we stated in our submission to an Bord Pleanála. We apologise if any impression was given to the contrary.

However, just like Coakley O'Neill, who engage in Planning Application Validation and Planning Objections, as stated on their website, we do feel entitled to at least challenge and query the methodologies and timings of fieldwork conducted on the site and we will not be brow beaten in this regard.

In addition, Coakley O'Neill may wish to confirm with Dr Geoff Oliver (Cork) that in addition to his visits to the Loch Cuill windfarm site in Donegal, he utilised sub contractors based in Dublin and Donegal for much of the fieldwork.

Page 62-63, Table 3.1

It should be noted that the position of VP1 was different in 2010 and 2011 and possibly should have been given another number, to avoid duplication and incorrect accumulated vantage point hours. VP2 was not used in 2011 at all. The 4 VPS used, and the biased observation that would ensue within 500m of an active VP needs to be marked on a map during assessment.

Page 64

There is a rather mischievous effort to align the EIS with the very credible references and guidance to suit the objectives of this planning application. In addition to, “not materially depart from”, we can also add, “the philosophy of the Brown and Sheppard (1993) methodology” and “in the fashion of a Brown and Sheppard (1993) survey”.

The EIS gives a false impression, whether unintentionally or not, on three separate sections, that the survey work on the 2-4th July 2010, during heavy showers, was based on the Brown and Sheppard methodology or that ‘its philosophy’ was adhered with. Now it is stated that what the EIS meant was an approximate spatial methodology. I am primarily concerned with its temporal methodology –i.e. it is too late in the year. I am suggesting that no recognised breeding survey methodology was adopted by Atkins. They say their methods ‘do not materially depart from’ it. I submit that they do. We disagree fundamentally.

Page 64, 4.10.3

I made it clear to Atkins at the meeting on the 21st July 2011 that they need to carry out breeding bird survey work in April, May and June. I followed that up with an email sent on the 5th August 2011. It was clear that Atkins were not listening to my views when they sent their email to me shortly afterward on the 16th August 2011. I did speak to Dr Paul O Donoghue at the time as well.

Page 65, 4.10.4

Coakley O’Neill clearly states that the status of a possible Annex I Species, Merlin, on this site, is not known.

NPWS raised the possibility of Merlin in their response to consultation twice, namely 6/5/2010 and 11/5/2011, and none of the bird survey work carried out would have enabled the observers to properly monitor Merlin (especially failed breeding pairs) during the breeding season – considering that they are such an elusive species.

6 Some specific aspects regarding the Methodologies and Bird data gathered at Straboy Windfarm.

1 Whenever someone visits a bird haunt and assess the local birdlife, they routinely give the date of their visit – it is one of the first lessons one learns as a child taking up birdwatching. So whenever one gives a list of species or an opinion on a bird haunt, it is important to state the date – which will obviously have such a large bearing on what you see and what impression the site makes on you. Upland Bird sites are at the extreme end of that seasonal variability.

A visit to the mountains in Glenveagh or Straboy at this time of year will not be rewarded with many bird sightings. It might be very difficult to ascertain what breeding species occur in Glenveagh in the summer by making observations on site in October.

2 The ecological assessment of any site depends entirely on the type of species and the number of each species entered into the pre-determined scoring or matrix system. If key extant Annex I species are not recorded in the breeding season and therefore not entered into this matrix, the results will not reflect the true sensitivity of the receiving environment. Any resultant ecological impact assessment would be worthless if based on non standardised or incomplete results.

3 I am not aware of any Irish, British or European best practice guidelines for surveying breeding birds that suggest breeding bird survey results should be based on data solely collected in the month of July. Of course one would need to discuss the merits of any such guidelines if they are produced by the developer.

4 I would not expect any of Ireland's leading ecological consultants, such as Fehily Timoney & Company, Natura Environmental Consultants, RPS or Birdwatch Ireland (formerly Irish Wildbird Conservancy) to advise a developer of a programme of works for an ecological assessment that solely nominated the month of July for a completing a breeding bird survey.

5 It can be very difficult, in hindsight, to assess if an untried breeding bird survey methodology was sufficient to monitor breeding birds in previous years on any given site. Different bird species may require different survey methods.

Ideally to cover a 1km square for Red Grouse you need to walk 9 separate 100metre transects parallel to each other, using a hand held GPS, to a complete 1km square if it is completely covered in heather – the preferred Red Grouse habitat. Grouse Densities in Ireland vary from 1-3 pairs per 1km square. If you only walk 3 transects 300m apart, you run a very high risk of not flushing any skulking birds in the heather and therefore bias your findings.

Vantage point watches are an industry norm for monitoring Hen Harriers and Golden Eagles in particular. These standards were developed and enhanced by the late Dr Mike Madders during his PhD on Hen Harriers in Scotland in the 1990s. He deliberately tested surveys all aspects of the methodology with well designed variation of application and calibrated the findings against other independent best practice methods. Non standard methodologies and seasonally sporadic VP watches are known to give false results.

It can be very unscientific to try to form an opinion of a site in a single visit and try to imagine what birds might occupy this particular habitat/habitats. One can form a reasonable guess, but it would be wrong to present this guess as anything more than a best estimate – invariably some species will surprise you by their presence, their frequency or their absence. Such educated guesses and broad habitat parameters are sometimes used to inform potential search areas for national surveys. But detailed agreed methodologies and appropriate seasonal field work are then required to actually locate breeding pairs. It would be unsafe to assess an upland habitat in particular (where most rare species are elusive and usually breed at low densities and often in a sporadic spatial pattern) in such a manner and estimate what might be expected to be in that area.

6 We need to be very mindful of the Ornithological language used to describe breeding birds or the results of breeding bird surveys. Entire Scientific papers have been written on the exact meanings of terminology and phrases used. A summer Bird survey, a Breeding bird survey and a survey of breeding birds imply three completely different findings. One could go out on a single day and carry out a survey of breeding birds in July on part of Site X and find the second broods of two pairs of Meadow Pipits, for example. To carry out a breeding bird survey of Site X would require and **crucially implies** 3-5 visits that

would cover the majority of the site to give a high percentage of the entire breeding bird assemblage on Site X across that entire breeding season.

7 Likewise, in order to assess a planning application properly, we must be mindful of the exact or elastic language often used by appellants and developers alike. If I said that I believed **Many** breeding birds that use the site may have left the windfarm site by July 2-4th 2010, before the summer bird survey took place – what do I mean? Do I mean 80% (a majority) or 30% (a minority)? Do I mean several different species have left or just the majority of individual pairs of a single common species like Meadow Pipit? An Bord Pleanála would be left with the challenge of trying to quantify the ecological impact of the windfarm on the receiving environment. They may be unable to make an informed decision on the inadequate findings and loose language presented to them.

8 Birdwatch Ireland produced an excellent report called the “Action Plan for Upland Birds in Ireland 2011-2020”, in a consultation with numerous bodies including NPWS and the Irish Wind Energy Association (IWEA). I believe that the Annexe I species, listed in this action plan, that could potentially breed or forage in Straboy include Golden Eagle, Peregrine, Merlin, Golden Plover. In addition Irish Red listed species such as Red Grouse and Curlew could potentially be present on site. So the bird survey work could have focussed on assessing these birds during the breeding season. For a combination of reasons it would be unsatisfactory to focus just solely on either the Annexe I Upland species or Irish Red List Upland species.

So we can still only state that Merlin, Curlew or Golden Plover could potentially breed on this site. Nobody can say with certainty whether they bred in Straboy either 2010 or 2011. One could speculate whether it was this flaw in the breeding bird survey data from Straboy that prompted Coakley and O’Neill to suggest on page 56, 4.9.2, of the First Party’s response to the Board that a full and proper breeding bird survey be conducted on Straboy in 2012. I am unsure if this detailed recommendation was implemented.

9 Birdwatch Ireland have stated that the winter of 2009/2010 was one of the harshest in 50 years. The winter of 2010/2011 was unusually severe also. The impacts of these harsh winter periods are known to depress the survival rates

of many common passerines. Any predatory birds, dependent on small passerines, were likely to have been in poorer body condition the following breeding seasons as a result. Many birds may have been unfit or unable to breed as a result. Others may attempt breeding but their low body fat reserves often result in breeding failures as they simply have to abandon eggs or chicks in order to focus their primary effort on maintaining their own body weight. It is a general rule that the majority of breeding failures occur at/shortly after egg laying and at/shortly after hatching. Merlins are largely dependent on small passerines and moths for food. Anecdotally, it is believed that many Merlin pairs failed during the spring of 2010 and 2011 and most failed breeders would have left the Irish uplands by July of each season.

10 The Atkins bird surveys on the site found Skylark, Meadow Pipit, Wheatear, Swallow and Snipe on site. A recent study on the diet of Irish Merlin, by Birdwatch Ireland, (published in Irish Birds 2011, Vol. 9, Number 2, Pages 159-164), found that these five bird species above were the five commonest Merlin bird prey items recorded at 11 sites in 2010. Fox Moth, Emperor Moth and Northern Eggar moths were another important part of the overall Merlin diet and one would expect some moths to be available on Straboy. The Merlin's favoured nest sites are old Hooded Crow nests, though they are occasionally found nesting on vegetated crags as found on Straboy. Hooded Crows were seen on Straboy and are likely to nest on the site, occasionally at least. Therefore Straboy has potential for breeding Merlin.

11 My original application to the Board contained some details of the guidance from SNH regarding Vantage Point (VP) watches. But it might be worthwhile exploring the practicalities of this Survey method briefly. Unfortunately, Straboy is actually exceptionally difficult to cover on just 3-4 VPS and is rather unusual, because of the restricted sight lines resulting from its undulating landscape.

The selected SNH VP Guidance extracts given below contain my biased summary. I would ask the Board to view the entire document itself. A modified Irish version of this could be a very useful starting point for Irish people dealing with Irish windfarms. Can I stress that the Straboy site and its 500m buffer zones to the NW and SW pose serious challenges as regarding adequate VP coverage.

One cannot be overly critical, but the actual methods used on site will have their consequences as regards results and the ecological impact matrix scores. Without additional resources and labour inputs, several alternative possible VP locations would also have had their own pitfalls.

There are several experienced birdwatchers in most Irish counties nowadays, who could carry out the field work for half or a third of the current day rates of qualified ornithologists and they could supply the raw data to local consultants who could digitize it and collate it. This might be the best way around, on an occasion like Straboy, where there was probably a need for 5-6 VPs to cover such an undulating site adequately within required cost controls.

Selected SNH Guidance extracts;

“ Information is gathered from timed watches from strategic vantage points (VPs) covering the defined survey area, which encompasses the turbine envelope and extends anything from 200m-500m beyond the outermost proposed turbines”. The VPS on Straboy excluded views of the some of the Buffer zones around the turbine envelope.

“When selecting VPs, the aim should be to cover all the survey area such that no point is greater than 2km from a VP” Significant slopes and hill shoulders are not visible from VP1a (2010), VP1b (2011), VP2 and VP3.

“Ideally it will be possible to scan an arc of up to 180° degrees from each VP. Larger arcs are difficult to scan effectively”. VP3 may have been used to scan an arc of 360°. VP1 2010 and 2011 appear to be slightly below the ridge, so they would be unable to view any bird activity past the ridge to the NW or SW respectively.

Most people I know who carry out Vantage Point watches for three hours, especially from approx Sept to April, would tend to sit for 90% of the time. We try to get into some kind of sheltered spot that stills hold broad panorama. It can be very difficult to stand for three hours solid on top of a mountain. You can manage to scan 360° if you are standing or continuously shifting your sitting location around a hill summit. But unless you are standing on the ridge itself or moving around, you will not get 360° coverage.

.....”observers should try to position themselves inconspicuously so as to minimise their effects on the bird movements. This often precludes the use of hill summits for VP observations. **Obviously, VPs should never be located within the proposed wind farm site**, but if there is no alternative but to locate within the wind farm site, then this should only be undertaken when the proposed site is sufficiently large that a part of the wind farm site at least 500m from the wind farm site can be watched (**observations at closer distances are potentially biased**).

Soaring Birds of Prey have excellent eyesight, up to 8 times better than our own. If they see someone on an exposed hill or knoll summit or below the summit (only viewing 180°) they will often tend to avoid that area by between 300-800 metres. So such an elevated VP watch, will gather a reduced number of soaring bird observations within a 500 m arc/radius of his/her position during that particular VP Watch.

Each watch should last a maximum of three hours. I think most people would be quite surprised how tiring it can be to watch a wide area intently and constantly for three hours. The observer is not just glancing about they are constantly looking for distant movements either above or below the skyline.

Personally, I often like to look up at the skyline from the valley floor to catch the silhouette of an eagle outline in the sky. But I have no concerns about scanning from an elevated spot – and I do so effectively myself on a regular basis when searching for nests. The vast majority of consultants tend to carry out two VPs a day, e.g. two three hour watches from two separate VPS. One can carry out a 6 hour watch from the same VP – but I am pretty sure that the level of visual acuity and concentration will diminish rapidly after the end of the third hour.

If you combine a mixture of; a VP watch for six hours solid, if you are on or slightly below a ridge, if you are scanning more than 180° and if you are within 500M of the area you wish to monitor for normal “unaltered” bird flight behaviour- this will depress the number of bird species and number of individual birds you record inside your field of view.

If we draw a 500m buffer zone around each four VPs used on Straboy and if we are very realistic about the contour lines which partially obscure some more

distant VP sight lines, we will then begin to understand how come some bird flight lines/activity may have been missed or influenced or suppressed by the observers presence on the hill.

It is likely that when sitting at VP1 (2010), that the observer could only collect unbiased data from some Turbines? Such a buffer zone might look like the 500m buffer radius shown on Page 67, Plate 1, of the First Party's response to the Board.

When sitting or standing at VP1 (2010) the proposed Turbine sites at T10, T9, T8, T7, T2 would not be getting normal soaring bird behaviour, nor could it be deemed normal monitoring, when the presence of the observer is acting as a buffer extending out to 500m. The majority of the immediate footprint of T1, T22, T21, T20, T19, T18, T17 are not visible or are obscured behind ridge features. Ten Turbines are mostly visible T 6, T11, T12, T13, T16, T15, T23, T14, T24 and T25.

If the observer was on top of the ridge they would be able to monitor a large section of the vacant 500m zone around the entire buffer Zone to the NW of the site from VP1 2010.

If you sat at VP3, the proposed turbine sites at T 23, T15, T22, T16, T13 would be inside the biased 500m buffer zone. The majority of the immediate footprint of Turbines T19, T2, T1 and T10 would not be visible or obscured by landscape features. 13 Turbines, including T21, T17, T16, T20, T14, T24, T12, T25, T6, T11, T7, T8 and T9 would be mostly visible.

If you sat at VP2, the proposed turbine sites at T6, T7 and T25 are inside the buffer zone, the footprint of T9, T10, T1, T2, T21, T17, T18, T16, T20, T14, and T19 are largely obscured. Eight turbines, namely T8, T11, T12, T13, T15, T24, T23 and T22 are largely visible.

VP1 (2011), has T2, T6, T7 and T8 inside the buffer. T1, T17, T18, T19 and T20 are largely obscured and the following thirteen turbines are largely visible; T9, T10, T11, T24, T25, T12, T15, T14, T23, T13, T16, T22 and T21

Obviously some turbines are more visible than others from several VPs. I have done a very rude calculation that suggests some turbines locations may have had a good quantity of visual observations, from the ground to a height of

100m, and coverage may have been up to 112 hours over two years. Whilst the area near turbine 18 & 19, the top of the rotor at its maximum height may have been visible from VP3, the majority of the rotor blade circumference would have been invisible from the VP3 Location (if this was a static fixed position). The other VPs would not have overlooked T18 and T19. So I believe both these turbines effectively got zero hours VP coverage. Equally T1 and T2 would have got no unbiased VP coverage (i.e. 0 hours). This is because T2 was within the 500M buffer zone of VP 1 (2010) and obscured from VP1 (2011). T1 was simply never overlooked during VP watches. Obviously T18, T19, T2 and T1 were visited during transect work and other fieldwork.

6 Due Process/Good Planning Practice

The First Party Response to An Bord Pleanála, by Coakley O'Neill, suggests on page 52 that the lack of survey work in the April-June 2011 [in my view this equates to the breeding season] was **“outside the ecologist’s control”**. So **who was in control of gathering appropriate data to inform the planning process?**

The **GUIDELINES ON THE INFORMATION TO BE CONTAINED IN ENVIRONMENTAL IMPACT STATEMENTS**, *Prepared On Behalf of the Environmental Protection Agency (EPA), March 2002*, states under Section 2. PRINCIPLES AND PRACTICE, 2.1 INTRODUCTION, (Page 16); **“There can often be an excessive emphasis on EIA as a *document* to justify a project, rather than as a process to scrutinise and improve it.”**

A lot of emphasis has been placed on the letter from the Development Application Unit (DAU), within the National Parks and Wildlife Service (NPWS), dated 15 December 2011 and signed by Simon Dolan. Presumably the cumulative impact of two other letters from the DAU, signed by Yvonne Nolan and Mary Boothman, on the 6 May 2010 and 11 May 2011, respectively, should be given greater emphasis. In their letters they say, “The proposed development: could damage/destroy breeding and migratory bird species such as Hen Harrier(Circus Cyaneus), Merlin (Falco columbarius) and Golden Plover (Pluvialis apricaria), all of which are species listed in Annex I of the EU Birds Directive (Council Directive 79/409/EEC)”.

In view of this new planning application process, I ask can the DAU be satisfied that the ecological assessment has sought to determine if there are breeding Merlin on this site? I strongly suspect that Simon Dolan (DAU), the NPWS Regional Manager, the NPWS Regional Ecologist nor the Local NPWS Wildlife Ranger has been on this site in recent years to determine whether Merlins are breeding on this site. I know that the NPWS Birds Unit feel that it is important that Annex I species should be monitored carefully during any planning application, notwithstanding the fact that they may not preclude any associated development.

Equally the Donegal County Council twice requested additional breeding bird survey data. And even when it didn't get additional breeding bird data it granted permission.

The Golden Eagle Trust met Atkins Consultancy (Dr Paul O Donoghue), the Developer and NPWS in Glenveagh National Park in **21st July 2011**. We stated quite clearly during the meeting that we could not envisage that the FIR could satisfy the need for proper Golden Eagle and other breeding bird season survey data within the obligatory 6 month time frame, following the Manager's Order (2011PG0246) issued on 26th May 2011. We told Atkins that they could not conceivably carry out breeding bird survey work during the non breeding season, i.e. between July and November 2011.

During the discussion, Atkins said in front of the Developer, that they had advised the client that additional bird survey work would have been preferable in 2011. But the Client had to make a business decision as to how expensive and how long the pre-planning process should be. Whilst this is understandable in the current economic climate, we believe Atkins as an independent Environmental Consultancy firm are obliged to insist that they can only carry out a proper Environmental Assessment if given adequate resources to employ sufficient staff hours and expenses to full fill minimum standards. This is the crux of the matter; how can Donegal County Council Planners consider the impact of the Wind farm on the local environment – if you have no breeding bird survey data to assess?

The references in the FIR show the breadth of experience and research behind the consultant's report. But for the Donegal planners, not necessarily familiar with the ornithological details within some of these reports, we believe it would be useful to quote a few pertinent aspects from within the referred published papers and guidelines. In the Submission made to An Bord Pleanála we listed the relevant sections from;

Brown, A.F. and Sheppard, K. B. (1993) A method for censusing upland breeding waders. *Bird Study* 40, 3. 189-195

"The 6 study areas (totalling 4110 ha) were each censused twice: once during the early part of the season (early April to mid-May) and once later (mid-May to late June).

Coombes, R.H. et al (2009) Countryside Bird Survey Report 1998-2007. Bird Watch Ireland, Wicklow

Page 3 of this report gives its Methodology and it states, "These visits are timed so that the first is in the early part of the breeding season (April to mid-May) and the second at least four weeks later (from mid-May to the end of June)."

Gibbons, D. W. Et al (1993) The New Atlas of Breeding Birds in Britain and Ireland. T & AD Poyser

Page 2 of the New Breeding Atlas gives the Methods and Rationale and it states, "It was recommended that the two-hour period [per tetrad] be split into two one-hour visits, one early in the season (April to May) and one late (June to July)," and "With the exception of a few early breeding species, such as Crossbill and Mistle Thrush, the optimal time for recording breeding birds is probably mid May to mid June.

We could add similar quotes from the methodologies or guidance from Pearce-Higgins or Percival, directly or indirectly outlining the need for breeding bird survey work to be done during the April-June breeding season. Both these authors are often referenced by the Wind Industry. Is it very naive to get agitated when the Wind Energy sector selectively quotes from recognised peer

review papers and or books when it suits them and ignore best practice when it does not?

Nonetheless, there seems to be a growing awareness amongst individuals in several sectors, including wildlife NGOs, consultants, developers, planners and NPWS that there is need for much clearer & statutory guidance on the issue of bird survey work in Ireland, covering a wide range of planning scenarios.

But instead of asking that international best practice be immediately applied to the Straboy Wind farm site, we merely suggest that some very basic planning practices are observed in Ireland. We request An Bord Pleanála examine and consider the importance of; (i) the relevance and initial concerns of the DAU/NPWS Regarding Merlin, (ii) the Donegal County Manager's Planning Orders 2010 and 2011 and (iii) previous An Bord Pleanála decisions?

We simply ask that Irish Authorities develop some detailed guidelines and stick to some of their own basic principles and not dilute, or be deflected from, best practice. We believe that it may be in the wind industry's own long-term interest to champion best practice.

7 Conclusion

If the Statutory Authorities want to facilitate Wind Farms more fully in Donegal then let that decision be transparent. If the national prerogative is to facilitate renewable wind energy to meet Carbon emission targets, regardless of conservation concerns, let them say so. Let them agree that breeding bird surveys are not required outside of Natura 2000 sites. Let them reinterpret the concept of "the precautionary principle" concerning all Annex I birds within their historical range across Europe. Let them abandon the concept of a totally independent Environmental Consultancy and allow heightened competitive business practices dictate what is necessary in an EIA. Let them agree to ignore the unknown Annex I breeding sites that are not already documented and mapped in national inventories. But let us not pretend that a proper breeding bird survey has been done as part of this planning application, when that is clearly not the case.