



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

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07th March 2025

EIP Breeding Waders
Moate Business Park
Clara Road
Ardnafandra
Moate
Co. Westmeath
N37 W9R0

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/222

Reference Number: EX16/2025

Name of Applicant: EIP Breeding Waders

Nature of Application: Section 5 Declaration request as to whether or not: -
"The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier" is or is not development and is or is not exempted development.

Location of Subject Site: East Coast Nature Reserve, Newcastle, Co. Wicklow

Report from Keara Kennedy, EP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier" at East Coast Nature Reserve, Newcastle, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- a) The details received with this section 5 application on the 10th February 2025.
- b) Section 2(1) of the Planning and Development Act 2000, as amended
- c) Section 3(1) of the Planning and Development Act 2000, as amended
- d) Section 4(1) of the Planning and Development Act 2000, as amended
- e) Class 9, 11 and 36 of Part 1 and Class 3, 4 and 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- f) Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 as amended.

Main Reason with respect to Section 5 Declaration:

i) The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier in the East Coast nature reserve at Newcastle, Co. Wicklow would be development having regard to the definition set out under Section 3 of the Planning and Development Act 2000 (as amended).

ii) It is not possible to screen out the need for Appropriate Assessment, given that the proposed works could have an adverse impact on the Murrough Wetlands SAC. Therefore, the proposed development would not be exempted development having regard to S4(4) of the Planning and Development Act 2000 (as amended) and Article 9 (1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended).

iii) The proposed fencing structure including gate, as described, would meet the conditions and limitations of Class 4 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended).

iv) The proposed scrape would come within the scope of Class 3 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended).

v) The proposed works would not come with the description set out under Class 36: Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), because it has not been demonstrated that the works would be carried out by or on behalf of a State Authority or other public body. There are no other exempted development provisions which would apply to the sluice gates and installation of a sun-powered electricity supplier.

Recommendation:

The Planning Authority considers that "The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier" at East Coast Nature Reserve, Newcastle, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed Daniela James

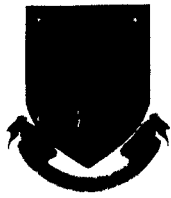
Dated 07th day of March 2025

ORDER:

I HEREBY DECLARE THAT "The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier" at East Coast Nature Reserve, Newcastle, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: Fergal J. Murphy
Senior Engineer
Planning, Economic & Rural Development

Dated 07th day of March 2025



Comhairle Contae Chill Mhantáin Wicklow County Council

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Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: EIP Breeding Waders

Location: East Coast Nature Reserve, Newcastle, Co. Wicklow

Reference Number: EX16/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/222

Section 5 Declaration as to whether “the construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier” at East Coast Nature Reserve, Newcastle, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- a) The details received with this section 5 application on the 10th February 2025.
- b) Section 2(1) of the Planning and Development Act 2000, as amended
- c) Section 3(1) of the Planning and Development Act 2000, as amended
- d) Section 4(1) of the Planning and Development Act 2000, as amended
- e) Class 9, 11 and 36 of Part 1 and Class 3, 4 and 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- f) Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 as amended.

Main Reasons with respect to Section 5 Declaration:

- i) The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier in the East Coast nature reserve at Newcastle, Co. Wicklow would be development having regard to the definition set out under Section 3 of the Planning and Development Act 2000 (as amended).
- ii) It is not possible to screen out the need for Appropriate Assessment, given that the proposed works could have an adverse impact on the Murrough Wetlands SAC. Therefore, the proposed development would not be exempted development having regard to S4(4) of the Planning and Development Act 2000 (as amended) and Article 9 (1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended).
- iii) The proposed fencing structure including gate, as described, would meet the conditions and limitations of Class 4 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended).
- iv) The proposed scrape would come within the scope of Class 3 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended).
- v) The proposed works would not come with the description set out under Class 36: Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), because it has not been demonstrated that the works would be carried out by or on behalf of a State Authority or other public

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas

This document is available in alternative formats on request

Ba chóir gach comhfhreagras a sheoladh chuig an Stúirthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



body. There are no other exempted development provisions which would apply to the sluice gates and installation of a sun-powered electricity supplier.

The Planning Authority considers that: - "The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier" at East Coast Nature Reserve, Newcastle, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: Donal O'Leary
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 07 March 2025

Supplementary Report EX16/2025

The report of the Executive Planner is noted.

Having reviewed the submitted documentation and EP Report, I have the following observations.

The works proposed comprise the following:

- i) Predator exclusion fence
 - To enclose an area of 0.156km² (perimeter of 1.615km²)
 - Treated timber posts of length 2.5-3.5m (driven into ground at least 1m)
 - Zinc coated tensile wire at 1.3m above ground
 - 3no. additional wires at up to 1.75m above ground
- ii) Modification of hydrology by installation of 2no. sluice gates
 - Sluice gates made of wood/metal
- iii) Building of a 'scrape' (not defined)
- iv) Removal of existing fencing
- v) New gate:
 - 1no. 1.2m high gate with 2no. gateposts (height not stated) over concrete apron
- vi) Sun-powered electricity supplier (no details of height, appearance etc)

Note

'Scrapes are shallow ponds, less than 1m in depth, which hold rain or flood water seasonally but stay damp for most of the year. Shallow with gently sloping edges' (Wildfowl and Wetlands Trust www.wwt.org.uk)

Removal of a tree line within the nature reserve is also noted on the plans, but is not development.

The referral question is therefore considered to be more accurately put as follows:

Whether

'The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier in the East Coast nature reserve at Newcastle, Co. Wicklow.'

is development and is exempted development.

Planning History

EX19/11 - Section 5 Declaration application in respect of "stock fencing and gates, boardwalk etc" deemed not exempt as Birdwatch Ireland were not deemed to constitute a public body or State Authority.

Designations

The subject lands are within the Murrough SPA. The Murrough Wetlands SAC and pNHA are located to the east and south of the subject lands. A small section of the subject lands are located within the SAC.

The site is located within The Murrough Wetland Complex, which is rated 'A': Internationally important.

County Development Plan 2022-2028 Objectives

CPO 17.4

To contribute, as appropriate, towards the protection of designated ecological sites including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs).

To contribute towards compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including but not limited to the following and any updated/superseding documents:

- EU Directives, including the Habitats Directive (92/43/EEC, as amended)⁶, the Birds Directive (2009/147/EC)⁷, the Environmental Liability Directive (2004/35/EC)⁸, the Environmental Impact Assessment Directive (2011/92/EU, as amended), the Water Framework Directive (2000/60/EC), EU Groundwater Directive (2006/118/EC) and the Strategic Environmental Assessment Directive (2001/42/EC); EU 'Guidance on integrating ecosystems and their services into decision-making' (European Commission 2019);
- National legislation, including the Wildlife Acts 1976 and 2010 (as amended)⁹, European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011), the European Communities (Environmental Liability) Regulations 2008 (as amended)¹⁰ and the Flora Protection order 2015;
- National policy guidelines (including any clarifying circulars or superseding versions of same), including 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' (2018), 'Guidance for Consent Authorities regarding Sub-Threshold Development' (2003), 'Tree Preservation Guidelines', 'Landscape and Landscape Assessment' (draft 2000), 'Appropriate Assessment Guidance' (2010);
- Catchment and water resource management plans, including the National River Basin Management Plan 2018-2021 (including any superseding versions of same);
- Biodiversity plans and guidelines, including National Biodiversity Action Plan 2017-2021 (including any superseding versions of same) and the County Wicklow Biodiversity Action Plan;
- Ireland's Environment – An Integrated Assessment 2020 (EPA), including any superseding versions of same), and to make provision where appropriate to address the report's goals and challenges.

CPO 17.12 To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

CPO 17.15 To protect and enhance wetland sites that are listed as being of C+ or higher importance in the County Wicklow wetlands survey and any subsequent updates or revisions thereof and to implement the recommendations of the County Wicklow wetlands survey.

Planning and Development Regulations, 2001:

Article 9 (1) – Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—
(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

Schedule 2 Part 1

CLASS 9

'The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway' and the condition is "The height of any such structure shall not exceed 2 metres'. The gate is 1.2m high and therefore complies with the condition'.

CLASS 36

'(a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure in connection with or for the purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park.

(b) Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve established in accordance with section 15 of the Wildlife Act, 1976, as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000, of works (including the provision, construction or erection of structures) in connection with or for the purposes of the enjoyment of the reserve or which are required in connection with the management or operation of the reserve'

The conditions are:

- '1. The floor area of any building constructed or erected shall not exceed 40 square metres.
2. The height of any building or other structure constructed or erected shall not exceed 10 metres.
3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars.'

Schedule 2 Part 3 – Exempted Development Rural

CLASS 3

Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works.

CLASS 4

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

Conditions and Limitations

1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.

2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.

CLASS 11

Development consisting of the carrying out of drainage and/or reclamation of wetlands.

Conditions and limitations

1. The area to be affected shall not exceed 0.1 hectares.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.

Assessment

In terms of exempted development as set out under Schedule 2, Part 1, Class 36 "*development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve*" "*works (including the provision, construction or erection of structures) in connection with or for the purposes of the enjoyment of the reserve*" does not require planning permission.

The applicant, EIP Breeding Waders, is not neither a State Authority nor a listed public body (as according to the Register of Public Sector Bodies 2023 on the CSO website) and it is not stated in the documentation that the work would be undertaken on behalf of a State Authority or public body. Therefore, the proposal would not come within the scope of Class 36.

There are no other exempted development provisions within the Planning and Development legislation which would cover the sluice gates and sun-powered electricity supplier.

With regard to the proposed fencing, based on the description provided, it would appear that the fencing would vary between c. 1.5-2.5m in height. Given that the fencing structure as a whole would exceed 2m in height, it would fall outside the conditions and limitations of Class 4 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended). Although a gate of 1.2m in height would fall within the conditions and limitations of Class 9 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended), as the gate in this case is an integral part of the fence structure it is considered that it cannot be assessed separately. It is further noted that there is no exemption available for the square concrete apron under the gate. In addition, as the installation of the fence and gate (gateposts and concrete apron) would involve the excavation and alteration of a place of ecological interest, the preservation of which is an objective of a development plan (Objectives CPO 17.4 and 17.15), the fence and gate would not be exempted development having regard to Article 9(1)(a)(vii).

With regard to the building of a scrape, this is not described in the documentation but is understood to constitute a shallow pond. This operation would appear to fall within Class 3 of Schedule 2 Part 3. However, as this operation would involve the excavation and alteration of a place of ecological interest, the preservation of which is an objective of a development plan (Objectives CPO 17.4 and 17.15 of the County Development Plan 2022-2028), the scrape would not be exempted development having regard to Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 (as amended).

CLASS 11 provides an exemption for development consisting of the carrying out of drainage and/or reclamation of wetlands. The purpose of the works proposed is to retain water on the grassland fields within the fence and they would not therefore fall within the description of Class 11. In any case, the area of the site is 15.6ha which would exceed the condition/limitation under this class of 0.1hectares.

Having regard to the description of the works proposed, it appears that the works are directly connected with the management of the SPA, and therefore an Appropriate Assessment would not be required in this regard. However, the status of the applicant 'EIP Breeding Waders' is unclear and it is not clear if they have authorisation from the site owner, Birdwatch Ireland.

The works would include a small area of the Murrough SAC and do not appear to be directly connected with or necessary for the management of that Natura 2000 site. The AA Screening report submitted notes potential impacts on protected habitats (calcareous fens 7210 and alkaline fens 7230) of the SAC. Consequently, it is not clear that the need for Appropriate Assessment can be excluded.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether:

'The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier in the East Coast nature reserve at Newcastle, Co. Wicklow.'

is development and is exempted development.

The Planning Authority considers that:

- the proposed works are development and are not exempted development

Main Considerations with respect to Section 5 Declaration:

Having regard to:

- The details received with this section 5 application on the 10th February 2025.
- Section 2(1) of the Planning and Development Act 2000, as amended
- Section 3(1) of the Planning and Development Act 2000, as amended
- Section 4(1) of the Planning and Development Act 2000, as amended
- Class 9, 11 and 36 of Part 1 and Class 3, 4 and 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- Article 9(1)(a)(vii) and (viiB) of the Planning and Development Regulations 2001 as amended.

Main Reasons with respect to Section 5 Declaration:

i) The construction of a predator-exclusion fence and gate, modification of hydrology through installation of 2no. sluice gates, building of a scrape and installation of sun-powered electricity supplier in the East Coast nature reserve at Newcastle, Co. Wicklow would be development having regard to the definition set out under Section 3 of the Planning and Development Act 2000 (as amended).

ii) The proposed works would not come within the description set out under Class 36: Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), because it has not been demonstrated that the works would be carried out by or on behalf of a State Authority or other public body. There are no other exempted development provisions which would apply to the sluice gates and installation of a sun-powered electricity supplier.

iii) ~~The proposed fencing structure including gate, as described, would not meet the conditions and limitations of Class 4 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended).~~ *leave it*

iv) *The proposed scrape would come within the scope of Class 3 of Schedule 2 Part 3 of the Planning and Development Regulations 2001, as amended.*

N) The building of a scrape would involve the excavation and alteration of a place of ecological interest, the preservation of which is an objective of the County Development Plan 2022-2028 (Objectives CPO 17.4 and 17.15), therefore the scrape would not be exempted development having regard to Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 (as amended).

2) ~~Based on the information submitted, it has not been demonstrated that the proposed development would not be likely to have a significant effect on the integrity of a European site. Therefore, the proposed development would not be exempted development having regard to Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended).~~

It is considered
 s4(4) of the Planning and Development Act 2000, as amended, and

I recommend that the applicant be informed accordingly.

Suzanne White

Suzanne White
 Senior Executive Planner
 28/02/2025

It is not possible to screen out the need for Appropriate Assessment, given that the proposed works could have an adverse impact on the Murrumbidgee Wetlands SAC.

Noted.

- Having regard to the proximity of the proposed works to the SAC (to the south of the site) and the potential hydraulic links between the site and the SAC, I consider that it is not possible to rule out risks of adverse impacts on the SAC. Hence AA is required and therefore s4(4) of the P&D Act 2000, as amended applies. => Add s4(4) to Reason above ~~Article 9(1)(a)(viiB)~~ can remain, notwithstanding that it is an unnecessary duplication inserted into the Regs, 2001. This is the main reason. An argument could be made also that the works have potential to impact on the SPA ~~(in which they are located)~~ notwithstanding the works would benefit a species of birds. However, given the conclusion above that AA is required, I consider it unnecessary to delve into this.
- In relation to reason (iii) as recommended, I would consider, the fencing and gate would come in within the scope of Class 4, as the height limitation would be 3m given the fencing type are for conservation of the birds.
- I would not consider Article 9(1)(e)(vii) applies, as the Objectives in the ODP are for protection and not preservation.
- I consider a scrape comes within scope of Class 3 Part 3.

Issue declaration is modified
Fogal J. May L 23 07/03/25



WICKLOW COUNTY COUNCIL
Planning Department
Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 16/2025
Name:	EIP Breeding Waders
Development:	Predator exclusion fence, modification of hydrology and building of a scrape
Location:	East Coast Nature Reserve, Newcastle, Co Wicklow

The Site: The site comprises the East Coast Nature Reserve in Newcastle, located off the Sea Road. The site is popular for walkers and bird watching.

The subject lands are within the Murrough SPA. The Murrough Wetlands SAC and pNHA is located to the east and south of the subject lands. It is noted that a small section of the SAC is within the subject lands to the south.

Planning History:

11/4358: Permission granted to The Irish Wildlife Conservancy for the erection of stock fencing and gates, installation of 225m of low level boardwalk and the raising and upgrading of the existing grass paths

09/917: Permission refused to Irish Wildbird Conservancy, t/a Birdwatch Ireland for a detached single storey 292 sqm visitor centre to include cafe, outdoor seating area, toilets, classrooms, plantroom and staff areas, detached single storey 30 sqm maintenance shed with storage yard, coach and car parking and waste water treatment system for the following reasons:

1. **The proposed Visitors Centre is located in a pristine and sensitive landscape defined in the County Development Plan as a Special Protection Area, proposed Natural Heritage Area and an Area of Outstanding Natural Beauty. It is considered that the location of a Visitors Centre in this location would form a strident and obtrusive feature in this landscape, would seriously injure the visual amenities of this fragile landscape by reason of its siting and inappropriate design and would contravene policy HL1 of the County Development Plan which states that "The Council will ensure that the development of Wicklow takes full account of the Designated Landscape categories and the protection of their amenities and assets." The proposed development would therefore set an undesirable precedent for similar types of development and would be contrary to the proper planning and sustainable development of the area.**
2. **The application site is located within the Murrough Special Protection Area and proposed Murrough Natural Heritage Area. An Appropriate Assessment to meet the requirements of Article 6 of the Habitats Directive has not been submitted to ascertain the likely effects of the development on the Special Protection Area. Having regard to policy HL3 of the County Development Plan which states "The Council will have regard to the designated areas for wildlife that are located in the county including any additional or alterations that occur to these designations throughout the lifetime of this plan. The Council will facilitate the protection of these from any development that would adversely affect their conservation value" and in the absence of an Appropriate Assessment, it is considered that the proposal would be contrary to the said policy, would be contrary to the conservation objectives of the Special Protection Area and the proper planning and sustainable development of the area.**

3. Having regard to the additional traffic movements along Sea Road as a result of the proposed development, which will include large coaches, it is considered that the proposed development would endanger public safety by reason of serious traffic hazard due to the substandard nature of the road network and lack of footpaths in the vicinity of the site; in particular the narrow nature of Sea Road where one vehicle can travel in either direction at any one time. The proposed development would therefore set an undesirable precedent for similar types of development and would be contrary to the proper planning and sustainable development of the area.
4. The proposed development would be prejudicial to public health because the details submitted have not demonstrated that the proposed effluent treatment system and soil conditions on site are suited to cater for effluent generated by the proposed development.
5. Having regard to the location of the proposed Visitors Centre on poorly drained low lying lands in close proximity to the coast, it is considered that the lands may be prone to flooding and the fact that no justification has been submitted demonstrating the development is necessary on grounds of wider sustainability through the Justification Test outlined in section 3.9 of the guidelines "*The Planning System and Flood Risk Management, Draft Guidelines for Local Authorities*", it is considered that the proposed development is contrary to these guidelines, would set an undesirable future precedent for similar types of development on low lying lands in coastal areas and would be contrary to the proper planning and sustainable development of the area.

Question:

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

'The construction of a predator-exclusion fence, modification of hydrology and building of a scrape in the East Coast nature reserve at Newcastle, Co. Wicklow.'

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states the following in respect of 'Development':

"The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land."

Section 2(1) of the Act states the following in respect of the following:

'Works' includes,

"Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

'Structure' means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate,

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

The proposed development does not fall under any of the types of development that listed to be exempted development in the Planning and Development Act.

The Planning and Development Regulation 2001 (as amended):

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1)(a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

Assessment:

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

"development" means, the carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land.

It should be noted that Section 2 of the Act defines works as:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

I am satisfied that the proposal constitutes development.

The second stage of the assessment is to determine whether or not the works would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

The works involve 'the construction of a predator exclusion fence, modification of hydrology and building of a scrape' at, the East Coast Nature Reserve, Newcastle, Co Wicklow.

The applicant states that the works aim to halt the decline of ten wader species that are undergoing decline in Ireland. Predator exclusion fences are typically built around areas that harbour a high density of waders or significant breeding grounds for threatened species. This action coupled with scrape creation and controlled grazing ensures the presence of optimal habitat for breeding waders. These works include building an electric fence surrounding a suitable habitat, landscape features that benefit waders and waterbirds are also planned, such as scrapes and wet grasslands. The fence is stated to include zinc coated wire 130cm off the ground with 28cm buried. A steel access gate 1.2m high is proposed. An excavator will remove the existing posts and install the new ones. New strainer posts will be drivem for 1m in the ground. Small excavators and other ground-working machines will be used to create two sluices and a scrape.

Part 1 of the Planning Regulations 2001 (As amended) state the various classes of exempted development. The applicant has not stated which exemption may apply.

Class 9 is for

'The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway' and the condition is

‘The height of any such structure shall not exceed 2 metres’. The gate is 1.2m high and therefore complies with the condition’.

Class 11 is for

‘The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- (a) any fence (not being a hoarding or sheet metal fence), or
- (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete’.

The conditions are

‘1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered’.

The fence zinc wire to be installed as part of the fence is to be 130cm off the ground and therefore does not comply with the condition.

Class 36 is:

‘(a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure in connection with or for the purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park.

(b) Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve established in accordance with section 15 of the Wildlife Act, 1976, as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000, of works (including the provision, construction or erection of structures) in connection with or for the purposes of the enjoyment of the reserve or which are required in connection with the management or operation of the reserve’

The conditions are:

‘1. The floor area of any building constructed or erected shall not exceed 40 square metres.

2. The height of any building or other structure constructed or erected shall not exceed 10 metres.

3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars.’

The works are being carried out on behalf of Birdwatch Ireland, a registered charity and technically will not exceed 10m.

Section 9(1) of Part 2 of the Planning Regulations 2001 (As amended) states

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- (a) if the carrying out of such development would

(vii) consist of or comprise the **excavation**, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any

excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930).

It is stated that an excavator will be used to remove the existing fence posts and install the new ones and also to create two sluices and a scrape.

Therefore, this is considered to 'de-exempt' any works.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether:

'The construction of a predator-exclusion fence, modification of hydrology and building of a scrape in the East Coast nature reserve at Newcastle, Co. Wicklow'.

The Planning Authority considers that:

The proposal for the *construction of a predator-exclusion fence, modification of hydrology and building of a scrape at the East Coast Nature Reserve, Newcastle, Co Wicklow* is development, but is not exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application on the 10th February 2025.
- Section 2(1) of the Planning and Development Act 2000, as amended
- Section 3(1) of the Planning and Development Act 2000, as amended
- Section 4(1) of the Planning and Development Act 2000, as amended
- Class 9, 11 and 36 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 as amended.

Main Reasons with respect to Section 5 Declaration:

- 1) The proposal for the construction of a predator-exclusion fence, modification of hydrology and building of a scrape at East Coast Nature Reserve, Newcastle, Co Wicklow would not come within the provisions of the Planning and Development Regulations 2001 as the works will require excavation to a place of ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed. Article 9(1)(a)(vii) states Development to which article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development would, consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930).

Keara Kennedy

Keara Kennedy EP
26/02/2025

Please see my report attached which supersedes this report.

Shelagh SEP
28/2/25

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Keara Kennedy
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX16/2025**

I enclose herewith application for Section 5 Declaration received completed on 10/02/2025.

The due date on this declaration is 9th March 2025.



**Staff Officer
Planning, Economic & Rural Development**



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel. (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

EIP Breeding Waders
Moate Business Park
Business Road
Clara Road
Ardnafandra
Moate
Co. Westmeath
N37 W9R0

11th February 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX16/2025

A Chara

I wish to acknowledge receipt on 10/02/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 09/03/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

10/02/2025 09 44 53

Receipt No L1/0/340718

EIP BREEDING WADERS
MOATE BUSINESS PARK
CLARA ROAD
MOATE
CO WESTMEATH
N37 W9R0

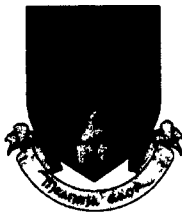
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By Annmarie Ryan
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

RECEIVED
10 FEB 2025

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: EIP Breeding Waders
Address of applicant: Moate Business Park, Clara Road, Ardnaponra, Moate,
Co. Westmeath (N37 W9R0)

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____

Address of Agent : _____

Note Phone number and email to be filled in on separate page.

3. Declaration Details

- i. Location of Development subject of Declaration: East Coast Nature Reserve (North side). Exact coordinates: 53.069, -6.045.
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
No.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier: BirdWatch Ireland. Unit 20, Block D, Bullford Business Campus, Kilcoole, Greystones, Co. Wicklow (A63 RW83).
- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration.
Whether the construction of a predator-exclusion fence, modification of hydrology and building of a scrape in the East Coast Nature Reserve is or is not exempted development under the Planning and Development Act 2000 and the regulations made thereunder.

Additional details may be submitted by way of separate submission.

Further details are in the attached Screening for Appropriate Assessment.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration: Section 5 Planning and Development Act 2000.

Additional details may be submitted by way of separate submission.

- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)? No
- vii. List of Plans, Drawings submitted with this Declaration Application:
Site location map (1:10000) (Figure 1)
Planned operations map (1:2000) (Figure 2)
Fence outline with perimeter and area (Figure 3)
Operations for fence, scrape and sluices described in the AA Screening.

- viii. Fee of € 80 Attached? Payment made by phone on 10/02/2025 using card ending 7508.



Signed:

Dated: 10/02/2025

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
 - Floor area of structure in question - whether proposed or existing.
 - Floor area of all relevant structures e.g. previous extensions.
 - Floor plans and elevations of relevant structures.
 - Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

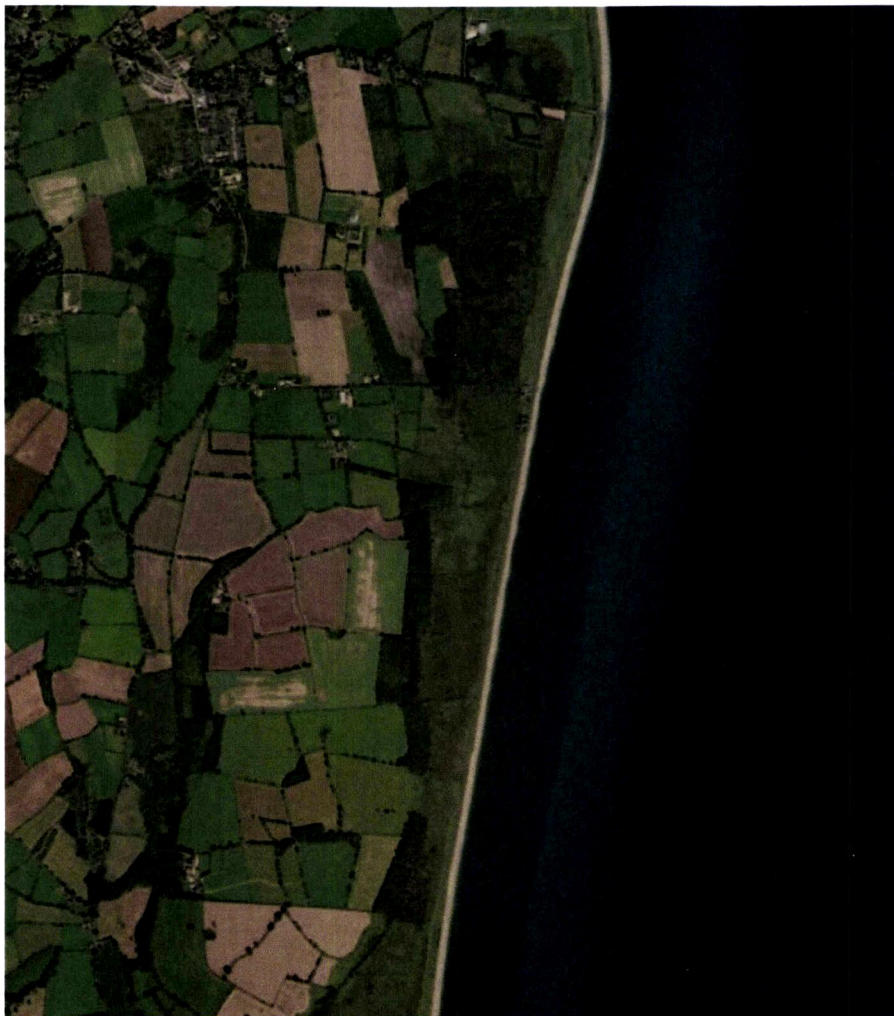
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

ADDITIONAL CONTACT INFORMATION
NOT TO BE MADE AVAILABLE WITH APPLICATION



Appropriate Assessment screening report

Predator-exclusion fence in the SPA The Murrough (004186)



Breeding Waders EIP Project, C/o Irish Rural Link, Moate Business Park, Clara Road,
Ardnafandra, Moate, Co. Westmeath. N37 W9R0

Document Control

Version	Date	Changes	Confidentiality	Prep	Rev	Auth
DRAFT	03/01/2025		Not confidential	AP	OW, AL	
FINAL	27/01/2025	AP	Not confidential			AP

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Declaration of Compliance

The information we have prepared and provided is accurate and has been created in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We affirm that the opinions expressed in this document are our genuine and professional views".

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1. Introduction

This report, prepared by Andrea Parisi and Owen Murphy of EIP Breeding Waders and reviewed by Alan Lauder of Alan Lauder Consulting, contains the necessary information for the competent authority to conduct a stage one screening assessment regarding actions related to the predator exclusion area at The Murrough in County Wicklow. It evaluates the potential for this project to cause significant effects, either alone or in combination with other plans or projects, on any Natura 2000 sites.

2. Legislation

Following EU Birds (2009/147/EC) and Habitats (92/43/EEC) Directives, notably article 6(3) and 6(4) of the Habitat Directive, a screening for appropriate assessment is required to identify potential implications of a proposed project for a site within a Special Protection Area (SPA) or Special Area of Conservation (SAC); and the potential for planned activities to have significant impacts on protected species and conservation objectives of Natura 2000 sites.

The present screening was written following guidelines from the Department of Environment, Heritage, and Local Government (DEHLG), The Office of the Planning Regulator (OPR) and the European Commission (EC), as outlined in the following documents:

Department of Environment, Heritage, and Local Government - Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities, 2009.

Office of the Planning Regulator - OPR Practice Note PN01: Appropriate Assessment Screening for Development Management, 2021.

European Commission, Directorate-General for Environment, Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Publications Office, 2019.

EC, Directorate-General for Environment, Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC – Novembre 2001, Publications Office, 2002.

According to the DEHLG guidance, the present screening report includes:

- The description of the project planned interventions and local area characteristics where the interventions take place.
- The identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives.
- The assessment of potential impacts – direct, indirect, and cumulative – undertaken on the basis of available information as a desk study.
- The screening statement with conclusions.
- A list of references used for the present desk study included at the end of the document.

3. Methodology

3.1 Desk Study

To support the competent authority in screening the proposal for appropriate assessment, the information gathered for this report was based on a desktop study. The following sources of information were used, including maps and ecological data:

- Ordnance Survey of Ireland mapping and aerial photography, accessible via www.osi.ie
- Online data on European sites, as provided by the National Parks and Wildlife Service (NPWS) at www.npws.ie
- Information on the status of EU-protected habitats and species in Ireland, from the National Parks and Wildlife Service
- Fossitt, J. (2000), A Guide to Habitats in Ireland

3.2 Authors Qualifications

This report has been prepared by Andrea Parisi (Lead Ecologist) and Owen Murphy (Senior Project Manager) at EIP Breeding Waders and reviewed by Alan Lauder (Owner/Principal Consultant) at Alan Lauder Consulting (www.Alanlauderconsulting.com).

Andrea completed a PhD in Life Sciences at Atlantic Technological University of Galway in 2025 and MS in species conservation in 2019 at Middlesex University of London. He gained extensive experience in species surveys and report preparation working with environmental consultancy companies in Ireland. He also has experience in bird research and on the use of passive acoustic monitoring and thermal imaging for conservation purposes.

Owen Murphy, t/a Irish Wildlife Services, is a wildlife management specialist, specialising in ornithology and the conservation of ground nesting birds. Owen obtained a degree in Science from University of Limerick and more recently a Cert. in Nature Conservation from MTU. Owen is currently the Senior Project Manager of the Breeding Waders EIP. As Irish Wildlife Services Director Owen Murphy has fulfilled contracts such as Curlew Advisory Officer for the Curlew Conservation Programme, Warden for Lough Ree and the mid-Shannon Callows for Midland's Region of NPWS as well as many contracts for private ecological consultants. He is a Farm Planner on the NPWS Farm Planners panel and has written plans in relation to Breeding Waders and the associated habitat management. He specialises in Predation Risk Management, Conservation Detection Dog handling and training, surveying, report writing, landowner engagement, media, education and public outreach. He has extensive knowledge of the requirements of Breeding Waders and testament to this is the fact that Lough Ree ranked as the most important site for Breeding Waterbirds in Ireland in the recently published Irish Wildlife Manual No.129. He sits on Westmeath County Council's Biodiversity Working Group as an independent specialist, on the Roscommon Strategic Policy Committee for Climate Action, Environment and Rural Water, on the Steering Group for Nature Capital Ireland (NCI) and also produces a Conservation themed Podcast series on Athlone Community Radio.

Alan gained an honours degree in Ecology from The University of Stirling in 1989 and is an experienced ecologist, nature conservation and habitat management specialist with over 35 years professional post-graduate experience. His relevant professional experience includes extensive planning related casework for state and non-governmental organisations within Scotland and Ireland, input to and preparation of site designations, Environmental Impact Statements & Assessments. He has extensive knowledge of survey and conservation management of a wide range of habitats. He is also a highly experienced ornithologist with considerable, recognised expertise in woodland, wetland, coastal and upland bird ecology, mammal survey including otter and bats and the ecology and management of macro-invertebrates, notably butterflies and Odonata. Alan currently carries out a wide range of relevant work including management planning for designated sites, ecological assessment and advisory works for a wide range of commercial and state clients. He has attended a range of relevant training courses throughout his career including training in Appropriate Assessment from CIEEM (2016).

3.3 Appropriate assessment screening methodology

The guidance documents referenced above outline a step-by-step process for conducting an appropriate assessment, with the first step being screening. This stage assesses whether a proposed project could have significant impacts on a Natura 2000 site, either alone or in combination with other plans and projects. If the screening concludes that the proposed project is unlikely to cause significant effects on any European sites, there is no need to conduct an appropriate assessment.

Nonetheless, even if screening determines that no significant effects are expected, the findings must be thoroughly documented to ensure transparency in the decision-making process and to apply the ‘precautionary principle’ where necessary.

Screening for appropriate assessment includes the following steps:

- Determining if the project or plan is directly related to or essential for the conservation management of any European sites.
- Detailing the proposed project/plan and any other plans or projects that might cumulatively affect European sites.
- Describing the characteristics of relevant European sites.
- Evaluating the potential significant effects of the proposed project on the relevant European sites.

4. Overview of the proposed project

Ground-nesting birds have undergone extensive population declines across the world, especially wading species (Stroud et al., 2006). In Western Europe, the decline of this group of birds has a long history (McMahon et al., 2020; Stroud et al., 2006), and following continental declines, populations in Ireland are currently suffering from low population threatening some species (e.g., Eurasian Curlew (*Numenius arquata*), Dunlin (*Calidris alpina*), Red-necked Phalarope (*Phalaropus lobatus*)) with national extinction (Lauder & Lauder, 2020; O’Donoghue et al., 2019; Suddaby et al., 2020). In Ireland, waders occur in the lowlands and uplands, which are both farmed landscapes subject to grazing (Suddaby et al., 2010).

A range of pressures responsible for the decline have been identified. Among these, mammalian predators are one of the main threats to wader species (McMahon et al., 2020; Roos et al., 2018; Williams et al., 2024). In Ireland, chicks and fledglings are particularly vulnerable from Red

Fox (*Vulpes vulpes*), American Mink (*Neovison vison*) and Corvids (family *Corvidae*). The issue is exacerbated by the high density of such predators and the simplified habitat that facilitate their movements (Zielonka et al., 2019). Additionally, the modernisation of agriculture involves the drainage of farmlands, decreasing the presence of wet features (e.g., scrapes), which are appealing as breeding grounds for wading birds (Vickery et al., 1997). The issue is exacerbated by the intensification of farming through intensive grazing and application of fertilisers (Booth Jones et al., 2020). Without promptly applied conservation measures, losing one or more wader species breeding in Ireland could be a short-term reality (Lauder & Lauder, 2020).

In this context, the EIP Breeding Waders aims to halt the decline of ten wader species that are undergoing serious declines in Ireland and to boost their populations. For the effective delivery of these aims, conservation strategies need to counteract the pressure that predators exert on clutches, broods and breeding adults. Several non-lethal techniques exist to limit the impact of terrestrial predators and increase the survival of wader nestlings and adults. Among these, predator-exclusion fences are typically built around areas that harbour a high density of waders, that are known to be historically important for this group of birds, or that are significant breeding grounds for threatened species. The technique has been found effective to conserve a number of wading bird populations across Europe (Malpas et al., 2013; Verhoeven et al., 2022). Furthermore, one of the objectives of the EIP Breeding Waders is to restore wet features and water tables in grassland fields by modifying the existing hydrology. This action coupled with scrape creation and controlled grazing ensures the presence of optimal habitat for breeding waders (Eglington et al., 2008; Wakeham-Dawson & Smith, 2000). These actions aim to recreate the conditions that benefit the persistence of the waders in the farmed landscape of Ireland.

The coast of Co. Wicklow represents an important area for breeding, stopover and wintering for several wader species, including Eurasian Curlew, Common Ringed Plover (*Charadrius hiaticula*), Common Sandpiper (*Actitis hypoleucos*), Eurasian Oystercatcher (*Haematopus ostralegus*), Northern Lapwing (*Vanellus vanellus*), Common Redshank (*Tringa totanus*), Common Snipe (*Gallinago gallinago*) and Dunlin. These species mostly occur during the winter, but some also select the Wicklow coast as breeding territories (Lauder & Lauder, 2020). Therefore, the coexistence of breeding waders and abundant mammalian predators threaten the long-term viability of this sub-population. In one of the many reserves along the Irish East coast, the EIP Breeding Waders propose the creation of a predator exclusion area by building

an electric fence surrounding suitable habitat for breeding waders in the Murrough, Co. Wicklow. Moreover, within such area, landscape features that benefit waders and waterbirds are also planned, such as scrapes and wet grasslands.

The present screening for appropriate assessment report intends to assess the potential impacts of the conservation interventions to decrease predation pressure on a range of birds and restore suitable foraging and breeding habitats in the Murrough. This area has been identified as a hotspot for breeding waterbirds in Ireland (Lauder & Lauder, 2020), and efforts to preserve the local wader populations should be implemented. In particular, the proposed plan consists of an exclusion area provided with electric fencing. In addition, two sluices, which consist of a passage to control the water flow will ensure the presence of wet features within the exclusion area during the waders breeding season. Subsequently, a scrape is planned as part of efforts to restore suitable breeding ground in lowland grassland areas. These operations may affect a Natura 2000 site designated as SPA, and a nearby SAC.

Hereunder we provide detailed information on the location where the fence and sluices are planned, materials used for their constructions and the legal context.

5. Description of the proposed operations

5.1 The receiving environment

The planned fence location is in the BirdWatch Ireland's East Coast Nature Reserve (Co. Wicklow) (Figure 1). This protected area covers over 92 hectares and stretches for 13 km along the East Coast of Ireland. Habitat restoration started in 2003, terminating in 2007, when the reserve was designated as a SPA.

To date the reserve hosts a variety of habitats; following the classification from Fossitt (2000) and based on the Ireland's National Land Cover map (Tailte Éireann, 2023) these are:

- Wet grassland – GS4
- Dry grassland – GS2
- Broadleaved woodland – WD1
- Scrub – WS1
- Fens – PF
- Improved Grassland – GA1
- Cultivated land – BC
- Hedgerows and Treelines – WL1 & WL2

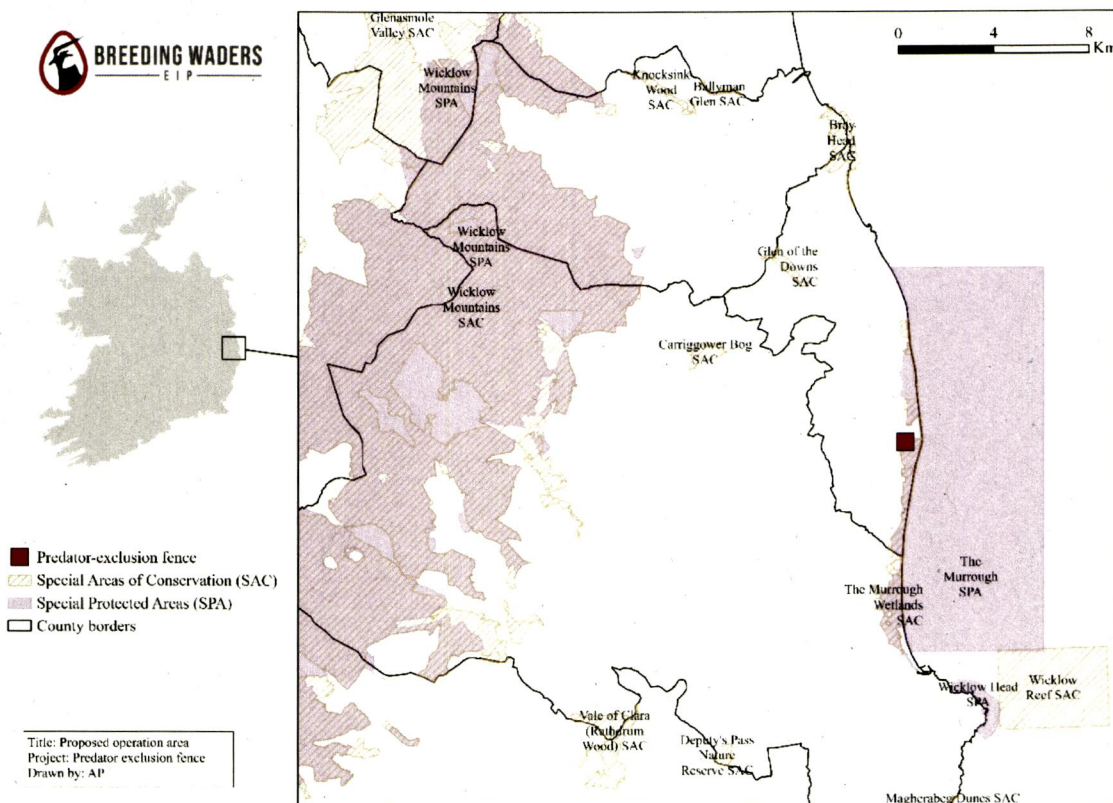


Figure 1. Location of the planned predator-exclusion fence and the surrounding SPAs and SACs.

The reserve is also crossed by small watercourses flowing with an overall direction South-East and permanent pools in the North-East side. Buildings are scattered and occupy a very small portion of the reserve, mostly consisting of hides to allow for bird observations. Public may access the area and walk paths are present with a limited number of visitors throughout the year. By times, access is limited owing to the presence of sensitive species during winter (Suddaby, 2014). According to the OPW Flood map (www.floodinfo.ie), most of the reserve is subject to high risk of flooding due to the presence of watercourses and nearby sea.

5.2 The operations

The predator-exclusion fence is planned in the North-West side of the reserve, close to the public entrance (Figure 2). The fencing area includes wet fields, with wet grasslands crossed by narrow watercourses. The squared section of the planned fence has a perimeter of approximately 1.615 km and an area of 0.156 km² (Figure 3). Exact measures will be known once the fence is in place as surface conditions will determine variations. Prior to the installation of the fence the existing stock fence will be dismantled and disposed at the recycling centre. Materials used for the construction of the fence and relative approximate measures are:

- Treated timber strainer posts (L=3.5 m; \varnothing =15 cm).
- Treated timber intermediate posts (L=2.5 m; \varnothing =10 cm).
- Zinc coated high tensile wire (130 cm off the ground, 28 cm buried).
- Galvanised steel weld mesh (\varnothing =1.2 mm; square section=25 mm).
- Hot rings to clip the weld mesh to clip the weld mesh to the top of the tensile wire.
- High tensile electric wire (\varnothing =2 mm).
- Medium wire joiners.
- One (to be confirmed) Galvanised steel access gate (L=3.6; H=1.2 m).
- Conventional metal gate with metal hatches and hooks.
- Two galvanised gate posts with concrete base.
- Plastic insulators to avoid electricity being dissipated to the ground.
- Metal wire tensioning systems.
- Sun-powered electricity supplier to be installed on the ground.

An excavator will be employed to remove the existing posts from the ground and install the new ones. The new strainer posts will be driven for at least 1 m in the ground and installed at every change of directions ($>30^\circ$) and no more than 100 m. The intermediate posts will be driven for 60 cm. The weld mesh and the tensile wire will be both dug in the ground (~28 cm) to prevent animals from digging under the fence. Three strands of electric wire will be tensioned and applied at 5 cm, 15 cm (earth wire), 25 cm and 45 cm above the weld mesh and tensile wire. A weld mesh (\varnothing =1.2 mm; square section=25 mm) will be also applied to the gate. The latter will be about 3 cm off the ground and an underneath squared concrete apron will prevent animals from digging under the gate. The overall operation is estimated to take three weeks to be completed at the end of the winter months.

The plan also involves the creation of two sluices, which regulate the flow of the watercourse inside the exclusion fence. They can be manually operated, and when opened, they release a larger volume of water than when they are closed. Materials used for the sluices will be wood or metal depending on the water flow rate and environmental factors at the specific sites. The sluices are planned to be installed at the South-East corner of the exclusion fence (Figure 2). The flow is regulated to prevent from feeding another watercourse that runs parallel to the fence on the East side with an orientation North-South (Figure 2). Simultaneously, a scrape is planned at the South-East corner of the fence before the sluices (Figure 2). These operations will involve the use of small excavators and other ground-working machines. The expected

result is a mosaic of unflooded grassland on the North side of the exclusion zone, flooded grasslands in winter and shallow pool that persist in the summer in the South end. These areas are attractive and suitable as breeding grounds for several wader species, including Snipe, Lapwing and Redshank (Ausden et al., 2001).

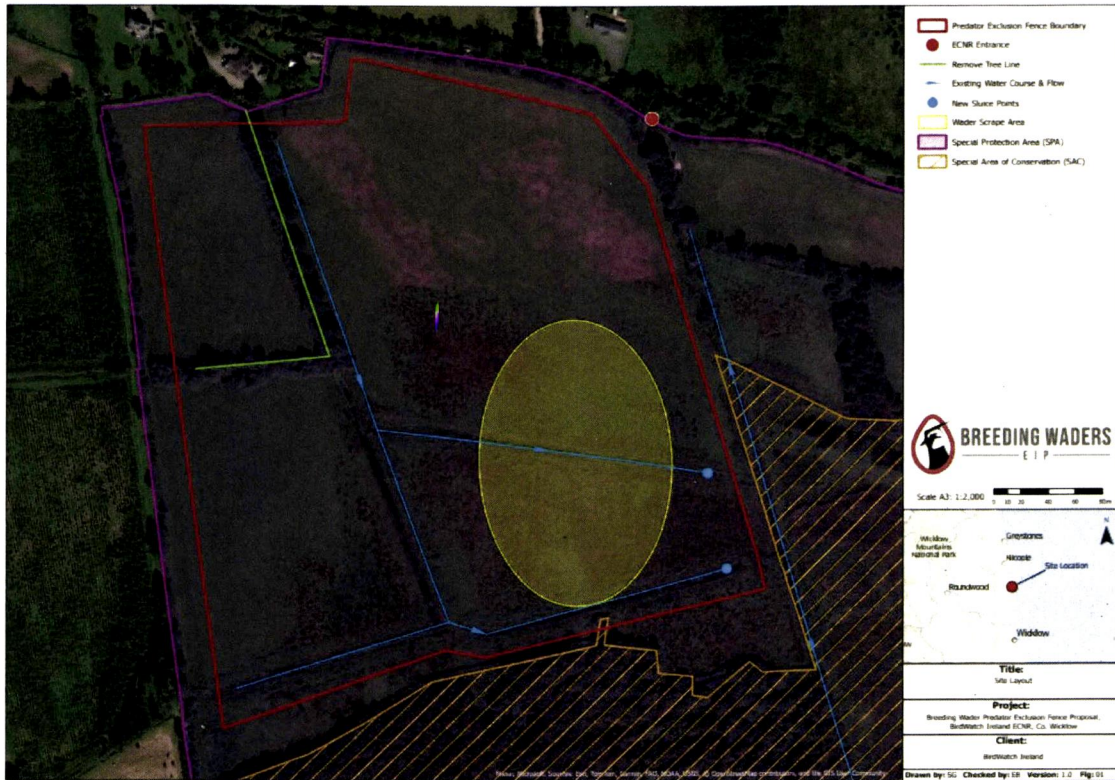


Figure 2. Map of the planned interventions in the SPA The Murrough, including fence, sluices and scrape.

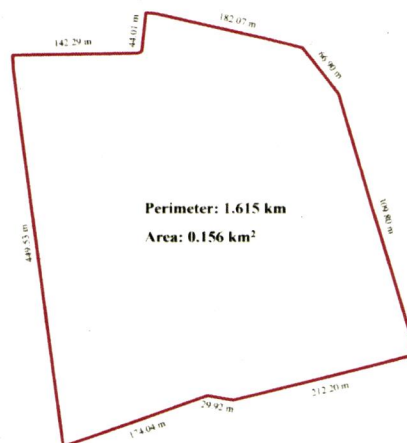


Figure 3. Detailed description of the predator-exclusion fence measurements.

6. Conservation designation

6.1 The Murrough SPA (004186)

(53.0452, -6.0458)

The Murrough SPA was designated in 2007 following the Birds Directive (2009/147/EC) due to the presence of species of conservation concern (NPWS, 2024). It covers over 940 ha after that the reserve was extended to include marine waters into the SPA in 2023, which now account for a third of the total protected surface. Four species of wildfowl, two of gulls, one diver and one tern species are the special conservation interests for the establishment of the SPA (Table 1). The reserve also hosts 34 EU protected bird species (EEA, 2024b). Among these, the nationally rare Reed Warbler (*Acrocephalus scirpaceus*) regularly breeds in this SPA. Occasional Short-eared Owls (*Asio flammeus*) are also seen wintering here, together with a number of wading birds, including Eurasian Curlew, Ruff (*Calidris pugnax*), Golden Plover (*Pluvialis apricaria*), Common Redshank, Common Greenshank (*Tringa nebularia*) and Green Sandpiper (*Tringa ochropus*) (EEA, 2024b). Anecdotal knowledge suggests that Lapwing and Snipe attempt breeding every year but with limited success. However, a few threats have been recorded in this SPA. Fertilisation and railway line are ranked with high effect on the site, while walking, horse-riding and non-motorised vehicles are ranked with medium effect (EEA, 2024b). Adjacent to The Murrough SPA, an SAC (002249) is present bordering with the planned exclusion fence on the South side (Figure 2).

6.2 The Murrough Wetlands SAC (002249)

(53.0388 -6.0484)

Murrough Wetlands SAC was designated in 1998 under the Habitat Directive (92/43/EEC). It extends for 600 hectares, and partly (6%) includes marine waters on its East side. The main designation objective is the conservation of six habitats protected by the Directive (Table 2) (NPWS, 2021). The most extensive is the Atlantic salt meadow (60 ha), followed by perennial vegetation on stony banks (30 ha), calcareous fens (24 ha) and others (Table 2) equally represented. In addition, 28 bird species of conservation concern occur in this SAC, including Common Ringed Plover, Water Rail (*Rallus aquaticus*), Western Marsh Harrier (*Circus aeruginosus*), Hen Harrier (*Circus cyaneus*) and several wildfowl species (EEA, 2024a).

Table 1. Conservation objectives for The Murrrough SPA (004186) as per NPWS (2024).

	Species	Attribute	Measure	Target	
The Murrrough SPA (004186)	[A001] Red-throated Diver (<i>Gavia stellata</i>) [A043] Greylag Goose (<i>Anser anser</i>) [A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A050] Eurasian Wigeon (<i>Mareca penelope</i>) [A052] Eurasian Teal (<i>Anas crecca</i>) [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A184] Herring Gull (<i>Larus argentatus</i>)	Non-breeding population size	Number	Long term SPA population trend is stable or increasing	
		Spatial distribution	Hectares, time and intensity of use	Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target	
		Disturbance across the site	Intensity, frequency, timing and duration	Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution	
		Barriers to connectivity and site use	Number, location, shape and hectares	Barriers do not significantly impact the site population's access to the SPA or other ecologically important sites outside the SPA	
		Forage spatial distribution, extent and abundance	Location, hectares, and forage biomass	Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target	
		Roost spatial distribution and extent	Location and hectares of roosting habitat	Sufficient number of locations, area and availability of suitable roosting habitat to support the population target	
		Supporting habitat: area and quality	Hectares and quality	Sufficient area of utilisable habitat available in ecologically important sites outside the SPA	
		[A195] Little Tern (<i>Sternula albifrons</i>)	Breeding population size	Number of Apparently Occupied Nests (AON)	Long term SPA population trend is stable or increasing
			Productivity rate	Number of fledged young per AON	Sufficient to maintain a stable or increasing population
	Distribution: extent of available nesting options within the SPA		Numbers and spatial distribution	Sufficient availability of suitable nesting sites throughout the SPA to maintain a stable or increasing population	
	Forage spatial distribution, extent, abundance and availability		Location and hectares, and forage biomass	Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target	
	Disturbance at the breeding site		Intensity, frequency, timing and duration	Disturbance occurs at levels that do not significantly impact on birds at the breeding site	
	Barriers to connectivity		Number; location; shape; area (hectares)	No significant increase	

Table 2. Conservation objectives for The Murrrough Wetlands SAC (002249) as per NPWS (2021).

	Qualifying interest	Attribute	Measure	Target
The Murrrough Wetlands SAC (002249)	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Calcareous fens [7210] Alkaline fens [7230]	Habitat area	Hectares	Area stable or increasing, subject to natural processes, including erosion and succession
		Habitat distribution	Occurrence	No decline, subject to natural processes, including erosion and succession
		Physical structure: functionality and sediment supply	Presence/absence of physical barriers	Restore the natural circulation of sediment and organic matter, without any physical obstructions
		Vegetation structure: zonation	Occurrence	Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession
		Vegetation composition: typical species and sub-communities	Percentage cover at a representative number of monitoring stops	Maintain the presence of species-poor communities with typical species: sea rocket (<i>Cakile maritima</i>), sea sandwort (<i>Honckenia peploides</i>), prickly saltwort (<i>Salsola kali</i>) and orache (<i>Atriplex spp.</i>)
		Vegetation composition: native negative indicator species	Percentage	Native negative indicator species cover in any individual monitoring stop should not be more than 25%; no negative indicator species should be present in more than 60% of monitoring stops; cover of negative indicator species across the whole site should not be more than 5%
		Vegetation composition: non-native species	Percentage	Non-native species should not be present in more than 20% of monitoring stops
	Perennial vegetation of stony banks [1220] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Calcareous fens [7210] Alkaline fens [7230]	Physical structure: disturbance	Percentage	No more than 20% of the habitat affected by disturbance
	Vegetation composition: communities and typical species	Percentage	Maintain the typical species within the range of vegetated shingle communities	
	Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Calcareous fens [7210] Alkaline fens [7230]	Vegetation structure: disturbed ground	Percentage cover at a representative number of 2m x 2m monitoring stops	Cover of disturbed ground less than 5%
		Physical structure: hydrology	Occurrence of human disturbance to hydrology (including impacts on creeks and pans)	No human disturbance
		Indicators of local distinctiveness	Occurrence and population size	No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat
	Calcareous fens [7210] Alkaline fens [7230]	Ecosystem function: soil nutrients	Soil pH and appropriate nutrient levels at a representative number of monitoring stops	Maintain soil pH and nutrient status within natural ranges

Qualifying interest	Attribute	Measure	Target
Calcareous fens [7210] Alkaline fens [7230]	Ecosystem function: peat formation	Percentage cover of peat-forming vegetation and water table levels	Maintain active peat formation, where appropriate
	Ecosystem function: hydrology - groundwater levels	Water levels (centimetres); duration of levels; hydraulic gradients; water supply	Maintain, or where necessary restore, appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat
	Ecosystem function: hydrology - surface water flow	Drain density and form	Maintain, or where necessary restore, as close as possible to natural or semi-natural, drainage conditions
	Ecosystem function: water quality	Various	Maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and functioning of the habitat

7. Impacts on the target species

The following section examines the potential impacts resulting from the operations for the current project on the integrity of the screened SPA The Murrough and SAC The Murrough Wetlands. The desk assessment of adverse effects on the site integrity is based on the best available scientific knowledge, objective information, and the site conservation objectives. Where potential negative effects on integrity are identified, appropriate mitigation measures are outlined.

7.1 Disturbance

The impacts of human disturbance to wildlife have been widely described (Price, 2008). In particular, disturbance to wildfowl and wading birds may cause altered behaviour and increased energy expenditures (Pfister et al., 1992; Riddington et al., 1996). Disturbance has been identified as a conservation attribute for all wintering birds of conservation concern in the SPA (i.e., Red-throated Diver, Greylag Goose, Light-bellied Brent Goose, Eurasian Wigeon, Eurasian Teal, Black-headed Gull, Gerring gull) and the only breeding species of conservation concern (i.e., Little Tern) in the SPA The Murrough (NPWS, 2024) (Table 1). Fencing will cause no impact on Red-throated Diver, which is a species occurring in the marine water, in the East side of the reserve. Hence, mitigation measures for this species are not necessary. Furthermore, the two Gull species listed as Qualifying Interests (QI's) of the SPA should not suffer from human intrusion and operations in the area. The two species occur alongside human settlements and have adapted to coexist with human activities (Beasley & Dickins, 2023; Bellebaum, 2005). Conversely, wintering wildfowl are particularly sensitive to anthropogenic disturbance. The latter may influence survival and wintering presence of the species in the

reserve. Disturbance may pose risk for Greylag and Brent geese that may occur on the grasslands within and around the planned fence area. In addition, the Eurasian Teal and Eurasian Wigeon could suffer from disturbance during the planned operations. However, these species are typically present only during the winter months, and carefully timed operations will mitigate this issue.

7.2 Fragmentation

Animal movements may be affected by the landscape configuration (Fahrig, 2017). In particular, fragmentation originating from human infrastructure may pose a threat to wildlife. For instance, animals may need to move further to reach foraging areas, and as a consequence they could face a higher energy expenditure, which in turn may affect survival (Ghoddousi et al., 2021). As a conservation attribute, the presence of barriers to connectivity and site use was identified as potential impact preventing species from entering the SPA (NPWS, 2024). Exclusion fences may cause habitat fragmentation, posing challenges to birds to access food resources and navigate the environments. This can have consequences for bird populations, especially for species that depend on large, connected landscapes. Ground-dwelling and larger species are expected to be more significantly impacted by the fencing structures. However, geese occur on large expanses where predators are visible and seldom occur in the small fields (Pasitschniak-Arts et al., 1995). Considering our operations will involve an area of 0.156 km², electric fence structures will not prevent long-range movements of geese. Furthermore, ducks seldom occupy wet grasslands, rather deep ponds for foraging and roosting where water provide protection from predators. In the case of ducks occurring within the predator-exclusion area in proximity of the scrape, they are capable of almost vertical take-off (Raikow, 1973), which should minimise the adverse effects of any surrounding vertical structure up to a few metres.

7.3 Change in hydrology

As wetlands are fundamental in maintaining biodiversity, hydrology plays an essential role in species conservation (Ghoddousi et al., 2021). The purpose is to guarantee the presence of suitable habitat conditions for breeding and wintering species. For the current project, two sluices are planned to retain water on the grassland fields included in the fence. As a consequence, a shift in the hydrology of the North-West side of the reserve could be expected. The sluices are planned to be installed within the predator-exclusion area where two water courses flow South. These feed into another watercourse that flows North-South. Hence, the area South of the predator-exclusion zone could suffer from lowered water flow in the summer

months. The potential impact is on the habitat protected by the Habitat Directive. In particular, the impact is expected for calcareous fens [7210] and alkaline fens [7230] (NPWS, 2021). In the case of prolonged drought, changes in vegetation and invertebrate presence, as well as bird presence could be expected. It is likely, however, that the diverted water courses and accumulation of water in the fields within the predator-exclusion area will provide a reservoir for the period of limited precipitation and feed the watercourse as normal.

Potential impacts to the target species are expected for the following conservation attributes:

- (i) *Disturbance across the site* due to works to install the predator-exclusion fence, for sluice building and scrape creation.
- (ii) *Barriers to connectivity and site use* as fencing may impact the movements of the target bird species.
- (iii) *Ecosystem function: hydrology - surface water flow* due to the two sluices installed on the South side of the fence.

No impacts with other nearby projects that may combine with the exclusion fence, hydrology change and scrape creation are known to occur that may have a cumulative impact on Natura 2000 sites.

8. Main mitigations

8.1 Disturbance

Wildfowl species that are conservation objectives for the SPA The Murrough occur in the winter months, from November to March (EEA, 2024b). As such, to mitigate the impact caused by disturbance to the wintering wildfowl, operations are planned to take place at the end of the wintering period. Local surveyors will inform the project when most of the wintering ducks and geese have left the fields where the predator-exclusion fence is planned. The operations are not expected to have any disturbance impact on the breeding colony of Little Tern. This species breeds in a colony on the gravel shores on the Eastern boundary of the SPA, hence at least 400 m from the fence. Moreover, if operations are completed in early spring, the Little Tern will not suffer from any disturbance coming from fencing or hydrological operations.

8.2 Fragmentation

If birds rely on expanses of open grasslands, the presence of an electric fence could impair the movements. For Red-throated Divers, wildfowl and Gull species this pressure is likely to not

have major impacts (see above). Fencing will not impair movements of these species, as they inhabit aquatic habitats that are not included in the fenced area. For species of conservation interest that use the wet scrape within the exclusion fence, such as Greylag Goose and Brent Goose, the fence design will be sufficient to allow for landing and take-off (Figure 3). Given that no breeding ground-nesting species are reported in the SPA conservation objectives (Table 1), the fencing is likely to have a limited impact on the movements. Moreover, extensive fencing is already present in the planned area. An electric fence will be of comparable height and dimensions. Hence, no fragmentation impact is expected for the SPA target species.

8.3 Change in hydrology

The change in hydrology could cause a drought and consequently a shift in vegetation and bird presence. Water levels will be constantly monitored in the reserve to ensure that regular water levels are kept without compromising the availability of ponds in the North-East part of the reserve, where wildfowl is known to occur. If changes in water levels are observed and deemed to occur as a result of the sluice application, the water flow will be reverted to the previous level by opening the sluices.

9. Benefits of the proposed project

The purpose of the exclusion area is to significantly reduce the predation pressure on breeding waders and the wintering wildfowl, which is conservation target of The Murrrough SPA. These two groups of birds are often vulnerable to predation, particularly during breeding and wintering seasons. By excluding the presence of predators in this designated zone, the survival rates of these birds is enhanced. As the predation pressure is reduced, the wintering species, such as wildfowl, are likely to experience direct benefits. These species are especially at risk during the colder months when food is scarcer, and the stress of avoiding predators may exacerbate the challenges to their survival. A decrease in predation may lead to higher survival rates, improved health, and increased chances of successful reproduction for these species.

The exclusion area is likely to become an attractive site for roosting of wildfowl during the wintering months. As a result, the area provides a secure environment, free from the disturbance caused by mammalian predators such as foxes or other carnivores. This is particularly important for species that are often targeted by such predators, as the absence of these threats allows birds to devote time for feeding, preening and other behaviours that would be otherwise disrupted by the presence of the predators. Additionally, the presence of a nest protection officer who regularly monitors the area plays a critical role in further minimising predation risks. The

officer's presence ensures that potential threats are quickly identified and addressed, preventing predators from gaining access to vulnerable birds and their nests. This constant vigilance keeps predation pressure low and fosters an environment that encourages the use of the area for nesting and roosting.

Sluices will help maintain a high-water level in the fields within the exclusion area. This operation together with the scrape will create a lowland wet grassland, which supports a range of wader and waterfowl species (Wakeham-Dawson & Smith, 2000). As wet features in grasslands boost the presence of invertebrates, suitable preys for waders will also increase (Vickery et al., 2001). Hence, the target species of the EIP Breeding Waders will benefit from the planned habitat management during winter (DEFRA Farming, 2024). Furthermore, the scrape in the South side of the exclusion area and the retention of water during the summer months will improve attractiveness to breeding waders, which are found to nest in proximity of such features (Eglington et al., 2008). Overall, the exclusion area serves as a sanctuary for the species of conservation concern of the SPA, providing them with the degree of protection from predators they need to thrive during critical periods of their life cycles.

The planned project contributes to the attributes:

- (i) *spatial distribution* by increasing the area and availability of suitable habitat to support the population target of wintering wildfowl.
- (ii) *forage spatial distribution, extent and abundance* by increasing the area and availability of suitable habitat and forage biomass to support the population target of wintering wildfowl.
- (iii) *roost spatial distribution and extent* by increasing the area and availability of suitable roosting habitat to support the population target of wintering wildfowl.

10. Conclusions

The conservation objectives of the Natura 2000 sites are described using a set of attributes with associated measures and targets. The proposed operations of the EIP Breeding Waders are the building of a predator-exclusion fence, the flooding of grassland fields by means of two sluices and creation of a scrape. Because these operations will have limited physical influence on natural sites and species habitat, the attributes used to assess impacts are relative to disturbance, fragmentation and change of hydrology. The disturbance from the fencing, hydrology and ground operations will be temporary and will “*occur at levels that do not significantly impact*

the achievement of targets for population trend and spatial distribution” (NPWS, 2024). Fragmentation as a result of fencing will not deeply impact the movements of the target species and the nature of such “*barriers do not significantly impact the site population's access to the SPA or other ecologically important sites outside the SPA*” (NPWS, 2024). Lastly, the change in hydrology will not prevent water from reaching proximal areas that harbour habitats of conservation concern. The sluice operation will not affect the “*semi-natural drainage conditions*” and will “*maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and functioning of the habitat*” (NPWS, 2024). The project is screened out and no stage 2 Appropriate Assessment is required.

11. References

- Ausden, M., Sutherland, W. J., & James, R. (2001). The effects of flooding lowland wet grassland on soil macroinvertebrate prey of breeding wading birds. *Journal of Applied Ecology*, 38(2), 320–338. <https://doi.org/10.1046/j.1365-2664.2001.00600.x>
- Beasley, E. R., & Dickins, T. E. (2023). Gull-human interactions in an urban population of Herring Gulls *Larus argentatus* and Lesser Black-backed Gulls *Larus fuscus*. *Bird Study*, 70(1–2), 55–58. <https://doi.org/10.1080/00063657.2023.2166458>
- Bellebaum, J. (2005). Brief report Between the Herring Gull *Larus argentatus* and the bulldozer: Black-headed Gull *Larus ridibundus* feeding sites on a refuse dump. *Ornis Fennica*, 82, 166–171.
- Booth Jones, K., O’Connell, P., Calladine, J., Noble, D., Wolsey, S., Carrington-Cotton, A., & Wernham, C. V. (2020). Northern Ireland Lowland Breeding Wader Survey : Report of work carried out by the British Trust for Ornithology on behalf of the Northern Ireland Environment Agency. In BTO Research Report (Vol. 731, p. 31). British Trust for Ornithology.
- DEFRA Farming. (2024). <https://defrafarming.blog.gov.uk/manage-lowland-wet-grassland-for-birds/>. Accessed on 19-12-2024.
- EEA. (2024a). <https://eunis.eea.europa.eu/sites/IE0002249>. Accessed on 19-12-2024.
- EEA. (2024b). <https://eunis.eea.europa.eu/sites/IE0004186>. Accessed on 19-12-2024.

- Eglinton, S. M., Gill, J. A., Bolton, M., Smart, M. A., Sutherland, W. J., & Watkinson, A. R. (2008). Restoration of wet features for breeding waders on lowland grassland. *Journal of Applied Ecology*, 45(1), 305–314. <https://doi.org/10.1111/j.1365-2664.2007.01405.x>
- Fahrig, L. (2017). Ecological Responses to Habitat Fragmentation Per Se. *Annu. Rev. Ecol. Evol. Syst.* 2017, 48, 1–23. <https://doi.org/10.1146/annurev-ecolsys-110316>
- Fossitt, J. A. (2000). A guide to habitats in Ireland. Heritage Council/Chomhairle Oidhreachta.
- Ghoddousi, A., Buchholtz, E. K., Dietsch, A. M., Williamson, M. A., Sharma, S., Balkenhol, N., Kuemmerle, T., & Dutta, T. (2021). Anthropogenic resistance: accounting for human behavior in wildlife connectivity planning. *One Earth*, 4(1), 39–48. <https://doi.org/10.1016/j.oneear.2020.12.003>
- Lauder, A., & Lauder, C. (2020). IDENTIFICATION OF BREEDING WATERBIRD HOTSPOTS IN IRELAND. In *Irish Wildlife Manuals* (Vol. 129, p. 129). National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
- Malpas, L. R., Kennerley, R. J., Hirons, G. J. M., Sheldon, R. D., Ausden, M., Gilbert, J. C., & Smart, J. (2013). The use of predator-exclusion fencing as a management tool improves the breeding success of waders on lowland wet grassland. *Journal for Nature Conservation*, 21(1), 37–47. <https://doi.org/10.1016/j.jnc.2012.09.002>
- McMahon, B. J., Doyle, S., Gray, A., Kelly, S. B. A., & Redpath, S. M. (2020). European bird declines: Do we need to rethink approaches to the management of abundant generalist predators? *Journal of Applied Ecology*, 57(10), 1885–1890. <https://doi.org/10.1111/1365-2664.13695>
- NPWS. (2021). Conservation Objectives: The Murrough Wetlands SAC 002249. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, 1. www.npws.ie
- NPWS. (2024). Conservation Objectives: The Murrough SPA 004186. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, 1. www.npws.ie

- O'Donoghue, B. G., Donaghy, A., & Kelly, S. B. A. (2019). National survey of breeding Eurasian Curlew *Numenius Arquata* in the republic of Ireland, 2015-2017. *Wader Study*, 126(1), 43–48. <https://doi.org/10.18194/ws.00130>
- Pasitschniak-Arts, M., Messier, F., Pasitschniak-Arts, M., & Messier, F. (1995). Risk of predation on waterfowl nests in the Canadian prairies: effects of habitat edges and agricultural practices. *Oikos*, 73(3), 347–355. <http://about.jstor.org/terms>
- Pfister, C., Harrington, B. A., & Lavine, M. (1992). The impact of human disturbance on shorebirds at a migration staging area. *Biological Conservation*, 60, 115–126.
- Price, M. (2008). The impact of human disturbance on birds: a selective review. In D. Lunney, A. Munn, & W. Meikle (Eds.), *Too close for comfort: contentious issues in human-wildlife encounters* (pp. 163–196). Royal Zoological Society of New South Wales.
- Raikow, R. J. (1973). Locomotor Mechanisms in North American Ducks. *The Wilson Bulletin*, 85(3), 295–307. <http://www.jstor.org>
- Riddington, R., Hassall, M., Lane, S. J., Turner, P. A., & Walters, R. (1996). The impact of disturbance on the behaviour and energy budgets of Brent Geese *Branta b. bernicla*. *Bird Study*, 43(3), 269–279. <https://doi.org/10.1080/00063659609461019>
- Roos, S., Smart, J., Gibbons, D. W., & Wilson, J. D. (2018). A review of predation as a limiting factor for bird populations in mesopredator-rich landscapes: a case study of the UK. *Biological Reviews*, 93(4), 1915–1937. <https://doi.org/10.1111/brv.12426>
- Stroud, D. A., Baker, A., Blanco, D. E., Davidson, N. C., Delany, S., Ganter, B., Gill, R., González, P., Haanstra, L., Morrison, R. I. G., Piersma, T., Scott, D. A., Thorup, O., West, R., Wilson, J., & Zöckler, C. (2006). The conservation and population status of the world's waders at the turn of the millennium. In G. Boere, C. A. Galbraith, & D. A. Stroud (Eds.), *Waterbirds around the world : a global overview of the conservation, management and research of the world's waterbird flyways* (pp. 643–648). The Stationery Office.
- Suddaby, D. (2014). County Wicklow: East Coast Nature Reserve.
- Suddaby, D., Nelson, T., & Veldman, J. (2010). Resurvey of breeding wader populations of machair and associated wet grasslands in north-west Ireland. In *Irish Wildlife Manuals*

- (Vol. 44). National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government.
- Suddaby, D., O'Brien, I., Breen, D., & Kelly, S. (2020). A SURVEY OF BREEDING WADERS ON MACHAIR AND OTHER COASTAL GRASSLANDS IN COUNTIES MAYO AND GALWAY. In *Irish Wildlife Manuals* (Vol. 119). National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.
- Tailte Éireann. (2023). National Landcover Map of Ireland. Tailte Éireann's National Mapping Division.
- Verhoeven, M. A., Jelle Loonstra, A. H., Pringle, T., Kaspersma, W., Whiffin, M., McBride, A. D., Sjoerdsma, P., Roodhart, C., Burgess, M. D., Piersma, T., & Smart, J. (2022). Do ditch-side electric fences improve the breeding productivity of ground-nesting waders? *Ecological Solutions and Evidence*, 3(2). <https://doi.org/10.1002/2688-8319.12143>
- Vickery, J. A., Sutherland, W. J., O'Brien, M., Watkinson, A. R., & Yallop, & A. (1997). Managing coastal grazing marshes for breeding waders and overwintering geese: is there a conflict? *Biological Conservation*, 79, 34.
- Vickery, J. A., Tallowin, J. R., Feber, R. E., Asteraki, E. J., Atkinson, P. W., Fuller, R. J., & Brown, V. K. (2001). The management of lowland neutral grasslands in Britain: Effects of agricultural practices on birds and their food resources. *Journal of Applied Ecology*, 38(3), 647–664. <https://doi.org/10.1046/j.1365-2664.2001.00626.x>
- Wakeham-Dawson, A., & Smith, K. W. (2000). Ecology and Conservation of Lowland Farmland Birds-77 Birds and lowland grassland management practices in the UK: an overview. *Ecology and Conservation of Lowland Farmland Birds*, 77–88.
- Williams, N. F., Porteus, T. A., Hardouin, E. A., Case, J., Rivers, E., Andreou, D., Hoodless, A. N., Stillman, R. A., & Short, M. J. (2024). Evidence of anthropogenic subsidisation of red foxes in a national park important for breeding wading birds. *Mammal Research*. <https://doi.org/10.1007/s13364-024-00769-8>
- Zielonka, N. B., Hawkes, R. W., Jones, H., Burnside, R. J., & Dolman, P. M. (2019). Placement, survival and predator identity of Eurasian Curlew *Numenius arquata* nests on lowland grass-heath. *Bird Study*, 66(4), 471–483. <https://doi.org/10.1080/00063657.2020.1725421>