FEHILY TIMONEY

DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE

DREHID WIND FARM AND SUBSTATION SID

Responses to Submissions and Observations

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North Kildare Wind Farm Limited

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1. INTRODUCTION

Fehily Timoney and Company (FT) have been commissioned by North Kildare Wind Farm Limited (the Applicant) to provide responses to submissions and observations made in regard to two Strategic Infrastructure Development (SID) planning applications made to An Coimisiún Pleanála (ACP) in June 2025. The two planning applications have been lodged through individual processes as provided for in the Planning and Development Act 2000, as amended. The 'Proposed Wind Farm' has been lodged under Section 37 and has an ACP reference 322845; the 'Proposed Substation' has been lodged under Section 182 and has an ACP reference 322843.

As presented on the ACP website, certain "Prescribed Bodies" and "Observers" have provided submissions on the planning applications listed above. In line with this categorisation on the ACP website, this response report has been split into "Prescribed Bodies" and "Observers". Kildare County Council, as the local Planning Authority, have also made a submission in accordance with Section 37E(4) of the Planning and Development Act 2000, as amended. The submission from Kildare County Council is dealt with in Section 2, together with the Prescribed Bodies.

While there are two separate planning applications, the submissions and observations have generally acknowledged that the two planning applications are for separate elements of the same overall proposed development (the "Proposed Development" as described in the Environmental Impact Assessment Report, which was the same report for each application). As such, the submissions and observations prepared for each application are generally very similar, and therefore this response report will provide responses to the overall submissions and observations received, without separating the two applications, except where, for example, a submission or observation clearly refers to the Section 37 process or the Section 182 process.

2. PRESCRIBED BODIES AND PLANNING AUTHORITY (KILDARE COUNTY COUNCIL)

The same prescribed bodies have provided submissions for each of the planning applications. These Prescribed Bodies are listed below:

- Development Applications Unit
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Uisce Eireann
- The Health and Safety Authority

The responses to each are provided under the following sub-sections.

Kildare County Council, as the local Planning Authority, have also provided a submission in accordance with Section 37E(4) of the Planning and Development Act 2000, as amended; as well as a submission regarding the Section 182 application. Our response to this submission is also provided below, in Section 2.6.

2.1 Development Applications Unit

We have reviewed the submissions from the Development Applications Unit (DAU). We note that the submission generally relates to Archaeology and to Ecology. The parts of the submission relating to Ecology specifically deals with the lifespan of ecology surveys, bat felling buffers and badger sett exclusion zones.

We have reviewed the submission of the DAU and we consider the content relating to Archaeology to be fair and reasonable. Therefore., we are satisfied that no response is required for the part of the submission which relates to Archaeology. Regarding Ecology, we submit the following for the consideration of An Coimisiún Pleanála.

2.1.1 Lifespan of Ecological Surveys/CIEEM Guidance

2.1.1.1 Submission:

The Department highlighted the CIEEM (2019) Advice Note on the Lifespan of Ecological Reports and Surveys, noting that ornithological surveys were completed between 2021 – 2023, and that baseline information on flora and fauna used in an EIAR must be adequate.

2.1.1.2 Response:

It is noted that the CIEEM (2019) advice note specifically states that where existing survey/assessment guidance is already in place, this takes precedence over the CIEEM (2019) advice note guidance, which is intended to provide general advice in the absence of guidance on a specific subject, jurisdiction, group or species.

As such, the relevant ornithological (Recommended bird survey methods to inform impact assessment of onshore wind farms, SNH 2017) and bat survey (Guidance on Bat Surveys, Assessment and Mitigation for Onshore Wind Turbine Developments in Northern Ireland, NIEA 2021) guidance documents take precedence over the CIEEM (2019) advice note.

The CIEEM (2019) guidance notes *'it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. In some cases there will be specific guidance on this (such as for the age of data which may be used to support an EPS licence application). In circumstances where such advice does not already exist, CIEEM provides the general advice set out'* [within the advice note].

2.1.1.2.1 Bird Surveys

Regarding the longevity of survey data, a lifespan of five years is specified for ornithological surveys in 'Recommended bird survey methods to inform impact assessment of onshore wind farms' (SNH 2017), provided habitats and conditions at the site remain unchanged (it was confirmed that the habitats and conditions onsite remained unchanged as of September 2024 i.e. nine months prior to submission). This notes that adequate and site-specific information up to five years old may be used. This would place the 2021-2023 ornithological surveys within the acceptable timeframe; the earliest of these surveys (Summer 2021 season) were four years old at the time of planning submission.

2.1.1.2.2 Bat Surveys

For static bat detector surveys, the relevant reference 'Guidance on Bat Surveys, Assessment and Mitigation for Onshore Wind Turbine Developments in Northern Ireland' (NIEA 2021) notes that *'Surveys which are more than two years old are likely to be considered as out of date'.*

The completion of static detector surveys in October 2023 makes this survey data one year and seven months old at the time of submission in June 2025, placing the data within the acceptable timeframe.

The most recent bat activity surveys were concluded in September 2023, making the data one year and eight months old at the time of submission and therefore within the acceptable timeframe.

The most recent round of roost surveys were undertaken during March- April and September-October 2024, making the Spring data just under one year and two months old at the time of submission and the Autumn data just under eight months old at the time of submission. As such, roost survey data was also submitted within the acceptable timeframe.

2.1.1.2.3 Other Ecological Surveys

In the absence of specific guidance, all other surveys are subject to the guidance provided by the CIEEM (2019) Advice Note on the Lifespan of Ecological Reports and Surveys. This states that survey data less than 12 months old is likely to be valid in most cases. It is further noted that survey data between 12-18 months old is likely to be valid in most cases, except when new conditions arise onsite, when a mobile species which can create new features of relevance is present, or where more specific guidance takes precedence.

For surveys between 18 months and 3 years old, the guidance recommends that a professional ecologist should undertake a site visit and then review the validity of the report, based on the factors listed below. Some or all of the other ecological surveys may need to be updated. The professional ecologist will need to issue a clear statement, with appropriate justification, on:

- The validity of the report;
- Which, if any, of the surveys need to be updated; and
- The appropriate scope, timing and methods for the update survey(s).

The likelihood of surveys needing to be updated increases with time, and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken. Factors to be considered include (but are not limited to):

- Whether the site supports, or may support, a mobile species which could have moved on to site, or changed its distribution within a site (see scenario 1&2 examples);
- Whether there have been significant changes to the habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the surveys were undertaken, including through changes to site management (see scenario 3 example);
- Whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased), increasing the likelihood of its presence (see scenario 4 example).

For surveys older than 3 years, the guidance notes the report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist).

The age of ecological surveys relative to the submission date are as follows: mammal survey concluded in April 2024 (14 months prior to submission); aquatic survey was completed in December 2023 (17 months prior to submission); otter survey was completed in October 2023 (19 months prior to submission); habitat, marsh fritillary and lizard surveys were completed in September 2023 (20 months prior to submission).

At the time of the last site visit (30/09/2024 for wind farm site, 22/10/2024 for TDR), it was confirmed that habitats, associated ecological conditions, and the condition and status of mammal resting places at the proposed site remained unchanged, and that previous surveys remained valid. The age of ecological surveys relative to the last wind farm site visit are as follows: mammal survey concluded in April 2024 (5 months before last site visit); aquatic survey was completed in December 2023 (10 months before last site visit); otter survey was completed in October 2023 (12 months before last site visit); habitat, marsh fritillary and lizard surveys were completed in September 2023 (11 months before last site visit).

A site visit covering the proposed development was undertaken on 30/09/2024 by Ben O'Dwyer, an FT Ecologist with over nine years experience. Based on ground-truthing of site conditions and previous surveys completed on 30/09/2024 which indicated no significant changes in habitats or site conditions had occurred in the intervening period, it was assessed that all of the above-listed surveys remained valid at this time due to the habitats onsite and the ecological conditions/functions/ecosystem functioning upon which habitats and species are dependent remaining stable. Based on this stability and site observations, significant changes in the activity or distribution of mobile species were ruled out. It is further noted that any minor changes in the distribution of mobile species at the site scale are considered within the assessment i.e. the assessment is cognisant of the potential for mobile species to occur within suitable habitat. Since the habitat conditions remain stable, the original assessments remain valid.

By extension, this signifies that the same surveys remained in date at the time of submission i.e. 19/06/2025 which is just under nine months from the time the surveys were confirmed to remain valid.

As such, it is asserted that all surveys were in date at the time of submission, and survey lifespans adhered to guidance provided by the CIEEM (2019) Advice Note on the Lifespan of Ecological Reports and Surveys.

to

2.1.2 Bat Felling Buffers

2.1.2.1 Submission:

The Department is concerned that the felling of turbine buffers within wooded habitats (turbines 6, 7, 8, 9, 10 and 11) will create new edge habitat which could potentially guide bats towards these turbine locations.

The Department also questioned how treelines and hedgerows would act as commuting corridors to divert bats away from turbine locations.

2.1.2.2 Response:

2.1.2.2.1 Edge Habitat

In response to the concerns raised around creation of new edge habitat, it is acknowledged, both here and within the bat report (Appendix 8.2-4), that felling of turbine buffers in closed wooded habitats will increase the amount of edge habitat potentially suitable for bats. However, the requirement for bat buffers around turbines within closed wooded habitats is well-established and based on guidance which specifically deals with assessment and mitigation in this scenario: 'Bats and onshore wind turbines - survey, assessment and mitigation' (NatureScot, 2021).

This guidance defines the accepted standard approach to mitigating potential effects on bats which can arise when turbines are placed in closed wooded habitats such as the locations proposed for turbines 6, 7, 8, 9, 10 and 11. One of the key mitigation measures recommended in this guidance is that no vegetation should encroach within 50m of the turbine blade tips, and provides an equation which factors in the height of surrounding vegetation and proposed turbine dimensions to define the vegetation-free buffer size required to ensure no vegetation is present within 50m of the turbine blade tips. The NatureScot (2021) guidance notes that Eurobats guidance recommends a 200m buffer around woodland areas, but considers there is currently no scientific evidence to support this distance in the UK and it is recommended that a distance of 50m between turbine blade tip and nearest woodland' provides adequate mitigation in most (lower risk) situations. 'Exceptionally, larger buffers may be appropriate, e.g. near major swarming and hibernation sites'. There are no swarming or hibernation sites in the area in which the proposed wind farm is located.

If the desired outcome was solely to minimise creation of new edge habitat, then the alternative to creating vegetation-free buffer zones around the turbine proposed within closed wooded habitat would be to omit the buffer zones and limit felling to the immediate footprint of proposed infrastructure (roads, hard standings, turbine foundations). However, this would result in vegetation, specifically the woodland canopy, encroaching within 50m of turbine blade tips. This would represent a higher collision/barotrauma risk to bats than the creation of new edge habitat which maintains a distance of 50m from the turbine blade tips. Considering this, and the fact that the NatureScot (2021) guidance is designed specifically for this scenario, it is asserted that the creation of the proposed vegetation-free buffer zones presents a lower risk for bats than the omission of said buffer zones.

The provision of vegetation-free buffer zones around proposed turbine locations, in addition to prescribed curtailment measures which are to be initiated in response to potential increases in bat activity and/or fatalities if indicated by monitoring are in line with relevant guidance and provide robust mitigation to avoid/reduce potential negative effects on bats.

2.1.2.2.2 Diversion Routes

The reference to treelines and hedgerows acting as diversionary routes around turbines refers specifically to the turbines in open agricultural habitats where implementation of vegetation -free buffer zones requires removal of treeline/hedgerow sections in accordance with NatureScot (2021) guidance i.e. turbines 1, 2, 4 and 5. Please note that turbine 3 has sufficient existing separation from the nearest linear wooded habitat feature and as such does not require a felling buffer.

As described in EIAR Chapter 8-1 Section 8.10.1.4, where turbine buffers in open agricultural habitats require the felling of treeline and/or hedgerow sections, new hedgerows will be planted around the outer extent of the buffer specified for each of these turbines (turbines 1, 2, 4 and 5). This is again referenced in Section 8.10.1.7.3, under construction-stage mitigation for bats. Text has been plucked from this section and quoted out of context within the Department's submission.

The relevant passage is quoted in full below and is required to be read in it's entirety to be understood correctly:

> *"Where hedgerows and treelines are affected by turbine clearance buffers, bats will be directed away from tree-free buffers along an alternative commuting route. Where bat buffers are applied, the surrounding hedgerows and treelines should act as commuting corridors, leading bats away from the turbine location, and these hedgerows should not end abruptly at the bat buffer zones. This will be achieved by planting new pollinator-friendly hedgerows, connecting existing hedgerows onsite, around the bat buffers."*

As such, when presented in its entirety, Section 8.10.1.7.3 and Section 8.10.1.4 clearly specify that the turbines in open agricultural habitats which require hedgerow/treeline felling to achieve vegetation-free buffers (turbines 1, 2, 4 and 5) will have new hedgerows planted around the relevant buffer for each turbine in order to maintain connectivity and provide a commuting route which avoids the turbine location.

2.1.3 Breeding/Wintering Bird Transect Surveys

2.1.3.1 Submission:

The Department queried the coverage and robustness of breeding/wintering bird transect surveys and requested clarification on the rationale informing the survey design.

2.1.3.2 Response:

The transect layout was designed to encompass the habitats present at the proposed site in order to provide a representative sample of breeding/wintering bird activity at the proposed site. This was achieved by placing transects in areas which encompass closed wooded habitats, linear wooded habitats and open agricultural habitats which are representative of the dominant habitat types at the proposed site. As such, the breeding/wintering transect surveys are robust in providing a representative sample of breeding and wintering bird activity.

It is noted that the breeding bird transects form part of a wider suite of surveys including breeding wader, woodcock, merlin, barn owl and raptor surveys, which collectively provide robust coverage of the proposed development in terms of assessing breeding bird species which could potentially be affected by the proposed development.

2.1.4 Barn Owl Surveys

2.1.4.1 Submission:

The Department contested that barn owl survey effort was insufficient and deviated from best practice guidance.

2.1.4.2 Response:

It is submitted that sufficient baseline data to facilitate a robust assessment was collected during surveys.

In addition to dedicated barn owl surveys and searches for barn owl signs and habitat encompassed by the hinterland surveys effort, walkover surveys across various disciplines covered the proposed site on multiple occasions. During these surveys, signs of barn owl and suitable breeding habitat features were also searched for. Specifically, a total of 18 days of ecological walkover surveys encompassing habitat (5 days), mammal (5 days) and bat roost (8 days) surveys which also searched by default for evidence of any ecological receptors including barn owl signs and habitat were completed in addition to the dedicated ornithological survey effort.

As per the TII (2021) guidance referenced in Section 8.5.3.8.1 of EIAR Ornithology Chapter 8-2, guidelines require that nocturnal survey must be conducted during the breeding period (mid-March to mid-July). This requirement was fulfilled, with the nocturnal survey completed on 26-27th June 2023. The guidelines state that "Watches must be undertaken until the status of the specific site is effectively determined. Multiple watches may be necessary to effectively establish occupancy and breeding status." Given the level of information obtained for the proposed site across multiple survey years, we were confident in the findings of the survey carried out on 26-27th June 2023.

Surveys confirmed the presence of suitable hunting habitat in the locality, while anecdotal records from locals indicated the presence of breeding barn owl during summer 2022 at a property c. 950m east of the proposed substation. This property was surveyed on the night of 26-27th June 2023; no audible or visual records of barn owl were made at this location.

A number of NBDC barn owl records occur in the hinterland of the proposed development as noted in Section 3.9 of Appendix 8.2-2 Ornithology Baseline Report, in addition to the presence of a barn owl nest box which has not been occupied to date by barn owl in woodland north of T6.

It is noted that there are no suitable buildings within the footprint of the proposed development (there is one small derelict unsuitable shed along the site northern access route), and no potentially suitable buildings in close proximity to the proposed development (i.e. at site access points).

No trees which could be potentially suitable for breeding barn owl were observed within or in close proximity to the proposed development during the course of ecological surveys.

No signs of barn owl occupancy such as pellets, feathers or whitewash were observed within or adjacent to the proposed development site.

Considering the distribution of barn owl sightings and absence of potentially suitable breeding locations within the proposed development, it is considered that the proposed development is unlikely to result in any direct or indirect effects on breeding barn owl.

2.1.5 Badger Sett Exclusion Zones

2.1.5.1 Submission:

The Department recommended that no works be undertaken within 50m of active setts during the breeding season, and that no pile driving or blasting should occur within 150m of active setts.

It was further recommended that the buffer zone for heavy machinery around active setts during breeding season should be increased to 150m based on recent published evidence (Mullen et al., 2019).

2.1.5.2 Response:

An exclusion zone for all activities within 50m of breeding setts during the breeding season is already prescribed within the badger report and EIAR. No blasting is proposed, and no piling is proposed within 150m of any sett.

The mitigation specified within the badger report and EIAR is based on established guidance - Guidelines for the Treatment of Badgers Prior to the Construction of National Road Schemes (NRA, 2006) which requires an exclusion zone of 30m for heavy machinery at all times where setts are to be retained, and as noted above, an exclusion zone of 50m for all activities and 150m for blasting and pile driving during the breeding season.

2.1.6 Habitat Removal

2.1.6.1 Submission:

Concerns were raised around the amount of proposed habitat removal, with specific reference made to removal of mature treelines within bat felling buffers at T1 and T11. The submission noted that any tree planting should occur early during the construction phase (ideally prior to vegetation removal) and all replanting should use species of local or at minimum native provenance.

2.1.6.2 Response:

The proposed layout design sought to minimise tree felling as much as possible and has avoided higher-value habitats such as mature broadleaved woodland. The majority of felling requirements are associated with turbine bat buffers which are required to mitigate potential impacts on bats, as per SNH (2017). As noted in EIAR Section 8.9.1.3.1, loss of woodland habitat is comprised primarily of lower value conifer plantation.

2.1.6.2.1 Oak Treeline (T11)

It is noted that oak treeline within the T11 felling buffer does not contain any veteran or specimen trees, and felling would only affect a total of four oak trees. The treeline sections overlapped by the T11 felling buffer are comprised of two sections, one made up of two oaks, one ash and one birch, and the other formed from three oaks.

The two oaks within the first section are respectively 10m and 12m tall, and are c. 30-40 years old, making them barely mature. Both these trees would be felled. The three oaks in the second section are respectively 10m, 7m and 4m tall, with the 10m and 7m trees also being c. 30-40 years old and the 4m tree being younger, c. 10 – 15 years old. The 10m and 4m trees are proposed to be felled, but the 7m tree would be retained.

Figure 2-1: 10m oak in section 1

Figure 2-2: 12m oak in section 1

Figure 2-3: Three oaks forming section 2

These trees grew alongside a block of conifer planation which has since been felled, leaving the oaks standing to form a treeline. As such, they are not old trees and do not represent a long-established treeline. Due to their relatively young age and small girth, they are not specimen trees.

2.1.6.2.2 Ash Treeline (T1)

The section of mature ash treeline within the T1 felling buffer is likely to be affected by ash dieback in the coming years regardless of the proposed development. It is proposed to plant a new treeline around the edge of this felling buffer using native species in order to maintain the local treeline habitat resource, maintain landscape connectivity for fauna and guide bats away from the proposed turbine.

Proposed hedgerow and treeline planting as described in EIAR Section 8.10.1.4 specifies planting of native species of native provenance. It is noted that trees of local provenance are not always available; however, if the board desires, trees of local provenance can be sought as a first preference.

2.1.7 Red Squirrel Habitat Loss

2.1.7.1 Submission:

The Department raised concerns that the potential effect of habitat loss on red squirrel has not been fully addressed and mitigated for. They contend that “whilst conifer plantation is present in the wider environs, the habitat within the proposed wind farm is mostly isolated from any other confer plantations and the Red Squirrel population in this location may not be able to commute easily between suitable areas of woodland”.

2.1.7.2 Response:

As described in EIAR Section 8.9.1.9.3, conifer plantation is abundant in the greater area – this includes the large (c. 270 ha) continuous area of woodland dominated by conifer plantations in which proposed turbines T6 to T11 are located, in addition to other large areas of conifer plantation and woodland such as those along the margins of Timahoe Bog further south and around Hortland Bog.

As such, the EIAR assessment is based primarily on the continuous area of woodland in which the proposed wind farm is located. The proposed wind farm felling represents a small proportion (7%) of this area and as such, a large and more than adequate amount of red squirrel foraging habitat will remain following construction of the proposed wind farm. Interruptions in habitat connectivity will be minimal; new gaps created by access tracks will not provide a significant barrier to red squirrel movement, and recolonisation of access track margins will decrease these gaps further during the operational phase. In addition, the majority of the proposed development is located along the southern margin of this woodland block, further reducing potential for habitat fragmentation.

As such, due to adequate displacement habitat in the immediate locality, it is unlikely that construction of the proposed development will compel red squirrels to commute to other blocks of woodland in the wider area.

While there is an absence of continuous wide woodland corridors, there are sufficient linear wooded habitats such as self-seeded treelines colonising bog drains, agricultural treelines, scrub and marginal woodland strips which run within and along the margins of Timahoe Bog which provide connectivity to other woodland blocks including conifer plantations located around the edges of Timahoe Bog further south, which would facilitate movement if required.

As such, it is asserted that ample displacement habitat for red squirrel is available in the locality of the proposed development, and if required, feasible routes for dispersal to other woodland blocks including conifer plantations do exist. Therefore, the EIAR assessment is robust.

2.1.8 Dust emissions effect on photosynthesis of plants

2.1.8.1 Submission:

The submission from the DAU notes that a reduction in air quality within the immediate vicinity of the construction works may occur as a consequence of dust deposition associated with construction activities. This includes a reduction in photosynthesis due to smothering from dust on the plants and chemical changes such as acidity to soils.

Peatland and other sensitive habitats are located adjacent and within 50 m of the proposed development boundary. The Department refers to The Institute of Air Quality Management (IAQM) and their guidance on the assessment of dust from construction (Holman, C. et al 2014) and recommends that Further Information is provided on the potential for air quality impacts during construction on nearby sensitive habitats.

2.1.8.2 Response:

The layout of the site was designed by a multidisciplinary team, with ecologists ensuring that the distance between works site infrastructure and sensitive habitats were maximised where possible, to "mitigate by design" against potential effects on habitats. As such, the majority of the infrastructure footprint is more than 50 m from peatland habitats. We acknowledge that turbines T9 and T10, and the stretch of access track between these turbines does fall within 50 m of the Mulgeeth bog, however, dust mitigation measures set out within Chapter 6 of the EIAR and reproduced below for ease of reference, will mitigate the risk of dust impacting on the bog such that there will not be a significant effect on the habitat.

As this potential effect is at an intersection of Biodiversity and Air Quality, it was dealt with in Chapter 17 of the EIAR (Interactions of the Foregoing). As mentioned in that chapter, dust emissions can affect biodiversity by affecting photosynthesis. However, it is concluded that "impacts are considered to be temporary and measures are set out throughout the EIAR to mitigate against these effects".

The mitigation measures set out in Chapter 6 of the EIAR are as (Air Quality and Climate) are as follows:

- The internal access roads will be constructed prior to the commencement of other major construction activities. These roads will be finished with graded aggregate which compacts, preventing dust.
- A water bowser will be available to spray work areas and haul roads, especially during periods of excavations works coinciding with dry periods of weather, in order to suppress dust migration from the site;
- All loads which could cause a dust nuisance will be covered to minimise the potential for fugitive emissions during transport;
- Earthworks and exposed areas/soil stockpiles will be re-vegetated to stabilise surfaces as soon as practicable.
- The access and egress of construction vehicles will be controlled and directed to designated locations, along defined routes, with all vehicles required to comply with onsite speed limits;
- Construction vehicles and machinery will be serviced and in good working order;
- A wheel washing facility will be provided at the main entrance of the Proposed Development
- The developer in association with the contractor will be required to implement the dust control plan as part of the CEMP;
- Ensure all vehicles switch off engines when stationary – no idling vehicles; and
- Exhaust emissions from vehicles operating within the site, including trucks, excavators, diesel generators or other plant equipment, will be controlled by the contractor by ensuring that emissions from vehicles are minimised through regular servicing of machinery.

2.2 Inland Fisheries Ireland

We have reviewed the submission from Inland Fisheries Ireland (IFI) and are satisfied that the Proposed Development aligns with the requirements of IFI's submission. The design of the Proposed Development was informed by the scoping and consultation process. The three crossings of the Fear English River, for example, have been proposed as clear span bridge crossings due to requests from IFI during the scoping and consultation period.

We are satisfied that no further response is required from the Applicant in relation to this submission.

2.3 Transport Infrastructure Ireland

We have reviewed the submissions from Transport Infrastructure Ireland (TII) and are in agreement with the issues raised. In particular, TII have highlighted that sections of the Turbine Delivery Route (TDR) are along the M4 motorway and that "minor accommodation works" are proposed at Junction 9 (Enfield) of the M4 to facilitate the TDR. TII have pointed out that Kildare County Council is not the relevant road authority for the M4 and Junction 9 (Enfield). The Applicant is in agreement with the recommendations set out by TII in their submission, and is committed to working alongside TII, Kildare County Council and An Garda Siochana in preparation of the Construction Traffic Management Plan which will be finalised before commencement of the construction phase.

2.4 Health and Safety Authority

The National Environmental Health Service (NEHS) has provided submissions on behalf of the Health and Safety Authority (HSA). We have reviewed the submissions from the NEHS/HSA and are generally in agreement with content of the submissions. However, while the NEHS makes reference to BS4142 regarding the prediction of whether a noise nuisance might arise, we submit that BS4142 is not an appropriate standard for assessing wind turbine noise for the reasons set out in Table 2-1 below.

Table 2-1 Reasons BS4142 is not an appropriate standard for assessing noise from wind turbines

Reason BS4142 is not appropriate standard	Relevant BS4142 Provision(s)
Wind speeds are above the range of those considered in BS 4142.	6.3 Precautions against interference 6.4 Weather Conditions
BS4142 is not appropriate as wind farms fall within other guidance	1.3 Scope
BS4142 does not provide a method to set noise limits and absolute levels are more appropriate where background sound levels are low	11 Assessment of the impacts

The NEHS have stated that they could not locate the Construction and Environmental Management Plan (CEMP) contained within the planning pack. For ease of any future needs to locate the CEMP, we can confirm that the CEMP was presented as Appendix 3.2 of the EIAR, is identified as such throughout the EIAR, and is available to view on the An Coimisiún Pleanála website, on the dedicated SID websites, and in hard copy format available in the An Coimisiún Pleanála and Kildare County Council planning offices. Furthermore, we can confirm that the CEMP complies with the relevant requirements of the NEHS which they have listed in their submission.

The NEHS notes the mitigation against shadow flicker which has been proposed in the EIAR. The NEHS states that this mitigation should be implemented irrespective of whether the Wind Energy Guidelines are updated. We wish to clarify that the Applicant is committed to the Shadow Flicker mitigation set out in the EIAR irrespective of whether the guidelines are updated.

We note that the HSA have taken a positive view regarding the proposed amenity trail, which will have a likely positive effect on human health by providing an opportunity for health gain through physical exercise.

We are satisfied that no further response is required from the Applicant in relation to these submissions from the HSA.

2.5 Uisce Eireann

We have reviewed the submissions from Uisce Eireann and are satisfied that no response is required from the Applicant in relation to same.

2.6 Kildare County Council

The submission from Kildare County Council was informed primarily by the various departments within the Council who examined the planning applications and provided responses to same. The Transportation Department, Clane Maynooth Municipal District, the Water Services Department, the County Ecologist, the Heritage Officer, the Environment Department and the Chief Fire Officer.

2.6.1 Transportation Department

2.6.1.1 Submission

The Transportation Department of Kildare County Council have raised concerns about the traffic volumes, and "over-weight vehicles" proposed for the local roads (L5025, L5024 and L5011). The Transportation Department have requested a list of conditions be attached to a grant of consent for the proposed development.

The KCC Transport, Mobility and Open Spaces Department also has concerns about the extent of cable route construction on the L50242 for proposed connection to substation. They assert that these works have the potential for serious traffic hazard and disruption in the area.

2.6.1.2 Response

2.6.1.3 Precedent:

We note that a previous iteration of the Proposed Development (KCC ref. 18/1534, ACP ref. 306500-20) was developed in consultation with Kildare County Council, and the haul routes were identified through this consultation process. KCC decided to refuse consent for the proposed development. The KCC decision was appealed to ACP (ABP at the time of appeal), and ACP/ABP ultimately granted consent for the Proposed Development. This decision was taken to the High Court for Judicial Review and was quashed on for reasons unrelated to concerns regarding road condition.

We consider ACP/ABP's grant of consent on the previous application to represent excellent precedent for consideration in determining the current applications. In addition, the Timahoe North Solar Farm (ACP ref. ABP-305953-19) and Cloncreen Wind Farm (ABP Ref. 19.PA0047) are also excellent examples of precedent which should be considered in determining the current applications. The Timahoe Solar Farm is a large scale Solar Farm which utilised approximately the same haul route as is proposed for the Drehid Wind Farm project. Timahoe Solar Farm was consented in 2020 following an appeal to ABP following refusal from KCC. What is interesting here is that whilst KCC refused this application on Biodiversity grounds , KCC were happy to have a road condition survey carried out post planning. Furthermore a KCC internal roads report had no objection to the use of the L-5025 for construction traffic, notwithstanding it generating a maximum construction traffic flow of 431 PCU, which is not dissimilar to the traffic flows envisaged for the construction of Drehid Wind Farm. The construction period for this solar farm was 24 months compared to the 18 month programme for the Drehid Wind Farm. It should be noted that the route utilised along the L5025 is longer than the subject proposed development.

The Transportation Department of Kildare County Council subsequently issued an internal report in October 2019 outlining that they had no objection to the proposed development subject to a number of conditions being imposed as part of a grant of planning.

It is also worth noting a project that faced more significant and challenging road condition issues, the Cloncreen Wind Farm (ABP Ref. 19.PA0047) which is now an operational wind farm of 21 wind turbines. The development was granted subject to several conditions relating to maintaining and upgrading roads.

2.6.1.4 Arup Traffic and Transportation Impact Assessment (EIAR chapter 2025):

Arup provided an impact assessment for traffic and transport, presented as Chapter 13 of the EIAR.

According to Chapter 13, the anticipated construction-related traffic that will be generated by the scheme on the surrounding road network, and the distribution of this traffic across the network are set out in Sections **Error! Reference source not found.** and **Error! Reference source not found.** of the EIAR, respectively. The results of the analysis indicate that the local road network has an abundance of spare capacity to accommodate the traffic associated with the construction stage of the proposed development. It should also be noted that the committed developments taken into account in the traffic analysis include developments which have not yet received planning permission. The assessment and associated results therefore represent a conservative estimate of the network's performance, which indicates that the network has spare capacity and can comfortably accommodate traffic associated with the proposed development.

Chapter 13 of the EIAR details that a pre-condition survey will be carried out in advance of any construction works on the public roads that will be agreed to be used as haul routes in connection with the works to record the condition of the road. The specification and timing of the pre-construction survey will be agreed with Kildare County Council and TII as appropriate. A joint survey shall be undertaken if required by the relevant roads authority.

One of the changes since the previous iteration of the Proposed Development is that the current application proposes a length of the collector circuit will be trenched into the L50242. It is noted that the KCC Transportation Department has noted concerns that this has the potential for "serious traffic hazard and disruption in the area".

We submit, as Arup have detailed within the EIAR, that this is a small section of cable proposed over circa 1.38km of the public road L50242 required in order to connect the northern and southern turbines. It is important to note that the road works and the associated impact will move as the works progress and therefore the impact along this one stretch of road will be temporary. Traffic associated with delivery of construction materials for the cable routes has been included in the traffic figures for the overall construction as set out in Section 13.5.3 of the EIAR.

Reasonable access to local dwellings, farms, and businesses is to be maintained at all times through trenching the cable in the grass verge adjacent to the carriageway for a section of the route. This prevents the requirement for full road closures throughout the cable route and allows for local access to be effectively maintained.

For the above reasons, the installation of the cables will have a temporary negative impact on the local road network, albeit severely localised to the L50242 and of very short duration.

Chapter 13 concludes that the Proposed Development is likely to incur slight temporary negative impacts on localised sections of the road network during construction and will have no permanent impacts on the road or transport network in the vicinity of the site.

2.6.2 Clane Maynooth Municipal District

We have reviewed the material submitted by the Clane Maynooth Municipal District. The northern entrance off the L5012 will only be used for the delivery of oversize components for T4-T11 (i.e. it forms part of the turbine delivery route) but will not be used for any other traffic associated with the Proposed Development. This northern entrance is a critical part of the development for those reasons.

2.6.3 Water Services Department

The Water Services Department state that T5 and T6 are within National Indicative Flood Map (NIFM) flood extents zone A and B. We would like to clarify that T5 is not within any of the NIFM flood extents (see Figure 10.8 of the EIAR). It is possible that the Water Services Department misinterpreted the redline boundary as the footprint of the infrastructure, as the redline boundary in the vicinity of T5 does lie within NIFM flood extents. For clarity, we have reproduced Figure 10.8 from the EIAR, this time including the details of the turbine hardstandings for avoidance of doubt of their extents, and zoomed to such a scale that it can clearly be observed that T5 does not lie within the NIFM flood extents.

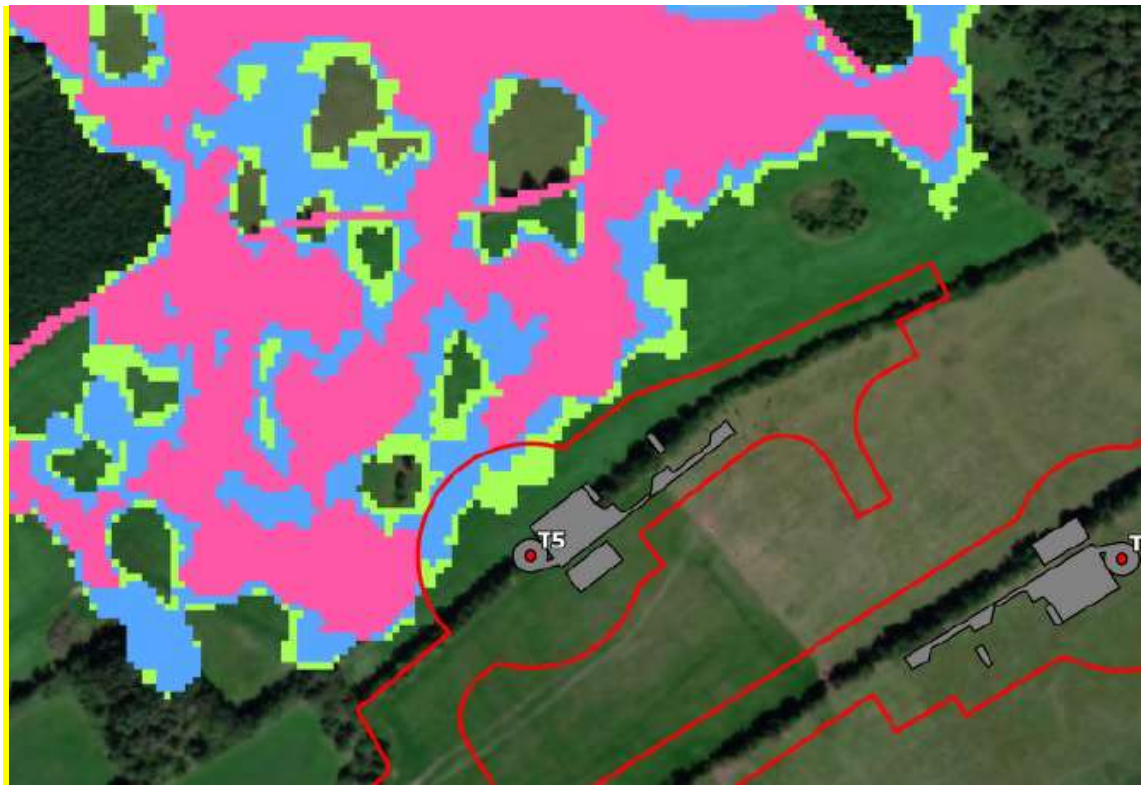

Figure 2-4: Zoomed-in, and full hardstand detail reproduction of Figure 10.8 from the EIAR

It is true that the proposed location for T6 is situated within NIFM flood extents. Due to its location within indicative flood zones, a 2-D flood model was run for the area using HEC-RAS flood modelling software, and a high-resolution data terrain model (DTM) acquired in 2023. The flood model confirmed that flood extents for a 1-in-100 year flood event would extend over the T6 location, as shown in Figure 2-5:

Figure 2-5 HEC-RAS model

The flood model revealed that the flood level at T6 would be 79.11 mOD; marginally above grade for the existing ground level in the area which is ca. 79 m.

As detailed within the EIAR, to mitigate against the potential for flood events impacting on the T6 turbine, the ground will be raised locally at the T6 location, so that the turbine foundation and hardstanding has a finished level that is at least 300 mm above the modelled flood level. The finished level of the hardstanding will be 79.5 mOD as can be seen on planning drawing P22-242-0300-0006, which exceeds the 300 mm above the modelled flood level.

Raising the ground locally to elevate the T6 foundation and hardstanding will displace a volume from the flood capacity in the area, and therefore flood "compensation" must be provided to return the flood capacity to the same as pre-development. This will be achieved by providing a "flood compensation area" immediately adjacent to the T6 hardstanding, as shown on planning drawing P22-242-0101-0033. The flood compensation area will comprise a depression in the local ground, excavated to 1.5 m below existing ground level, to cover an area as shown in the planning drawing P22-242-0101-0033 which will provide a compensation of flood capacity to cancel the volume displaced by raising the T6 foundation and hardstanding. The result of this is that flood extents in the local area are unchanged for a given flood event, as the capacity for the land to absorb flood water remains the same post-development.

The Water Services Department requested in their submission that "the proposed development shall be amended to ensure no development is undertaken within Flood Zone A or B". Based on the information provided above and within the EIAR submitted with the planning application, we submit that T5 is not located within either of these zones and that the cut-and-fill operations which will raise the ground locally at the T6 location will result in the T6 location being above the flood level, and therefore the flood extents will not encroach on this area.

Each turbine location was chosen to minimise environmental impact while maximizing the conversion of wind energy into electricity. Relocating a turbine is a complex request that could negatively affect other factors, such as badger setts or the efficiency of the wind energy conversion; as well as any number of other environmental constraints which were all considered in the design of the wind farm layout. The proposed mitigation aligns with OPW planning guidelines and is considered a reasonable solution to prevent the T6 location from being affected by floodwaters.

2.6.4 County Ecologist

The County Ecologist has raised similar concerns to those contained in the DAU submission, regarding the lifespan of ecology surveys, with reference to CIEEM Guidance. We refer the reader to Section 2.1.1 of this report for our response regarding same. The County Ecologist also expressed concerns relating to flood risk at T5 and T6; again, we refer the reader back to an earlier section of this report which has dealt with this concern (Section 2.6.3).

In addition, the County Ecologist has raised some concerns regarding Peat Deposition, the siting of turbines T9 and T10, Marsh Fritillary and Habitat Restoration Plan. Specifically, regarding the application for the Proposed Substation (ACP Ref. 322843), there are also concerns raised regarding peat management. These are dealt with in the following sub-sections.

2.6.4.1 Development on Peat Soils and Proximity of T9 and T10 to Mulgeeth Bog

2.6.4.1.1 Submission:

The Kildare County Council Executive Ecologist raised concerns around the development on peat soils the proximity of proposed turbines T9 and T10 to the intact raised bog known as Mulgeeth Bog, relating to drawdown or dewatering effects potentially arising from installation of turbine foundations and associated potential for drying out effects on the adjacent raised bog.

2.6.4.1.2 Response:

Development on peat soils is a technically challenging endeavour, for reasons relating to ecology, geotechnical complications, deposition of arisings as well as other challenges. However, degraded peatlands have been identified in recent years as suitable sites for the development of wind energy, and as such the industry has increasingly adopted design solutions for developing on these lands. In the case of the subject site, we have proposed design solutions for the turbine foundations, turbine hardstandings, and access tracks.

One of the key design solutions is the use of the floated road design. The floated road design allows for roads to be constructed on top of the existing peatland surface, with no excavation of the peat required for the laying of foundations. In addition, three of the turbines will be constructed with a piled foundation, and piled hardstanding design. This approach significantly reduces the volume of peat required to be excavated, and as such, also significantly reduces the volume of peat arisings which must be deposited across the site.

Peat deposition areas have been designed by a geotechnical engineer to minimise the chances of a failure which might result in sediment release. For example, the larger deposition areas in the clearfell area around T11 and east of the substation compound have been designed with a surrounding 'perimeter berm' as described in Chapter 9 of the EIAR.

The potential for temporary drawdown lasting approximately five weeks associated with proposed turbines foundations including T9 and T10 is acknowledged in the EIAR. Upon completion of the construction phase, it is considered that groundwater levels will revert to pre-construction conditions.

It is noted that the proposed foundations of T9 and T10 are of limited volume (3m depth by 23m diameter), and the depth of excavation required is limited to 3m due to the use of piling to anchor the foundations. The depth of excavation for proposed hard stands is 0.3m, and proposed access tracks will be floated, with minimal excavation for clearance and levelling only. When combined, these approaches to construction will minimise potential for drawdown of groundwater.

Considering the high degree of existing drainage associated with forestry plantation proximal to active raised bog, the drainage measures and effects of excavation outlined for the proposed development during both construction and operational phases will not result in marked changes to the existing local hydrological conditions or significant indirect effects on raised bog.

While some localised drying out effects could occur as noted in the submission, the temporary and limited duration of potential drawdown, in combination with limited depth and volume of proposed excavations mean that any potential effects on the raised bog are likely to be limited to within 100m or less, and would be unlikely to lead to permanent desiccation of the acrotelm or significant or irreversible dying off of vegetation. It is expected that the vegetation would recover from any minor drying out effects, and the condition and integrity of the raised bog would not be compromised over the long term.

2.6.4.2 Marsh Fritillary

2.6.4.2.1 Submission:

The K.C.C. Executive Ecologist recommended the development of a management plan for marsh fritillary butterfly, including identification of opportunities for habitat enhancement.

2.6.4.2.2 Response:

The areas of suitable marsh fritillary habitat identified in the western part of the study area, as detailed in section 8.7.3.1.17 of the EIAR and shown on the habitat map therein, are outside the proposed development site and associated land holdings, as are the records of marsh fritillary larvae which were recorded in these areas. The areas in question occur in grassy vegetation along the north-western margin of Timahoe North Bog, which is in Bord Na Móna ownership. As such, the areas of suitable habitat are outside the proposed development site.

The occurrence of the larval foodplant devil's bit scabious within the proposed development site and associated land holdings is limited to small patches located along an existing forestry track which are sup-optimal for marsh fritillary due to their limited extent and occurrence within enclosed woodland. Referring to the baseline environment section of Chapter 8 of the EIAR, it should be noted that the existing on site habitats do not align to the habitat condition requirements for the species as set out in NBDC habitat condition form.

It is noted that provision is made within the EIAR to avoid effects on marsh fritillary in the event that suitable habitat became established within the felling buffers during the operational phase. Pre-buffer maintenance surveys for marsh fritillary will be undertaken to check for suitable habitat and larval webs.

2.6.4.3 Decommissioning/Restoration Plan

2.6.4.3.1 Submission:

The K.C.C. Executive Ecologist recommended the preparation of a post-use habitat restoration plan focused on rehabilitation of peatland habitats within the site. It was further recommended the plan should be aligned with a broader regional peatland restoration strategy , including alignment with Bord na Móna restoration plans.

This recommendation was noted to be rooted in Principle 30 of the National Peatland Strategy, which states:

"Coillte and Bord na Móna, as managers of significant tracts of peatlands on behalf of the Irish people, will continue to show leadership in responsible management, rehabilitation, and restoration of peatlands."

2.6.4.3.2 Response:

It is noted that the current post-use proposal included in the EIAR for wooded areas which are underlain by peat is to cease management, allowing recolonisation by native trees and where required control of non-native conifer recolonisation.

The proposed development complies with the National Peatland Strategy. The locations most relevant in terms of peatland rehabilitation are T8 which is adjacent to Timahoe North Bog, and T9/T10 which are adjacent to Mulgeeth Bog.

Long-term management goals for the Coillte biodiversity areas overlapping these locations are noted within the EAIR. These are to replace existing lodgepole pine conifer plantation with Scots pine and birch, and to restore the existing raised bog (Mulgeeth Bog) within the Dunfierth Coillte biodiversity area (overlapping T9 and T10), and to implement gradual thinning to create an open conifer stand on bog for the Kilmurry area (adjacent to T8). The proposed development complies with same as it is proposed to fell trees within the turbine buffer areas and native trees will be allowed to naturally regenerate following decommissioning.

Regarding Bord na Móna restoration plans for Timahoe Bog, it is noted in the EIAR that the draft rehabilitation plan for Timahoe North Bog (Bord Na Móna, 2017) concluded no interventions are required to initiate rehabilitation of this bog due to the relatively long period since peat extraction ended and the advanced progress of natural revegetation. Following decommissioning, the proposed turbine buffers will be treated in a similar manner i.e. natural regeneration will be allowed to proceed. The proposed approach to decommissioning will not interfere with the natural regeneration of Timahoe Bog.

2.6.4.4 Peat Management regarding the Proposed Substation application (ACP Ref. 322843)

Submission:

The County Ecologist is concerned with the siting of a large peat deposition area beside the substation. They have called for details of a Peat Management Plan, and details for the management of the peat deposition area to cover:

- Best practice protocols for separation, depth control, surface treatment, and monitoring
- Ensure Regular Wetting
- Use stored peat promptly for on-site reinstatement or peatland restoration
- Quantify and map areas for re-use of peat and outline protocol for infill and spread areas and revegetation of same.
- Maintain clear documentation and monitoring records on Peat Management on site.

Response:

We refer the reader to the Peat and Spoil Management Plan, which has been provided as Section 4.3.4 of the CEMP. Best practice protocols for managing peat have been detailed in this text.

With regard to quantifying and mapping areas for re-use of peat, the reader is referred to the table 9-11 of Chapter 9 (Soils, Geology and Hydrogeology) which has quantified the volume of peat being excavated and deposited as a result of the Proposed Substation, and to planning drawing 23727-MWP-00-00-DR-C-0101 which maps the deposition area for that peat, which is being deposited to the east of the Proposed Substation footprint.

Information on the revegetation of deposited peat is contained within the Biodiversity chapter in Section 8.12.2 (Planting of Berms).

2.6.5 Heritage Officer

We have reviewed the material submitted from the Heritage Officer and are satisfied that no response is required from the Applicant in relation to same.

2.6.6 Environment Department

The Environment Department have raised concerns over the dates of noise baseline surveys.

The noise survey was conducted in 2017, prior to the original planning submission which was lodged in 2018. Some additional data was collected in 2019 as part of the production of Further Information, following a request from Kildare County Council. It would be expected that with the passage of time, baseline noise levels would increase, due to increasing road traffic flow. Therefore, it is considered that the baseline noise data collected in 2017/2019 would be quieter than data collected today. As such, the use of data from 2017/2019 would set a more conservative baselines, and therefore allow for a more conservative assessment. Our Noise Expect, Maureen Marsden, with over 30 years of experience, has advised it is her professional opinion that the baseline data is sufficiently robust.

2.6.7 Chief Fire Officer

The Chief Fire Officer has not raised any concerns. We are satisfied that no response is required from the Applicant in relation to same.

3. OBSERVERS

We wish to acknowledge receipt of all observations made in relation to the SID planning applications with ACP references 322843 and 322845. We thank all parties for their engagement and for taking the time to provide their valuable feedback. We note that a number of the observations acknowledge the other observers, and were therefore aware of each other, and the text contained within the observations is broadly similar from one observation to the other. This is particularly evident in the submissions from Ecoadvocacy, Kieran Cummins and Loraine Quinn and others. The submission from John Dooley (with Val Martin) raises some more unique concerns which have also been considered.

Due to the fact that the Observers are generally aware of each other, and have raised similar concerns, in the interest of brevity we are providing a general response below to all observations rather than separating the responses out into subsections.

The following text has been prepared to provide a response to the key issues and concerns raised, which have been carefully considered in the context of the proposed development.

3.1 There is no Strategic Environmental Assessment for the Wind Energy Guidelines 2006

A number of the observations point out that the Wind Energy Guidelines 2006 constitute a "Plan" in accordance with precedent case law. As such, a Strategic Environmental Assessment should have been prepared to support the Wind Energy Guidelines, but no such SEA exists.

We wish to clarify that the proposed development is in accordance with the Kildare County Development Plan, which is a plan supported by an SEA.

It is important to note that the site has been designated for Wind Energy Development in the Kildare County Development Plan 2023-2029. This plan was the subject of a Strategic Environmental Assessment (SEA) as part of the County Development Plan process. The SEA was prepared by Arup, is an extensive report outlining the environmental consequences of the plan and how they are monitored. A formal and systematic assessment, the SEA ensures environmental considerations are integrated into the final plan to promote sustainable development. The SEA evaluated the plan against Climate Change, ensuring that the plan is developing a county that is resilient to climate change, supporting low-carbon initiatives, and using development to mitigate its effects. The Proposed Development forms an integral part of the county development in this regard.

3.2 Missing Appendices

A number of the observations claim that there are appendices of the Environmental Impact Assessment Report (EIAR) missing. It appears that the observers expected at least one appendix for each chapter of the EIAR and noted that there were no appendices listed for Chapter 2 or Chapter 4. We would like to clarify that no appendices were ever intended for either of these chapters, and therefore they are not missing.

There is also reference made to "limited or non-existent public access to some technical appendices (e.g. mitigation agreements with telecom providers...)". We submit that all appendices were made publicly available. Communications with telecom providers, for example, are presented as Appendix 16.2 of the EIAR.

3.3 Project Splitting

The observers claim that we are project splitting due to separate applications for S37 and S182. This is not project splitting; this is lodging the two components of the project under their respective processes. They are assessed as one project, one EIAR, lodged concurrently.

3.4 Concerns regarding impacts on land use

Ecoadvocacy point out that substitute consent is required where EIAs were unlawfully bypassed, particularly in relation to peat extraction. However, the proposed development is situated in agricultural lands and commercial forestry, and does not include extensive areas of cutaway or cutover bog which might be subject to EIA. While there is evidence that peat soils were cut on the site in the past, these are understood to be small, historic extractions. The Proposed Development boundary does not encroach on the Timahoe North lands, which are immediately east of the Proposed Development site. The Timahoe North lands are owned by Bord na Mona and historically were harvested for commercial peat extraction. As the Proposed Development does not encroach on these cutover bog lands no substitute consent is required.

3.5 Insufficient Effort made in the Scoping and Consultation Process

Throughout several of the observations, there is an assertion that an insufficient effort has been made to engage scoping consultees, or that no response from a scoping consultee should be interpreted as approval from that consultee.

Significant evidence of consultation including email correspondence with consultees can be found in Appendix 5.3 of the EIAR. Where no response was received, this is not presumed to be an approval from that consultee. Several of the consultees were pursued for a response where an initial response was not forthcoming

The consultation process followed standard industry practice and was guided by *Code of Practice for Wind Energy Development in Ireland – Guidelines for Community Engagement* published on the 21st December 2016 by the Department of Communications, Climate Action and the Environment

Throughout several of the observations, there is an assertion that some public consultation events listed did not take place. These assertions reference Chapter 5 Scoping and Consultation. This is inaccurate or perhaps an error from the observers and the applicant confirms that a review of Chapter 5 will give a clear and accurate account of all public consultation associated with the project.

3.6 Visual Impact and Landscape Character

Concerns have been raised regarding the visual impact of the proposed wind farm on the local landscape and views. A detailed Landscape and Visual Impact Assessment (LVIA) was submitted with the application, which confirms that the project has been designed to minimise visual intrusion. The proposed layout and turbine height were carefully selected to respect the local landscape character and topography. The LVIA demonstrates that, while the turbines will be visible from certain locations, the project will not result in a significant adverse impact on the overall landscape character or on designated scenic routes.

Contrary to what some of the submissions assert, a significant effort was made in developing the cumulative section of the LVIA (see Section 15.9 of the EIAR). The cumulative assessment considered proposed, existing, permitted and “in-planning” wind farms within a 20 km radius. The cumulative assessment also considered other types of development which might act cumulatively with the Proposed Development, including Timahoe Solar Farm, six other solar farm projects, and the Drehid Landfill project. However, due to the differences in landscape and visual effects associated with a tall wind farm development versus an enclosed or “ground-hugging” type of development such as a landfill, there is very restricted possibility for in-combination effects. Ultimately, the LVIA found that there would be no significant effects arising from landscape and visual amenity as a result of the Proposed Development.

3.7 Noise (including infrasound, low frequency noise, and amplitude modulation)

Submissions have expressed concerns about potential noise from the turbines. Baseline monitoring and modelling of the potential noise scenario was prepared by acoustic consultants and submitted with the planning application. This assessment confirms that the wind farm has been designed to operate well within all relevant Irish and international noise standards. The use of modern, low-noise turbine technology and the careful siting of each turbine will ensure that noise levels at all sensitive receptors will be within acceptable limits, both during the day and night. The reader is referred to the submission made by the Health and Safety Authority, which concludes that the Proposed Development is "not likely to create noise emissions that require mitigation to protect Public Health".

A number of the observations refer to the ETSU-R-97 guidelines as "obsolete" following "recent court decisions". ETSU-R-97 is not considered obsolete and and our noise expert with over 30 years of professional experience is not aware of any recent court case which has said so.

Submissions assert that no cumulative noise assessment was completed. However, Section 7.5.1.2 of the EIAR presents the Potential Cumulative Impacts during the Construction Phase, and Section 7.5.2.3 presents the Potential Cumulative Impacts during the operational stage. This cumulative assessment considers a number of projects which might act cumulatively. Specifically, with regard to concerns raised in relation to cumulative operational noise with Timahoe Solar Farm (and substation), the reader is referred to Table 7.19 of the EIAR, which presents the results of a calculation done to examine how the Proposed Development and Timahoe Solar Farm (and substation) might act cumulatively, and concludes that the cumulative noise will not exceed limits.

There is an assertion that receptor R134 is an involved landowner and therefore the application should present a folio or consent letter for this property. We would like to clarify that R134 is not an involved landowner. The confusion here arises as the noise chapter refers to this receptor as a "family member of an involved landowner". As this residence is not an involved landowner, a folio map and consent letter is not required for same.

The observations assert that the EIAR has not considered the house immediately west of the main site entrance in the noise assessment. They also assert that "mitigation includes minor access road realignment but no barrier or acoustic shielding is proposed". This is incorrect, we note that the house in question is 48 m from the site entrance, and state that that the entrance track was realigned specifically to mitigate against noise impacts on the residence in question. In addition to the re-alignment of access track, the applicant has also proposed a noise barrier here which is shown in the planning drawings and further mitigates the potential noise impacts.

3.8 Ecological Impact

The potential impact on local ecology, particularly on birds and bats, has been a key concern. The Biodiversity Chapter of the EIAR and Natura Impact Statement were prepared by qualified ecologists and submitted as part of the application documentation. The proposed layout was specifically designed to avoid all known sensitive habitats. The Biodiversity Chapter and NIS concludes that the development will not have a significant adverse effect on the conservation status of any protected species or habitats, including those within the nearby Natura 2000 network. The application includes a detailed Ecological Monitoring and Mitigation Plan which will be implemented to ensure the long-term protection of local wildlife.

The submissions point out that the Birds Directive prohibits the killing of wild birds, and that the Proposed Development will inevitably result in a number of bird fatalities, and therefore contravenes the Birds Directive. It is recognised in the Revised Renewable Energy Directive ("RED III") that the construction and operation of a renewable energy project may result in the occasional killing or disturbance of wild birds and other species protected under the Habitats and Birds Directives.

RED III makes clear that, where the killing or disturbance of wild birds and protected species is accepted as a possible outcome of developing or operating a renewable energy project, such killing or disturbance should not be considered to be deliberate, and are not therefore prohibited under the Birds and Habitats Directive, provided that the project has adopted appropriate and necessary mitigation measures to, avoid killing and prevent significant disturbance of all species of wild birds, and of the protected species listed in Annex IV of the Habitats Directive. We submit that the Proposed Development provides such mitigation that it would therefore not contravene the Birds Directive or the Habitat Directive.

3.9 Decommissioning

A number of submissions have asked for clarity on the decommissioning of the turbines at the end of the project's life. The EIAR outlines the decommissioning plan to comprise the full removal of all above-ground infrastructure, foundations to an appropriate depth, and the reinstatement of the site. The Proposed Development is for a 35-year operational life, and the decommissioning methodology will be adjusted in line with the most up-to-date industry standard at the time of decommission. Each chapter of the EIAR includes an assessment of the potential effects resulting from decommissioning of the Proposed Development and in general it is acknowledged that the decommissioning impacts are expected to be similar to the construction phase impacts but of a lesser magnitude.

3.10 Traffic Management and Impact on Local Roads

With regard to the concerns raised regarding impact on local roads, we refer the reader to Section 2.6.1.

In addition to this concern, the Observers raised concerns regarding the Turbine Delivery Route which has been updated since 2018 to include a new entrance to the northern portion of the site. They also raised concerns regarding the safety of site entrances.

Ecoadvocacy assert that the TDR report makes no reference to the L5012 despite it forming part of the turbine delivery route. They assert that there is "no swept path analysis, no route constraint assessment, and no visibility or safety review for this access route".

We would like to clarify that the TDR report (presneted as Appendix 13.1 of the EIAR) does refer to the L5012 and includes details of accommodation works along same. In the TDR report this road is called the "Kilshanroe Road" rather than L5012. Swept path analysis is presented as Appendix B of the TDR report, constraints assessment is presented throughout the TDR report and visibility, and safety are described in the Traffic chapter of the EIAR.

Ecoadvocacy highlight that there is "no stated mechanism" that prohibits haulers from accessing or deviating onto local roads such as the L50242. However, we have proposed haul routes, and those haul routes do not include the L50242. A section of the L50242 is to be used as an internal connection road to join the northern and southern sections of the site, and the Traffic chapter has identified this as a narrow road and therefore provided clear detail on how this length of local road is to be used safely and appropriately for the construction/operation/decommissioning of the proposed development.

3.11 Temporary Accommodation Works on TDR not Part of the Planning Application

The TDR was developed in order to utilise the most suitable existing roads such that no significant works would be required outside of the proposed development boundary. As such, only activities such as hedge trimming, and the provision of small stone hardstanding areas within the public road corridor are required, as set out in the TDR which is presented as Appendix 13.2 of the EIAR. Any potential environment effects associated with these activities have been considered through the EIAR, with the potential effects for Noise in Section 7.5.1.1 of Chapter 7, potential effects for Biodiversity in Section 8.11.1.1 of Chapter 8; potential effects for Soils, Geology and Hydrogeology in 9.5.2.6 of Chapter 9, potential effects for Traffic and Transport in 13.5.2 of the Chapter 13 minimise potential. Should consent be required for any of these activities, this will be attained prior to commencement.

3.12 Hydrology

The submissions assert that the construction activities , including three watercourse crossings, will pose high sedimentation risk to the Blackwater Catchment; and that a number of the rivers have Q3 status and are at risk of not meeting the requirements of the WFD. We submit that risk of sedimentation will be low. We have proposed a suite of mitigation for the protection of surface waters from sedimentation. Each of the watercourse crossings will be by clear-span bridge, requiring no in-stream works; the drainage system has been designed in line with SuDS; and a riparian buffer of 50 m are among the substantial efforts to control sediment which will protect the rivers of the Blackwater catchment.

There are assertions that the hydrology assessment did not consider "two solar farms known to discharge surface water runoff into the Fear English River". However, the Hydrology chapter lists Timahoe Solar Farm and several other solar farms in the cumulative project section and notes that "due to the insignificant increase in potential run-off from solar farm developments, it is not expected that the cumulative impact with the other permitted developments will give rise to any significant impacts".

The submissions call into question whether there is hydrological connection to Timahoe Bog and calls for a "full peat hydrology and connectivity assessment". However, the site and Timahoe Bog are separated by the Fear English River and major drainage channels that were cut into the bog by BnM. There is therefore no surface connectivity between the sites, and the potential for sub-surface connectivity is extremely low, considering throughflow will drain to the Fear Engligh River, and deeper groundwater will likely flow to the north (away from Timahoe Bog) . In any case, the Timahoe Bog has been significantly impacted in the past by BnM activities such that it is not such a sensitive site that we need to scrutinise the unlikely chance of measurable connectivity.

Ecoadvocacy state that they were unable to find a "WFD Compliance Statement" within the planning application documentation. A WFD Compliance Statement is not a formal report we're aware of. It is possibly referring to a WFD Assessment, which is contained in Sections 10.5.3, 10.8 and 10.11 of the text of the Hydrology chapter.

3.13 Conclusion

The proposed wind farm is a significant project that will make a substantial contribution to Ireland's renewable energy targets and the transition to a low-carbon economy. This application has been prepared in full compliance with all planning requirements and is supported by comprehensive environmental and technical assessments. We are confident that the proposed development represents a sustainable and well-considered project that will bring significant benefits with minimal impacts. We will continue to engage in a transparent and constructive manner throughout the planning process and beyond.

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