

Response to Observations

Cahermurphy West Wind
Farm, Co. Clare

An Coimisiún Pleanála Ref
No: 324155-26



1.

INTRODUCTION

MKO have been instructed by Cahermurphy Renewables Designated Activity Company to prepare this Response to Observations from the National Parks and Wildlife Services (NPWS), having been invited to respond to same by An Coimisiún Pleanála (the Commission) on the 15th of July 2026. The request was made in relation to a Strategic Infrastructure Development (SID) planning application under Section 37E of the Planning and Development Act 2000, as amended, which is currently before the Commission for consideration (Case reference: ACP-324155-26), concerning a proposed wind farm development, comprising of 8 no. wind turbines and associated infrastructure in the townlands of Cahermurphy and adjacent townlands in Co. Clare. The letter from the Commission stated that the deadline for submission is the 12th August 2026.

For ease of reference, the following terminology is used throughout this document:

- Where the **‘Proposed Wind Farm’** is referred to, this relates to all components within the Wind Farm Application under Section 37E of the Act.
- Where the **‘Proposed Project’** is referred to, this relates to all the project components i.e. the Wind Farm Site and Grid Connection.
- Where **‘Proposed Grid Connection’** is referred to, this relates to all components within the Grid Connection Application under Section 182A of the Act.

Both the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) consider the combined impacts of these individual elements of the Proposed Project. A separate response to observations relating to the Proposed Wind Farm (Case reference: ACP-324155-26), as well as the Proposed Grid Connection planning application (Case Reference – ACP-324156-26) has already been submitted to the Commission.

All matters raised in the NPWS submission are fully addressed in Section 2 of this Response to Observations, with the response structured under the observation themes identified by the NPWS.

2. OBSERVATION RESPONSE

2.1 Preamble

This Response to Observations has been separated into the themes as outlined in the submission by the NPWS, which consists of the following:

- › Hydrological Pathways
- › Freshwater Qualifying Interests
- › Hen Harrier
- › Ornithology
- › Construction Environmental Management
- › Monitoring

A conclusion and summary of this response is provided in Section 3 of this document.

2.2 Hydrological Pathways

The Development Applications Unit (DAU) of the NPWS raised matters in relation to downstream European Sites, stating that additional justification should be provided demonstrating that all hydrological pathways have been assessed. It further states that the assessment should clearly distinguish between temporary construction effects and longer-term hydrological alteration.

During the Stage 1 Appropriate Assessment Screening for the Proposed Project (Section 4 of the submitted Appropriate Assessment Screening and Natura Impact Statement (AASR/NIS)), hydrological pathways to the following European Sites were clearly identified in Table 4-1:

- › Lower River Shannon SAC [002165],
- › Carrowmore Dunes SAC [002250],
- › Carrowmore Point to Spanish Point and Islands SAC [001021],
- › River Shannon and River Fergus Estuaries SPA [004077], and
- › Mid-Clare Coast SPA [004182].

Carrowmore Dunes SAC, Carrowmore Point to Spanish Point and Islands SAC, and the Mid-Clare Coast SPA are each located downstream of the Proposed Wind Farm site, while the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA are located downstream of the Proposed Grid Connection route.

Full details of these hydrological connections are provided in Table 4-1 of the AASR/NIS report.

The potential for likely significant effects on these European Sites, in the absence of mitigation, was identified in the form of potential indirect effects from deterioration of water quality resulting from the construction, operational, and/or decommissioning phases of the Proposed Project. The potential for likely significant effects on the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA was identified during construction and decommissioning only, given the operational nature of a grid connection route which will be an underground structure requiring minimal maintenance works.

As such, this pathway for effect was considered in Section 6.2 (Potential for Indirect Effects on European Sites) of the submitted AASR/NIS report which clearly distinguishes between construction and operational effects.

For clarity, the sections below summarise the assessments for potential indirect adverse effects on European Sites identified within the likely zone of interest, which are fully detailed in Section 6.2 of the AASR/NIS.

Section 6.2.1 of the AASR/NIS fully details the activities associated with the Proposed Project which could lead to pollution events during the construction, operational, and decommissioning phases. This section first, however, highlights the design considerations (mitigation by design), to reduce these potential effects:

- Sensitive hydrological features have and will be avoided where possible, by application of suitable buffer zones (i.e. 50m to main watercourses, and 10m to main drains). All of the key Proposed Project areas are located significantly away from the delineated 50m watercourse buffer zones with the exception of the creation of 1 no. watercourse crossings and 1 no. upgrade to an existing watercourse crossing along proposed access roads.
- Hard standing areas have been designed to the minimum size necessary to reduce potential impacts on water quality.

Construction phase

The construction phase of the Proposed Project will involve clear-felling, excavations and earth moving and creation/upgrading of watercourse crossings which create the potential for pollution in various forms, i.e. the generation of suspended solids and the potential for spillage of fuels associated with the refuelling of excavation machinery.

Surface and groundwater flowpaths have been identified as pathways for adverse effects on the European Sites identified within the likely zone of influence, via deterioration of water quality.

However, Section 6.2.1.2 of the AASR/NIS provides detailed and comprehensive mitigation measures to ensure that all pathways for significant effects on European Sites identified within the likely zone of are robustly blocked during construction. Pathways pertinent to European Sites consider:

- Potential Effects from Clear Felling
- Potential Effects from Earthworks (Removal of Vegetation Cover, Excavations and Stock Piling) Resulting in Suspended Solids Entrainment in Surface Waters
- Potential Effects on Surface Water Quality from Excavation Dewatering
- Potential Effects from Hydrocarbons
- Potential Effects from Wastewater
- Potential Effects from Cement-Based Products
- Potential Effects due to New Watercourse Crossing Works within the Proposed Wind Farm
- Potential Effects from the Use of Siltbuster
- Potential Effects from Earthworks Works and Watercourse Crossings along the Proposed Grid Connection route
- Potential Effects from the Proposed Hen Harrier Enhancement Plan

Section 6.2.1.2 of the AASR/NIS and Section 3.2 of the submitted CEMP details mitigations to be implemented during construction, to prevent adverse effects from each of the above pathways.

Furthermore, detailed drawings of the proposed drainage measures to be implemented during all phases of the Proposed Project are provided in Appendix 6 of the AASR/NIS, namely:

- P1477-3-0226-A1-D101-00B - Proposed Drainage Drawing Layout
- P1477-3-0226-A1-D1012-00B - Proposed Drainage Drawing Layout
- P1477-3-0226-A1-D103-00B - Proposed Drainage Drawing Layout
- P1477-3-0226-A1-D501-00B - Drainage Details 1
- P1477-3-0226-A1-D502-00B - Drainage Details 2
- P1477-3-0226-A1-D503-00B - Drainage Details 3

These provide detail on the measures that have been incorporated into the Proposed Project to ensure that no runoff of sediment or hydrocarbons enter watercourses, groundwater systems, or downstream European Sites.

Section 6.2.1.2 of the AASR/NIS concludes:

Following the successful implementation of the above listed mitigation measures, there will be no potential for residual adverse effects on water quality/habitat degradation of European Sites as a result of deterioration of water quality during construction of the Proposed Project.

Operation phase

As per Section 6.2.1.3 of the submitted AASR/NIS, pathways for which deterioration of water quality may occur during the operational phase of the Proposed Project include:

- Progressive Replacement of Natural Surface with Lower Permeability Surface
- Potential Effects from Runoff

Drainage drawings included in Appendix 6 of the AASR/NIS, as already discussed above for construction and will also be implemented during operation, clearly detail the measures incorporated into the design of the Proposed Project, to ensure that there will be no runoff or percolation of pollutants into any watercourses, groundwater systems, or downstream European Sites, and therefore, there is no potential for adverse effects, as a result of the operational phase of the Proposed Project.

Section 6.2.1.3 concludes:

Following the successful implementation of the above listed mitigation measures, there will be no potential for residual adverse effects on water quality/habitat degradation of European Sites as a result of deterioration of water quality during operation of the Proposed Project.

Given the above, it has been clearly demonstrated that all hydrological pathways have been considered in the assessment, and each have been robustly blocked through project design and the provision of a detailed schedule of mitigations. There is, therefore, no potential for residual adverse effects on European Sites, as a result of deterioration of water quality, from any stage of the Proposed Project.

2.3

Freshwater Qualifying Interests

The NPWS request that clearer evidence should be provided demonstrating that sediment nutrient and pollution risks have been quantified and that mitigation measures are sufficient under worst-case rainfall and construction scenarios, relating specifically to aquatic qualifying interests (QIs) of downstream European Sites, including freshwater pearl mussel, salmon and lamprey species. They state that reliance on standard construction mitigation alone may not always be sufficient where sensitive aquatic qualifying interests are present.

Firstly, only one European Site designated for the above-mentioned aquatic QIs has been identified to be within the likely zone of interest: the Lower River Shannon SAC, as per Section 4 of the submitted AASR/NIS. Neither Carrowmore Dunes SAC nor Carrowmore Point to Spanish Point and Islands SAC are designated for any aquatic species. While the Lower River Shannon is designated for several aquatic species, only a portion of the Proposed Grid Connection element of the Proposed Project is hydrologically connected to this SAC.

This section of the Proposed Grid Connection will require 7 no. watercourse crossings, 6 of which are currently small culverts. As detailed in Section 2.4.1.2 of the AASR/NIS and in Appendix 3 of the AASR/NIS, where horizontal directional drilling is unsuitable, existing culverts will be crossed using open trenching with either an undercrossing or overcrossing. No instream works are proposed.

However, taking a precautionary approach and in the absence of mitigation, the potential for adverse effects, as per Table 5-1 of the AASR/NIS, was identified on downstream aquatic QIs of the Lower River Shannon SAC, which have been fully assessed in Section 6.2.1.2. Within this section of the AASR/NIS, detailed mitigations have been provided to ensure that these works do not result in the runoff of any pollutants into downstream watercourses, and thus, the Lower River Shannon SAC.

For further clarification in relation to freshwater pearl mussel, as discussed in Table 5-1 of the AASR/NIS, there is no hydrological connectivity between the population of freshwater pearl mussel for which the Lower River Shannon SAC is designated, which is located in the Cloon River catchment. There is no hydrological connectivity to this catchment from the Proposed Project, and therefore, no potential for adverse effects on this QI of the SAC exists.

There is, therefore, no potential for residual adverse effects on European Sites, as a result of deterioration of water quality, from any stage of the Proposed Project.

2.4

Hen Harrier

The NPWS acknowledge that the proposed hen harrier enhancement plan, which forms part of the Proposed Project, would provide ecological benefits to area. However, they state that it should be made clear that enhancement measures are not relied upon to avoid or reduce adverse effects unless they satisfy the legal tests for mitigation under Article 6(3).

The nearest SPAs designated for breeding hen harrier are the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA and the Slieve Aughty Mountains SPA, which are approximately 23 km and 29 km from the Proposed Wind Farm site, respectively. This greatly exceeds, by an order of magnitude, the foraging range of hen harrier, i.e. the core foraging range is 2 km (with distances of up to 5km cited on occasion). For this reason, hen harrier has not been considered in the submitted AASR/NIS, as there is clearly no potential for the Proposed Project to result in any likely significant effects on any hen harrier population for which these SPAs are designated.

It is acknowledged that the submitted AASR/NIS does discuss the proposed Hen Harrier Enhancement Plan (HHEP) in Section 2: Project Description and in Section 3: Characteristics of the Receiving Environment, but the purpose of this is only to fully describe the Proposed Project (of which the HHEP is a component) in its entirety and to identify potential for likely adverse effects on any European Sites as a result of the implementation of the plan.

The purpose of the HHEP is to enhance suitable habitat for non-designated populations of hen harrier, as clearly discussed in the submission response document submitted to ACP on the 2nd of July 2026, relating to case number ACP – 324155-26. It is, therefore, abundantly clear that the proposed hen harrier enhancement plan is not intended as mitigation for potential adverse effects on any European Site and is only included in the AASR/NIS for completeness.

2.5

Ornithology

The NPWS state that the assessment should demonstrate more explicitly that collision risk, displacement and barrier effects have been considered for all Special Protection Area qualifying interests that may utilise the wider landscape, including occasional or seasonal use outside mapped core areas.

Stage 1 Appropriate Assessment Screening in Section 4 of the submitted AASR/NIS identified that the Proposed Project is located within the core foraging range of Special Conservation Interests (SCIs) of the following European Sites:

- › River Shannon and River Fergus Estuaries SPA (specifically black headed gull & cormorant)
- › Mid-Clare Coast SPA (specifically barnacle goose)

However, as discussed in Section 5: Stage II Natura Impact Statement of the AASR/NIS, no, or very few, numbers of black headed gull, cormorant, or barnacle goose were recorded during the ornithological surveys undertaken to inform the AASR/NIS and EIAR, and the Proposed Project site did not provide significant supporting habitat for these species. Therefore, the potential for adverse effects on European Sites, as a result of collision risk, displacement and barrier effects, can be conclusively ruled out.

Regarding the NPWS point to consider these impacts on all SPA SCIs, this is beyond the scope of Appropriate Assessment, which is the assessment of potential adverse effects on European Sites within the likely zone of influence and the SCIs for which they are designated. As discussed above, this has been undertaken in the submitted AASR/NIS.

While other Annex I species of the EU Birds Directive were recorded during the surveys undertaken, as discussed in Section 7.3.9 of the submitted EIAR, these are not pertinent to the Appropriate Assessment as the SPAs for which they are designated are beyond the likely zone of influence of the Proposed Project. Therefore, to provide assessment of such in the NIS would exceed the requirements for Appropriate Assessment and be disproportionate.

2.6

Construction Environmental Management

The NPWS state that a number of important mitigation measures are deferred to the Construction Environmental Management Plan, Peat Management Plan and other subsequent documents included as appendices to the submitted AASR/NIS. They state that mitigations should be sufficiently precise, certain and enforceable to ensure that there is no potential for adverse effects on European Sites.

While documents such as the Construction Environmental Management Plan (CEMP) and Peat and Spoil Management Plan (PSMP) are included as appendices to the AASR/NIS, these documents have been prepared, first and foremost, to inform the accompanying EIAR, and have been prepared using defined terminology from EPA (2022) guidelines.

While these documents have been considered in the preparation of the AASR/NIS, the detail provided in the AASR/NIS is conclusive and precise. The AASR/NIS conclusion of no residual adverse effects on European Sites is drawn from the design of the Proposed Project, such as the proposed drainage plan, as well as the mitigations provided in Section 6 of the AASR/NIS. This section identifies each specific hydrological pathway for potential adverse effects and provides targeted, concise, and certain mitigations for each, to ensure that there will be no runoff or percolation of pollutants into aquatic systems during any phase of the Proposed Project.

There is, therefore, no potential for residual adverse effects on European Sites, as a result of deterioration of water quality, from any stage of the Proposed Project.

2.7

Monitoring

It is stated by the NPWS that monitoring cannot compensate for uncertainty at the Appropriate Assessment stage and should not be relied upon as the basis for concluding no adverse effects.

While monitoring of construction works is prescribed within Section 6.2.1 of the submitted AASR/NIS, the conclusion of “no residual adverse effects” is not reliant on these measures. Firstly, the Proposed Project includes a detailed drainage design which will be implemented during all phases of the project and is designed to ensure that there will be no runoff or percolation of pollutants of any kind into aquatic systems.

Additionally, as per Section 6.2.1 of the AASR/NIS the Proposed Project highlights the design considerations (mitigation by design) to reduce the potential for adverse effects all phases of the project:

- Sensitive hydrological features have and will be avoided where possible, by application of suitable buffer zones (i.e. 50m to main watercourses, and 10m to main drains). All of the key Proposed Project areas are located significantly away from the delineated 50m watercourse buffer zones with the exception of the creation of 1 no. watercourse crossings and 1 no. upgrade to an existing watercourse crossing along proposed access roads within the Proposed Wind Farm site.
- Hard standing areas have been designed to the minimum size necessary to reduce potential impacts on water quality.

Furthermore, the mitigation measures prescribed within Section 6.2.1 the AASR/NIS, excluding monitoring, for each identified hydrological pathway have been designed taking a highly precautionary approach and provide a robust and comprehensive schedule of mitigations to ensure there will be no adverse, or significant, effects on aquatic receptors, during any phase of the Proposed Project. All potential hydrological pathways for effects have been detailed in Section 6.2.1 and specific mitigations have been applied to each.

The provision of monitoring within the AASR/NIS is in relation to works such as clear-felling, earthworks, dewatering, the use siltbuster, and watercourse crossings. It is standard best practice to monitor the implementation of such mitigation measures to ensure the efficacy of such measures and to allow for adaptations to mitigation to be made if necessary.

The conclusions of the AASR/NIS are not reliant on prescribed monitoring measures within the report, as all pathways for adverse effects are robustly and comprehensively considered in the design of the Proposed Project and within the schedule of mitigations.

3.

SUMMARY

The sections above have addressed the concerns raised by the NPWS, in relation to the AASR/NIS. MKO are confident that all hydrological pathways for potential adverse effects on European Sites have been fully considered and assessed, with the provision of appropriate design and mitigation measures for all stages of the Proposed Project within the report.

Regarding aquatic qualifying interests of European Sites identified within the likely zone of interest, the only European Site pertinent to this concern is the Lower River Shannon SAC. However, as discussed above, only a small section of the Proposed Grid Connection route is hydrologically connected to this SAC, and robust mitigations for these works have been provided in the report. The Proposed Project has no hydrological connectivity to any population of freshwater pearl mussels designated as a QI of any SAC.

The closest SPAs designated for hen harrier are the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA and the Slieve Aughty Mountains SPA, which are located at a significant distance (the proposed turbines being 23.9km from the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA at its closest point) beyond the core foraging ranges of this species. Whilst the Proposed Project does provide for a hen harrier enhancement plan, this is clearly not intended to mitigate potential adverse effects on any SPA designated for this species.

The sections above also clearly explain why the Proposed Project has no potential to result in adverse effects on any SPA, as a result of collision risk, displacement and barrier effects. No significant recordings or significant supporting habitat for any SCI of either the River Shannon and River Fergus Estuaries SPA or the Mid-Clare Coast SPA was recorded during the surveys undertaken. It is not the purpose of Appropriate Assessment to assess all SPA SCIs in a given area, but only those designated under European Sites identified to be within the likely zone of influence.

Finally, as discussed above, the conclusions of the AASR/NIS are not dependent on the provision of proposed monitoring measures. The design of the Proposed Project, as well as the mitigations provided to ensure no runoff or percolation of pollutants into aquatic systems, are sufficiently robust and concise to conclude that the Proposed Project will not adversely affect the integrity of European sites.

Having regard to the key clarifications and points set out in this response document, it is respectfully requested that the Commission give appropriate weight to the significant contribution that the Proposed Project will make towards Ireland's National Climate Objective.