Derrybrien Wind Farm Project

Gort Windfarms Ltd.

Remedial Environmental Impact Assessment Report
Chapter 1-Introduction

Document No.: QS-000280-01-R460-001-000

Date: July 2020

Engineering and Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin, K67 XF72, Ireland.

Phone +353 (0)1 703 8000

www.esb.ie

Copyright © ESB, all rights reserved.

Contents

Table of figures 1-2
Table of tables 1-2
1 Introduction 1-3
1.1 Context 1-3
1.1.1 Project Background 1-3
1.1.2 CJEU Judgements 1-6
1.1.3 Substitute Consent and rEIAR 1-7
1.1.4 Legal Requirements-EIA 1-8
1.1.5 Scope of rEIAR 1-10
1.2 Guidance 1-11
1.3 Methodology 1-12
1.3.1 Baseline Environment for rEIAR 1-12
1.3.2 Significance of Impact 1-13
1.3.3 Language used in rEIAR 1-14
1.4 Presentation Format 1-15
1.5 Cumulative effects assessments 1-17
1.6 Mitigation and Remedial Measures 1-17
1.7 Consideration of Alternatives 1-17
1.8 Contributors and Competency 1-17
1.9 Consultations to inform rEIAR 1-21
1.9.1 Consultation during the Substitute Consent Application and the EIA Processes 1-24
1.10 Availability 1-25
Appendices

Table of appendices

Appendix 1-1 Newsletter

Appendix 1-2 Information Sheet issued to statutory and non statutory consultees

Appendix 1-3 Figures at A3, A2, A1 and A0

Table of figures

Figure 1.1 Site Location of Derrybrien Wind Farm Project 1-4

Table of tables

Table 1.1 Planning Consents associated with Project 1-5

Table 1.2 Description of Effects 1-13

Table 1.3 Typical chapter layout 1-15

Table 1.4 Correlation between Article 3 EIA topics and rEIAR chapters 1-16

Table 1.5 List of Experts 1-18

1 Introduction

1.1 Context

This remedial Environmental Impact Assessment Report (hereinafter referred to as the rEIAR) has been prepared to accompany an application to An Bord Pleanála (ABP) for Substitute Consent for the Derrybrien Wind Farm Project, Co. Galway, the subject matter of the Court of Justice of the European Union (CJEU) Cases C-215/06[1] and C-261/18.[2]

1.1.1 Project Background

The Derrybrien Wind Farm Project (the Project) is located in the northern part of the Slieve Aughty Mountains in County Galway, approximately 11km due south of Loughrea, 13km northeast of Gort and 24km west of Portumna, see Figure 1.1 Site Location of Derrybrien Wind Farm Project.

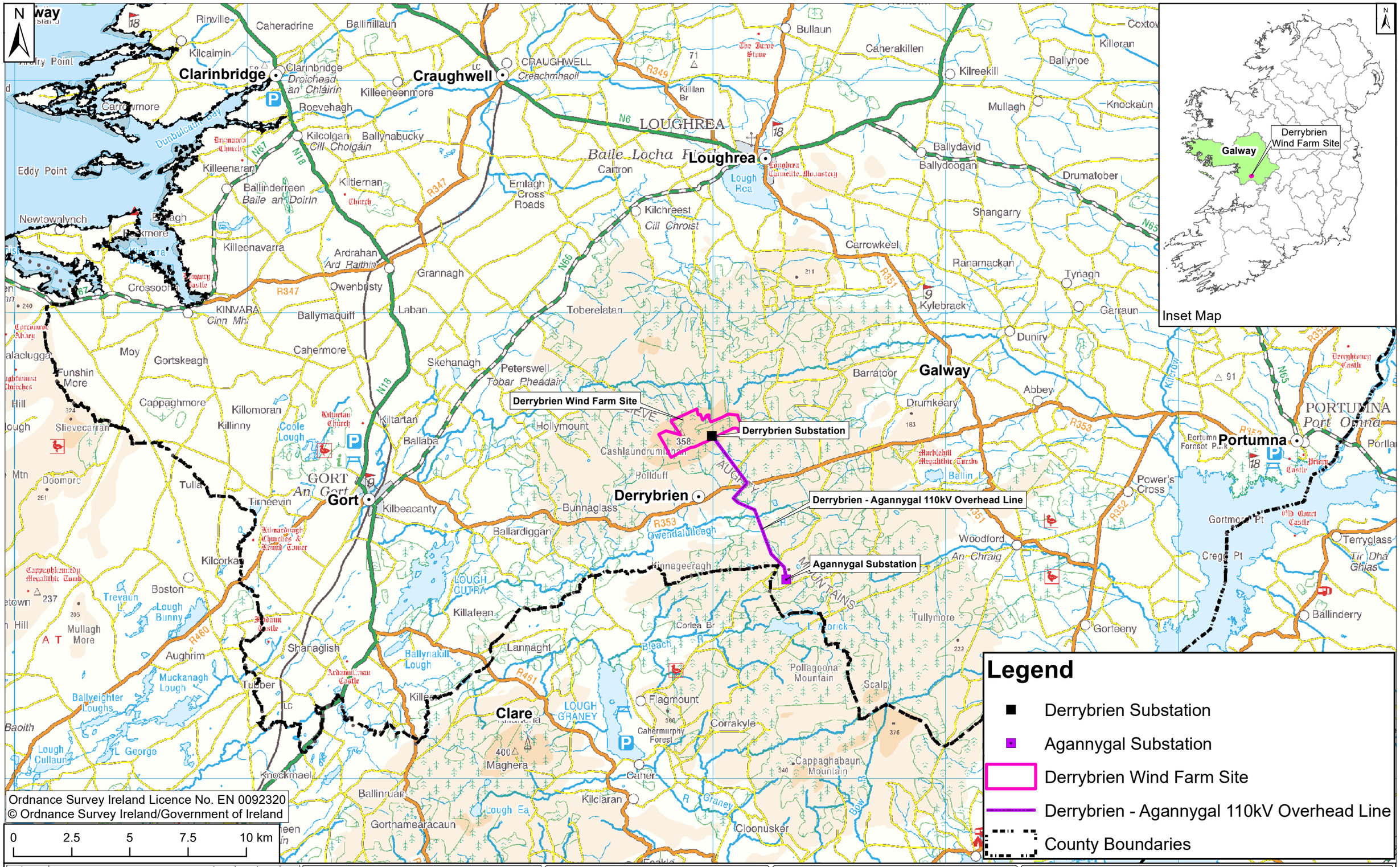
Figures are contained in A4 format as they are referenced within the chapter. Where necessary for clarity these are reproduced at A3 in Appendix 1-3

The Project comprises seventy (70) Vestas V52-850 kW wind turbines and substation, a grid connection comprising an overhead line (approximately 7.8km long) and Agannygal Substation connecting the wind farm to the National Grid and all associated developments.

The development consents were obtained by a third party and the wind farm project was subsequently, in 2003, acquired by Gort Windfarms Ltd. While planning permissions were in place for the project at the time of the acquisition, construction had not begun.

There are four main consents associated with the Wind Farm Project (Table 1-1), three related to the wind farm itself and one associated with the grid connection. The planning applications were originally made to Galway County Council and the three planning applications associated with the wind farm were granted on appeal by An

[1] Commission of the European Communities v Ireland, 3rd July 2008
[2] European Commission v Ireland, 12th Nov 2019



Ordnance Survey Ireland Licence No. EN 0092320
© Ordnance Survey Ireland/Government of Ireland

REV	DATE	REVISION DESCRIPTION	DRN	PROD	VER	APP
0	06/08/20	Issued for substitute consent	E.O'S	E.O'S	P.K	J.McL

PURPOSE OF ISSUE - PRELIMINARY UNLESS INDICATED
CLIENT APPROVAL ☐ PLANNING ☐ TENDER ☐ CONSTRUCTION ☐ AS-BUILT ☐

ESB INTERNATIONAL
One Dublin Airport Central,
Dublin Airport, Cloghran, Co. Dublin
Tel: 353 1 703 8000 Email: marketing@esbi.ie
Web: www.esbinternational.ie
ESB International is a trading name of ESBI Engineering & Facility Management Ltd.
Registered Office: as above
Registered in Ireland No. 155249

CLIENT: Gort Windfarms Ltd

PROJECT: Derrybrien Wind Farm Project

CONTRACT

PRODUCTION UNIT: Civil & Environmental Engineering

DRAWING TITLE: Figure 1.1 - Site Location of Derrybrien Wind Farm Project

COPYRIGHT © ESB INTERNATIONAL LIMITED
ALL RIGHTS RESERVED. NO PART OF THIS WORK MAY BE MODIFIED, REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS - GRAPHIC, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, TAPING OR USED FOR ANY PURPOSE OTHER THAN ITS DESIGNATED PURPOSE, WITHOUT THE WRITTEN PERMISSION OF ESBI ENGINEERING AND FACILITY MANAGEMENT LTD., TRADING AS ESB INTERNATIONAL

DRAWN	PRODUCED	VERIFIED	APPROVED	APPROVAL DATE
E.O'Shea	E.O'Shea	P.Kavanagh	J.McLoughlin	06/08/2020

CLIENT REF.	NO. OF SHEETS	SIZE	SCALE
00-00	00-00	A3	1:150,000

DRAWING NUMBER
QS-000280-01-D460-002-001-000

Table 1.1 Planning Consents associated with Project

	Planning Register Ref.	Decision Date	Summary of Application and Permitted Development
DB Wind Farm Phase 1	GCC - 97/3470 ABP - PL.07.106290	12st October 1998	Standard 5-year permission for the development of 23 turbines and ancillary development.
	GCC - 03/5642	24st November 2003	Extension of duration to 31st March 2005
	GCC - 05/317	31st March 2005	Extension of duration to 31st June 2006
DB Wind Farm Phase 2	GCC - 97/3652 ABP - PL.07.106292	12th October 1998	Standard 5-year permission for the development of 23 turbines and ancillary development.
	GCC - 03/5637	24th November 2003	Extension of duration to 31st March 2005
	GCC - 05/316	30th March 2005	Extension of duration to 31st June 2006
DB Wind Farm Phase 3	GCC - 00/4581 ABP – PL.07.122803	15th November 2001	Application for the erection of 25 turbines (60m hub height, 30m blade length) and ancillary development; and modifications to 46 previously approved turbines to 60m hub height and 30m blades). Application subject of EIA. Standard 5-year permission granted excluding changes to permitted turbines and restricting the height of Phase 3 turbines
	GCC – 02/3560	6th January 2003	Application for change of turbine type 25 Vestas V47 turbines to 25 Vestas V52 turbines – reducing hub height by 3m and increasing blade length by 3m. The grant of permission specified change affected Phase 3 turbines only and would increase height above ground by 1.5m and length of turbine below ground by 0.5m.
Grid Connection	GCC – 99/2377	10th August 1999	Planning permission for the development of a 110kV transmission line with a tee-in to the pre-existing

	Planning Register Ref.	Decision Date	Summary of Application and Permitted Development
			Shannonbridge-Ennis 110kV Overhead Transmission Line.
	GCC – 04/4085	5th November 2004	Extension of duration to 31st December 2005

Construction of the wind farm commenced in June 2003 and continued to 2006.

A large peat slide occurred during construction in October 2003 which originated within the wind farm site boundary to the south of the site.

In the immediate aftermath of that event, onsite and offsite emergency works were undertaken principally comprising the installation of earthen and boulder barrages to minimise effects on receiving watercourses, roads and lands. Further works associated with the peat slide were undertaken in 2004- 2005 which comprised the creation of offsite peat repository areas for the storage of displaced peat.

The following year, construction of the wind farm resumed once it had been confirmed by engineering experts that it was appropriate to do so. All phases of the project were constructed in parallel. Construction of the Project was completed in 2006.

The wind farm has been in continuous operation since 2006 and it is envisaged that it will operate until circa 2040, at which time it will be decommissioned.

1.1.2 CJEU Judgements

In July 2008, the CJEU delivered its judgement in Case C-215/06 which related to failures by Ireland in relation to implementation of the Environmental Impact Assessment (EIA) Directive. The Court declared that:

'by failing to adopt all measures necessary to ensure that:

- projects which are within the scope of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment either before or after amendment by Council Directive 97/11/EC of 3 March 1997 are, before they are executed in whole or in part, first, considered with regard to the need for an environmental impact assessment and, secondly, where those projects are likely to have significant effects on the environment by virtue of their nature, size or location, that they are made subject to an assessment with regard to their effects in accordance with Articles 5 to 10 of Directive 85/337, and
- the development consents given for, and the execution of, wind farm developments and associated works at Derrybrien, County Galway, were preceded by an assessment with regard to their environmental effects, in accordance with Articles 5 to 10 of Directive 85/337 either before or after

amendment by Directive 97/11, Ireland has failed to fulfil its obligations under Articles 2, 4 and 5 to 10 of that directive'.

The scope of works referenced in that Judgement comprised the wind farm and ancillary aspects of the project including *inter alia* road construction, felling of forestry, peat extraction, quarrying and electricity transmission.

In November 2019, a further CJEU judgement issued against the Irish State for failure to comply with the 2008 judgement regarding the Derrybrien Wind Farm Project.

On foot of that judgement, Galway County Council initiated the Substitute Consent process under the Planning and Development Act 2000 (as amended) – referred to herein as 'PDA'.

1.1.3 Substitute Consent and rEIAR

Section 177B (1) of Part XA of the PDA requires that where a planning permission for a project requiring an environmental impact assessment has been found defective in a material respect by a court of competent jurisdiction in the State or the European Court of Justice, the planning authority must give notice in writing to the developer or other appropriate person directing that an application for substitute consent be made to An Bórd Pleanála (the Board) no later than 12 weeks from the date of the notice and that the application for substitute consent is to be accompanied by a remedial Environmental Impact Assessment Report (rEIAR) or remedial Natura Impact Statement (rNIS) or both as the case may be.

On 9th June 2020, the Planning Authority - Galway County Council, issued a notice to Gort Windfarms Ltd. pursuant to Section 177B of the PDA.

That Notice stated that:

- the Planning Authority has become aware in relation to development within the Council's administrative area for which several permissions were granted by the Council and / or An Bord Pleanála and for which an Environmental Impact Assessment (EIA) was required;
- a final judgement of the Court of Justice of the European Union in the case of Commission of the European Communities -v- Ireland (case C-215/06) had been made on the 3rd July 2008 and that permissions listed, 'or certain of same', were in breach of law, invalid and/or otherwise defective for the reasons set out in the said Judgement and in particular were in breach of the provisions of European Directive 85/337/EEC (and as amended by European Directive 97/11) by reason of the omission from the application for permission of an Environmental Impact Statement in respect of those parts of the development for which permission was granted without an Environmental Impact Statement having been submitted;
- Gort Windfarms Limited was the person who carried out the development and/or the owner and occupier of the land on which the development is situate.

The Notice directed Gort Windfarms Limited to apply to The Board for substitute consent, within the meaning assigned by the Planning and Development Act, 2000 as amended, in respect of 'the Development', no later than 12 weeks from the date of the Notice. It further directed Gort Windfarms Limited to furnish with that application, a remedial Environmental Impact Assessment Report (rEIAR) and – if required, a remedial Natural Impact Statement (rNIS).

The Notice, per Schedule 1, described 'the Development' as *'the development of a windfarm, including ancillary development which includes service roadways, control house, transformer compounds and anemometer mast at Derrybrien West, Derrybrien East, Derrybrien North, Toormacnevin, Bohaboy, Caheranearl and Boleyneendorrish, in the County of Galway'.*

The Notice issued was confirmed by Galway County Council on 23rd July 2020.

1.1.4 Legal Requirements-EIA

Environmental Impact Assessment (EIA) is a very significant instrument in the implementation of EU environmental policy, the objective of which is to ensure that certain projects likely to have significant effects on the environment are subject to a comprehensive assessment of environmental effects prior to the grant of development consent.

The current Environmental Impact Assessment (EIA) Directive is Directive 2011/92/EU[3] as amended by Directive 2014/52/EU[4]. References going forward to the EIA Directive refer to the current Directive as amended.

Environmental impact assessment is a process and is defined in the EIA Directive as follows:

"environmental impact assessment" means a process consisting of:

(i) the preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);

[3] DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) (OJ L 26, 28.1.2012, p. 1)

[4] Directive 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 (OJ L 124, 25.4.2014, p. 1)

(ii) the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;

(iii) the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;

(iv) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and

(v) the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a."

The preparation of an environmental impact assessment report (EIAR) by the developer is therefore the first part of the environmental impact assessment process which also includes public consultations, the examination by the competent authority of the information presented, the reasoned conclusion by the competent authority on the significant effects of the project on the environment and the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a.

Article 3 of the Directive sets out the scope of an environmental impact assessment as follows:

1. The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 12, the direct and indirect significant effects of a project on the following factors:

(a) population and human health;

(b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;

(c) land, soil, water, air and climate and landscape;

(d) material assets, cultural heritage and the landscape;

(e) the interaction between the factors referred to in points (a) to (d).

2. The effects referred to in paragraph 1 on the factors set out therein shall include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned."

The required information to be provided by the developer in an environmental impact assessment report is set out in Article 5(1) of the EIA Directive, as follows:

"1. Where an environmental impact assessment is required, the developer shall prepare and submit an environmental impact assessment report. The information to be provided by the developer shall include at least:

(a) a description of the project comprising information on the site, design, size and other relevant features of the project;

(b) a description of the likely significant effects of the project on the environment;

(c) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

(e) a non-technical summary of the information referred to in points (a) to (d); and

(f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected."

The requirements of the Directive are transposed into Irish legislation by means of Part X of the PDA 2000, as amended. This sets out when the requirement for EIA arises; provides a definition of terms; states the requirements of the EIAR itself; and the process by which assessment process is completed and decisions are made.

It is noted that – as per 1.1.5 below, this is a remedial Environmental Impact Assessment (rEIAR) of a development that has been carried out. As such it identifies environmental effects that have occurred, which are occurring or which can be expected to occur because the development – the Derrybrien Wind Farm Project, was carried out.

1.1.5 Scope of rEIAR

The entirety of the Derrybrien Wind Farm Project and related works has been assessed in the rEIAR and the remedial Natura Impact Statement (rNIS), specifically:

1. Derrybrien Wind Farm and all associated works
2. Grid connection comprising Derrybrien-Agannygal 110kV Overhead line and Agannygal Substation and all associated works
3. Works undertaken in response to the peat slide

A full description of the project is set out in Chapter 2: Project Description.

The factors considered in the rEIAR are in compliance with the requirements of the EIA Directive

Because of the retrospective element of the assessment, the rEIAR differs from a normal EIAR in that it is required to identify significant environmental impacts which have already occurred together with ongoing impacts as well as future likely impacts as would be required in an EIAR.

Specifically, as set out in section 177F(1) of the Planning and Development Act 2000 (as amended) the rEIAR is required to provide the following:

> *'177F.— (1)*
>
> *(a) a statement of the significant effects, if any, on the environment, which have occurred or which are occurring or which can reasonably be expected to occur because the development the subject of the application for substitute consent was carried out;*
>
> *(b) details of—*
>
> *(i) any appropriate remedial measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy any significant adverse effects on the environment;*
>
> *(ii) the period of time within which any proposed remedial measures shall be carried out by or on behalf of the applicant;*
>
> *(c) such information as may be prescribed under section 177N.'*

The rEIAR therefore addresses the construction, operation and decommissioning of the Project. The description of the works and activities carried out in the past is based on contemporaneous records. Where information is not available (for instance baseline information) or difficulties have been encountered these are recorded in individual rEIAR chapters under the heading "Difficulties Encountered". However, it is noted that information gaps identified in the rEIAR are not considered to be such as to affect the robust assessment of the environmental impacts of the Project.

As appropriate, the cumulative impact of the Project together with identified projects are addressed.

The vulnerability of the Project to risks of major accidents and/or disasters is considered in relation to effects on these factors.

1.2 Guidance

The rEIAR has been prepared having regard to the Draft Guidelines on the Information to be contained in Environmental Impact Assessment Reports (EPA, August 2017), Draft Advice Notes for Preparing Environmental Impact Statements (EPA, September 2015) and the current Wind Energy Development Guidelines for Planning Authorities (Department of the Environment, Heritage and Local Government, 2006). Where relevant, regard has been given to the Draft Revised

Wind Energy Guidelines issued in December 2019. (Department of Housing, Planning and Local Government).

The Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment (August 2018) published by the Department of Housing, Planning and Local Government have also been considered in the preparation of this rEIAR.

1.3 Methodology

Appropriate methodologies have been used to assess the effects relating to each of the environmental topics that have been investigated as part of the rEIAR. These methodologies are based on recognised good practice and guidelines specific to each subject area, details of which are provided within each individual technical section.

The description of the likely significant effects of the development on the environment covers the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project.

Within this rEIAR, significance has been determined through combining the sensitivity of a receptor to an effect and the magnitude of the predicted change. This has been generally undertaken through:

- Identifying baseline conditions of the site and its environs.
- Identifying the sensitivity of receptors that had potential to be affected by changes in the baseline conditions.
- Predicting the magnitude of likely changes to the baseline receiving environment.
- Assessing the significance of effect taking into account sensitivity of receptors and magnitude of effect.
- Identifying appropriate remedial measures.
- Assessing the significance of residual effects, taking account of any mitigation measures.

1.3.1 Baseline Environment for rEIAR

For the purpose of assessments undertaken for the remedial EIAR the baseline environment against which impacts have been assessed has been taken as that which existed prior to the planning process. The baseline date for assessment of environmental effects in the rEIAR is the date when the environmental impact assessment should originally have been carried out and taken into account by the

decision-maker.[5] As noted earlier, the planning consents were issued in the period 1998-2001. Therefore, for the purposes of this rEIAR, the baseline environment against which assessment of environmental effects is made is that which existed in 1998, referred hereafter as the "baseline date". Where there are information gaps related to the baseline environment these are highlighted in the "Difficulties Encountered" section within individual topic chapters.

1.3.2 Significance of Impact

The description of the likely significant effects covers the direct effects and any indirect, secondary, cumulative, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project.

The descriptors of effects used in the rEIAR are those set out by the EPA (August 2017) and are summarised in Table 1-2 below.

Table 1.2 Description of Effects

Impact Characteristics	Degree/ Nature	Description
Quality	Positive	A change which improves the quality of the environment.
	Neutral	No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error.
	Negative	A change which reduces the quality of the environment
Significance	Imperceptible	An effect capable of measurement but without significant consequences
	Not significant	An effect which causes noticeable changes in the character of the environment but without significant consequences.
	Slight	An effect which causes noticeable changes in the character of the environment without affecting its sensitivities
	Moderate	An effect that alters the character of the environment in a manner consistent with existing and emerging baseline trends

[5] Hayes & others v ABP, [2018] IEHC 338 (at para 79)

Impact Characteristics	Degree/ Nature	Description
	Significant	An effect, which by its character, magnitude, duration or intensity alters a sensitive aspect of the environment
	Very significant	An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment
	Profound	An effect which obliterates sensitive characteristics
Extent & Context	Extent	Describe the size of the area, the number of sites, and the proportion of a population affected by an effect
	Context	Describe whether the extent, duration, or frequency will conform or contrast with established (baseline) conditions
Probability	Likely	The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented
	Unlikely	The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented
Duration	Momentary	Effects lasting from seconds to minutes
	Brief	Effects lasting less than a day
	Temporary	Effects lasting less than a year
	Short-term	Effects lasting one to seven years
	Medium-term	Effects lasting seven to fifteen years
	Long-term	Effects lasting fifteen to sixty years
	Permanent	Effect lasting over sixty years
	Reversible	Effects that can be undone, for example through remediation or restoration
	Frequency	Effect will occur. (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually)

1.3.3 Language used in rEIAR

In relation to future effects, the EIA Directive requires a description of “likely” significant impacts on the environment while Irish planning legislation in relation to rEIAR requires that the rEIAR provide a statement of significant effects which “can reasonably be expected to occur” because the development the subject of the application for substitute consent was carried out. In this rEIAR, the phrase “likely” and “can reasonably be expected to occur” are treated as equivalent.

1.4 Presentation Format

The rEIAR is presented in the grouped-format structure with each category (Biodiversity, Cultural Heritage, etc.) being considered under the separate headings, namely, Description of Baseline Environment, Impact of Project, Remedial Measures; and Residual Impacts. The assessment of impacts has been sub-divided to align with the timeline requirements of 177F(1)(a of the PDA 2000 (as amended), i.e. impacts which have occurred, impacts which are occurring and impacts which are likely to occur. The impacts which have occurred are further sub-divided into construction phase impacts (June 2003-March 2006) and operational phase impacts (March 2006-2020). The impacts which are likely to occur are further sub-divided into operational phase impacts (2020-2040) and ultimate decommissioning impacts. A typical chapter layout is as presented in Table 1-3. It is assumed that impacts which are occurring refers to impacts occurring whilst the application is under consideration by An Bord Pleanála. While it is noted that in the main there is little difference in operational impacts which have occurred, are occurring and likely to occur, there are some topics where the length of time does affect extent of impact (for example climate change impacts). Where there is no difference in the operational impacts which have occurred, are occurring and likely to occur this is stated in rEIAR, to avoid repeating text

Table 1.3 Typical chapter layout

Contents List
X.1 Introduction
Chapter Scope
Statement of Authority
Methodology
Difficulties Encountered
X.2 Description of Baseline Environment
X.3 Impact of Development
Impacts which have occurred
Construction: June 2003-March 2006
Operation Phase: March 2006 -2020
Impacts which are occurring
Impacts which are likely to occur
2020 - end of operational phase
Decommissioning
X.4 Cumulative Impacts
X.5 Remedial (Mitigation) Measures and Monitoring
Remedial Measures & Monitoring for significant effects
Mitigation Measures for non-significant effects
X.6 Residual Impacts

The rEIAR is ordered as follows:

- Chapter 1 (this chapter), provides an introduction to the remedial EIAR, describing the background to requirement for rEIAR, the scope of assessment, method of preparation and identifying those responsible.
- Chapter 2 provides a description of the Derrybrien Wind Farm Project in terms of the site location and the construction, operation and decommissioning of the Project.
- Chapters 3 – 16 identify and describe the environmental impact of the Project
- Chapter 16 considers major accidents and disasters
- Chapter 17 considers the possible interaction of impacts outlined in Chapters 3 – 15.
- Chapter 17 provides a summary of interaction of impacts
- Chapter 18 provides a summary of Mitigation and Remedial measures.

The correlation between Article 3 EIA factors, (requiring the identification description and assessment in an appropriate manner of the direct and indirect significant effects of a project) and chapter topics is set out in Table 1-4. The vulnerability of the Project to major accidents and disasters is considered in Chapter 16.

Table 1.4 Correlation between Article 3 EIA topics and rEIAR chapters

Art 3 EIA Directive factor	Chapter Title/(Number)
Population and Human Health	Population and Human Health (Ch. 4), Noise (Ch. 5); Shadow Flicker (Ch. 6), Roads and Traffic (Ch 14)
Biodiversity	Biodiversity -Terrestrial Ecology (Ch. 7); Aquatic Ecology & Water Quality (Ch. 8)
Landscape	Landscape and Visual (Ch. 9)
Soil	Soils, Geology & Land (Ch. 10)
Land	Soils, Geology & Land (Ch. 10); Material Assets (Ch. 13);
Water	Aquatic Ecology & Water Quality (Ch. 8); Hydrology & Hydrogeology (Ch. 11)
Air and climate	Air & Climate (Ch. 12); Noise (Ch. 5); Shadow Flicker (Ch. 6)
Material assets	Material Assets (Ch. 13); Soils, Geology & Land (Ch. 10)
Cultural heritage	Cultural Heritage (Ch. 15)
Interaction between the factors	Interaction of Impacts (Ch. 17)
Major Accidents and Disasters	Major Accidents and Disasters (Ch. 16)

1.5 Cumulative effects assessments

The cumulative effect of the Derrybrien Wind Farm Project together with other existing and/or approved projects has been considered. The details of those projects considered is set out in Chapter 2 (Para. 2.5).

1.6 Mitigation and Remedial Measures

Mitigation measures, as described in the EPA EIAR Guidance are measures undertaken or proposed to be undertaken by the applicant for substitute consent to avoid, reduce, remedy (through remedial actions) or offset impacts of any significant adverse effects on the environment.

As set out in Section 1.1.5 above, the Planning and Development Act 2000 and as amended refers to the provision of details of any remedial measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy any significant adverse effects on the environment. The term remedial measures is referred to throughout the EIAR where such remedial measures have been identified as required.

Where mitigation measures are identified to prevent, reduce or offset likely significant adverse environmental effects, these are identified. In addition, measures which have the potential to prevent, reduce or offset adverse effects which are not considered significant but where it is considered that such measures are appropriate are also identified.

In order to minimise repetition and to keep the rEIAR as concise as possible, mitigation measures that are applicable to a number of topics may or may not be repeated in the document.

1.7 Consideration of Alternatives

Annex IV(2) of the amended Directive states that an EIAR is required to contain:

> *"A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects."*

Chapter 3 provides an assessment of the reasonable alternatives considered.

1.8 Contributors and Competency

The rEIAR has been prepared by ESB Engineering and Major Projects (ESB EMP), One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin, K67 XF72, Ireland augmented by contributions by specialist consultancies. As required by Article 5(3),

the rEIAR has been prepared by competent experts with the appropriate combination of experience and expertise. The list of experts who have contributed to the rEIAR, including their qualifications, experience and the name of company by whom they are employed are presented is Table 1-5.

Table 1.5 List of Experts

Subject	Company	Expert	Qualifications	Experience (Years)
Report co-ordination;	ESB EMP	Roisin O'Donovan	B.E., CEng., MIEI.; PgDip (Environmental Engineering); PgDip (Physical Planning); LLM (Environmental Law and Practice)	33
		Paddy Kavanagh	BSc, PhD	39
Introduction Chapter	ESB EMP	Roisin O'Donovan	B.E., CEng., MIEI.; PgDip (Environmental Engineering); PgDip (Physical Planning); LLM (Environmental Law and Practice)	33
	ESB EMP	Paddy Kavanagh	BSc, PhD	39
Compilation of Project Description chapter	ESB EMP	Roisin O'Donovan	B.E., CEng., MIEI.; PgDip (Environmental Engineering); PgDip (Physical Planning); LLM (Environmental Law and Practice)	37
		Helen O'Keeffe	B.E., MRUP MSc (Urban Design)	20
		Paddy Kavanagh	BSc, PhD	39
Project Description –as constructed surveys	ESB EMP	Adrian Tuite	BSc (Geomatics)	12
		Dean Trainor	B.Sc. (Geomatics)	7

Subject	Company	Expert	Qualifications	Experience (Years)
Project Description –construction phase information	ESB EMP	Henry Bouchier	B.E., MEng Sc, PgDip Project Management; PgDip Management	20
		John McLoughlin	BAI, BA (Civil, Structural & Environmental Engineering), CEng., MIEI; PgDip (Project Management); PgDip (Financial Management)	20
Co-ordination of Biodiversity inputs; Natura Impact Statement	ESB EMP	Ciara Hamilton	BSc (Biology)., MSc (Ecosystem Conservation and Landscape Management)	14
Terrestrial Ecology-Birds	Biosphere Environmental Services	Brian Madden	B.A. (Mod.), Natural Sciences, Ph.D.	28
Terrestrial Ecology-Habitats	Wetland Surveys Ireland Ltd.	Patrick Crushell	BSc Applied Ecology; MSc Environmental Resource Management; PhD Environmental Sciences (Peatland Ecology and Restoration)	17
Terrestrial Ecology-Habitats	Wetland Surveys Ireland Ltd.	Brendan Kirwan	BSc Wildlife Biology	6
Terrestrial Ecology-Bats	BSG Ecology	Rachel Taylor	BSc, Zoology; MSc, Environmental Biology: Conservation and Resource Management	7
Terrestrial Ecology-Bats	BSG Ecology	Owain Gabb	BSc Countryside Management ; MSc Environmental Biology	20
	BSG Ecology	Peter Shephard	BSc (Hons), Botany, PhD, Plant Ecology,	21
Aquatic Ecology & Water Quality	Aquatic Services Unit	Ger Morgan	BSc. Zoology; MSc Zoology	30
Landscape and Visual	Cunnane Stratton Reynolds	Evelyn Sikora	BA MPlan, MILI.	5
		Declan O'Leary	MLI, MILI	30

Subject	Company	Expert	Qualifications	Experience (Years)
Soils, Geology & Land	AGL	Conor O'Donnell	BA, BAI– Civil, Structural & Environmental Engineering; MS (Geotechnical Engineering); MIEI, CEng	23
		Niamh Farrell	BA, BAI– Civil, Structural & Environmental Engineering, MIEI, CEng	8
	Fehily Timoney & Associates	Paul Jennings	BEng, C. Eng., MIEI., PhD; DipArb	30
		Ian Higgins	BSc, MSc, FGS, MIEI	20
		Gerry Kane	BEng, PGradDip, C. Eng., MIEI	10
Hydrology & Hydrogeology	ESB EMP	Harry Griffin	BA BAI Civil, Structural & Environmental Engineering; MSc Hydrology & Climate Change	6
	Hydro Environ-mental	Anthony Cawley	B.E., C. Eng., MIEI; M.Eng. Sc.M.I.A.H	28
Air & Climate	ESB EMP	Paddy Kavanagh	BSc; PhD	39
		Harry Griffin	BA BAI Civil, Structural & Environmental Engineering; MSc Hydrology & Climate Change;	6
Cultural Heritage	John Cronin & Associates	John Cronin	Archaeology B.A.); MRUP; Masters in urban and building conservation (MUBC), 1999	25
		Tony Cummins	Archaeology B.A; Masters in Methods and Practices in Irish Archaeology M.A.	5
Noise	AWN	Damian Kelly	Member of Institute of Acoustics (MIoA). BSc, MSc.	21

Subject	Company	Expert	Qualifications	Experience (Years)
Shadow Flicker	ESB EMP	Andrew Gardner	BSc in Environmental Studies & Sports Studies; MSc in Ecology & Environmental Management; PgDip in Project Management; EMD WindPro user; Advanced GIS user (ArcGIS /MapInfo)	15
Material Assets	ESB EMP	Claire Whiteway	BEng Civil Engineering (Hons) CEng (Engineers Ireland) MSc Sustainable Energy Technologies	11
Traffic and Transport	ESB EMP	Claire Whiteway	BEng Civil Engineering (Hons) CEng (Engineers Ireland) MSc Sustainable Energy Technologies	11
Major Accidents and Disasters	ESB EMP	Roisin O'Donovan	B.E., CEng., MIEI.; PgDip (Environmental Engineering); PgDip (Physical Planning); LLM (Environmental Law and Practice)	33
		Paddy Kavanagh	BSc, PhD	39
		Michael Brides	BA, BAI, MSc, C.Eng., MIEI	17
Interaction of Impacts	ESB EMP	Paddy Kavanagh	BSc, PhD	39
Mapping; Data Analysis	ESB EMP	Eileen O'Shea	Geographical Information systems (GIS); Computer Aided Design (AutoCAD) City and Guilds Course	14

1.9 Consultations to inform rEIAR

Gort Wind Farms Limited has had a prolonged history of engagement with the general public in relation to the Derrybrien Wind Farm Project which is outlined as follows:

- The original planning applications, as prescribed by the prevailing Planning Acts and Regulations, included mandatory public consultation whereby third

parties were entitled to make submissions to Galway County Council. It is noted from the public files that submissions were made during those periods and these were considered by the Planning Authority's in the making of their decisions. It is further noted that a number of planning applications on this site were subject of third party appeals to An Bord Pleanála – indicating a high level of third party involvement in the decision making process at that time.

- During its operational life, from 2006 to the present time, the site has accommodated educational visits – including visits from Derrybrien National School, Ballinakill National School, Limerick Institute of Technology(LIT), the National University of Ireland (NUI), the Regional Technical College (RTC) Galway, Gort Community School, and local Scout units.
- There has been on-going consultation with local landowners, particularly Coillte
- The Derrybrien Wind Farm community benefit fund has been established and availed of by the local and surrounding communities via the dedicated website https://www.windfarmcommunityfunds.ie/. Beneficiaries of the fund have included the 30th Galway Abbey Duniry Scout Group, Abbey Community Development Association, Ballinakill community development, Portumna Golf Club, St Columba's National School Parents Association Committee and Shannonside Community Group.
- An Environmental Management System has been in place for the operational Derrybrien Wind Farm. which captures any complaints or incidents involving the public.

With respect to the application for substitute consent at various dates, the national and local media featured articles in relation to the Derrybrien Wind Farm and this requirement. There is therefore a high level of public awareness of the development and the requirement for the developer to seek Substitute Consent.

In advance of submitting the application for Substitute Consent, Gort Windfarms Limited sought to increase public awareness of the imminent application and to highlight the opportunities that this particular process gives for third parties to get involved. The adopted approach was mindful of the realities of this unique situation in that the Substitute Consent application relates to a completed development.

In developing an appropriate approach to consultation, the prevailing guidance was considered, particularly:

- the 2006 Wind Energy Development Guidelines [specifically Para. 4.4 Public Consultation with the Local Community and Appendix 2 – Advice for Developers on Best Practice in the Pre-application Consultation Process];
- the Good Practice for Wind Energy Development Guidelines, Department of Communications, Climate Action and Environment (December 2016);
- The Code of Practice for Wind Energy Development in Ireland Guidelines for Community Engagement, Department of Communications, Climate Action and Environment (2016) and

- the Draft Revised Wind Energy Development Guidelines [WEDG], 2019 [specifically Para. 4.3 – Community Engagement].

The developer also set in place a consultation process that began once the notice issued by Galway County directing Gort Wind farms Ltd. to apply to An Bord Pleanála for Substitute Consent was received. The process was mindful of the need to ensure consultation was meaningful while cognisant of the difficult development history of the project and the sensitivity of these issues with the local community. The process included:

- Circulation of a 'plain English' information sheet / newsletter (see Appendix 1-1) describing the 'Derrybrien Wind Farm' with an explanation of the Substitute Consent process. The information sheet set out the opportunities people would have to view the Substitute Consent documentation and also to comment on it. The information sheet was distributed within a consultation catchment of circa 10 km from the outer edge of the Wind Farm site. The leaflet was distributed to over 5000 addresses on behalf of Gort Windfarms Ltd.;
- An independent Community Liaison Office (CLO) was appointed. Contact details (email and phone number) for the CLO were provided in the information sheet and members of the public were invited to contact the CLO as appropriate;
- A dedicated Project website (www.Derrybrienwindfarm.ie) was created, which went live in 30th July 2020. This website provides updates on the status of the application and also hosts the Substitute Consent application documentation. The public notices were included to ensure that people had access to information directing them to how they could engage with the statutory decision-making process.

A similar information sheet (Appendix 1-2) was circulated to the relevant Statutory Consultees listed in the Strategic Infrastructure Development legislation who would likely be contacted as part of statutory consultation requirements by An Bord Pleanála. These included:

- Minister for Climate Action, Communications Networks and Transport
- Minister for Housing, Local Government and Heritage
- Minister for Agriculture and the Marine
- Minister for Media, Tourism, Arts, Culture, Sport and the Gaeltacht
- Minister for Social Protection, Community and Rural Development and the Islands
- Galway County Council
- The National Roads Authority
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- The Heritage Council
- Regional Authority
- Inland Fisheries Ireland

- Irish Aviation Authority
- The Environmental Protection Agency
- Údarás na Gaeltachta
- The Health Service Executive
- The Commission for Energy Regulation
- Irish Water

The information sheet was also issued to the following non statutory consultees

- OPW (they have responsibility for Floods)
- Bat Conservation Ireland
- Birdwatch Ireland
- Irish Peatland Conservation Council
- Irish Raptor Study Group
- Friends of the Irish Environment
- Friends of the Earth
- Waterways Ireland
- Coillte
- Shannon Airport Authority
- Galway Airport

Separately – Gort Wind Farms Ltd. liaised with officials in An Bord Pleanála and Galway County Council in relation to the content of the Substitute Consent application submission – particularly in respect of content of notices, drawing schedules and document formats.

Specific liaisons have also taken place with key public bodies to obtain relevant data and background documentation. These included the Environmental Protection Agency (EPA) and Inland Fisheries Ireland (IFI) (Shannon Region) in relation to the water quality status of the Owendalulleegh River and Coillte in relation to the extent of forestry in the vicinity of the Project site.

1.9.1 Consultation during the Substitute Consent Application and the EIA Processes

The Substitute Consent process includes statutory public consultation, including:

- Registration of the project with the EIA Portal, operated by the Department of Housing, Planning and Local Government enabling the searching of public notices and applicant details;
- Erection of statutory notices on the subject site have been erected in advance of this submission being made;
- Publication of statutory notices in two approved newspapers for County Galway – namely the Irish Independent and the Connacht Tribune, to ensure that the general public were aware of the Substitute Consent process and the opportunities for engagement;

- Availability of hard and soft copies of the application documents at the offices of An Bord Pleanála and also Galway City Council;
- Availability of project documents on a dedicated website – www.Derrybrienwindfarm.ie
- The opportunity is afforded to third parties to participate in the decision-making process through the making of written submissions and the opportunity to seek an oral hearing; and
- Any others means of participation that An Bord Pleanála may determine, during the course of the assessment period possibly including convening an oral hearing.

1.10 Availability

Copies of this rEIAR and accompanying rNIS may be inspected free of charge or purchased by any member of the public during normal office hours at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01V902,
- The Offices of Galway County Council, Áras an Chontae, Prospect Hill, Galway, H91 H6KX.

The remedial EIAR and accompanying remedial Natura Impact Statement are available to view and download on the dedicated project website www.Derrybrienwindfarm.ie.