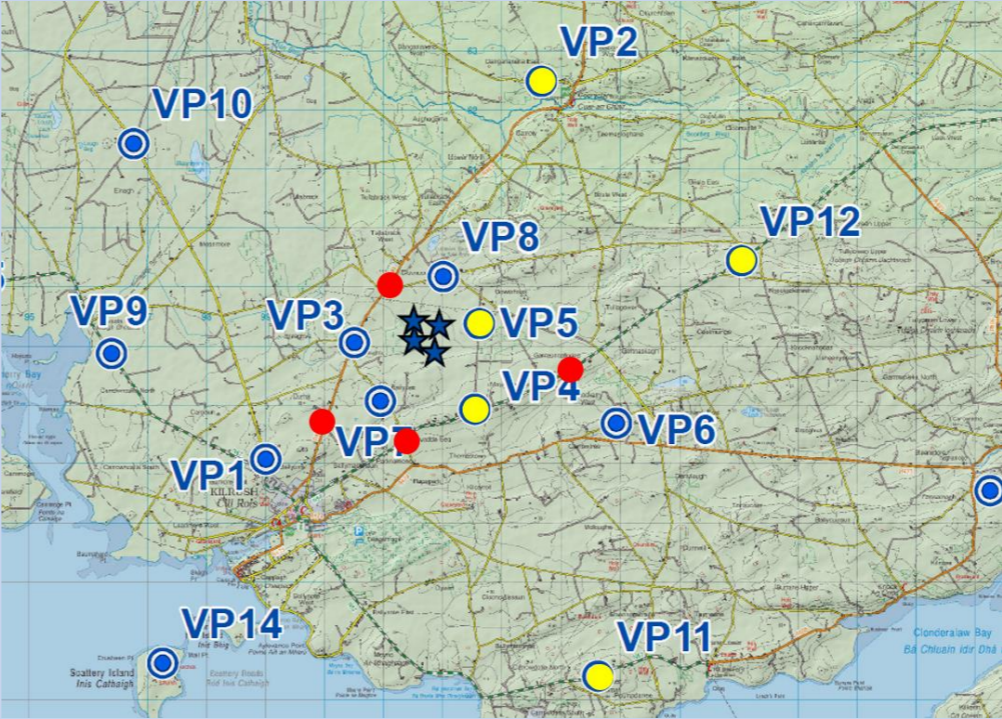


## Appendix 1.3: Scoping Opinion

RECEIVED: 20/03/2024

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
Clare County Council (Roads Section)	Eoghan Kelly Roads	<a href="mailto:roads@clarecoco.ie">roads@clarecoco.ie</a> <a href="mailto:ekelly@clarecoco.ie">ekelly@clarecoco.ie</a>	<p>Email receipt received from Eoghan on 28<sup>th</sup> September 2022 stating: "Looking at the scope I do not have any particular comments to make. It may be worth looking at the Road Design response for planning reference P20-658 as a typical response for a windfarm."</p> <p>A follow up email post-meeting on 28/10/2022, confirming the Viewpoints to be considered.</p>	<p>In email response on 28/10/2022:</p> <p>In addition to the VP's indicated in your email (below in yellow) I would suggest that the 4 areas in red also be considered. With regard to the route of the greenway please contact Grainne Reddan <a href="mailto:greddan@clarecoco.ie">greddan@clarecoco.ie</a> (Senior Executive Engineer in Project Management Office) on same.</p> 	Chapters: 4, 9, 11
Kerry County Council	Damien Ginty Senior Planner	<a href="mailto:plan@kerrycoco.ie">plan@kerrycoco.ie</a> Tel (066) 7183582	Email response received on 11/11/2022.	<p>It is recommended that the following be taken into consideration as part of the visual and landscape impact assessment of the project and the selected viewpoint locations amended, if deemed appropriate:-</p> <ul style="list-style-type: none"> <li>The visually sensitive landscape &amp; views / prospects outlined in the Kerry CDP 2022-2028 (volume 4)</li> <li>The Beale Strand and Carrigafoyle Castle Wild Atlantic Way Discovery Points.</li> </ul>	Chapters: 4, 11
Clare County Council (Environment Section)	Adrain Rahill, Environment Section	<a href="mailto:enviroff@clarecoco.ie">enviroff@clarecoco.ie</a> Tel (065) 6846331	Scoping Letter forwarded to the Planning Section.	N/A	
Clare County Council	Anne O'Gorman Planning Department	<a href="mailto:planoff@clarecoco.ie">planoff@clarecoco.ie</a>	Pre-Planning Meeting 21/09/2022	<p>The main points from the meeting on 21<sup>st</sup> September 2022 were as follows:</p> <ul style="list-style-type: none"> <li>The key viewpoints CCC would like to see for further consideration/discussions are VP2, VP5, VP4, VP12 and VP11 (Ballykett VP Map). <ul style="list-style-type: none"> <li>VP2 and VP5 close to the site/</li> <li>VP4 and VP12 will be important as views on N68</li> <li>VP11 good to get view of wider context with both wind farms and Tullabrack Wind Farm</li> <li>Macro Works to develop draft photomontages for these.</li> </ul> </li> <li>Will be important to consider views from proposed West Clare Greenway to be developed in the future</li> <li>Hydrology needs to be assessed.</li> <li>Main issue for CCC is the principle of turbines in the area i.e. zoning of the area in the CDP as 'Open to Consideration' which is third priority.</li> <li>Proximity to Moneypoint is a positive as is Ireland's only grid 'Motorway' and Tullabrack substation needs upgrades to accept the wind farms.</li> </ul>	Chapters: 6, 7, 8, 9, 10 11, 12, 13, 14, 15, 16,

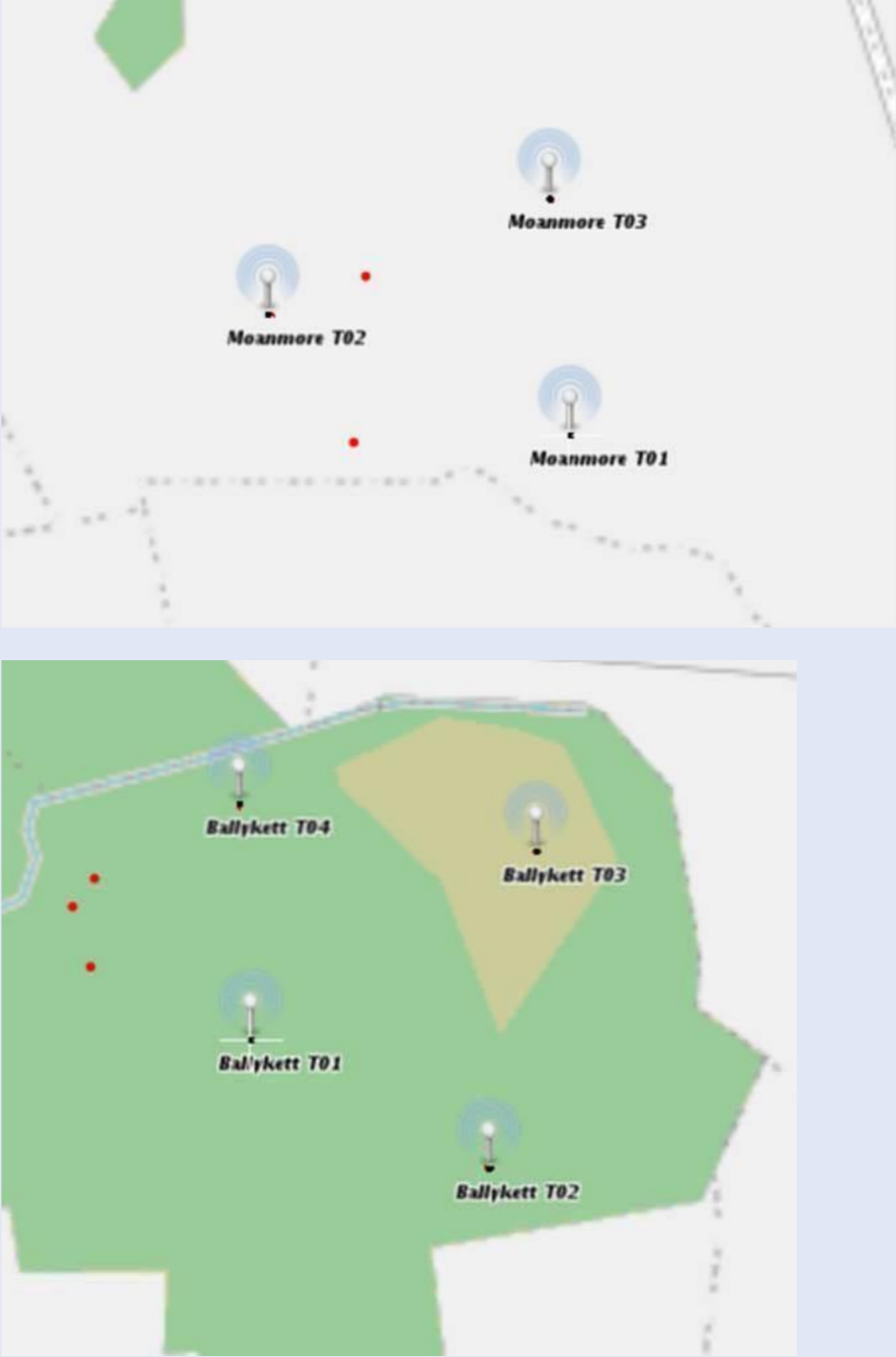
Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
			<p>Response received 20<sup>th</sup> December 2022.</p>	<p><u>Introduction</u> I refer to the Scoping request and EIA Scoping Document received on the 12<sup>th</sup> September 2022. In accordance with the requirements of Article 95 of the Planning and Development Regulations 2001, as amended, please see the following response.</p> <p><u>Nature and Extent of Development</u> It is noted from your submission, and in accordance with the provisions of Section 173 of Part X of the Planning and Development Act 2000, as amended, that the subject scoping report pertains to an area on which the applicant intends to install a wind energy development comprising of:</p> <ul style="list-style-type: none"> <li>• Erection of up to 4 no. 4-5MW wind turbines with an overall ground to blade tip height of 150m. The candidate wind turbines would have a rotor diameter of 136m and a hub height of 80m.</li> <li>• Construction of site access roads, crane hardstand areas and turbine foundations.</li> <li>• Development of a site drainage network.</li> <li>• Internal wind farm underground power and communications cabling.</li> <li>• Construction of an on-site 20kV substation with a grid connection to Moneypoint 110kV ESB Substation</li> <li>• laid in roads and road verges or with a second option to connect to Tullabrack 38kV substation.</li> <li>• Erection of a permanent meteorological mast for monitoring wind speeds.</li> <li>• Construction of a temporary site compound for use during construction.</li> <li>• Upgrade works on the turbine delivery route.</li> <li>• Ancillary forestry felling to facilitate construction and operation of the Development and any onsite forestry replanting.</li> <li>• A 15-year planning permission and 40-year operational life from the date of commissioning of the entire wind farm is being sought.</li> </ul> <p><u>Legislative Context</u> Planning and Development Act 2000 (as amended)</p> <p>Part X Section 171A of the Planning and Development Act 2000 (as amended), states that environmental impact assessment means a process —</p> <p>(o) consisting of —</p> <p>(i) the preparation of an environmental impact assessment report by the applicant in accordance with this Act and regulations made thereunder,</p> <p>(ii) the carrying out of consultations in accordance with this Act and regulations made thereunder,</p> <p>(iii) the examination by the planning authority or the Board, as the case may be, of —</p> <p>(I) the information contained in the environmental impact assessment report,</p> <p>(II) any supplementary information provided, where necessary, by the applicant in accordance with section 172(1O) and (JE), and</p> <p>(III) any relevant information received through the consultations carried out pursuant to subparagraph (ii),</p> <p>(iv) the reasoned conclusion by the planning authority or the Board, as the case may be, on the significant effects on the environment of the proposed development, taking into account the results of the examination carried out pursuant to subparagraph (iii) and, where appropriate, its own supplementary examination, and</p> <p>(v) the integration of the reasoned conclusion of the planning authority or the Board, as the case may be, into the decision on the proposed development, and</p> <p>b) which includes —</p> <p>(i) an examination, analysis and evaluation, carried out by the planning authority or the Board, as the case may be, in accordance with this Part and regulations made thereunder, that identifies, describes and assesses, in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of the proposed development on the following:</p> <p>(I) population and human health;</p>	

RECEIVED: 29/08/2024

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA Chapter / Section where Comments have been addressed
				<p>(II) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;</p> <p>(III) land, soil, water, air and climate;</p> <p>(IV) material assets, cultural heritage and the landscape;</p> <p>(V) the interaction between the factors mentioned in clauses (I) to (IV), and</p> <p>(ii) as regards the factors mentioned in subparagraph (i)(I) to (V), such examination, analysis and evaluation of the expected direct and indirect significant effects on the environment derived from the vulnerability of the proposed development to risks of major accidents or disasters, or both major accidents and disasters, that are relevant to that development;</p> <p>Planning and Development Regulations 2001 (as amended)</p> <p>Information to be contained in the Environment Impact Assessment Report, as set out under Schedule 6 of the Planning and Development Regulations 2001, as amended. The Environmental Impact Statement for the project must contain the information specified in Paragraph 1 of Schedule 6 of the Planning and Development Regulations 2001, as amended and the additional information specified in Paragraph 2 of Schedule 6 by way of explanation or amplification of the information referred to in paragraph 1.</p> <p><u>Issues for Consideration</u> In addition to the issues as set out in the EIA Scoping reports the Planning Authority advises that the following information is considered in the preparation of the EIA.</p> <p><u>Water Quality</u></p> <ul style="list-style-type: none"> <li>The aquifer vulnerability within the site ranges from Moderate to Extreme. The proposal site accommodates a number of watercourses (and associated designated flood risk areas) which flow in a generally westerly direction towards Moyasta and the Shannon Estuary. As such the EIA should take into consideration the potential for impacts on water quality both within the site and its wider environs. All stages of the development should be considered in compiling information regarding the interactions of the development with surface water and groundwater. Impacts on downstream receptors shall be identified;</li> </ul> <p><u>Noise &amp; Vibration</u></p> <ul style="list-style-type: none"> <li>Acoustics and vibration should be considered in relation to noise and vibration arising from the proposed development. Noise should be assessed in the context of site preparation, ongoing operation and any restoration required. Baseline readings at all noise-sensitive locations (e.g. houses, schools etc) should be obtained. The noise reports should also provide an assessment of the potential impacts on sensitive receptors arising from the activities associated with the proposed borrow pit(s).</li> </ul> <p><u>Habitat Protection</u></p> <ul style="list-style-type: none"> <li>The EIA must fully assess the impact of the proposal on habitats (i.e. raised bog and conifer plantation) within and surrounding/connected to the site.</li> </ul> <p><u>Adjacent Land Uses &amp; Sensitive Receptors</u></p> <ul style="list-style-type: none"> <li>With respect to the proximity to sensitive receptors (e.g. from shadow flicker, noise etc) the EIA should take into account permitted dwellings and other sensitive developments that may not as yet be constructed;</li> </ul>	

RECEIVED: 29/03/2024

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>Visual Amenities</p> <ul style="list-style-type: none"> <li>The visual impact of the windfarm must be assessed, with particular emphasis on views towards the site from the N68 national road to the south, the N67 national road and the R483 regional road to the west, the local roads to the south west, east and north of the site, settlements in the area, historical or tourist related features in the area and from potential views from designated scenic routes (as per the Clare County Development Plan 2017-2023 (as varied). Finally, intervisibility between the proposed wind farm and existing wind farm developments from these views should also be assessed. Photomontages that are to be provided with the application should be in the context of clear skies. The viewpoint locations as appended to the EIA Scoping documents are considered to provide adequate representation of the views available towards the site. However, please be advised that subject to the carrying out of the site inspection at planning application stage additional viewpoint locations may be requested by the Planning Authority.</li> </ul> <p>Cumulative Impacts</p> <ul style="list-style-type: none"> <li>The cumulative impact of the proposed development and the current wind farms in the wider area must be assessed in all assessment chapters contained within the EIAR.</li> </ul> <p>Grid Connection</p> <ul style="list-style-type: none"> <li>Details on the location and design of the proposed grid connection(s) to be included and adequately assessed within the EIAR.</li> </ul> <p>Ground Conditions</p> <ul style="list-style-type: none"> <li>A peat stability assessment and landslide susceptibility modelling are recommended on any areas within the site which may have significant level changes. The model should show areas at risk of landslide based on peat depth, slope, altitude, aspect and curvature.</li> </ul> <p>Major Accidents</p> <ul style="list-style-type: none"> <li>The EIAR must include the expected effects from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project.</li> </ul> <p>Traffic and Transportation</p> <ul style="list-style-type: none"> <li>Traffic management information relating to the proposed number, composition, routes etc for traffic associated with the construction, operational and decommissioning phase of the development is required.</li> </ul> <p>Cultural Heritage</p> <p>Full assessment of the potential for direct and indirect impacts on the cultural heritage assets of the area to be adequately assessed within the EIAR.</p> <p><u>Conclusion</u> The information set out within this response is provided in good faith and a full assessment of all of the issues would be carried out by the Planning Authority of Clare County Council at planning application stage. You are advised that the Planning Authority is available to provide further feedback on the EIAR scoping process on request.</p>	
<b>Agriculture</b>					
Department of Agriculture	Hilda Verling	minnoreply-agriculture@corr.cloud.gov.ie	Acknowledgement email received on 12/09/2022 stating "I would like to acknowledge your recent correspondence dated 12/09/2022 to Charlie McConalogue T.D., Minister for Agriculture, Food	N/A	N/A

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
			<p>and the Marine regarding Ballykett Wind Farm, Co. Clare. I will bring your correspondence to the Minister's attention as soon as possible." No further correspondence has been received.</p>		
Telecommunications					
Vodafone	Sean Lyons, Chris Stephenson	<a href="mailto:chris.stephenson2@vodafone.com">chris.stephenson2@vodafone.com</a> <a href="mailto:sean.lyons@vodafone.com">sean.lyons@vodafone.com</a>	<p>Response received on 14/04/2022 stating "I see no issue with Moanmore development. I see no issue with Ballykett development." In response to follow-up email regarding moving turbine locations, Sean Lyons responded "There is decent distance from proposed developments, so plenty of room for movement"</p>	<p>Received in email response on 14/04/2022</p> 	Chapter: 15

RECEIVED: 29/03/2024

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
Broadcasting Authority of Ireland	Roger Woods	<a href="mailto:rwoods@bai.ie">rwoods@bai.ie</a> / 01 644 1200	Received email response on 16th December. Email from Roger Woods (rwoods@bai.ie), Senior Executive Engineer on 14.09.2022. <i>'The BAI does not perform an in-depth analysis of the effect of wind turbines on FM networks. However, we are not aware of any issues from existing windfarms into existing FM networks. Also, the proposed windfarms are not located close to any existing or planned FM transmission sites.'</i>	None	Chapter: 15
Commission for Communications Regulation		<a href="mailto:industry@comreg.ie">industry@comreg.ie</a> / 01 804 9600	No response received to date (31/01/2024).	N/A	N/A
Department of Defence		<a href="mailto:info@defence.ie">info@defence.ie</a> / PropertyManagementPlanning@defence.ie 045 492 000	Acknowledgement email received on 04/11/2022 stating <i>"The Department of Defence wishes to acknowledge receipt of your e-mail below and the attached documentation. The Department will review your request and revert in due course."</i>  No further correspondence received to date (31/01/2024).	N/A	N/A
Shannon Airport		<a href="mailto:nandi.osullivan@shannongroup.ie">nandi.osullivan@shannongroup.ie</a>	No response received to date (31/01/2024).		Chapter: 15
Eir Limited	John Bagnall	<a href="mailto:john.bagnall@eir.ie">john.bagnall@eir.ie</a> / 085 1053746	Email response received on 19/04/2022 stating <i>"We have no transmission links within either of the proposed areas and it has no risk to the network."</i>		Chapter: 15
ESB Telecoms Ltd	-	<a href="mailto:info@esbtelecoms.ie">info@esbtelecoms.ie</a>	Automated receipt received on 04/11/2022. No response received to date (31/01/2024)	N/A	Chapter: 15
RTÉ	Matthew Craig	<a href="mailto:windfarms@rte.ie">windfarms@rte.ie</a> / <a href="mailto:matthew.craig@2m.ie">matthew.craig@2m.ie</a> / 01 208 2261 / 087 7509 955	Email from Matthew Craig (matthew.craig@2m.ie), Project Engineer on 20/04/2022, <i>'Both of the sites detailed in your email will have no impact on our fixed linking. Due to the risk of interference to broadcast services from Maghera we would ask that a protocol be signed between the developer and 2m should the site go ahead.'</i>	No implications for the EIA/Design	Chapter: 15
Virgin Media Television	Paul Driver	<a href="mailto:Paul.Driver@virginmedia.ie">Paul.Driver@virginmedia.ie</a> / 01 245 8586 / 087 6287 133	Email response received 04/11/2022.	Virgin Media does not have any record of underground services at this location as indicated by your drawing.  Whilst the information given is believed to be correct no warranty is made as to its accuracy. This information must not be relied upon in the event of excavation or other works carried out in the site area. No liability of any kind whatsoever is accepted by virgin media, its servants or agents for any error or omission in respect of information contained within this communication. The actual position of underground services must be verified and established on site before any mechanical plant is used.	Chapter: 15
Three	Alister Cole	<a href="mailto:alister.cole1@three.ie">alister.cole1@three.ie</a>	Email response received on 14/04/2022 stating <i>"I have reviewed the turbine locations for the Ballykett and Moanmore windfarms and 3Ireland have no Microwave transmission links that could potentially be affected."</i>		Chapter: 15
Air Navigation					

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed																						
Irish Aviation Authority	Stephen O'Sullivan	airspace@iaa.ie MOB: 0861034664	<p>Stephen O'Sullivan responded on 21/09/2022</p> <p>Stephen O'Sullivan responded on 16/11/2022</p>	<p>Thank you for your letter/scoping report and request for comments in relation to the proposed Ballykett Wind Farm, to be located at Ballykett, Co. Clare. The development appears to be approximately 35km West of Shannon Airport. As such, it is recommended that the developer engage directly with Shannon Airport and Irish Aviation Authority's Air Navigation Service Provider to make them aware of the proposal and ensure appropriate screening from an aviation safety perspective. It is likely that the following general observations would be proffered by the Authority during a formal planning process: In the event of planning consent being granted, the applicant should be conditioned to contact the Irish Aviation Authority to: (1) agree an aeronautical obstacle warning light scheme for the wind farm development, (2) provide as-constructed coordinates in WGS84 format together with ground and blade tip height elevations at each wind turbine location and (3) notify the Authority of intention to commence crane operations with at least 30 days prior notification of their erection.</p> <p>According to <a href="#">S.I. 215 of 2005, Irish Aviation Authority (Obstacles to Aircraft in Flight)</a>, the IAA ANSD requires any person who seeks to erect a manmade object to notify the aerodrome operator of the intended operation <b>at least thirty days</b> in advance if the structure is to be erected in the vicinity of the aerodrome or the areas around the aerodrome and other protected surfaces associated with the aerodrome. Aerodrome Operators can be contacted via <a href="#">IAA AIP AD 1.3 INDEX TO AERODROMES AND HELIPORTS</a>, to evaluate the impact of the intended operation on the protected airspace established for the aerodrome.</p> <p>Additionally, any person who seeks to erect a manmade object in excess of 45 metres anywhere within the state above ground or water surface level must also notify the IAA ANSD of the intended crane erection <b>at least thirty days</b> in advance, as a crane operating at or above this height may constitute an obstacle to air navigation. The IAA ANSD can be contacted via <a href="mailto:airspace@iaa.ie">airspace@iaa.ie</a>.</p> <p>The State requires electronic terrain and obstacle data (eTOD) in accordance with International Civil Aviation Organisation (ICAO) <a href="#">Annex 15</a> requirements which shall be surveyed by <a href="#">Ordnance Survey Ireland (OSi)</a>. The cost of this OSi surveyed data is to be borne by the developer. Additionally, the following data is to be supplied once construction is planned or commenced or available to the airspace team via <a href="mailto:airspace@iaa.ie">airspace@iaa.ie</a>:</p> <ul style="list-style-type: none"> <li>The WGS84 coordinates (In degrees, minutes and seconds) for each turbine?</li> <li>Height above ground level (to blade tip) and elevation above mean sea level (to blade tip)?</li> <li>Verification if it's a standalone wind farm or is merged with others. Does the wind farm have any alternative names?</li> <li>Horizontal extent (rotor diameter) of turbines and blade length where applicable?</li> <li>Lighting of the wind farm, which turbine(s) is/are lit, and what type of lighting?</li> </ul> <table border="1"> <thead> <tr> <th>ICAO Light Type</th> <th>Colour</th> </tr> </thead> <tbody> <tr> <td>Low-intensity Type A (fixed obstacle)</td> <td>Red</td> </tr> <tr> <td>Low-intensity Type B (fixed obstacle)</td> <td>Red</td> </tr> <tr> <td>Low-intensity Type C (mobile obstacle)</td> <td>Yellow/Blue</td> </tr> <tr> <td>Low-intensity Type D (follow-me vehicle)</td> <td>Yellow</td> </tr> <tr> <td>Low-intensity Type E</td> <td>Red</td> </tr> <tr> <td>Medium-intensity Type A</td> <td>White</td> </tr> <tr> <td>Medium-intensity Type B</td> <td>Red</td> </tr> <tr> <td>Medium-intensity Type C</td> <td>Red</td> </tr> <tr> <td>High-intensity Type A</td> <td>White</td> </tr> <tr> <td>High-intensity Type B</td> <td>White</td> </tr> </tbody> </table>	ICAO Light Type	Colour	Low-intensity Type A (fixed obstacle)	Red	Low-intensity Type B (fixed obstacle)	Red	Low-intensity Type C (mobile obstacle)	Yellow/Blue	Low-intensity Type D (follow-me vehicle)	Yellow	Low-intensity Type E	Red	Medium-intensity Type A	White	Medium-intensity Type B	Red	Medium-intensity Type C	Red	High-intensity Type A	White	High-intensity Type B	White	Chapter: 15
ICAO Light Type	Colour																										
Low-intensity Type A (fixed obstacle)	Red																										
Low-intensity Type B (fixed obstacle)	Red																										
Low-intensity Type C (mobile obstacle)	Yellow/Blue																										
Low-intensity Type D (follow-me vehicle)	Yellow																										
Low-intensity Type E	Red																										
Medium-intensity Type A	White																										
Medium-intensity Type B	Red																										
Medium-intensity Type C	Red																										
High-intensity Type A	White																										
High-intensity Type B	White																										
Ecology																											

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
An Taisce		<a href="mailto:heritage@antaisce.org">heritage@antaisce.org</a> / 01 454 1786	No response received to date (31/01/2024).		
Bat Conservation Ireland		<a href="mailto:info@batconservationireland.org">info@batconservationireland.org</a> .	No response received to date (31/01/2024).		Chapter: 6
Birdwatch Ireland		<a href="mailto:info@birdwatchireland.ie">info@birdwatchireland.ie</a> 01 2819878	No response received to date (31/01/2024).		Chapter: 6
Irish Peatland Conservation Council	Tristram Whyte	<a href="mailto:bogs@ipcc.ie">bogs@ipcc.ie</a> / 045 860 133	Irish Peatland CC responded on 10/01/2023	<p>Thank you for consulting with the Irish Peatland Conservation Council regarding the proposed development. The Irish Peatland Conservation Council (IPCC) was established in 1982 and has 40 years of experience in peatland conservation. Our aim is to conserve a representative sample of intact peatlands for present and future generations to enjoy and benefit from the ecosystem services they provide. Only 25% of Ireland's original range of peatland is deemed worthy of conservation[1], 75% have become degraded from multiple pressures such as peat extraction, agriculture, forestry, habitat fragmentation and developments[2]. Specifically, County Clare has lost 89% of its original peatland habitat[2] and this has had a major effect on biodiversity, climate regulation and the ecological functioning of the County's indigenous habitats and species. This makes it imperative that all must be done to reverse the climate and biodiversity emergency which was declared by Government in 2019.</p> <p>Our work is guided by our 6th Action Plan "Ireland's Peatland Conservation Action Plan 2020" and a recent amendment "Peatlands &amp; Climate Change Action Plan 2030", which focuses on the role of peatlands in tackling predicted climate change. These documents are available for download on our website at <a href="http://www.ipcc.ie">www.ipcc.ie</a>. Many of the actions in our plan have been included within the National Peatlands Strategy which has been adopted by every Government Department and Local Authority. The "National Peatlands Strategy" can be downloaded from <a href="http://www.npws.ie">www.npws.ie</a>.</p> <p>IPCC is not inherently opposed to the construction of wind farms as we understand that Ireland has legal obligations to reach net-zero emissions by 2050 and a 51% reduction by the end of this decade in line with the Climate Action and Low Carbon Development (amendment) Act 2021, but, there is a responsibility on wind farm developers to ensure that there is no loss of important peatland habitat and the species that utilise it. Also, bad construction practices can result in an active carbon sink being converted to a carbon source which is detrimental to any effort in combating anthropogenically caused global climate change and biodiversity loss.</p> <p><b>Legal Obligations to Protect Peatlands</b> We are legally bound by National and European legislation (The Irish Wildlife Acts, Habitats and Bird's Directives) and international conventions (Ramsar, Bern Convention, Convention on Biological Diversity) to do our utmost to protect peatlands now and for future generations. Peatland habitats have been severely diminished in the country and this destruction is an issue in other legislation and conventions such as the UN Convention on Climate Change, Bonn Convention, World Heritage Convention, Water Framework Directive, Environment Liability Directive, Planning and Development Acts, National Monuments Acts, Environmental Directive, EIA and SEA. All of these legislative instruments have been adopted by Ireland and the IPCC ask that you assess your development with regard to these legal obligations.</p> <p><b>Bogland</b> The IPCC would advise any developer planning construction in, or within close proximity to peatland habitat to be familiar with the Environmental Protection Agency funded project BOGLAND (<a href="http://www.ucd.ie/bogland">www.ucd.ie/bogland</a>). This project recommends the best practice guidelines to ensure no damaging development occurs on, or affects peat soils and peatlands of conservation value.</p> <p><b>Nitrogen</b> It has been highlighted to the Irish Peatland Conservation Council that nitrogen is becoming an issue for designated sites, halting many construction projects in the Netherlands and in 2018 in the UK 39 of 57 Special Areas of Conservation listed on the APIS website (<a href="http://www.apis.ac.uk">http://www.apis.ac.uk</a>) exceeded the Critical Load Threshold for nitrogen (some by over 300%). This is having negative impacts on the vegetation of the designated habitats and is working against the conservation objectives of the sites. There are various sources of excess nitrogen such as construction (e.g. roads, traffic, developments), urban waste water (pollution) and agriculture (e.g. fertilizer/piggerys) and can enter a habitat via wet or dry deposition. The Irish Peatland Conservation Council ask that you assess the development in terms of its impact in regards to nitrogen and its affects on designated sites. We also ask that there is a long term monitoring agenda implemented to ascertain the long term emission rates/vectors and mitigation measures. The impacts also need to be taken into account cumulatively along with other developments and projects as they may interact synergistically. This would help inform future projects.</p>	Chapter 6, 7, 8, 9, 10 and 14.



Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p><b>Designated Sites:</b> The Ballykett WF Scoping Report fails to list any Natural Heritage Areas or proposed Natural Heritage Areas as possible receivers of impacts from the proposed development. These sites need to be included in studies to ascertain possible negative impacts from the proposed development. NHAs are designated because of a national conservation interest is present, and they also bolster the European network of designated sites. While pNHAs are not officially designated, they have been earmarked because they contain habitats or species that are also of conservation interest and IPCC could not support a project that has not included these sites for impact assessments. Sites needing investigation should also include, Snt Senan's Lough, Clonderalaw Bay, Poulsherry Bay, Derrygeeha Lough, Cloonsnaghta Lough, and Gortaglass Lough. Please also be cogniscent that some of the NHA/pNHA NPWS site boundaries do not match with the overlapping SAC/SPA boundary if the site has overlapping designations. These sites also need to be included in assessing impacts from the haulage of construction materials and machinery.</p> <p><b>Bird Nesting</b> Please ensure that all precautions are taken in regards to protecting ground nesting birds during the breeding season. It is also illegal to remove vegetation during the period from 1st March to 31st August in order to maintain biodiversity (Section 40 of the Wildlife Act 1976). Training should be given to construction workers to ensure that the laws regarding the cutting, grubbing, burning or destruction by other means to hedgerows/vegetation are adhered to.</p> <p><b>Tullagher Lough and Bog SAC (Sitecode=2343):-</b> This site is an important overwintering ground for Greenland White-Fronted Geese and also known to be utilised by Whooper Swans. The impacts on these species from the proposed development needs to be ascertained. The impacts also need to be quantified cumulatively with other developments in the area, including the 17 windfarms listed as within 20km. Designated sites are being surrounded by developments and this is affecting their efficacy to provide meaningful conservation. While the ombrotrophic portions of peatland are fed by rainwater exclusively, transition mire, soak systems and lagg zones can be influenced by other external water influences where they meet other substrates at the margins. Please ensure that the water quality entering the SAC (and all other designated sites respectively) will not be reduced and impact on the sensitive habitats contained within the designated site.</p> <p>The Conservation Objectives for this site, published on www.npws.ie, describe nitrogen levels for Tullagher Lough &amp; Bog SAC as exceeding its critical load of 5kg/ha/year and is near double this at 9.5kg/ha/year. This is affecting the species composition over time and needs to be reversed. Please assess the nitrogen impacts from the proposed development including the construction phase, operational phase and the decommissioning on all designated sites accumulatively with all other developments and practices in the area (such as agriculture which is the main source of nitrogen, road construction and traffic also need to be included).</p> <p><b>Carbon Accounting</b> The carbon inputs and outputs need to be investigated for the proposed development. As it is predominantly on peat soils, highlighted as greater than 3m in most areas, and the bog surface has been mostly lost through afforestation and turbarry, this site is most certainly currently a carbon source - impacting on the aquatic habitats surrounding the site through peat sedimentation, eutrophication and ammonia emissions and is also releasing carbon to the atmosphere. How does this project propose to remedy this? What impact from drainage will occur due to the hydrological management of the windfarm infrastructure? How much peat will be removed for the development and will there be any restoration of the habitats contained within the development area? De-forestation and rewetting of the peat soils should be investigated as currently the monoculture tree cover is transpiring water away, increasing the drying out of the peat soils and this has destroyed the biodiversity quality of the site. As turbarry is also an issue and is visible on mapping resources, how does the project aim to manage this? Has turbarry finished on the site and is there an opportunity for rehabilitation/restoration?</p> <p><b>BOCCI</b> Bird surveys for species listed within the Birds of Conservation Concern in Ireland (Bird Red List) need to be conducted at the appropriate time of the year to ascertain possible disruption to behaviour or damage to breeding sites from construction works and operation of the proposed development. The IPCC ask that all species Red Listed within the National Parks &amp; Wildlife Service Irish Wildlife Manual Series (<a href="https://www.npws.ie/publications/red-lists">https://www.npws.ie/publications/red-lists</a>) be investigated within the National Biodiversity Data Centre species records to find out if they have been recorded within an appropriate distance of any proposed construction or restoration works. If a susceptible species is identified please ensure that works are planned so that they will not detrimentally impact on them and if possible responsible developers would improve habitat quality through restoration and rehabilitation. The Government of Ireland officially announced a Climate and Biodiversity Emergency in 2019 and this can not be reversed if we do not return peatland habitats to functioning ecosystems.</p> <p><b>Water Framework Directive</b> The rivers and streams around the vicinity of the proposed project have been assessed under the Water Framework Directive and range from poor, moderate and good ecological status. The proposed project needs to address how it will manage its impacts to these aquatic habitats, i.e where works may improve conditions or degrade them. The construction works may increase sediment</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>load into the receiving waters and ongoing hydrological management of the development during operation may also increase emissions. The hydrological plans for the proposed development need to be made available. Will the site be fully re-wet after construction or will there be ongoing drainage for management of the hardstands? How will this affect the carbon accounting, biodiversity and the Water Framework Directive?</p> <p><b>Wetland Surveys Ireland (www.wetlandsurveys.ie)</b> Wetland Surveys Ireland have identified a number of wetlands which need to have an ecological survey to ascertain the biodiversity and ecological value within them. Please liaise with WSI to gather as much information about these sites as possible and ensure that the proposed development will not have an adverse effect on the habitats or species that are utilising them or moving/migrating between them and other significant sites. North-Western Europe has lost ~90% of its wetlands and it is imperative that all is done to halt the loss of this important climate regulating, carbon sequestering and biodiverse landscape. Please assess your projects impacts on the sites within a reasonable distance from the proposed development and ensure that no detrimental pressures are imposed upon them including diffuse and point sources of potential water pollution and that possible accidents during construction are pre-empted and have mitigation plans to deal with chemical spills. Many of the wetlands contain fen/marsh habitats which may be susceptible to ground water emissions resulting from construction or operation of the proposed development. Please include :- Gower South and North, Tullabrack East, Gortnaskagh North and South, Durha, Moanmore Lower Cutover Bog, Kilcarrol West and East and Carrowfree.</p> <p><b>Curlew (Numenius aquata)</b> The Curlew is one of the most endangered species in Ireland and the resident breeding population has declined by 98% since the 1980s (NPWS, 2022). The IPCC would like to remind you that this bird is listed as an ANNEX II section II bird species within the E.U Birds Directive [Council Directive 79/409/EEC] and also has a national status of Red on the Birds of Conservation Concern in Ireland list. The Curlew Conservation Programme (NPWS) is working to bring this species back from near extinction in Ireland and we would urge developers to liaise with them and BirdWatch Ireland in relation to any development. Breeding Curlew are site specific and will not possibly return if there are construction and operational disturbances from the proposed development. This needs to be scrutinized with ornithological surveys within the recommended survey times for breeding Curlew to ascertain as to whether they are present and if they utilise the site for any other purposes such as foraging. The operational turbines may also affect the Curlew's local migration routes. It would be disastrous if this project was to contribute to the further decline of this nearly extinct species.</p> <p><b>Invasive Species</b> Peatlands, in their natural state, are not generally susceptible to invasive species as the high acidity, low nutrient and extremely wet conditions are not suitable for many species, but as most peatland in Ireland has not been responsibly utilised and is degraded the chance for invasives to take hold is increased. The movement of people and vehicles across the proposed development (and access routes) increases the risk of invasive species being introduced. Please use best practice bio-security procedures and measures to minimise the risk of spreading invasives and also ensure that there are contingency plans in place if they are identified during works. The sites need to be investigated before any works to fully understand the assemblage of invasives if any and to fully explore the implications on the proposed development. Engaging locals in this regard may help to garner local knowledge in the location of invasives which would highlight possible transmission vectors. The Irish Peatland Conservation Council appreciate that stringent measures are needed for a strong defence against the impacts of invasive species and implore developers to work with and prioritise an invasive species management plan which identifies established detrimental species within the project area, describes actions to eradicate them and also plugs the gaps where the vectors for introduction may be identified. Please refer to www.NPWS.ie, National Biodiversity Action Plan 2017-2021 and the Irish Peatland Conservation Action Plan 2020 (www.ipcc.ie) for information regarding the need to control invasives.</p> <p><b>National Monuments</b> Peatlands in Ireland hold a great deal of cultural and ancestral history, preserved in the anaerobic conditions. Ireland has international obligations under the European Convention on the Protection of the Archaeological Heritage, ratified by Ireland in 1997. Article 1 of this convention states that Ireland must "protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study". There needs to be scientific supervision from an independent body that will evaluate the proposed wind farm area for its archaeological importance. The IPCC could not support the development before a full archaeological survey is undertaken and the necessary precautions and mitigations are in place to ensure that no loss of cultural archaeological information occurs as course of the proposed development if permitted.</p> <p><b>Conclusion</b> We are now realising that the methods we have used to fuel our economy and provide materials has been far from sustainable. The biodiversity of Ireland, which evolved specialised because of the unique natural history and biogeography which presented rare habitats has been forced into a spiralling decline. Without a real investigation and reversal of our impacts on the environment these native specialised peatland species will be lost. Unfortunately, the path to maximising renewable energy production is resulting in direct loss of biodiversity through habitat fragmentation, drainage and disturbance, with many designated sites</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				suffering from development encirculation. It is in this regard that IPCC have made comments on the proposed project and we appreciate you taking the time to read through our concerns.	
Irish Wildlife Trust		<a href="mailto:enquiries@iwt.ie">enquiries@iwt.ie</a> / 01 860 2839	No response received to date (31/01/2024).		Chapter: 6 and 7
<b>Soils and Water</b>					
Geological Survey Ireland	Clare Glanville Trish Smullen	<a href="mailto:Duty.Geologist@gsi.ie">Duty.Geologist@gsi.ie</a> <a href="mailto:GSIPanning@gsi.ie">GSIPanning@gsi.ie</a>	Email response received on 02/11/2022.	<p>Geological Survey Ireland is the national earth science agency and is a division of the Department of the Environment, Climate and Communications. We provide independent geological information and advice and gather various data for that purpose. Please see our website for data availability. We recommend using these various data sets, when conducting the EIAR, SEA, planning and scoping processes. Use of our data or maps should be attributed correctly to 'Geological Survey Ireland'.</p> <p>With reference to your email received on the 16 September 2022, concerning the Scoping Report for Ballykett Wind Farm, Co Clare, Geological Survey Ireland would encourage use of and reference to our datasets. Please find attached a list of our publicly available datasets that may be useful to the environmental assessment and planning process. We recommend that you review this list and refer to any datasets you consider relevant to your assessment. The remainder of this letter and following sections provide more detail on some of these datasets.</p> <p><b>Geoheritage</b> A national inventory of geoheritage sites known as County Geological Sites (CGSs) is managed by the Geoheritage Programme of Geological Survey Ireland. CGSs, as adopted under the National Heritage Plan, include sites that are of national importance which have been selected as the very best examples for NHA (Natural Heritage Areas) designation. NHA designation will be completed in partnership with the National Parks and Wildlife Service (NPWS). CGSs are now routinely included in County Development Plans and in the GIS of planning departments, to ensure the recognition and appropriate protection of geological heritage within the planning system. CGSs can be viewed online under the Geological Heritage tab on the online Map Viewer. The audit for Co. Clare was completed in 2005. The full report details can be found here. Our records show that there are no CGSs in the vicinity of the proposed wind farm development.</p> <p><b>Groundwater</b> Geological Survey Ireland's Groundwater and Geothermal Unit, provides advice, data and maps relating to groundwater distribution, quality and use, which is especially relevant for safe and secure drinking water supplies and healthy ecosystems. Proposed developments need to consider any potential impact on specific groundwater abstractions and on groundwater resources in general. We recommend using the groundwater maps on our Map viewer which should include: wells; drinking water source protection areas; the national map suite - aquifer, groundwater vulnerability, groundwater recharge and subsoil permeability maps. For areas underlain by limestone, please refer to the karst specific data layers (karst features, tracer test database; turlough water levels (gwlevel.ie). Background information is also provided in the Groundwater Body Descriptions. Please read all disclaimers carefully when using Geological Survey Ireland data.</p> <p>The Groundwater Data Viewer indicates an aquifer classed as a 'Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones' underlies the proposed wind farm development. The Groundwater Vulnerability map indicates the range of groundwater vulnerabilities within the area covered is variable. We would therefore recommend use of the Groundwater Viewer to identify areas of High to Extreme Vulnerability and 'Rock at or near surface' in your assessments, as any groundwater-surface water interactions that might occur would be greatest in these areas.</p> <p>GWClimate is a groundwater monitoring and modelling project that aims to investigate the impact of climate change on groundwater in Ireland. This is a follow on from a previous project (GWFlood) and the data may be useful in relation to Flood Risk Assessment (FRA) and management plans. Maps and data are available on the Map viewer.</p> <p>Geological Survey Ireland has completed Groundwater Protection Schemes (GWPSs) in partnership with Local Authorities, and there is now national coverage of GWPS mapping. A Groundwater Protection Scheme provides guidelines for the planning and licensing authorities in carrying out their functions, and a framework to assist in decision-making on the location, nature and control of developments and activities in order to protect groundwater. The Groundwater Protection Response overview and link to the</p>	Chapter: 8 and 9

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA Chapter / Section where Comments have been addressed
				<p>main reports is here: <a href="https://www.gsi.ie/en-ie/programmes-and-projects/groundwater/projects/protecting-drinking-water/what-is-drinking-water-protection/county-groundwater-protection-schemes/Pages/default.aspx">https://www.gsi.ie/en-ie/programmes-and-projects/groundwater/projects/protecting-drinking-water/what-is-drinking-water-protection/county-groundwater-protection-schemes/Pages/default.aspx</a></p> <p><b>Geological Mapping</b> Geological Survey Ireland maintains online datasets of bedrock and soils geological mapping that are reliable and accessible. We would encourage you to use these data which can be found here, in your future assessments. Please note we have recently launched QGIS compatible bedrock (100K) and Quaternary geology map data, with instructional manuals and videos. This makes our data more accessible to general public and external stakeholders. QGIS compatible data can be found in our downloadable bedrock 100k .zip file on the Data &amp; Maps section of our website.</p> <p><b>Geohazards</b> Geohazards can cause widespread damage to landscapes, wildlife, human property and human life. In Ireland, landslides, flooding and coastal erosion are the most prevalent of these hazards. We recommend that geohazards be taken into consideration, especially when developing areas where these risks are prevalent, and we encourage the use of our data when doing so.</p> <p>Geological Survey Ireland has information available on landslides in Ireland via the National Landslide Database and Landslide Susceptibility Map both of which are available for viewing on our dedicated Map Viewer. Associated guidance documentation relating to the National Landslide Susceptibility Map is also available. Geological Survey Ireland also engaged in a national project on Groundwater Flooding. The data from this project may be useful in relation to Flood Risk Assessment (FRA) and management plans, and is described in more detail under 'Groundwater' above.</p> <p><b>Natural Resources (Minerals/Aggregates)</b> Geological Survey Ireland provides data, maps, interpretations and advice on matters related to minerals, their use and their development in our Minerals section of the website. The Active Quarries, Mineral Localities and the Aggregate Potential maps are available on our Map Viewer. We would recommend use of the Aggregate Potential Mapping viewer to identify areas of High to Very High source aggregate potential within the area. In keeping with a sustainable approach we would recommend use of our data and mapping viewers to identify and ensure that natural resources used in the proposed wind farm development are sustainably sourced from properly recognised and licensed facilities, and that consideration of future resource sterilization is considered.</p> <p><b>Guidelines</b> The following guidelines may also be of assistance:</p> <ul style="list-style-type: none"> <li>• Institute of Geologists of Ireland, 2013. Guidelines for the Preparation of the Soils, Geology and Hydrogeology Chapters of Geology in Environmental Impact Statements.</li> <li>• EPA, 2022. Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIA)</li> </ul>	
Inland Fisheries Ireland (IFI)	Jane Gilleran, Fisheries Environmental Officer	<a href="mailto:fisheriesireland@fisheriesireland.ie">fisheriesireland@fisheriesireland.ie</a>	Email response received on 11/10/2022.	<p>IFI have no objection in principle to the proposal as indicated but reserve the right to make further submissions as detail emerges.</p> <ul style="list-style-type: none"> <li>• We are concerned about soils, their structure and types around all the turbines, turbine pads, associated access roads and site development. In particular we have general concerns about the stability of the soils and the impact that works on both the turbines and access roads may have either directly or by vibration on the stability of the soils. IFI are particularly concerned where it is proposed to construct wind turbines on peat soils of which there appears to be some in this general area.</li> <li>• Particular attention should be paid to the hydrology of any site where excavations, including excavations for borrow pits and road construction are being undertaken. It is important that natural flow paths are not interrupted or diverted in such a manner</li> <li>• as to give rise to erosion or instability of soils caused by an alteration in water movement either above or below ground.</li> <li>• Attention should be paid to drainage during both the construction phase and the operational phase. This includes waters being pumped from foundations or other excavations. It is particularly important during the construction phase that sufficient retention time is available in any settlement pond to ensure no deleterious matter is discharged to waters. We strongly recommend that settlement ponds are maintained, where appropriate, during the operational phase to allow for the adequate settlement of suspended solids and sediments and prevent any deleterious matter from discharging. In constructing and designing silt traps particular attention should be paid to rainfall levels and intensity. The silt traps</li> </ul>	Chapters: 6, 7, 8, 9

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>should be designed to minimise the movement of silt during intense precipitation events where the trap may become hydraulically overloaded. It is essential that they are located with good access to facilitate monitoring sampling and maintenance.</p> <ul style="list-style-type: none"> <li>In relation to watercourse crossings for the road or grid connection please be advised that IFI will require to be consulted well in advance in relation to all watercourse crossings or the use of any temporary diversions. We strongly recommend that these crossings should be kept to a minimum. We will also require that any instream structures or bridge crossings are approved by the IFI. In designing crossings, the length, slope and width of any instream structure will be important. Clear span bridges are the preferred option for all crossings especially in upland areas.</li> <li>Please also note that any instream works or other works which may impact directly on a watercourse should only be carried out during the open season which is from 1st July to 30th of September in each year (so as to avoid impacting on the aquatic habitat during the spawning season.) It would be important that appropriate scheduling of works is allowed for.</li> <li>The EIAR should indicate proposals to monitor the impact on watercourses within the site. In the event that environmental damage to the aquatic habitat and associated riparian zone is caused, the EIAR should indicate the steps that may be taken to rectify any damage to the aquatic habitat including liaison with the appropriate authorities. In relation to wind farm structures and infrastructure it is important that a sufficient bank side riparian zone is maintained to absorb and attenuate overland flows</li> </ul> <p>Should works be approved a finalised CEMP must be agreed with Inland Fisheries Ireland before works commence.</p>	
<b>Other</b>					
Irish Water	Yvonne Harris, Connections and Development Services  Cillian Claffey, Development Management Planning	planning@water.ie / 01 892 5000	Email and Response received 22/09/2022.	<p>At present, IW does not have the capacity to advise on scoping of individual projects. However, in general the following aspects of Water Services should be considered in the scope of an EIA where relevant;</p> <ol style="list-style-type: none"> <li>Where the development proposal has the potential to impact an IW Drinking Water Source(s), the applicant shall provide details of measures to be taken to ensure that there will be no negative impact to IWs Drinking Water Source(s) during construction and operational phases of the development. Hydrological/hydrogeological pathways between the applicant's site and receiving waters should be identified as part of the report.</li> <li>Where the development proposes the backfilling of materials, the applicant is required to include a waste sampling strategy to ensure the material is inert.</li> <li>Mitigations should be proposed for any potential negative impacts on any water source(s) which may be in proximity and included in the environmental management plan and incident response.</li> <li>Any and all potential impacts on the nearby reservoir as public water supply water source(s) is assessed, including any impact on hydrogeology and any groundwater/ surface water interactions.</li> <li>Impacts of the development on the capacity of water services (<i>i.e. do existing water services have the capacity to cater for the new development</i>). This is confirmed by IW in the form of a Confirmation of Feasibility (COF). If a development requires a connection to either a public water supply or sewage collection system the developer is advised to submit a Pre Connection Enquiry (PCE) enquiry to IW to determine the feasibility of connection to the Irish Water network. All pre-connection enquiry forms are available from <a href="https://www.water.ie/connections/connection-steps/">https://www.water.ie/connections/connection-steps/</a></li> <li>The applicant shall identify any upgrading of water services infrastructure that would be required to accommodate the proposed development.</li> <li>In relation to a development that would discharge trade effluent – any upstream treatment or attenuation of discharges required prior to discharging to an IW collection network.</li> <li>In relation to the management of surface water; the potential impact of surface water discharges to combined sewer networks and potential measures to minimise and or / stop surface waters from combined sewers.</li> <li>Any physical impact on IW assets – reservoir, drinking water source, treatment works, pipes, pumping stations, discharges outfalls etc. including any relocation of assets.</li> <li>When considering a development proposal, the applicant is advised to determine the location of public water services assets, possible connection points from the applicant's site/lands to the public network and any drinking water abstraction catchments to ensure these are included and fully assessed in any pre-planning proposals. Details, where known, can be obtained by emailing an Ordnance Survey map identifying the proposed location of your intended development to <a href="mailto:datarequests@water.ie">datarequests@water.ie</a>.</li> <li>Other indicators or methodologies for identifying infrastructure located within the applicant's lands are the presence of registered wayleave agreements, visible manholes, vent stacks, valve chambers, marker posts etc. within the proposed site.</li> <li>Any potential impact on the contributing catchment of water sources either in terms of water abstraction for the development (and resultant potential impact on the capacity of the source) or the potential of the development to influence / present a risk to the quality of the water abstracted by Irish Water for public supply should be identified within the report.</li> </ol>	Chapter: 9

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>m. Where a development proposes to connect to an IW network and that network either abstracts water from or discharges wastewater “protected”/ sensitive area, consideration as to whether the integrity of the site/conservation objectives of the site would be compromised should be identified within the report.</p> <p>n. Mitigation measures in relation to any of the above ensuring a zero risk to any IW drinking water sources (Surface and Ground water).</p> <p><i>This is not an exhaustive list.</i></p> <p>Please note;</p> <ul style="list-style-type: none"> <li>Where connection(s) to the public network is required as part of your development proposal, applicants are advised to complete the Pre-Connection Enquiry process and have received a Confirmation of Feasibility letter from Irish Water ahead of any planning application.</li> <li>Irish Water will not accept new surface water discharges to combined sewer networks</li> </ul>	
Health Service Executive	Gerard Leen Principle Environmental Health Officer	Gerry.Leen@hse.ie Tel (065) 6706660	Response Report received by email on 11.10.2022.	<p><b>General Introduction</b></p> <p>Reference is made to the EPA: Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR) Which are updated guidance and published in May 2022 <a href="https://www.epa.ie/publications/monitoring--assessment/assessment/guidelines-on-the-information-to-be-contained-in-environmental-impact-assessment.php">https://www.epa.ie/publications/monitoring--assessment/assessment/guidelines-on-the-information-to-be-contained-in-environmental-impact-assessment.php</a></p> <p>In addition to the above the following guidance should be considered:</p> <ul style="list-style-type: none"> <li>Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment <a href="https://www.housing.gov.ie/sites/default/files/publications/files/guidelines_for_planning_authorities_and_an_bord_plean_ala_on_carrying_out_eia_-_august_2018.pdf">https://www.housing.gov.ie/sites/default/files/publications/files/guidelines_for_planning_authorities_and_an_bord_plean_ala_on_carrying_out_eia_-_august_2018.pdf</a></li> <li>EU publication: Environmental Impact Assessment of Projects Guidance on the preparation of the Environmental Impact Assessment Report, EU, 2017 <a href="http://ec.europa.eu/environment/eia/pdf/EIA_guidance_EIA_report_final.pdf">http://ec.europa.eu/environment/eia/pdf/EIA_guidance_EIA_report_final.pdf</a></li> <li>Adoption of the Directive (2014/52/EU) in April 2014 initiated a review of the above guidelines. The draft new guidelines can be seen at: <a href="http://www.epa.ie/pubs/consultation/reviewofdraftteisguidelinesadvicenotes">http://www.epa.ie/pubs/consultation/reviewofdraftteisguidelinesadvicenotes</a></li> </ul> <p>The applicant should also consider the findings of the High Court judgement issued in the judicial review of the Derryadd Wind Farm. (2021 IEHC 390 [20202 No. 557 JR] P. Sweetman v An Bord Pleanála)</p> <p>Generally the Environmental Impact Assessment should examine all likely significant impacts and provide the following information for each:</p> <ol style="list-style-type: none"> <li>Description of the receiving environment;</li> <li>The nature and scale of the impact;</li> <li>An assessment of the significance of the impact;</li> <li>Proposed mitigation measures;</li> <li>Residual impacts.</li> </ol> <p>Directive 2014/52/EU has an enhanced requirement to assess likely significant impacts on Population and Human Health. It is the experience of the Environmental Health Service (EHS) that impacts on human health are often inadequately assessed in EIAs in Ireland. It is recommended that the wider determinants of health and wellbeing are considered in a proportionate manner when considering the EIA. Guidance on wider determinants of health can be found at <a href="http://www.publichealth.ie">www.publichealth.ie</a></p> <p>In addition to any likely significant negative impacts from the proposed development, any positive likely significant impacts should also be assessed.</p> <p>The HSE will consider the final EIAR accompanying the planning application to be made to Clare County Council and will make comments to the Planning Authority on the methodology used for assessing the likely significant impacts and the evaluation criteria used in assessing the significance of the impact.</p> <p>This report only comments on Environmental Health Impacts of the proposed development. It is based on an assessment of the correspondence submitted to this office dated September 2022 and the comprehensive scoping report issued.</p> <p>The Environmental Health Service (EHS) notes that the following matters have been included and will be assessed in the EIAR:</p> <ul style="list-style-type: none"> <li>Public Consultation</li> </ul>	Chapters: 2, 3, 4, 5, 8, 9, 10, 11, 14

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<ul style="list-style-type: none"> <li>• Decommissioning phase of the proposed wind farm</li> <li>• Siting and location of turbines</li> <li>• Noise &amp; Vibration</li> <li>• Shadow Flicker</li> <li>• Air Quality</li> <li>• Surface and Groundwater Quality</li> <li>• Geological Impacts</li> <li>• Ancillary facilities</li> <li>• Cumulative impacts</li> </ul> <p><b>Public Consultation</b> It is recommend that early and meaningful public consultation with the local community is undertaken to ensure all potentially significant impacts of the proposed renewable energy development have been adequately addressed. All parties affected by the proposed development, including those who may benefit financially from the project, must be fully informed of what the proposal entails especially with regard to potential impacts on surrounding areas. Sensitive receptors and other stakeholders should be identified to ensure all necessary and appropriate mitigation measures are put in place to avoid any complaints about the proposed wind farm development in the future. With the lifting of restrictions around public gatherings as a result of Covid 19 prevention measures there should be no barrier to holding public consultation events. The Environmental Health Service expects that meaningful public consultation, where the local community is fully informed of the proposed development, will be undertaken. Members of the public should be given sufficient opportunities to express their views on the proposed renewable energy development.</p> <p>The Environmental Impact Assessment Report (EIAR) should clearly demonstrate the link between public consultations and how those consultations have influenced the decision-making process in the EIA.</p> <p>To assist with the consultation and planning process it is recommended that the applicant develops a dedicated website for the proposed renewable energy development. All correspondence, maps, project updates and documentation including the EIAR should be uploaded to the website.</p> <p>The EIAR should state the period of planning permission sought, the length of time construction is estimated to take and if it is anticipated that the renewable energy development will be decommissioned and removed or will continue to operate (following any further planning consent) at the end of this period of planning permission (should permission be granted)</p> <p><b>Decommissioning</b> The EIAR should detail the eventual fate of the wind turbines and associated material i.e. will the material be recycled or how will it be disposed of. Information should also be provided regarding the proposed methodology to be used for the disposal of the materials forming the foundations of the wind turbines. The EIAR should indicate the proposed future use of the development site at the end of the planning permission period.</p> <p><b>Siting, Location and details of Turbines</b> The EIAR should include a map and a description of the proposed location of each of the proposed wind turbines. The Environmental Health Service expects that details (height and model) of the turbines to be installed will be available at the time planning permission is sought and will be included in the EIAR. Details of the foundations for the wind turbine including depth, quantity and material to be used should be included in the EIAR.</p> <p><b>Assessment of Consideration of Alternatives</b> The EIAR should consider an assessment of alternatives. The EHS recommends that alternative renewable energy options to on-shore wind farms should be assessed as part of the EIAR.</p> <p><b>Noise &amp; Vibration</b> The potential impacts for noise and vibration from the proposed development on all noise sensitive locations must be clearly identified in the EIAR. The EIAR must also consider the appropriateness and effectiveness of all proposed mitigation measures to minimise noise and vibration.</p>	

RECEIVED: 29/03/2024

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>A baseline noise monitoring survey should be undertaken to establish the existing background noise levels. Noise from any existing turbines in the area should not be included as part of the back ground levels.</p> <p>In addition, an assessment of the predicted noise impacts during the construction phase and the operational phase of the proposed renewable energy development must be undertaken which details the change in the noise environment resulting from the proposed development.</p> <p>The Draft Revised Wind Energy Development Guidelines were published in December 2019. Whilst these have yet to be adopted, any proposed wind farm development should have consideration of the draft Guidelines.</p> <p><a href="https://www.housing.gov.ie/sites/default/files/public-consultation/files/draft_revised_wind_energy_development_guidelines_december_2019.pdf">https://www.housing.gov.ie/sites/default/files/public-consultation/files/draft_revised_wind_energy_development_guidelines_december_2019.pdf</a></p> <p><b>Shadow Flicker</b></p> <p>It is recommended that a shadow flicker assessment is undertaken to identify any dwellings and sensitive receptors which may be impacted by shadow flicker. The assessment must include all proposed mitigation measures. Dwellings should include all occupied properties and any existing or proposed properties for which planning consent has been granted for construction or refurbishment.</p> <p>It is recommended that turbine selection will be based on the most advanced available technology that permits shut down during times when residents are exposed to shadow flicker. As a result no dwelling should be exposed to shadow flicker.</p> <p><b>Air Quality</b></p> <p>Due to the nature of the proposed construction works generation of airborne dust has the potential to have significant impacts on sensitive receptors. A Construction Environmental Management Plan (CEMP) should be included in the EIAR which details dust control and mitigation measures. Measures should include:</p> <ul style="list-style-type: none"> <li>• Sweeping of hard road surfaces</li> <li>• Provision of a water bowser on site, regular spraying of haul roads</li> <li>• Wheel washing facilities at site exit</li> <li>• Restrict speed on site</li> <li>• Provide covers to all delivery trucks to minimise dust generation</li> <li>• Inspect and clean public roads in the vicinity if necessary</li> <li>• Material stockpiling provided with adequate protection from the wind</li> <li>• Dust monitoring at the site boundary</li> <li>• Truck inspection and maintenance plan</li> <li>• Details of a road maintenance agreement between the wind farm operator and the Local</li> <li>• Roads Authority to clarify responsibility for the upkeep and repair of access roads during the construction phase of the project</li> </ul> <p><b>Surface and Ground Water Quality</b></p> <p>The proposed development has the potential to have a significant impact on the quality of both surface and ground water. All drinking water sources, both surface and ground water, must be identified. Public and Group Water Scheme sources and supplies should be identified in addition to any private wells supplying potable water to houses in the vicinity of the proposed development. Measures to ensure that all sources and supplies are protected should be described. The Environmental Health Service recommends that a walk over survey of the site is undertaken in addition to a desktop analysis of Geological Survey of Ireland data in order to identify the location of private wells used for drinking water purposes.</p> <p>Any potential significant impacts to drinking water sources should be assessed. Details of bedrock, overburden, vulnerability, groundwater flows, aquifers and catchment areas should be considered when assessing potential impacts and any proposed mitigation measures.</p> <p>Any impacts on surface water as a result of the construction of the underground cables should be identified and addressed in the EIAR.</p> <p><b>Geotechnical and Peat Stability Assessment</b></p> <p>A detailed assessment of the current ground stability of the site for the proposed renewable energy development and all proposed mitigation measures should be detailed in the EIAR. The assessment should include the impact construction work may have on</p>	



Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>the future stability of ground conditions, taking into consideration extreme weather events, site drainage and the potential for soil erosion.</p> <p>Information should be provided on the make and model of the turbines and on construction details for the turbine foundations, including the depth and volume of concrete required. An accurate assessment of the potential impacts of the foundations on water quality and peat stability cannot be undertaken without this information.</p> <p>Reference is made to a peat slide which occurred near Ballybofey in Co. Donegal on 13 November 2020 which may have been linked to construction activity at Meenbog Wind Farm. Potential impacts on water supply associated with contamination following a peat slide include sedimentation and alteration of pH levels.</p> <p>The Environmental Health Service recommends that a detailed Peat Stability/Geotechnical Assessment should be undertaken to assess the suitability of the soil for the proposed development. The EIAR should include provision for a peat stability monitoring programme to identify early signs of potential bog slides ('pre-failure indicators' see the Scottish Government's 'Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Developments 2017') <a href="https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/04/peat-landslide-hazard-risk-assessments-best-practice-guide-proposed-electricity/documents/00517176-pdf/00517176-pdf/govscot%3Adocument/00517176.pdf">https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/04/peat-landslide-hazard-risk-assessments-best-practice-guide-proposed-electricity/documents/00517176-pdf/00517176-pdf/govscot%3Adocument/00517176.pdf</a></p> <p><b>Ancillary Facilities</b> The EIAR should include details of the location of all site office, construction compound, fuel storage depot, sanitary accommodation and canteen, First Aid facilities, disposal of wastewater and the provision of a potable water supply to the site canteen.</p> <p><b>Cumulative Impacts</b> All existing or proposed wind farm developments in the vicinity should be clearly identified in the EIAR. The impact on sensitive receptors of the proposed development combined with any other wind farm/renewable energy developments in the vicinity should be considered. The EIAR should include a detailed assessment of any likely significant cumulative impacts of the proposed renewable energy development.</p> <p><b>Observations on the Scoping Report</b> Section 14 – noise The evaluation of predicted noise exposure against an absolute standard (in this case 43 dB(A) L90 10 mins) does not evaluate the significance of the change in the noise environment. This is particularly important in low background noise levels. It is important that the EIAR clearly states the predicted change in the noise environment for each sensitive receptor. In response to section 16 of the Scoping Report The EHS is of the opinion that the correct legislative framework and EIA approach has been identified in the report. The EHS makes no comment on the locations for the visual impact assessment as this assessment is not within the remit of the EHS. The EHS has made comments on methodology and assessment criteria in the body of this submission.</p>	
Department of Transport	Jacqui Traynor	<a href="mailto:info@transport.gov.ie">info@transport.gov.ie</a> 01 6707444	Response letter received via email on 13/10/2022.	<p>The Department of Transport welcomes the opportunity to provide information to be included in the preparation of an Environmental Impact Assessment (EIA) for Ballykett Wind Farm, Ballykett, Co. Clare.</p> <p>It should be noted that the department considers the construction involved in providing this development and especially, the connection cables to the national grid may have effects on both the environment and the Regional and Local Road network.</p> <p>Where the developer proposes the placement of any cables (or additional cables) in one or more trenches within the extents of the (regional and local) public road network, it is necessary to consider the following:</p> <ul style="list-style-type: none"> <li>• Their presence within the public road could significantly restrict the Road Authority in carrying out its function to construct and maintain the public road and will likely add to the costs of those works.</li> <li>• Their installation within the lands associated with the public road may affect the stability of the road. In particular where the road is a "legacy road" (where there is no designed road structure and the subgrade may be poor or poorly drained) the design needs to take account of all the variable conditions and not be based on a sample of the general conditions.</li> <li>• The possible effect on the remaining available road space (noting that there may be need to accommodate other utilities within the road cross-section in the future).</li> </ul>	Chapter: 16

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>• The necessity to have the power in the cables switched off where the Road Authority considers this necessary in order to carry out its function to construct and maintain the public road.</p> <p>The department consider it important that the examination of the proposal should include consideration of the following:</p> <ul style="list-style-type: none"> <li>• Examination of options other than the routing of cables along the public road,</li> <li>• Examination of options for connection to the national grid network at a point closer to the wind farm in order to reduce the adverse impact on public roads.</li> <li>• Details of where within the road cross section cables are to be placed so as to minimise the effect on the Roads Authority in its role of construction and maintenance,</li> <li>• Examination of details of any chambers proposed within the public road cross section so as to minimise the effect on the Roads Authority in its role of construction and maintenance and,</li> <li>• Rationalisation of the number of cables involved (including existing electric or possible future cables) and their diversion into one trench, in order to minimise the impacts on the road network and the environment along the road boundary (hedgerows).</li> </ul> <p>The Department considers the following should be considered when applying conditions to any approval.</p> <ol style="list-style-type: none"> <li>1. A condition requiring the specific approval of the local authority to the detail of the final route of cables through the public road space. If during construction there is a need to deviate from the detailed design then the approval of the local authority would again be sought. This would assist in minimising the impact on the public road.</li> <li>2. A condition requiring the developer to comply with all appropriate standards and, inter alia the Guidelines for Managing Openings in Public Roads, 2017 in order to ensure orderly development.</li> <li>3. A condition requiring that the location of the cables would be recorded as exactly as possible (maybe using BIM type technology) so as to facilitate the further use of road space for utilities and the maintenance/construction of the public road by the Roads authority. This record should be lodged with the local authority and with the ESB Networks for retention on their records.</li> <li>4. A condition requiring the developer to route cables away from bridge structures and specifically preventing the developer from attaching cables to road bridges. This would allow for the future maintenance of bridges without interruption of the electricity supply along the cables.</li> </ol> <p>A condition requiring the developer to notify the Roads Authority of the owner of the cables (Owner) and the controller (Power Controller) of the power transmitted along the cables. In addition, the condition should require Owner and Power Controller to notify the Roads Authority of any change in ownership of the cables or change of Power Controller transmitting power along the cables. In all instances the Owner and Power Controller should be required to maintain an agreed contacts list with the Roads Authority.</p>	
Transport Infrastructure Ireland	Alban Mills, Senior Regulatory & Administration Executive	<a href="mailto:information@tii.ie">information@tii.ie</a> / 01 646 3600	Email response received on 23/09/2022.	<p>Transport Infrastructure Ireland (TII) will endeavour to consider and respond to planning applications referred to it given its status and duties as a statutory consultee under the Planning Acts. The approach to be adopted by TII in making such submissions or comments will seek to uphold official policy and guidelines as outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012). Regard should also be had to other relevant guidance available at <a href="http://www.TII.ie">www.TII.ie</a>.</p> <p>The issuing of this correspondence is provided as best practice guidance only and does not prejudice TII's statutory right to make any observations, requests for further information, objections or appeals following the examination of any valid planning application referred.</p> <p>National Strategic Outcome 2 of the National Planning Framework includes the objective to maintain the strategic capacity and safety of the national roads network. In addition, Chapter 7 'Enhanced Regional Accessibility' of the National Development Plan, 2021 – 2030, sets out the key sectoral priority of maintaining Ireland's existing national road network to a robust and safe standard for users. This requirement is further reflected in the publication of the National Investment Framework for Transport in Ireland and also the existing Statutory Section 28 Spatial Planning and National Roads Guidelines for Planning Authorities.</p>	Chapter: 10, 11, 16

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>With respect to EIAR scoping issues, the recommendations indicated below provide only general guidance for the preparation of an EIAR, which may affect the national road network.</p> <p>The developer/scheme promoter should have regard, inter alia, to the following:</p> <ul style="list-style-type: none"> <li>• Consultations should be had with the relevant Local Authority/National Roads Design Office with regard to locations of existing and future national road schemes,</li> <li>• TII would be specifically concerned as to potential significant impacts the development would have on the national road network (and junctions with national roads) in the proximity of the proposed development; N68, N85, national roads. In addition, in accordance with official policy, proposals shall not result in the creation of new direct access to a national road or the intensification of existing direct access to national roads,</li> <li>• The developer should assess visual impacts from existing national roads,</li> <li>• The developer should have regard to any EIAR/EIS and all conditions and/or modifications imposed by An Bord Pleanála regarding road schemes in the area. The developer should in particular have regard to any potential cumulative impacts,</li> <li>• The developer, in preparing EIAR, should have regard to TII Publications (formerly DMRB and the Manual of Contract Documents for Road Works).</li> <li>• The developer, in preparing EIAR, should have regard to TII's Environmental Assessment and Construction Guidelines, including the Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes (National Roads Authority, 2006),</li> <li>• The EIAR/EIS should consider the Environmental Noise Regulations 2006 (SI 140 of 2006) and, in particular, how the development will affect future action plans by the relevant competent authority. The developer may need to consider the incorporation of noise barriers to reduce noise impacts (see Guidelines for the Treatment of Noise and Vibration in National Road Schemes (1st Rev., National Roads Authority, 2004)),</li> <li>• It would be important that, where appropriate, subject to meeting the appropriate thresholds and criteria and having regard to best practice, a Traffic and Transport Assessment (TTA) be carried out in accordance with relevant guidelines, noting traffic volumes attending the site and traffic routes to/from the site with reference to impacts on the national road network and junctions of lower category roads with national roads. In relation to national roads, TII's Traffic and Transport Assessment Guidelines (2014) should be referred to in relation to proposed development with potential impacts on the national road network. The scheme promoter is also advised to have regard to Section 2.2 of the NRA/TII TTA Guidelines which addresses requirements for sub-threshold TTA. Any improvements required to facilitate development should be identified. It will be the responsibility of the developer to pay for the costs of any improvements to national roads to facilitate the private development proposed as TII will not be responsible for such costs,</li> <li>• The designers are asked to consult TII Publications to determine whether a Road Safety Audit is required,</li> <li>• In the interests of maintaining the safety and standard of the national road network, the EIAR should identify the methods/techniques proposed for any works traversing/in proximity to the national road network,</li> <li>• TII recommends that that applicant/developer should clearly identify haul routes proposed and fully assess the network to be traversed. TII notes that preliminary haul route proposals outlined in the EIAR Scoping Report include the N/M6, M18, N85 and N68, national roads. Where abnormal 'weight' loads are proposed, separate structure approvals/permits and other licences may be required in connection with the proposed haul route. All structures on the haul route through all the relevant County Council administrative areas should be checked by the applicant/developer to confirm their capacity to accommodate any abnormal 'weight' load proposed. In addition, the haul route should be assessed to confirm capacity to accommodate abnormal 'length' loads and any temporary works required.</li> <li>• The national road network is managed by a combination of PPP Concessions, Motorway Maintenance and Renewal Contracts (MMaRC) and local road authorities in association with TII.</li> <li>• The applicant/developer should also consult with all PPP Companies, MMaRC Contractors and road authorities over which the haul route traverses to ascertain any operational requirements, including delivery timetabling, etc. to ensure that the strategic function of the national road network is safeguarded.</li> <li>• Additionally, any damage caused to the pavement on the existing national road arising from any temporary works due to the turning movement of abnormal loads (eg. tearing of the surface course, etc.) shall be rectified in accordance with TII Pavement Standards and details in this regard shall be agreed with the Road Authority prior to the commencement of any development on site.</li> <li>• Any grid connection and cable routing proposals should be developed to safeguard proposed road schemes as TII will not be responsible for costs associated with future relocation of cable routing where proposals are catered for in an area of a proposed national road scheme. In that regard, consideration should be given to routing options, use of existing crossings, depth of cable laying, etc.</li> </ul>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>In the context of the existing national road network, in accordance with the National Planning Framework National Strategic Outcome no. 2 'Enhanced Regional Accessibility', there is a requirement to maintain the strategic capacity and safety of the network. This requirement is further reflected in the National Development Plan, the National Investment Framework for Transport in Ireland and also the existing Statutory Section 28 Spatial Planning and National Roads Guidelines for Planning Authorities.</p> <p>There is around 99,000km of roads in Ireland, the national road network which caters for strategic inter-urban travel consists of only approx. 5.4% of this. There is a critical requirement to ensure the strategic capacity and safety of this national road network is maintained and significant Government investment already made in the national road network is safeguarded.</p> <p>The provision of cabling along the national road network represents a number of significant implications for TII and road authorities in the management and maintenance of the strategic national road network and TII is of the opinion that grid connection cable routing should reflect the foregoing provisions of official policy. Therefore, TII advises that grid connection cable routing should seek to utilise available alternatives, as opposed to the strategic national road network contrary to the provisions of official policy.</p> <p>Other consents or licences may be required from the road authority for any trenching or cabling proposals crossing the national road. TII requests referral of all proposals agreed and licensed between the road authority and the applicant which affect the national road network.</p> <p>Cable routing should avoid all impacts to existing TII infrastructure such as traffic counters, weather stations, etc. and works required to such infrastructure shall only be undertaken in consultation with and subject to the agreement of TII, any costs attributable shall be borne by the applicant/developer. The developer should also be aware that separate approvals may be required for works traversing the national road network.</p> <p>Notwithstanding, any of the above, the developer should be aware that this list is non-exhaustive, thus site and development specific issues should be addressed in accordance with best practice.</p>	
Environmental Protection Agency		<a href="mailto:info@epa.ie">info@epa.ie</a> / <a href="mailto:eiaplanning@epa.ie">eiaplanning@epa.ie</a>	Email received on 09/12/2022 stating "We do not generally make comments on proposed developments which are not licensable by the Agency."		N/A
Department of Housing, Planning and Local Government	Nicole Coughlan, Minister of State office  Peter Burke, Minister of State	<a href="mailto:minister@housing.gov.ie">minister@housing.gov.ie</a>  <a href="mailto:ministerofstate@housing.gov.ie">ministerofstate@housing.gov.ie</a>	Email received on 13/09/2022 from Nicole Coughlan stating "The issue you raise comes under the remit of the Minister of State Peter Burke. I have, therefore, forwarded your correspondence to his Office for attention and direct reply."  No response from the Minister of State Peter Burke to date (31/01/2024).		N/A
Department of Environment, Climate and Communications	Luke Thompson	<a href="mailto:PlanningNotifications@decc.gov.ie">PlanningNotifications@decc.gov.ie</a>	Email Response received 02/12/2022 stating "observations were provided on behalf of Geological Survey Ireland (a division of the Department of the Environment, Climate and Communications) to Clare County Council".		N/A
Fáilte Ireland	Yvonne Jackson	<a href="mailto:planning.applications@failteireland.ie">planning.applications@failteireland.ie</a> / 01 554 7224	Response received on 05/12/2022 with Failte Ireland EIAR Guidelines.	<p><b>1. Introduction</b> Tourism is a growing sector and substantial part of the Irish Economy. It contributes to both urban and rural economies in every part of the country. The impact and interaction of tourism with the environment is complex and the assessment of environmental impacts is of utmost importance to creating a sustainable tourism economy and protecting the natural resources that are so often a tourism attraction.</p> <p>The purpose of this report is to provide guidance for those conducting Environmental Impact Assessment and compiling an Environmental Impact Assessment Reports (EIAR), or those assessing EIARs, where the project involves tourism or may have</p>	Chapter: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA Chapter / Section where Comments have been addressed
				<p>an impact upon tourism. These guidelines are non-statutory and act as supplementary advice to the EPA EIA Guidelines outlined in section 2.</p> <p>This guidance document has been prepared by Cunnane Stratton Reynolds on behalf of Fáilte Ireland to update their EIA guidelines in line with changes in legislative requirements.</p> <p><b>2. Background to this Document</b></p> <p>Tourism is one of the largest and most important sectors of the economy, providing employment for approximately 260,000 people, an economic contribution of €8.4 billion, and exchequer revenue of €1.78 billion in 2018, which helps fund other key public services.</p> <p>In 2018 Ireland welcomed 10.6 million overseas visitors.</p> <p>Fáilte Ireland is the National Tourism Development Authority. Fáilte Ireland's role is to support the tourism industry and work to sustain Ireland as a high-quality and competitive tourism destination. They provide a range of practical business supports to help tourism businesses better manage and market their products and services.</p> <p>Fáilte Ireland also work with other state agencies and representative bodies, at local and national levels, to implement and champion positive and practical strategies that will benefit Irish tourism and the Irish economy.</p> <p>Fáilte Ireland promotes Ireland as a holiday destination through a domestic marketing campaign (DiscoverIreland.ie) and manage a network of nationwide tourist information centres that provide help and advice for visitors to Ireland.</p> <p>Tourism related projects cover a broad range of plans, programmes and developments, from the Wild Atlantic Way to a single hotel conversion. These guidelines apply to projects involving or impacting upon tourism. A tourism plan, strategy or programme where it is part of the statutory plan making process under the Planning and Development Acts (as amended), may be more appropriately assessed by a Strategic Environmental Assessment (SEA) as discussed in the next section.</p> <p>It should be borne in mind that EIA is required where there is anticipated to be a significant impact on the environment, where tourism projects are of a prescribed type or meet thresholds identified below.</p> <p>Where Natura 2000 Designated Sites are potentially affected by tourism development Appropriate Assessment must be carried out by the appropriate authority in accordance with Article 6(3) of the EU Habitats Directive.</p> <p><b>3. Legislation and Statutory Guidance</b></p> <p>Environmental Impact Assessment is a procedure that ensures that the environmental implications of decisions are taken into account before planning based decisions are made. The assessment results in a report, called an Environmental Impact Assessment Report (EIA).</p> <p><b>Legislation</b></p> <p>These guidelines are produced under current EIA legislative requirements, having regard to Directive 2011/92/EU (known as 'Environmental Impact Assessment' – EIA Directive), as amended by Directive EU 2014/52 which came into effect in May of 2017. These requirements were transposed into Irish Law on 1 September 2018 as most of the provisions of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) came into effect. The principle of both Directives is to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation.</p> <p><b>Statutory Guidance</b></p> <p>In response to the changes to the EIA requirements under Directive EU 2014/52, the Environmental Protection Agency (EPA) developed Draft guidelines on the information to be contained in Environmental Impact Assessment Reports in August 2017. At the time of this document the guidelines have not been adopted from draft.</p> <p>In addition to the EPA statutory guidance, the Department of Housing has produced Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment in August 2018.</p> <p>The process of EIA is set out in the EPA EIA Guidelines, which this document should be read in conjunction with and used as supplementary guidance to. The process for ascertaining whether an EIA is required is known as 'screening' and the process to determine the breadth and scope of an EIA is known as 'scoping'. Guidance on this can be found in Section 3.2 of the EPA Guidelines.</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p><b>Screening</b> Through EIAR Screening, developments are either considered as requiring an EIAR due to the project type or because they exceed a threshold level. The screening process begins by establishing whether the proposal is a 'project' as understood by the Directive (as amended). The prescribed development types and thresholds are set out in Annex I and II of the EIA Directive as transposed into Schedule 5 of the Planning and Development Regulations 2010-2018 (as amended). Development which do not exceed these thresholds but may require an EIAR are called sub threshold. Sub-Threshold considerations are outlined in Schedule 7 of European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) as transposed from Annex III of the Directive. The Guidelines on Environmental Impact Assessment Reports note that projects at first glance may not appear to come under the Schedule but on closer examination when the process is further examined, they may do so because of the sensitivity or significance of the receiving environment etc. Sub threshold developments require an EIAR if they are likely to have significant environmental impacts and must undergo assessment for likely significant impacts through an EIAR screening report. The contents of a screening report for subthreshold development are contained in Annex III of the EIA Directive.</p> <p>Figure 1: EIAR Screening Process</p> <pre> graph TD     Start([START Is the development a type that requires an EIA?]) -- NO --&gt; PrepDoc[Prepare any relevant consent documentation]     Start -- YES --&gt; Q1{Is it of a type that requires a mandatory EIA? (See 3.2.3)}     Q1 -- NO --&gt; Q2{Is it above the Specified Threshold? (See 3.2.3)}     Q1 -- YES --&gt; PrepEIA[Prepare an Environmental Impact Assessment Report]     Q2 -- NO --&gt; Q3{Is it a type of project that could lead to effects? (See 3.2.4)}     Q2 -- YES --&gt; PrepEIA     Q3 -- NO --&gt; PrepDoc     Q3 -- YES --&gt; PrepEIA     Q3 -- and/or --&gt; Q4{Is it a sensitive location? (See 3.2.4)}     Q4 -- YES --&gt; PrepEIA     Q4 -- and/or --&gt; Q5{Could the effects be significant? (See 3.2.4)}     Q5 -- YES --&gt; PrepEIA     Q5 -- NO --&gt; PrepDoc     </pre> <p><i>(Taken from Fig 3.2 of the EPA Guidelines)</i> Tourism locations should be identified as sensitive receptors in screening assessments for particular impacts, depending on scale and sensitivity, as they would in a full EIAR. Section 6 below can act as guidance for Screening Reports as well as for full EIAR. The screening process for considering where an EIAR is necessary, is summarised below in Figure 1 (excerpted from Figure 3.2 of the EPA Guidelines).</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA Chapter / Section where Comments have been addressed
				<p>Strategic Environmental Assessment (SEA) is a more strategic level of environmental assessment that examines plans, policies, objectives and programmes specifically rather than projects. For some tourism developments it may be more appropriate that they be examined through SEA, while individual projects or specific proposals are likely to be more assessed through EIA. If a project is part of a plan, programme or policy/objective assessed by SEA there will still be a requirement for an EIA for that development.</p> <p><b>EIA Scoping</b> Scoping an EIA is an opportunity to look at the breadth of issues and ensure that any areas of possible significant impact are assessed. Identifying sensitivities and stakeholders should take account of tourism facilities and consider Fáilte Ireland in scoping requests where necessary.</p> <p><b>4. Assessing Tourism</b> There is no legal definition of 'tourism' in Irish legislation. The UNWTO definition of sustainable tourism is "Tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities" . This is widely accepted as a key definition of tourism as we move to a more sustainable future. Tourism assessments are frequently carried out by economic consultants and by specific tourism consultants. It is always advisable, particular for tourism projects, that suitably qualified and experienced personnel are used to determine the impact of tourism related projects or to assess the impact of more general proposals on a tourism asset identified in a particular location. There is a requirement for EIA under current legislation to contain a statement of competency within all EIA documents, including screening and scoping reports.</p> <p><b>Projects which involve a tourism element</b> Tourism projects are wide ranging and diverse. While there are some projects which cater to tourism and are easily identified as such – Hotels, Museums, etc. there are other projects where tourism is a key service or element, but which may not be immediately obvious – forest trails, community facilities and others. EIA conducted for developments containing tourist elements should be completed in accordance with the current guidance from the EPA. Projects which include a tourism element have potential particular environmental effects which differ from a non-tourism development. These impacts can be intermittent, event related, inconsistent, dependent on weather, temporal, temporary or seasonal. This is considered within the prescribed environmental topics for EIA outlined in Section 7 below.</p> <p><b>Projects which may have an impact upon tourism</b> While tourism projects may be diverse, the projects which can impact tourism are considerably more wide ranging, from large infrastructural developments to local energy developments. Disruption to or suppression of a tourist resource or amenity can have very local or more strategic impacts, directly or indirectly- for example energy projects in a rural area can have both a negative and positive impact in different regards. There can be temporary, periodic or even seasonal impacts occurring during construction or operational periods. According to the Fáilte Ireland Tourism Facts 2018 Report, the most important factors in determining the attractiveness of tourism destinations for visitors to Ireland are;</p> <ul style="list-style-type: none"> <li>• Beautiful Scenery and Unspoiled Environment</li> <li>• Hospitality</li> <li>• Safety</li> <li>• Nature, Wildlife and Natural Attractions</li> <li>• History and Culture</li> <li>• Pace of Life</li> </ul> <p>These factors used for the promotion of tourism in Ireland are also barometers of sensitivity to change in tourism sensitive or dominant locations where development may have an impact upon the tourism asset. The potential for development to impact these sensitivities, and the environmental criteria under which they can be considered, are identified in section 7 of the guidelines.</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p><b>5. Guiding Principles of EIAR</b> As outlined in the EPA Draft EIAR Guidelines, the fundamental principles to be followed when preparing an EIAR, including screening and scoping, are:</p> <ul style="list-style-type: none"> <li>• Anticipating, avoiding and reducing significant effects</li> <li>• Assessing and mitigating effects</li> <li>• Maintaining objectivity</li> <li>• Ensuring clarity and quality</li> <li>• Providing relevant information to decision makers</li> <li>• Facilitating better consultation.</li> </ul> <p>Environmental assessment should be undertaken in accordance with the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.</p> <p><b>6. Consideration of Competency and Qualifications</b> As per Section 2.5 of the EPA Guidelines, EIAR is required to be completed by 'competent experts'. Contributors to the preparation of environmental impact assessment reports, including screening and scoping assessments, should be qualified and competent. Sufficient expertise, in the relevant field of the project concerned, is required for the purpose of its examination by the competent authorities in order to ensure that the information provided by the developer is complete and of a high level of quality so that a full and proper assessment can be undertaken. For tourism related projects, or projects likely to affect tourism assets, competent experts in the area of tourism should be utilised in the environmental assessment. The competency of all involved in the production of an EIAR or any related report (eg. Screening and scoping) is required to be stated at the beginning of the EIAR report with further details as necessary in each following chapter. Where tourism projects involve for example heritage or cultural components, input from heritage consultants, conservation architects, or historians may be required.</p> <p><b>7. EIAR Requirements</b> The following are the key requirements for an EIAR under the current guidance. This is not a definitive list and should be read in conjunction with regulations.</p> <ul style="list-style-type: none"> <li>• project description;</li> <li>• assessment of alternatives considered;</li> <li>• baseline assessment;</li> <li>• impact assessment;</li> <li>• cumulative impact</li> <li>• interaction of impacts</li> <li>• mitigation.</li> </ul> <p><b>Project Description</b> Project descriptions are required to describe the whole project including site, scale, design and key factors. It is important that the EIAR and design team have a consistent understanding of the development description in full. The key requirements are outlined in section 3.5 of the EPA Guidelines however they identify the following;</p> <ul style="list-style-type: none"> <li>• the location of the project</li> <li>• the physical characteristics of the whole project</li> <li>• the main characteristics of the operational phase of the project</li> <li>• an estimate, by type and quantity, of the expected residues and emissions</li> </ul> <p>The location of the project should include identifying key sensitive receptors (including tourism receptors). In the operational phase of the project any tourism based, or potentially tourism related activity, should be identified.</p> <p><b>Assessment of Alternatives</b> The assessment of alternatives is a requirement of EIAR Where tourism projects are location dependent the assessment of alternatives should consider alternative methods and technologies, detail the key considerations culminating in the selection of the design, the reasoning for these and the</p>	

RECEIVED: 29/03/2024



Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA/R Chapter / Section where Comments have been addressed
				<p>environmental effect of these decisions. This is particularly important for tourism projects which are often location tied. The developer is expected to consider reasonable alternatives. What is considered reasonable may vary from case to case.</p> <p><b>Baseline Assessment</b>                      Baseline descriptions are evidence based, current descriptions of environmental characteristics with consideration of likely changes to the baseline environment evidenced in planning histories, unimplemented permissions, and applications pending determination. Baseline assessments should identify any tourism sensitivities in the zone of influence of a development. This zone of influence of a development is highly dependant on its Context, Character, Significance, and Sensitivity, as outlined in the Draft Guidelines. These characteristics apply to both the development and the environment.                      For example, in a tourism context;                      The location of sensitive tourism resources that are likely to be directly affected should be highlighted, and other premises which although located elsewhere, may be the subject of in combination impacts such as alteration of traffic flows or increased urban development.                      The character of an area from a tourism perspective should be described and the principal types of tourism in the area. Where relevant, the specific environmental resources or attributes in the existing environment which each group uses or values should be stated and where relevant, indicate the time, duration or seasonality of any of those activities.                      The significance of the tourism assets or activities likely to be affected should be highlighted. Reference to any existing formal or published designation or recognition of such significance should be. Where possible the value of the contribution of such tourism assets and activities to the local economy should be provided.                      If there are any significant concerns or opposition to the development known to exist among tourism stakeholders and interest groups, this should be highlighted. Identify, where possible, the particular aspect of the development which is of concern, together with the part of the existing tourism resource which may be threatened or impacted.                      In addition, the baseline should include any methodologies employed in the study to obtain information, if particular databases are used to locate sensitive receptors they should be acknowledged. In relation to tourism information, the suggested information sources at the end of this document are a non-exhaustive list which may be of assistance in identifying tourism receptors.</p> <p><b>Impact Assessment</b>                      The topics for consideration of impact are prescribed in the EIA Directive and transcribed into Irish law by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018). Impact assessment should contain the likely significant effects of a development arising from both construction and operation of a development. Advice on describing the effects is contained within the Draft Guidelines and includes the quality, significance, extent, probability, type and duration of the effect, with particular descriptors for each. In describing effects upon tourism receptors these descriptors should take account of the particular aspects and sensitivities of tourism, for example a temporary annual effect from a development may have different impacts upon tourism if it falls at peak season rather than off-peak. Impact assessment should be carried out as per EPA guidelines and the best practice for that prescribed topic. It may be considered appropriate to consider impact on tourism assets under the 'material assets' topic below.</p> <p><i>Population and Human Health</i>                      The consideration of tourism projects within the Population and Human Health is extensive, with impacts ranging from rural employment population impacts of seasonal tourism, to the health impact of air pollution from increased traffic in urban areas. The impact upon tourism can be considered within this section through the sensitivities of Hospitality, Safety and Pace of Life. Changes in population can impact the perception of pace of life or safety in a particular location. Impacts upon these issues in areas which rely heavily on tourism or have a particular sensitive tourism generator should be considered in this section.</p> <p><i>Biodiversity</i>                      Particular tourist activities can have a significant impact upon biodiversity. Landscapes which are 'unspoiled' can be attractors of tourism. However, the disturbance to ecology must be managed to minimize impact. Biodiversity is also a tourism asset and should be protected as such from other development and should be provided for in proposals where possible.</p> <p><i>Land, Soils and Geology</i>                      A link between tourism and this prescribed environmental factor, beyond the normal development impacts, is rare, however particular activities or facilities which use geological features may have an impact upon soils and geology, such as mountain biking</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>trails, recreational uses of old quarries etc. Indirect impacts such as material use for extensive landscaping and public realm should also be considered.</p> <p><i>Water</i> Tourism uses can be water intense, depending on development type. Recreational use of a surface water feature, water-based leisure centres etc have different impacts to standard development.</p> <p><i>Air Quality and Climate</i> Tourism impact upon air quality is dependent on activity proposed and sensitivity of the location.</p> <p><i>Noise and Vibration</i> A link between tourism and this prescribed environmental factor, beyond the normal development impacts, is rare, however the impact upon tourism of issues of noise and vibration can be significant. Construction adjoining hotels for example should consider the sensitivity of the development and ensure mitigation is in place.</p> <p><i>Material Assets; Traffic and Transport</i> The different transport patterns associated with tourism activities is a key impact of tourism and should be considered especially for tourism projects. These produce temporal and seasonal changes on the norm and specialist consideration and interpretation should be given. Tourism proposals should, where possible, be well served by public transport and should be accessible by modes other than the car. The impact of traffic on tourism assets can be substantial and can vary in severity according to season, the weather, etc. The impact of construction traffic can be a particular concern in tourism sensitive areas in terms of noise pollution and visual impact. The construction programme of developments should work to avoid peak tourism periods in tourism areas and should consider planned or anticipated tourism events and festivals.</p> <p><i>Cultural Heritage</i> Cultural heritage can be a key component of tourism projects and the impact of tourism on the maintenance of cultural heritage should be given the utmost consideration, whether positive or negative. As a tourism attraction, cultural heritage should be strongly considered in non-tourism developments and the impact upon tourism considered as a potential impact.</p> <p><i>Archaeology</i> Archaeology can be of tourism interest and can be an attractive or key component of tourism projects. Archaeology can be a tourism attractor but is generally not kept in situ except in key cases which could also be considered under cultural heritage.</p> <p><i>Material Assets; Waste Management</i> Tourism is a resource heavy activity and can impact waste streams and waste segregation. Impacts here should be considered strongly and with knowledge of the variation that arises from the particular tourist activity. Waste and Waste disposal issues can also impact the perception of an unspoiled environment, effecting tourism, which should be considered.</p> <p><i>Material Assets</i> Material assets are utilities and infrastructure. Tourism itself could be considered a material asset as its impact upon the economy and the infrastructure in place to support it is a material consideration in assessing economic impact.</p> <p><i>Landscape</i> The visual impact of a tourism development, especially in locations which are visually sensitive or renowned for their scenic or landscape beauty, should be considered carefully. A development intended to utilise or enjoy a particular vista or environment should minimise impact upon that environment.</p> <p><b>Major Accident and Natural Disaster</b> There is a requirement for tourist developments to describe expected significant effects on the environment of the proposed development's vulnerability to major accidents and/or natural disasters relevant to it. Where appropriate measures should be identified to prevent or mitigate the significant adverse effects of such accidents or disasters, including resulting from climate change, on the environment and detail the preparedness for the proposed response.</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p><b>Interaction of Effects</b> Where two or more environmental impacts combine or interact they should be considered under the prescribed topics. It is best practice to provide a table of interactions within an EIAR or EIAR Screening Report.</p> <p><b>Mitigation</b> Mitigation should follow the hierarchy of minimization in descending order of preference- Avoid, Reduce, Remedy Avoid sensitive tourism resources- such as views, access and amenity areas including habitats as well as historical or cultural sites and structures. Reduce the exposure of sensitive resources to excessive environmental impact Reduce the adverse effects to tourism land uses and patterns of activities, especially through interactions arising from significant changes in the intensity of use or contrasts of character or appearance. Remedy any unavoidable significant residual adverse effects on tourism resources or activities. Mitigation measures must be measurable and achievable within the bounds of the project.</p> <p><b>Cumulative Impact</b> The cumulative impact is that of the project combined with any known likely project which will interact or compound an environmental impact.</p> <p><b>Transboundary Impact</b> Transboundary impacts should be included in EIAR. In the case of tourism, especially international travel, the transboundary impacts may not be proximate to the EIAR site.</p> <p><b>8. Sources of information on Tourism</b> Information available online <i>Fáilte Ireland</i> Fáilte Ireland offers detailed research analysis and insights into the Irish Tourism Industry. The National Tourism Development Authority has a portfolio of research across a number of areas including facts and figures, briefing papers and reports and visitor feedback. The Fáilte Ireland website has a dedicated research library which can be accessed <a href="#">here</a>.</p> <p><i>Tourism Ireland</i> Tourism Ireland is responsible for marketing the island of Ireland overseas as a holiday and business tourism destination. Tourism Ireland publishes a range of research documents including; visitor facts and figures, seasonal updates and industry insights which are accessible <a href="#">here</a>.</p> <p><i>Local Authorities</i> Local Authorities are an invaluable source of information. They produce tourism strategies and audits of tourism assets within their jurisdiction. Local authorities will also produce landscape and seascape studies. Protected views and prospects as well as the record of protected structures and other designated protected buildings are contained within the Statutory Development Plans.</p> <p><i>Regional Authorities</i> Regional Authorities can also be consulted on high level strategic tourism and potential Regional Spatial and Economic Strategies (RSESs) should be consulted.</p> <p><i>Central Statistics Office</i> The Central Statistics Office (CSO) is Ireland's national statistical office and their purpose is to impartially collect, analyse and make available statistics about Ireland's people, society and economy. The Tourism and Travel Section of the Central Statistics Office is the major source for tourism statistics in Ireland and is updated regularly.</p>	
OPW (Office for Public Works)	Derek Higgins	<a href="mailto:drainage.admin@opw.ie">drainage.admin@opw.ie</a> <a href="mailto:derek.higgins@opw.ie">derek.higgins@opw.ie</a>	Email Response received 12/01/2023. OPW sent in a report with their comments listed.	If any new culverts or bridges (or modifications to any existing culverts or bridges) are required to cross watercourses as part of the development or on proposed or existing access roads to serve or access the development, you should be aware that these require consent from the Commissioners of Public Works. This is a requirement of Section 50 of the Arterial Drainage Act of 1945 as amended.	Chapter: 9, 16

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>I attach a copy of our brochure on obtaining Section 50 consent for your information. Further information on the process including copies of the appropriate application form and brochure are available on our website at <a href="https://www.gov.ie/en/publication/957aa7-consent-requirements-constructionalteration-of-watercourse-infrastru/">https://www.gov.ie/en/publication/957aa7-consent-requirements-constructionalteration-of-watercourse-infrastru/</a></p> <p>Please note that, in the context of seeking consent under Section 50, the current required design standard for bridges or culverts is based on the flood with an annual exceedance probability of 1% (often referred to as the 100 year flood), increased by 20% to cater for the effects of Climate Change. Bridges or culverts are required to be able to convey this design flood without significantly altering the hydraulic characteristics of the watercourse – further details on this issue are available in the brochure and can be clarified depending on the circumstances of any particular proposed bridge or culvert.</p> <p>You should be aware that a grant of Planning Permission by a planning authority for a development which contains bridges or culverts does not confer section 50 consent on the applicant, nor does it absolve the applicant from the requirement to obtain such consent from the Commissioners.</p> <p>With regard to the proposed Grid Connection Route which is not indicated in your documentation, it is possible that this route may cross several watercourses. If the cable and ducting are to be buried in the road, as they cross bridges over the water courses, and there is no interference with the opening in the bridge spanning the watercourse, then there is no issue. On the other hand, if it is proposed to pass the cable in its ducting through the opening of any bridge or culvert, this would be considered to be a modification of a bridge and it would require the consent of the Commissioners under Section 50 as mentioned above. Similarly, if it is proposed to carry the cable in its ducting across watercourses on new support structures spanning the watercourses, these should be treated as if they are bridges, and the consent of the commissioners under Section 50 should be obtained. If the cable and ducting is to be buried under the natural bed of the watercourses being crossed, Section 50 would not apply, and we would recommend that the duct be buried a sufficient distance below the natural bed to allow for erosion and mobility of the stream bed.</p> <p>We would recommend that a flood risk assessment be carried out with regard to the proposed development and its construction. This should consider all sources, pathways and receptors of flood risk. This should be carried out in accordance with the principles set out in the guideline document “The Planning System and Flood Risk Management” as published by the Minister for the Environment, Heritage and Local Government and the Office of Public Works. Please be aware that this is a separate issue from the requirement to obtain Section 50 consent as mentioned above.</p> <p><i>Include the following paragraph if the correspondence being dealt with relates to the preparation of an EIA.</i>  <i>In terms of the preparation of an EIA, the matters referred to above principally relate to the Hydrology Section, and the Risk of Flooding on a development such as this can impact on Landscape (e.g. landslides that have been reported in recent years), Infrastructure (roads and bridges) and people and their homes, among other things. The aim of the Section 50 process, and the Flood Risk Assessment which is recommended would be to mitigate any increased risk of flooding and the consequences of same, as arising from the proposed development.</i></p>	
The Heritage Council		<a href="mailto:mail@heritagecouncil.ie">mail@heritagecouncil.ie</a> / 056 777 0777	No response received to date (31/01/2024).		N/A
Department of Housing, Local Government and Heritage	Diarmuid Buttimer, Executive Officer	<a href="mailto:Manager.DAU@housing.gov.ie">Manager.DAU@housing.gov.ie</a>	Email response received from Diarmuid Buttimer on 27.10.2022 listing recommendations for the mentioned pre-planning application.	<p><b>Nature Conservation</b></p> <p>These observations are intended to assist you in relation to identifying potential impacts on European sites, other nature conservation sites, and biodiversity and environmental protection in general, in the context of the current proposal. Data collected and surveys carried out in connection with this proposed development may raise other issues that have not been considered here. The observations are not exhaustive and are made without prejudice to any recommendation that may be made by this Department in the future.</p> <p>The Department is concerned that it appears from the supplied details and the EIA Scoping report that it is not intended to assess the proposed grid connection in the EIA. As the grid connection is required for the wind farm project both the turbine and grid connection proposals need to be assessed together in terms of both EIA/EIS and NIS/AA process to avoid project splitting the grid connection effects aspects of the project from the wind farm effects aspects of the project within the assessment process.</p> <p>Case law has established that grid works must be regarded as an integral part of the project as a whole and the assessment of the grid works is to be made in the context of the entire project, including the associated wind turbines. The Irish Courts (O’Grianna and others v. An Bord Pleanála [2014] IEHC 632) have determined the need to assess wind farm projects and their grid connections as a single project for EIA purposes. In the O’Grianna case, the development of a grid connection was held to be “an integral part of the overall development of which the construction of the turbines is the first part”. As the wind farm required EIA, the associated grid connection therefore also required EIA meaning the exempted development provisions for grid connections should not have applied.</p>	Chapters: 6, 7, 8, 9

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA Chapter / Section where Comments have been addressed
				<p>On foot of both a complaint received on the matter and the above Court Case, the European Commission has indicated its concerns in relation to compliance of Irish practice in the area of wind farm developments and grid connections with the EIA Directive, as well as the Habitats Directives, which resulted in the Commission opening an EU Pilot Infringement case (8398/16/ENV) on this matter.</p> <p>This is also important within the in combination effects and cumulative impacts sections of the assessments regarding the potential effects of the wind farm project. When carried out by the competent authority, the appropriate assessment cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on European sites.</p> <p>The Department notes that the location map provided is for an area of peatland and conifer plantation. Assessment should include an assessment of the loss of underlying peat within the development site as a cumulative loss of peat overall and should be assessed in terms of a carbon benefit analysis versus restoration to peatland habitats (see also in project components section below).</p> <p><b>Guidance on EIAR</b> You are advised to consult the European Commission's (2017) 'Environmental Impact Assessment: Guidance on the preparation of the Environmental Impact Assessment Report (Directive 2011/92/EU as amended by 2014/52/EU)'. Any surveys and assessments should be based on a full details of the overall project, noting all lands that will be required. For a detailed list of potential considerations, see the 'Review checklist', and specifically 'Section 1 – Description of the project', in this guidance. Note also that if compensatory afforestation is required on other lands, which appears may be the case here, the likely significant effects of that integral element of the development should be assessed in the main project EIAR.</p> <p>In addition to guidance listed in Appendix 1, the following should be taken into account in planning and designing a windfarm and in completing the assessments. Please note the 2020 updates of the Guidance documents:</p> <ul style="list-style-type: none"> <li>• Guidance document on wind energy developments and EU nature legislation (European Commission, 2020)</li> <li>• Draft Revised Wind Energy Development Guidelines (DoHLGH, 2020), particularly the requirements in relation to assessing ground conditions/geology (section 5.3 Landslides in Ireland (GSI, 2006).</li> </ul> <p>In considering a windfarm in this area, the Clare Wind Energy Strategy and its associated appropriate assessment and SEA Environmental Report should be checked for any mitigation that applies in this type of situation, given the proximity and potential for negative effects of this proposal on protected sites of national and international importance for nature conservation.</p> <p><b>Project planning and design</b> It should be remembered that a key element of EIA is the avoidance or reduction of negative effects on the environment. EIA is an iterative process and the information gathered through assessments or surveys should be used to guide the planning and design of the windfarm so that sensitive ecological or hydrological areas are avoided, and negative impacts are minimised insofar as is possible. The size, layout and design of proposed development should be informed by a constraints-type study and the compilation of an environmental constraints map that identifies and avoids, insofar as is possible and using appropriate separation distances, all nature conservation sites, other sensitive ecological and hydrological features, deep or intact peat deposits, and areas of wet and/or active bog, pool systems and flushes. The National Biodiversity Action Plan 2017- 2021 aims to conserve and restore Ireland's biodiversity. A key objectives of the plan is to achieve; no net contribution to biodiversity loss arising from development projects occurring within the lifetime of the plan. Accordingly, the EIAR should outline how this project would avoid a net loss of biodiversity and include relevant mitigation and or compensatory measures where necessary.</p> <p><b>Project components</b> In general, the EIAR should include sufficient project details so that the full nature and extent of the likely significant effects are clear and assessed fully in relation to, among other things, road design and construction methodology; site drainage details, including settlement ponds; temporary and permanent storage or disposal areas for peat and other materials or wastes arising; extraction sites/borrow pits; and any modifications to roads, bridges or culverts along the entire length of haul routes. Volumes of surplus material arising and of fill required should be calculated. Full assessment should also take place within the EIAR and NIS of the grid connection. The EIAR should give specific consideration to the mobilisation of silt and changes to the stability of soil. The proposed windfarm has the potential for significant changes in patterns of surface water flow and may desiccate underlying soils allowing pathways to open up resulting in subsurface water losses. It should be noted that in 2020 a number of major upland peatland (blanket bog) landslides occurred across Ireland, most notably on Shass Mountain near Drumkeeran in County Leitrim<sup>2</sup> and Meenbog, near Ballybofey in County Donegal. If a Peat Stability Risk Assessment is required it must be considered in light of these occurrences</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>with consideration of climate change predictions (e.g. rainfall level) in the hazard rating and should thoroughly assess risk with regard to change in weather patterns due to climate change such as more frequent and intense storms and rainfall events, increased likelihood and magnitude of river flooding, prolonged periods of dry conditions which may increase the likelihood of unstable peat.</p> <p>In Section 11.4 on Carbon balance no mention is made of the fact that the proposed site includes raised bog and deep peat habitat, this should be taken account of. In addition the raised bog habitat has links with Annex I habitat as Raised bogs correspond to the priority habitat, '*active raised bogs(7110)' if they are still capable of peat formation, or if peat formation has temporarily ceased. 'Degraded raised bogs still capable of natural regeneration (7120)' are also listed as an annexed habitat. These are damaged bogs where it is judged that the peatforming capability can be restored within 30 years. As well as drain blocking removal of conifers is also a restoration activity taking place in Ireland regarding raised bog annexed habitat. It appears that active regeneration and sphagnum growth is taking place at the site. In addition regarding the onsite fen and flush habitat it also has potential links to Annex I habitat as fen and flush habitat can correspond to two annexed habitats, 'alkaline fens (7230)' and '*calcareous fens with Cladium mariscus and species of the Caricion davallianae (7210)'. It should be noted that although poor fen and flush is not listed in Annex I of the Habitats Directive, it is very limited in extent in Ireland and should be regarded as being of special conservation importance. It is noted though that though fen and flush is recorded on the map legends provided it actually appears that afforested raised bog may be most of the area (with a lot of the forestry at least partially in check).</p> <p>There are concerns regarding the potential loss and/or degradation of raised bog, cutover bog or other peatland habitats arising from the overall wind farm proposal (both regarding the wind farm site itself and the grid connection works), such habitats could also include potential Annex I habitat under the EU Habitats Directive for which the Department has reporting obligations under Article 17 of the Directive to the European Commission on details of losses and degradation. Effects on peatland habitats from the wind farm project on these habitats could arise from the following project works and details:</p> <ul style="list-style-type: none"> <li>• location of Wind Turbines, Foundations and Hardstand areas.</li> <li>• location of On-site access roads.</li> <li>• On-site interconnecting electrical cabling location.</li> <li>• Substation location on the wind farm site.</li> <li>• Construction compound location.</li> <li>• Meteorological mast location.</li> <li>• Location of Borrow Pits and spoil management areas.</li> <li>• Turbine component haulage route</li> <li>• Replacement land location for felled forestry</li> <li>• Grid connection and underground cable route</li> </ul> <p>Potential negative effects on peatland habitats could arise through direct excavation of peatland habitat, drainage effects on adjacent/nearby peatland habitat, habitat fragmentation, exposure of underlying peat, increased risk of erosion, opening up of areas of the habitats to new or increased exploitation or disturbance through the provision of new and upgraded roads, peat slippage, landscaping, side casting, drain installation, excavate storage, sediment disposal etc.</p> <p>Detailed consideration should be given to the potential amount of peat / soil excavated, stored, and disposed/recovered. A detailed plan for the safe storage, disposal and rehabilitation of excavated or disturbed peat /soil would have to form part of the EIAR. The spreading or recovery of excavated peat/soil on areas of intact bog, wet and revegetated areas of cutover bog or other habitats or vegetation of ecological value is unlikely to be acceptable. Excavated or exposed peat / soil should not pose any threat to surface waters and water quality.</p> <p>A detailed site drainage map would be required and should show all existing watercourses, drainage ditches, flushes, lakes or ponds; new drainage ditches; all outfall points to watercourses or lakes; and all settlement ponds. The EIAR would have to demonstrate that the proposed development will not pose any threat to surface waters and associated species. Any impact on water table levels or groundwater flows may impact on wetland sites some distance away. The EIAR should assess cumulative impacts with other plans or projects, if applicable. Where negative impacts are identified suitable mitigation measures should be detailed as appropriate.</p> <p>The associated impacts of quarrying or extraction should be included among the considerations at the earliest stages of project planning and design, and should be assessed fully in the EIAR. Reinstatement or restoration plans would be required for any quarries or borrow pits on-site and should be included in the EIAR. As with any other part of the development, all borrow pits</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>(existing or proposed) to be used in construction would have to be included within the application area for the proposed development.</p> <p>Any tree felling of forested sites should be included as an intrinsic element of the overall development, the impacts and implications of which should be assessed fully in the EIAR. The extent of tree felling should be mapped, and the future use and management of all cleared areas should be specified. The impacts of tree felling on wildlife, habitats and surface waters (e.g. water quality) should be assessed fully, including the risk of Phosphate mobilisation from peat soils as a result of tree clearance and ground disturbance.</p> <p>Tree felling is licensed and regulated by the Forest Service; any additional requirements in respect of this element of the proposed development, including any obligations to replant on other lands, should be made known at the planning application stage, and impacts on these other lands fully assessed as part of the EIAR. If restoration of planted areas is proposed as mitigation or compensation for negative ecological effects, the EIAR should include a detailed plan to show the location, nature and area of habitat to be reinstated, and provide details of how such areas will be reinstated, managed and improved for habitats and/or species, together with proposals for monitoring and reporting. This plan should be prepared by a suitably qualified ecologist in consultation with other experts as appropriate and in terms of being adequate as mitigation/compensation there should be no reasonable scientific doubt as to the adequacy and effectiveness of any such proposal.</p> <p>The likely impacts of grid connection, particularly for birds, sensitive habitats and surface waters, should be given full consideration at the EIA stage.</p> <p>Any improvement or reinforcement works required for access and transport anywhere along the proposed haul route(s) should be included in the EIAR and subjected to ecological impact assessment with the inclusion of mitigation measures, as appropriate.</p> <p>Any losses of biodiversity habitat associated with this proposed development (including access roads and cabling etc.) such as woodland, scrub, hedgerows and other habitats should be mitigated for. In addition, Annex 1 habitats which occur outside the Natura 2000 network are important in terms of biodiversity conservation. The presence of any Annex I habitats outside the network should be given due consideration as part of the consideration of biodiversity matters generally for the proposed development. The loss of Annex 1 habitats outside SACs should be avoided. It should be noted in this regard that the site contains potential annexed habitat such as the peatland types listed above.</p> <p>You are advised that no disturbing or damaging site or ground investigations, or testing, should take place in an ecological site in advance of the main project consent without due consideration of the need for planning permission (for exempted development where there are restrictions on exemptions), or another consent.</p> <p>Impacts of lighting on-site should also be assessed noting that lighting of turbines and masts can increase collision risk.</p> <p><b>Ecological Data and Surveys</b></p> <p>The Department also highlights that along with the standard NPWS data requests which is recommended, other sources of habitat and species information beyond those already identified include (but are not be limited to): the National Biodiversity Data Centre (<a href="http://www.biodiversityireland.ie">www.biodiversityireland.ie</a>), Inland Fisheries Ireland (<a href="http://www.fisheriesireland.ie">www.fisheriesireland.ie</a>), Birdwatch Ireland (<a href="http://www.birdwatchireland.ie">www.birdwatchireland.ie</a>), Irish Raptor Study Group, Golden Eagle Trust and Bat Conservation Ireland (<a href="http://www.batconservationireland.org">www.batconservationireland.org</a>). Some guidance and reference documents are provided in the Appendix to this letter.</p> <p>It is expected by this Department that best practice will be adhered to with regard to survey methodology and if necessary non Irish methodology adapted for the Irish situation, noting specific gaps in relation to species and age of the data outlined in some guidance documents. The EIAR should cover the whole project, including construction, operation, grid connection and, if applicable, restoration or decommissioning phases. Alternatives examined should also be included in the EIAR. Inland Fisheries Ireland should be consulted with regard to fish species. For information on Geological and Geomorphological sites, the Geological Survey of Ireland, should be consulted.</p> <p>Where ex-situ impacts are possible, survey work may be required, outside of the development sites. Such surveys should be carried out by suitably qualified persons at an appropriate time of the year, depending on the species being surveyed for. The EIAR should include the results of the surveys and detail the survey methodology and timing of such surveys including consistency in terms of timed vantage point surveys.</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p><b>Ornithology</b>                      Surveys for all species should cover bird usage and facilitate assessment of potential collision risk, habitat loss, barrier effect and displacement for these species and should be based around the daily and seasonal activity patterns of the species being surveyed. In section 7.1 of the Report collision is specified but barrier and displacement effects impacts are also a concern for bird species, this is expanded on in the Harrier section below but it should be noted that the issues raised there also apply to other relevant species (Golden Plover, Snipe etc). Survey work should cover year-round site use and should cover a minimum of two years to allow for an accurate determination of site usage. Specific Target species for this site include Annex I (Birds Directive) species such as Hen Harrier, Merlin, Golden Plover and Peregrine Falcon, and red listed Birds of Conservation Concern (BOCC) such as kestrel, snipe, woodcock, meadow pipit and red grouse. A population of the amber listed species Skylark occur on site as well as potentially suitable habitat for Dipper (as well as identified amber species such as Cormorant and Herring Gull). Hinterland surveys should include breeding raptor surveys, including roost watches, surveys for nocturnal species (for example woodcock, red listed and known from the literature to be impacted on by wind farms) and other species-specific surveys as appropriate. Potential significant effects on the aforementioned target species requiring assessment include collision effects, displacement effects, barrier effects, direct and indirect habitat loss and degradation, in combination effects, cumulative impact effects etc. In combination effects and cumulative impacts assessments must include those arising from the other wind farms in the population areas (as well as from the adjacent windfarms), with data required in terms of best scientific evidence of, for example, the area of displacement/foraging loss through these developments (or others). It should be noted that this point is also applicable in terms of seminatural habitat loss.</p> <p>Vantage point surveys should be done in a manner that ensures sufficient data is collected to allow an assessment of the importance of all the flight paths into, out of and between sites and assess migratory movements. Consequently, the Department recommends that a visibility analysis of topography and vegetation is used in the selection of vantage points for ornithological surveys. Technological solutions should also be considered in conjunction with VPs surveys to ensure sufficient data is compiled for assessment.</p> <p>Results for species need to be referenced back to the overall populations and their dynamics as, in some cases even a small risk to a population of a species could be considered significant.</p> <p>When completing impact assessment for birds, assessment and monitoring results from nearby windfarms must be considered. Cumulative impact on birds from all windfarms in the area needs to be assessed and the data from surrounding sites needs to be considered in the assessment.</p> <p><b>Hen Harrier</b>                      As per the above the proposed project area is mostly composed of suitable foraging habitat for the Annex I species Hen Harrier. Hen Harrier is listed as an Annex I bird under the EU Birds Directive and as such European members are obligated to protect and conserve the species. Article 4(4) of that Directive requires Member States to strive to avoid deterioration of habitats outside Special Protection Areas (SPAs). The west Clare area is a nationally important area for the species and wind farms are known to have significant negative effects on foraging habitat usage for the species. The proposed windfarm project area could be part of the foraging area of the West Clare Uplands Important Bird Areas (IBA) Hen Harrier population during the breeding season or used by the population during the winter season. There has been a short term decline of 50% in the density of Hen Harriers in 'North &amp; West Clare region' area since 2010 with 12-16 pairs recorded in 2010 and 3-9 pairs recorded in 2015.</p> <p>In terms of identified NPWS/FS Hen Harrier Higher Likely hood Nesting Area (HLNA) zones the nearest occurs approximately within 10km from the development sites turbine locations but as the grid connection route has not been supplied the distance to same cannot be specified (10km relevant to foraging behaviour for the population). It should be noted that this population is becoming more important due to the declining Harrier numbers within the current SPA network. It is noted that within 20 km of the proposed site there is approximately 11 wind farms and 108 wind turbines (presumably with more proposed). The significance of this with respect to the potential for cumulative impacts on Hen Harrier is a concern for the Department.</p> <p>In terms of displacement effects from upland wind farms as stated the vast majority of the proposed development site is comprised of potentially suitable Hen Harrier foraging habitat (including bog habitat which is of particularly high value for the species) and the displacement effects of the wind farm could result in the loss of a large foraging resource for Hen Harrier. Therefore full assessment is required regarding in combination effects and cumulative impacts effects regarding the overall wind farm/turbine/grid effects for the west Clare Hen Harrier population.</p>	



Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>In addition to potential reduction of habitat suitability by the construction and/or operation of a wind energy development habitat connectivity, fragmentation, barrier effects, collision risk and foraging efficiency would be important considerations also. Foraging behaviour of breeding pairs may be influenced by habitat changes at distances conceivably up to 5-10km from extant turbines. In terms of displacement effects from upland wind farms in Hen Harriers Pearce-Higgins et al. (2009b) provide evidence of significant Hen Harrier avoidance of apparently suitable habitat within 250m of turbines, with a predicted 53% reduction of Hen Harrier flight activity within 500m of turbines, assuming that modelled habitat usage is proportional to breeding density (see Pearce et al 2009). The vast majority of the proposed development site is comprised of potentially suitable Hen Harrier foraging habitat (including as stated bog habitat which is of particularly high value for the species) and the displacement effects of the wind farm will result in the loss of the majority of the large potential foraging resource for Hen Harrier.</p> <p>As well as the breeding season data and assessment winter data is required also.</p> <p>In combination effects and cumulative impacts assessments for the other wind farms in the population area would be required, with data required in terms of best scientific evidence of the area of displacement/foraging loss through these developments (or others) in terms of overall habitat availability for the population. Data in terms of the area of forestry within the Hen Harrier population area and its age classification in terms of potential bottlenecks regarding overall area of suitable foraging habitat available for the species during the project lifetime is also relevant. Similarly the identified ecological trap for nesting Harriers provided by 2nd rotation pre-thicket forestry would have to be considered and included in assessment as the proposed project area contains suitable habitat which may be important in lieu of this ecological trap. Also peatland habitat is of particular value for nesting and foraging Harriers and is disproportionately already affected by Windfarm Projects in the area. Assessment would be required of the proposed development in terms of the current habitat carrying capacity and favourable conservation status of the Hen Harrier population regarding in combination effects and cumulative impacts on the area of suitable habitat remaining for the species with regard to thresholds (and the current proposals status with regard to those thresholds).</p> <p>It should be noted also that enhancement of habitat already suitable as potential Hen Harrier foraging habitat is not acceptable compensation or mitigation for habitat lost through proposed development. The foraging habitat area/resource lost would not be replaced by enhancing other suitable habitat (net loss and other issues would remain).</p> <p>It is stated in some the EIAR's of the other windfarms in the population area that similar habitats are available in the wider surroundings and conclusions have been made based on this in the EIAR's. However, though required, no in combination nor cumulative impact data is provided in terms of habitat displacement and loss etc regarding how the overall density of windfarm projects in the area is affecting the amount of 'similar habitat' available in the area for Harriers. Even on an individual project level it does not seem to be acknowledged that similar habitats available in the wider area are already likely to be used by another Hen Harrier pair or have more nuanced issues in terms of suitability (as per the above). Therefore the Department highlights and emphasises that specific calculations of area of available foraging habitat in the overall area is required. A quantitative measurement of the availability of this habitat in the wider surroundings is required when considering cumulative loss of this habitat as a consequence of other developments. It should also be noted that as individual EIAR's for other nearby windfarm projects based their conclusions on the basis of similar habitats being available in the wider area these conclusions would no longer be valid/up to date (regardless of whether they were correct at the time) due to the subsequent loss of such 'similar habitats' due to subsequent windfarm developments etc.</p> <p>It should be noted that some of the forested area within the project area contains potentially suitable nesting habitat for hen harriers.</p> <p>It should be noted that the above points regarding cumulative and in combination assessments and data requirements are also relevant for many of the other aforementioned specific target species.</p> <p><b>Bats</b> Bat roosts may be present in trees, buildings and bridges. Bat species are protected under the Wildlife Act, 1976 to 2018, and are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended). Therefore,</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>damage/disturbance to any such roosts must be avoided in the first instance. While the Minister may grant a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011-2015, a licence can only be granted once a number of strict criteria have been met (see Regulation 54). An assessment of the impact of the proposed wind farm on bat species should be carried out noting recent guidance available, "Bat and Onshore Wind Turbines: Survey, Assessment and Mitigation, 2019" published jointly by Scottish Natural Heritage and Bat Conservation Trust and other stakeholders. Any proposed bat friendly lighting should be proven to be effective and follow up-to-date guidance.</p> <p>Windfarms can have significant effects on bats with regard to 1) Collision mortality, barotrauma and other injuries (Operational Phase Impact), 2) Loss or damage to commuting and foraging habitat, 3) lighting issues and all of these potential issues should be addressed in the EIAR.</p> <p><b>Watercourses and wetlands</b> Wetlands are important areas for biodiversity and ground and surface water quality should be protected during construction and operation of the proposed development. The EIAR should include a detailed assessment of the hydrological impacts on wetlands from the proposed development. Any watercourse or wetland which may be impacted on should be surveyed for the presence of protected species and species listed on Annexes II and IV of the Habitats Directive. For example, these species could include Otter (<i>Lutra lutra</i>) which are protected under the Wildlife Acts and listed on Annex II and IV of the Habitats Directive, Salmon (<i>Salmo salar</i>), Lamprey (three species in Ireland) listed on Annex II of the Habitats Directive, Freshwater Pearl Mussel (<i>Margaritifera</i> species) and White-clawed Crayfish (<i>Austropotamobius pallipes</i>) which are both protected under the Wildlife Act and listed on Annex II of the Habitats Directive, Frogs (<i>Rana temporaria</i>) and Newts (<i>Triturus vulgaris</i>) protected under the Wildlife Acts and Kingfishers (<i>Alcedo atthis</i>) protected under the Wildlife Acts and listed on Annex I of the Birds Directive (Council Directive 79/409 EEC). Further to potential impacts on the species listed above, for example, one of the main threats identified in the threat response plan for otter is habitat destruction (see <a href="https://www.npws.ie/sites/default/files/publications/pdf/2009_Otter_TRP.pdf">https://www.npws.ie/sites/default/files/publications/pdf/2009_Otter_TRP.pdf</a>). A 10m riparian buffer on both banks of a waterway is considered to comprise part of the otter habitat. Therefore any proposed development should be located at least 10m away from a waterway and should consider movements between waterways and waterbodies by otters. This is relevant regarding this proposal even more so Otter has been recorded at a watercourse on site already.</p> <p><b>Flood plains</b> Flood plains, if present, should be identified in the EIAR and left undeveloped to allow for the protection of these valuable habitats and provide areas for flood water retention (green infrastructure). If applicable, the EIAR should take account of the guidelines for Planning Authorities entitled "The Planning System and Flood Risk Management" published by the Department of the Environment, Heritage and Local Government In November 2009.</p> <p><b>Hedgerows, Scrub, grasslands and related habitats</b> Hedgerows and scrub should be maintained where possible, as they form wildlife corridors and provide areas for birds to nest in. Hedgerows provide a habitat for woodland flora, roosting places for bats and Badger setts may also be present. The EIAR should provide an estimate of the length/area of any hedgerow/scrub that will be removed. This may be particularly relevant for the grid connection aspect of the proposed windfarm project. Where it is proposed that trees or hedgerows will be removed there should be suitable planting of native species in mitigation incorporated into the EIAR. Hedgerows, trees, scrub and uncultivated vegetation (including semi-natural habitats) should not be removed during the nesting season (i.e. March 1st to August 31st), noting the protection afforded under the Wildlife Act 1976-2018.</p> <p>It should be noted that a large area of good quality semi-natural grassland (lowland wet grassland, meadows etc) occurs within the supplied project area and this will be relevant in terms of potential semi-natural habitat loss and consequently net biodiversity loss issues.</p> <p><b>Marsh Fritillary</b> Marsh fritillary surveys should be carried out as per standard Marsh Fritillary Larval Web Survey methodology.</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p><b>Alien invasive species</b> The EIAR should also address the issue of invasive alien plant and animal species such as <i>Fraxodendron ponticum</i> and Japanese Knotweed, and detail the methods required to ensure they are not accidentally introduced or spread during survey and or construction. Information on alien Invasive species In Ireland can be found at <a href="http://invasives.biodiversityireland.ie/">http://invasives.biodiversityireland.ie/</a> and at <a href="http://invasivespeciesireland.com/">http://invasivespeciesireland.com/</a></p> <p><b>Impact assessment</b> The impact of the proposed development on the flora/ fauna and habitats present should be assessed with particular regard to: Natura 2000 sites, i.e.:</p> <ul style="list-style-type: none"> <li>• Special Areas of Conservation (SAC) designated under the EC Habitats Directive (Council Directive 92/43/EEC),</li> <li>• and Special Protection Areas (SPA) designated under the EC Birds Directive (Council Directive 2009/147 EC),</li> </ul> <p>Other designated sites, or sites proposed for designation such as,</p> <ul style="list-style-type: none"> <li>• Natural Heritage Areas;</li> <li>• proposed Natural Heritage Areas;</li> <li>• Nature Reserves;</li> <li>• Refuges for Fauna or Flora designated under the Wildlife Acts 1976 to 2018;</li> <li>• species protected under the Wildlife Acts including protected flora;</li> </ul> <p>'Protected species and natural habitats', as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations, 2008 including</p> <ul style="list-style-type: none"> <li>• Birds Directive - Annex I species and other regularly occurring migratory species, and their habitats (wherever they occur);</li> <li>• Habitats Directive - Annex I habitats, Annex II species and their habitats;</li> <li>• Annex IV species and their breeding sites and resting places (wherever they occur);</li> <li>• important bird areas such as those identified by Birdlife International, features of the landscape which are of major importance for wild flora and fauna, such as those with a "stepping stone" and ecological corridors function, as referenced in Article 10 of the Habitats Directive;</li> <li>• other habitats of ecological value in a national to local context (such as those identified as locally important biodiversity areas within Local Biodiversity Action Plans and County Development Plans);</li> <li>• Red data book species;</li> <li>• and biodiversity in general.</li> </ul> <p><b>Construction Management Plans and Mitigation</b> Complete project details including Construction Management Plans (CMPs) need to be provided in order to allow an adequate EIAR and appropriate assessment to be undertaken. CMPS should contain sufficient detail to avoid any post construction doubt with regard to the implementation of mitigation measures, timings and roles and responsibilities for same. Any mitigation needs to be included in detail and if being relied upon to reach conclusions must be proved to be achievable and likely to be effective in any given scenario it is needed. Proof of effectiveness will be required with examples of where similar techniques have been employed previously.</p> <p>Applicants need to be able to demonstrate that CMPs and other such plans are adequate, all mitigation is included and effective and supported by scientific information and analysis and that they are feasible within the physical constraints of the site. The positions, locations and sizes of construction infrastructure and mitigation such as settlement ponds, disposal sites and construction compounds may significantly affect European and other designated sites, habitats and species in their own right and could have an effect for example on, drainage, water quality, habitat loss, and disturbance. If these are undetermined at time of the assessment all potential effects of the development on the site are not being considered.</p> <p>Construction work should not be allowed to impact on water quality and measures should be detailed in the EIAR to prevent sediment and/or fuel runoff from getting into watercourses which could adversely impact on aquatic species.</p> <p>Inland Fisheries Ireland (IFI) should be consulted with regard to impacts on fish species and the applicant may find it useful to consult their publication entitled "Planning for watercourses in the urban environment" (2020) which can be downloaded from their web site.</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIAR Chapter / Section where Comments have been addressed
				<p>Should the exact height and rotor diameter of the turbines not be known at EIAR stage then the assessment of impacts must be applicable to a variety of turbine heights and rotor diameters which could be used. This should be made clear in the EIAR.</p> <p><b>Guidance on the Appropriate Assessment (AA)</b>                      The development site is hydrologically connected to the nearby River Shannon and River Fergus Estuaries SPA 004077 and the Lower River Shannon SAC 002165. In addition there may be other designated sites also connected hydrologically but the grid connection route has not been provided so these cannot be specified. Tributary streams occur, arise and flow through the proposed windfarm project area and therefore water quality effects and issues must be fully assessed and addressed in terms of the Conservation Objective's of these sites. This is also relevant and should be included regarding Section 13.5 of the Report on Hydrology and Hydrogeology. Any Peatland habitat works would be a potential significant risk and effect for example. In addition any potential barrier, disturbance, flight path and collision risks for SPA bird species must be assessed and addressed also. In order to carry out the Appropriate Assessment screening, and/or prepare a Natura Impact Statement (NIS), information about the relevant European sites including their conservation objectives will need to be collected.</p> <p>Screening for appropriate assessment should focus on the likely significant effects of the proposed development and related activities on European sites noting that impacts to sites via air and water may occur over large distances using the source-pathway-receptor model. Details of designated sites and species and conservation objectives can be found on <a href="http://www.npws.ie/">http://www.npws.ie/</a>.</p> <p>Site-specific, as opposed to generic, conservation objectives are now available for many sites. Each conservation objective for a qualifying interest (QI) habitat or species is defined by a list of attributes and targets and is often supported by further documentation. Where these are not available for a site, an examination of the attributes that are used to define site-specific conservation objectives for the same QIs in other sites can be usefully used to ensure the full ecological implications of a proposal for a site's conservation objective and its integrity are assessed. It is advised, as per the notes and guidelines in the site-specific conservation objectives that any reports quoting conservation objectives should give the version number and date, so that it can be ensured and established that the most up-to-date versions including map boundaries<sup>5</sup> are used in the preparation of Natura Impact Statements and in undertaking appropriate assessments.</p> <p>In addition, the Article 12 and 17 reports under the Birds and Habitats Directives should be referenced <a href="https://www.npws.ie/publications">https://www.npws.ie/publications</a>. The Departmental guidance document on Appropriate Assessment is available on the NPWS website at <a href="https://www.npws.ie/development-consultations">https://www.npws.ie/development-consultations</a> and in EU Commission guidance entitled:</p> <ul style="list-style-type: none"> <li>• "Wind energy developments and Natura 2000"</li> <li>• "Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC"<sup>7</sup>;</li> <li>• 2018 Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC"<sup>8</sup> (updated June 2020)</li> </ul> <p>More recent CJEU and Irish case law has clarified some issues and should also be consulted. The NIS should present a robust and reasoned scientific assessment and analysis of the implications of the proposals for the relevant conservation objectives of relevant European sites. Best scientific knowledge in the field should be applied to the understanding of the likely effects, and to the assessment and analysis of the implications of the proposals for the conservation objectives and integrity of the sites. When carried out by the competent authority, the appropriate assessment cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on European sites. General advice on the preparation, content and scope of an NIS is included in Appendix A.</p> <p><b>Cumulative and ex situ impacts</b>                      Cumulative impact from all windfarms in the area needs to be fully and comprehensively assessed and the data from surrounding sites needs to be considered in the assessment of impacts. Post construction monitoring results and data from nearby windfarms should be considered and their associated EIARs.</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA Chapter / Section where Comments have been addressed
				<p><b>Post construction monitoring</b> This Department recognises the importance of pre and post construction monitoring, such as recommended in Drewitt et al. (2006), and Bat Conservation Ireland (2012). The applicant should not use any proposed post construction monitoring as mitigation to supplement inadequate information in the assessment. Please refer to Circular Letter PD 2/07 and NPWS 1/07 on this issue. This can be downloaded from the Department's website <a href="https://www.npws.ie/development-consultations">https://www.npws.ie/development-consultations</a>.</p> <p>The EIA process should identify any pre and post construction monitoring which would have to be carried out. The post construction monitoring would include bird and bat strikes/fatalities including the impact on any such results of the removal of carcasses by scavengers. Monitoring results should be made available to the competent authority and copied to this Department. An appropriate plan of action would have to be agreed at planning stage with the Planning Authority if the results in future show a significant mortality of birds and/or bat species. It is important to note that unless post decision consultation with NPWS is specifically stated as a condition of planning, NPWS has no post consent role. However, regional staff are available for liaison regarding any associated licencing requirements and or new information arising for specific species of concern.</p> <p><b>Licenses</b> Where there are impacts on protected species and their habitats, resting or breeding places, licenses may be required under the Wildlife Act 1976-2018 or derogations under the EC (Birds and Natural Habitats) Regulations 2011, as amended.</p> <p>In particular, bats as outlined earlier and otters, are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended). A copy of Circular Letter NPWS 2/07 entitled "Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 – strict protection of certain species/applications for derogation licences" can be found on the Departmental web site at <a href="http://www.npws.ie/sites/default/files/general/circular-npws-02-07.pdf">www.npws.ie/sites/default/files/general/circular-npws-02-07.pdf</a>. It should be noted that the Regulations of 1997 have since been superseded by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended. Part 6 of those Regulations is now the relevant section dealing with the protection of flora and fauna. Reference to Regulation 23 in the circular letter should be taken to mean Regulation 51 in the current Regulations.</p> <p>In addition, the EIA should take account of species protected under sections 21, 22 and 23 of the Wildlife Acts regarding impacts on other protected species or their resting or breeding places, such as on protected plants, badger setts or birds' nests and will also need to be cognisant of article 5 (d) of the Birds Directive. For that reason uncultivated vegetation, including hedges and trees, should not be removed during the nesting season (i.e. March 1<sup>st</sup> to August 31<sup>st</sup>).</p> <p>In order to apply for any such licenses or derogations as mentioned above the results of a survey should be submitted to the National Parks and Wildlife Service of this Department. Such surveys are to be carried out by appropriately qualified person/s at an appropriate time of the year. Details of survey methodology should be provided. Should this survey work take place well before construction commences, it is recommended that an additional ecological survey of the development site should take place immediately prior to construction to ensure no significant change in the findings of the baseline ecological survey has occurred. As outlined already, if there has been any significant change mitigation, this may require amendment and where a licence has expired, there will be a need for new licence applications for the protected species.</p> <p><b>Appendix 1</b> <b>Notes on the preparation and content of an NIS</b> The term 'NIS' is defined in legislation<sup>9</sup>. In general, an NIS, if required, should present the data, information and analysis necessary to reach a definitive determination as to 1) the implications of the plan or project, alone or in combination with other plans and projects, for a European site in view of its conservation objectives, and 2) whether there will be adverse effects on the integrity of a European site. The NIS should be underpinned by best scientific knowledge and objective information, as required in the case of screening for appropriate assessment, and by the precautionary principle.</p> <p>Based on the Department's experience of reviewing such reports, the following advice is offered in relation to the preparation and content of an NIS:</p>	

Consultee Organisation	Contact Name	Email/ Phone No	Response Received	Implications for the EIA/Design	EIA/R Chapter / Section where Comments have been addressed
				<p>1. An NIS is a scientific assessment that presents relevant evidence, data and analysis, and focuses on the implications of the plan or project, on its own and in combination with other plans and projects, for the conservation objectives of the relevant European site(s), taking the full scope of these objectives, whether generic or site specific, into account;</p> <p>2. Examination of the potential effects of the plan or project must be undertaken to identify what European sites, and which of their qualifying interests (SAC), special conservation interests (SPA) or conservation objectives, are potentially at risk. In combination effects must also be taken into account. This is required to determine a 'zone of influence' or 'zone of impact' for the project, if such a concept is used. The 15km distance in existing guidance is an indicative figure only and its application and validity should be examined and justified in each specific case on an ecological or other basis;</p> <p>3. The scientific basis on which sites and their conservation objectives are included or excluded from assessment and analysis should be presented and justified;</p> <p>4. The full area or extent of the likely effects of the plan or project should be determined and quantified. Where temporary damage and disturbance will occur, predicted timelines for recovery should be presented;</p> <p>5. The relevant environmental baseline and trends in European sites should be taken into account, bearing in mind changes and in combination effects which have occurred since site designation;</p> <p>6. An NIS should be informed by any necessary surveys of habitats and species at the appropriate time(s) of year to identify, describe, evaluate and map their presence within the receiving environment. In all relevant cases, the scientific basis and justifications for categorising or not categorising habitats as Annex I habitats, or priority types, should be presented;</p> <p>7. An NIS should be informed by any necessary hydrological, hydrogeological or geotechnical investigations to assess impacts on habitat structure and function;</p> <p>8. Where mitigation measures are required, full details should be included in the project description and drawings, with method statements provided, where necessary. It must be demonstrated that mitigation measures will be delivered in full, and at the appropriate time, at all post-consent stages, and that they will be effective in any specific location or set of conditions. The necessary analysis should be presented to demonstrate how the mitigation measures will avoid or remove the risks of adverse effects on the integrity of European sites that have been identified in an NIS so that the final analysis is undertaken in the context of the predicted residual effects;</p> <p>An NIS should contain, or clearly cross-reference, all the scientific data and analysis on which the assessment is based, and should contain clear and precise findings and conclusions as to the implications of the project, on its own and in combination with other plans and projects, for the conservation objectives and integrity of the relevant European site(s).</p> <p>The above observations/recommendations are based on the papers submitted to this Department on a pre-planning basis and are made without prejudice to any observations that the Minister may make in the context of any consultation arising on foot of any development application referred to the Minister, by the planning authority/ies, in the role as statutory consultee under the Planning and Development Act, 2000, as amended.</p>	
Tetra Ireland	Thomas Barry	<a href="mailto:Tom.Barry@tetraireland.ie">Tom.Barry@tetraireland.ie</a>	Email response received on 19/04/2022 stating "we anticipate no impact from the development in the area proposed, can you ensure the development is also reviewed by eir".		Chapter: 15