

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

January 15th, 2025

SID Observation submitted online through the SID portal on the An Bord Pleanála website

***OBSERVATION SUBMITTED TO AN BORD PLEANÁLA IN THE PROPOSED
STRATEGIC INFRASTRUCTURE DEVELOPMENT OF 110KV ELECTRICITY
SUBSTATION, APPROXIMATELY 7.5KM OF UNDERGROUND ELECTRICITY LINE
& ALL ASSOCIATED WORKS***

ABP Case Reference: 321238

Location: Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowncloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun & Brideswell, Co. Roscommon

Applicant: Energia Renewables ROI Ltd.

Application Lodged: 12/11/2024

Local Authority: Roscommon County Council

Observation submitted by: Ciara Farrell, Esq.

Observation submitted on behalf of: Ciara Farrell and the Wind Turbine Action Group
South Roscommon, both jointly and severally

Date of Observation Submission: 15/01/2025

Address for Ciara Farrell: Killeglan, Taughmaconnell, Ballinasloe, Co. Roscommon, H53
K3V1

Address for WTAGSR: c/o Ciara Farrell, Killeglan, Taughmaconnell, Ballinasloe, Co.
Roscommon, H53 K3V1

Oral hearing requested: Yes

PRELIMINARY STATEMENT

The herein observation is submitted both individually and collectively on behalf of Ciara Farrell, a natural person, and on behalf of the community organisation the Wind Turbine Action Group South Roscommon (WTAGSR) which has previously made submissions including those in: Ref: 20.239759, Ref: 20.241069; *Kelly v. An Bord Pleanála* [2014] IEHC 400 and, as remitted, Pl.20.244346 and Pl.20.244347; Pl.20.313998 and Pl.20.31399; ABP-313750-22; *Kennedy & Anor v. An Board Pleanála & Ors* [2024] IEHC 570. Ciara Farrell, a member of the WTAGSR, additionally acts as an agent for the WTAGSR for the purposes of this observation. Both Ciara Farrell and the Wind Turbine Action Group South Roscommon reserves the right, jointly and severally, to question the validity of any such decision of the Board in this case by way of an application for judicial review, under Order 84 of the Rule of the Superior Courts (S.I. No. 15 of 1986, as amended by S.I. No. 691 of 2011), in accordance with Section 50 of the Planning and Development Act, 2000 as amended.

PROPOSED DEVELOPMENT

Pursuant to Section 182A of the Planning and Development Act 2000 (as amended), Energia Renewables ROI Limited has submitted an application to An Bord Pleanála for a ten-year permission in relation to a proposed development in the townlands of Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowncloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun, and Brideswell, Co Roscommon comprising:-

- i. A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear electricity substation, including a single-storey control building (with a Gross Floor Area of 450 square metres) and all associated electrical equipment and services within a 2.6-metre-high fenced compound (with a total footprint of approximately 8,500 square metres);
- ii. Replacement of 1 no. existing wooden pole-set with 2 no. lattice-type interface masts, each of which will be between 15 and 18 metres in height, to facilitate connection of the 110kV underground electricity

- lines to the existing Athlone-Lanesborough 110kV overhead electricity transmission line;
- iii. Approximately 270 metres of 110kV underground electricity line between the electricity substation and the interface masts;
 - iv. Approximately 630 metres of access tracks with associated upgrade works to an existing agricultural entrance from the L7551 local road;
 - v. Approximately 7.5 kilometres of 110kV underground electricity line between the electricity substation and the junction of the L7636 local road and R363 regional road where the electricity line will connect to electricity cables permitted as part of the Seven Hills Wind Farm (An Bord Pleanála Reference ABP-313750-22). The electricity line will be placed within private lands and within the carriageway of the L7551, L7556, L2018, L7731, R362, L2023, and L7636; and,
 - vi. All associated and ancillary site development, excavation, construction, landscaping and reinstatement works and the provision of site drainage infrastructure and surface water protection measures.

The site of the proposed development has a total area of 20 hectares. The sole purpose of the proposed development is stated as facilitating the export of renewable electricity generated at the permitted Seven Hills Wind Farm (An Bord Pleanála Reference ABP-313750-22) to the national electricity grid. The grant of planning permission in ABP-313750-22 included a grid connection.

OBSERVATION

- I. THE APPLICANT FAILS TO ESTABLISH THE NON-VIABILITY OF THE EXISTING GRID CONNECTION GRANTED WITH CONDITIONS PURSUANT TO S.37E, NOR DOES THE APPLICANT PROVIDE CLARITY AS TO THE REQUIREMENT AND EVENTS RESULTING IN THE PRESENT APPLICATION FOR AN ALTERNATIVE GRID CONNECTION**

The first requirement an applicant of any development must establish and satisfy is a need for the development applied for. This includes the present application for planning permission to An Bord Pleanála for a proposed development in accordance with Section 182A of the Planning and Development Act 2000 (as amended) by Energia Renewables ROI Limited (“the applicant”) for a ten-year permission in relation for the construction of a 110kV electricity substation, underground electricity line and associated site development works (‘the project’) in the townlands of Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowncloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun, and Brideswell, Co Roscommon. Pursuant to s.182A of the PDA 2000, planning permission was granted by An Bord Pleanála on November 23, 2023, for the development of a 17-turbine wind energy development and associated infrastructure, including a grid connection (known hereafter as the ‘Seven Hills Wind Farm’) pursuant to Reference ABP-313750-22. The decision of the Board granting planning permission was affirmed in *Kennedy & Anor v. An Board Pleanála & Ors* [2024] IEHC 570.

In the “Letter to An Bord Pleanála” dated November 12, 2024, under Planning Documents on the project website of the applicant states that the permitted Seven Hills Wind Farm includes grid connection infrastructure to export the renewable electricity generated to the national grid network via the existing Athlone 110kV electricity substation at Monksland, County Roscommon (‘the Athlone substation’). This missive further states that the permitted grid connection comprises a c. 11km 110kV underground cable within the carriageways of the R362, R363 and L2047 public roads. The rationale proffered therein to the Board is that, prior to the submission of the planning application, and throughout the subsequent application process, a connection to the Athlone substation was assessed to be the most appropriate point of connection, but due to subsequent factors entirely beyond the Applicant’s control, it is now assessed that a connection to the Athlone substation is no longer optimal. The basis for this statement is cited as the Applicant being advised that several third-party developments have also proposed to connect to the Athlone substation and the electrical capacity to be consumed by these projects is likely to preclude the

connection of the Seven Hills Wind Farm unless significant upgrade works are undertaken to the Athlone electricity substation and that at least 2 third party developments are to be prioritised for connection to the Athlone substation in advance of the Seven Hills Wind Farm as EirGrid requires developments to connect to the national electricity network chronologically according to the date of their connection offer.

The implication therein, when the Applicant commenced surveys and planning for the Seven Hills Wind Farm in 2017 at least¹, that the grid connection for this project via the Athlone substation was not sought as a priority in the process of planning that development. This is supported by relevant EirGrid documentation applicable at that time and currently in effect outlining the engagement process and timelines². However, permission for the s.37E development in full was sought with a grid connection incorporated in the application. Generally, this is the prerogative of an applicant regarding such wind farm developments of whether to apply for a grid connection separately in component parts or in a single application for the development.

Accordingly, the Applicant states in the same letter to the Board that it has sought to examine alternative means of connecting to the national electricity network and selected as a suitable alternative and is therefore the subject of this planning application. However, the Applicant also contends that whilst a connection to the Athlone substation is no longer currently assessed to be achievable, it remains possible that a connection could be achievable in the future should one or more of the aforementioned third party developments not proceed, though it is currently proposed by the Applicant, that the Seven Hills Wind Farm will connect to the national electricity network via the now-proposed development with the underground electricity line permitted under Reference ABP-313750-22 will consequently no longer be required to be constructed in full.

¹ <https://sevenhillswindfarm.ie/>

² https://cms.eirgrid.ie/sites/default/files/publications/2018_19-Customer-Guide.pdf; https://cms.eirgrid.ie/sites/default/files/publications/EirGrid_Engage_With_Us_Guide_Dec_20.pdf; <https://cms.eirgrid.ie/sites/default/files/publications/Services-we-Offer-FOI-Publications-Scheme.pdf>

The Applicant states that, subject to a grant of planning permission in this application, the Applicant will subsequently seek to alter the Seven Hills Wind Farm planning permission via a future request under Section 146B of the Act to omit the relevant part of the underground electricity cable which will no longer be required. The Applicant had previously stated in an April 8, 2024, meeting with the Board in ABP-319042-24 justified this change by stating that when the Seven Hills Windfarm application was submitted on June 7, 2022, that there was capacity for the development to connect to the grid at the Athlone substation. A-23. However, the reason for the change was cited to be that two solar farms in the intervening period had submitted applications to EirGrid. The Applicant therefore stated that the s.182A application would be filed and that a s.146B application would be filed to amend the existing s.37E Seven Hills Windfarm granted permission in the event that this alternative grid connection was required. It is of significance that the Board noted the approach proposed was not a s.146B direct amendment to the s.37E existing permission.

However, one of the two solar farms referred to appears to be Roscommon Co. Co. Application No. 21638, which is a Solar PV Energy Development with an electrical substation and ancillary developments which was granted 5-year construction permission with 23 conditions in a single application for the full development with decision dated 28/07/2022. The other solar farm in issue was and is being applied for in phases with the last application for construction of a permanent Battery Energy Storage System (BESS) facility adjacent to the consented TDC Community Solar Park (Pl. Ref. 20/36 which was conditionally permitted on 09/07/2020 & Pl. Ref. 21/350 which was conditionally permitted on 04/02/2022) with capacity of c. 80MW in Roscommon Co. Co. Application No. 23197 was approved by decision dated 10/07/2023. Despite this second solar farm not yet having submitted planning permission for its substation and grid connection to date, this connection had clearly been secured by that developer in advance of filing applications for any phase of the project³. These decisions are

³ <https://www.edf-re.ie/our-sites/taduff/#:~:text=Planning%20permission%20was%20granted%20in,currently%20consists%20of%20a%20c>.

not listed as appealed on the Roscommon Co. Co. website and does not appear to be a case on the ABP website. It is notable that these solar farms had been approved prior to the date that Applicant lodging the s.37E application for the Seven Hills Windfarm. As such, it would suggest that the grid connection priority issues ought to have been known to the Applicant at the time of lodging that application. Moreover, any contention that one or both of these other developments may not proceed and relinquish its grid connection appears meritless at present. It is additional of note that grid connection feasibility studies appear to be recommended by the Sustainable Energy Authority of Ireland to be conducted after securing landowner consent. This is evident in SEAI materials issued in 2021⁴, and the applicant herein would appear to have an availing argument in its assertion that it could not have or did not know of any issues with a Monksland grid connection during the ABP process.

Despite stating the potential need, though unascertained, for a possible alternate grid connection to the Board, the Applicant in its materials to the public stated that the application for another grid connection for the Seven Hills Wind Farm was necessitated as *“[r]ecent electrical surveys of the capacity of the local electricity network have shown that a connection to the Athlone 110 kV Substation is now no longer feasible.”* See EIAR Annex 1.6: Community Consultation Report at p.17. Therein, the Applicant makes no disclosure that it is applying for a second grid connection to then elect which one it can utilise at a future point. At the Community Engagement event, the Applicant explained part of this rationale when asked detailed questions, (A-186 – A-189) but this information was not public-facing beyond the pre-application consultation meetings with the Board, despite these being conducted within effectively the same period.

Moreover, within the same period, the affidavit in *Kennedy & Anor v An Bord Pleanála & Ors* [2024] IEHC 570 dated June 19, 2024, and filed June 20, 2024, of Robert Scott, Chartered Engineer, Head of Development and the Senior Manager with responsibility for the project team for the Seven Hills wind farm

⁴ <https://www.seai.ie/publications/Community-Toolkit-Onshore-Wind.pdf> at p. 34 – 35; <https://www.seai.ie/publications/Community-Toolkit-Grid-Connection.pdf>

development within Energia Renewables ROI Limited who acted as the Project Manager during the application for development consent in respect of the Seven Hills Wind farm project swore that the windfarm would connect to the grid at Monkland, Athlone. A-85 – A-95. Specifically, Mr. Scott attested on behalf of the Notice Party therein, Energia Renewables ROI Ltd., from a careful examination the files and records of the Notice Party, and from facts within his own knowledge, and those he believes to be true. He stated at paragraph 3 therein : *“The Seven Hills renewable energy project covers an area of approximately 588 hectares, in total, and it is divided by the R363 into two wind turbine clusters. It is proposed to connect both wind turbine land parcels via 33kV cabling in the public road (R363) to the new 110kV on-site substation located in the southern land parcel. From here, the 110kV cabling will travel east in the public road corridor (in the main) to the Athlone 110kV substation in the townland of Monksland.”* Whilst Mr. Scott stated that it was “proposed” this is a term normally applied to developments whose grant of permission is challenged. However, the use of the word “will” regarding the direction and connection to Monksland is problematic given the pre-application consultation requested, and statements being made to the Board in ABP-319042-24 as in that file as per the documentation on the Moyvannan project website at the time, the Applicant had stated the Monksland connection to be no longer viable. See EIAR Annex 1.6, Community Consultation Report, at p.17. This averment must have an impact upon the present application and the Applicant’s assertions therein where the cumulative and contemporaneous evidence in this regard is far from satisfactory. *Friends of the Irish Environment v. Roscommon County Council, Ireland and the Attorney General* [2022] IEHC 44 at paras 26-29 provides an illustrative example of how to approach weighing such affidavit issues regarding the characteristics of sensitive receptors/designations and/or the nature or effect of a proposed development. Such ought to be duly considered by the Board pertaining to this s.182A application.

. Conversely, there is no such issue with the affidavit provided by the Board in these proceedings as the Senior Administrative Officer deponent therein was not at any meeting where the Board determined the Seven Hills Wind Farm matter,

and the averments therein related to the chronology of the application based on the Board file in that specific case.

Notably, s.182A of the PDA 2000 pertains exclusively to developments comprising or for the purposes of electricity transmission. Given that the Applicant elected in screening, scoping and applying for the Seven Hills Wind Farm; that such was not amended or retracted before granting; that the Applicant has not sought to materially alter the grid connection in accordance with s.146B of the PDA 2000; and that the Applicant has sought to file a s.182A planning application in order to have an election of remedies regarding the grid connection for the Seven Hills Wind Farm, the Applicant has not in these circumstances, in retaining its prior grant of permission for a grid connection unaltered, established a proper need for planning permission in the present instance.

The notion of applying for a second s.182A grid connection application for a development despite an existing grant of permission and utilising a s.146B amendment as an elective solution to grid connection issues would arguably be a deliberate circumvention of a finding that the changing of a grid connection regarding this development constitutes a material alteration. Consequently, the effect of granting this proposed s.182A application would preclude a finding of material alteration and accordingly prevent the Board per s.146B(4) determining the character and extent of the alteration to this grid connection and any alternative alteration the Board is considering under subsection (3)(b)(ii)(II) as applicable. As this analysis must be available to the Board by statute under s.146B, and per the Supreme Court in *Heather Hill Management Company v An Bord Pleanála* [2022] 2 ILRM 313 affirming that in interpreting statutes the starting point is the words of the statute which must be given their ordinary and natural meaning, but the words must also be viewed in context, supports the proper, limited meaning of the statutory provision; the result is that a granting of permission in this s.182A application could foreseeably and significantly limit the exercise of the powers of the Board in a future s.146B application to amend the prior s.37E grant of permission with conditions which the Applicant states as

likely. Thus, granting this seemingly siloed s.182A application could therefore have the effect of any grant of a subsequent s.146B application being ultra vires the Board as failing to adhere to the process stated within that section as applying to applications to alter the terms of the development the subject of a planning permission and absent any such s.146B application being approved, the entirety of the s.37E application as granted replete with grid connection and attending conditions would have to be constructed in full or none of the project constructed.

Moreover, a 10-year planning permission is being applied for in respect of this proposed development, with the intended effect that planning consent would remain valid for 10-years following the final grant of planning permission. The Applicant acknowledges in its Letter to the Board dated November 12, 2024, that the Wind Energy Development Guidelines for Planning Authorities 2006 state that:- *“Planning Authorities may grant permission for a duration longer than 5 years if it is considered appropriate, for example, to ensure that the permission does not expire before a grid connection is granted. It is, however, the responsibility of the applicants in the first instance to request such longer durations in appropriate circumstances”*. The Applicant further acknowledges that the proposed development comprises a connection to the national grid for an existent permitted wind energy development, then merely asserts that a 10-year planning permission is considered appropriate for a development of this nature to ensure all required supplementary statutory consents and licenses can be put in place. However, this rationale is inconsistent with the 2006 Guidelines as there is no such issue with the expiration of planning permission prior to the granting of a grid connection as the s.37E development granted with conditions has a permitted grid connection. As such, the reliance upon this by the Applicant, absent any further reasoning which the Applicant has failed to proffer, does not establish appropriate circumstances for a grant of permission in excess of 5 years.

Nonetheless, given the Applicant’s stated intent in this regard within the pre-consultation and this application, there is an argument against a grant of

permission in this case as the result may be a circumvention of the s.146B required analysis and result in the de facto jointure of two ABP SID applications and unduly constrain the powers of the Board. The net effect would be that the Applicant could utilise s.182A to correct its own serious errors in the prior s.37E application with an existing grid connection, and limit further potential AA and EIAR requirements of s.146B. Absent refusal, granting each application for the purposes of remedying the s.37E SID project may qualify as unlawful project splitting within the meaning established per *O’Grianna & Ors v An Bord Pleanála* [2014] IEHC 632 23, and thus supports refusing permission for this reason. The Applicant may then pursue a s.146B to alter its grid connection in full if required.

II. LACK OF SUFFICIENTLY DETAILED CUMULATIVE IMPACT ASSESSMENTS BETWEEN THE PROPOSED DEVELOPMENT AND THE SEVEN HILLS WINDFARM WITH EXISTING GRID CONNECTION HAS POTENTIAL PROJECT SPLITTING IMPLICATIONS

In EIAR Annex 1.5 at p. 13, DAU submitted to the applicant that this latest project was impermissible project splitting in accordance with the holding in *O’Grianna.*, which the applicant denies in EIAR Chapter 5, but fails to address the reason stated by DAU. Based on the foregoing point, and the chronology of the related applications pertaining to the Seven Hills Wind Farm, the DAU proffering regarding project splitting and EIA requirements would appear to have potential legal merit.

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 (EIAR). These guidelines are produced under current EIAR 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. Statutory Guidance In response to the changes to the EIAR requirements under Directive EU 2014/52, the Environmental Protection Agency (EPA) developed Guidelines on the information to be contained in Environmental Impact Assessment Reports in May 2022. A-96 – A-185. The Guidelines are a statutory document to be regarded by those preparing EIARs and the decision makers considering the EIARs as applying to the preparation of all Environmental Impact Assessment Reports undertaken in the State. It is submitted that regarding the screening and scoping process for the EIAR, that the Applicant fails to comply with the EPA Guidelines. A specific example of this is within the EIAR Scoping Report Annex wherein the consultant conducting noise analysis states that the cumulative impact with the Seven Hills Windfarm has not been conducted.

The effects of the overall project may also have direct or indirect effects on a European Site. Indirect effects are likely to occur where the current s.182A proposed development is associated with a prior s.37E permitted development including grid connection. In this matter, indirect effects may also arise due to pathways or connections to European sites. For example, there may be indirect impacts to surrounding European sites via impacts to non-Qualifying Interest habitats within a site or such habitats outside the site, or via impacts to species for which a site has been designated beyond the sites where this might affect the conservation objectives of the site. This is particularly relevant in relation to SPAs areas outside the European site that are important for bird species pertaining to both applications. This should have occurred individually, in combination with each other and in combination with the proposed development and Seven Hills Wind Farm as to any effects on site conservation objectives,

including pathways affected by the application for a grid connection closer to and between protected areas and species.

As a consequence, the proposed development assesses cumulative impacts within arguably inadequate terms as failing to assess the cumulative impact of the approved s.37E wind farm and existing Monksland grid connection of which they are part of as AA and EIAR requires. Thus, there is an issue with the cumulative impact assessments regarding the developments as proposed. The environment sensitivities, landform elevations and character areas potentially impacted include European Sites, Natural Heritage and proposed Natural Heritage Areas, other ecological designations showing the area concerned likely to contain Annex I habitats and landscape character areas show an interconnected network of protected areas; being especially true of groundwater body and features to which construction and water run off may pose significant risks. It is notable that this application places the entire potential site imprint much closer to Lough Funshinagh SAC and Lough Ree SAC & SPA in terms of impact assessment, amongst other scoping issues. Potential cumulative impact with the Lough Funshinagh temporary solution piping water into the Cross River, to which the substation surface water is also stated to drain, poses additional concerns⁵. Further characteristics of this landscape were established in this regard in *Friends of the Irish Environment v. Roscommon County Council, Ireland and the Attorney General* [2022] IEHC 44; *Friends of the Irish Environment v. Roscommon County Council, Ireland and the Attorney General* [2021] IEHC 666.

As no proper cumulative assessment duly conducted on the development in full, the Applicant cannot therefore provide an evidentiary basis to show without any reasonable scientific doubt that the proposed development and ABP-313750-22 as granted could not possibly have any such combined effect on any European site. Thus, no measures intended to avoid or reduce potentially harmful effects on a European site are can likewise be properly identified in this respect. As an

⁵ <https://www.gov.ie/ga/preasraitis/5a58e-planning-application-submitted-for-temporary-pumping-solution-at-lough-funshinagh-ahead-of-this-winter/?>; <https://www.gov.ie/en/press-release/c4b1e-taoiseach-and-minister-odonnell-welcome-the-decision-of-an-bord-pleanala-for-temporary-pumping-solution-at-lough-funshinagh/>

AA is required if any plan or project likely to have an adverse effect on a Natura 2000 site, with the assessment in view of the site's conservation objectives (for species/habitats for which site designated), inappropriate screening for the proposed development is a non-respect of the precautionary principle that statements of cumulative assessment lacking in specificity within the EIAR does not cure.

This issue in the Proposed Development is a resulting lack of proper consideration of cumulative impacts within the EIAR. There is additionally a notable lack of proper description of other related projects as this description includes other projects (sometimes by other developers and sometimes off site) or individual project components which occur as a direct result of the main project, such as a power line, a substation or a road junction upgrade which may result in significant effects, including the existing grid connection to Monksland. Omission of such projects or components may be referred to as project splitting where they are 'integral' to the primary project (i.e. they are required for the primary project to operate). The result is arguably project splitting predicated upon a failure to adequately assess cumulative impacts as a consequence of splitting, see *O'Grianna & Ors v An Bord Pleanála* [2014] IEHC 632.

In *O'Grianna v An Bord Pleanála*, the High Court quashed the decision of the Board granting planning permission for a wind farm in County Cork on 'project splitting' grounds. The developer maintained that the EIS could not consider the effects of the connection of the wind farm to the national grid as that design was not available and would be undertaken subsequently by ESB Networks. The Board accepted this position and clarified that the grid connection was not covered by its permission to develop the wind farm. The Court held that grid connection was an integral part of the development and could not be considered as a separate project. 'The wind turbine development on its own serves no function if it cannot be connected to the national grid. In that way, the connection to the national grid is fundamental to the entire project, and in principle at least the cumulative effect of both must be assessed in order to comply with the Directive.'

In *Fitzpatrick & Anor v An Bord Pleanála & Ors* [2019] IESC 23, the Supreme Court found that EIAs only needed to assess the impacts ‘of the proposed development, or in that case and this ‘developments for which planning permissions were sought’. An entire masterplan therein did not need to be subject to EIA before deciding on the applications for the data centre hall and substation. Rather, the EIA process was required ‘to take account, as far as practically possible, of potential later phases of the masterplan’. Further useful clarification on requirements for assessment of cumulative effects and on the concept of project splitting was provided in the judgment pertaining to ‘the obligation ... to take account, when conducting the EIA of the proposed development which is the subject of the planning application, of potential environmental impacts of future phases of a masterplan, as far as is practically possible, does not amount to an obligation to conduct an EIA of the masterplan. ... When and if an application for planning permission for further phases of the masterplan is made, a full EIA will be required which in turn will both assess cumulative impacts with all existing or approved developments, and look forward by taking account, as far as practically possible, of remaining future phases of the masterplan.’

Under the EIA Directive, the cumulative effects of a project must be considered which includes all elements of a whole project and other projects and activities. The consideration of the potential for effects of the whole project and of other projects or activities to create larger, more significant, cumulative effects with the proposed development. The description of effects needs to be precise and concise. Each effect usually needs to be qualified to provide a comprehensive description of the predicted effect on receptors. Whether a particular development divided into a series of projects or sub-projects can be regarded as impermissible project splitting depends on the facts. See opinion of Advocate General Gulmann in *Bund Naturschutz in Bayern v. Freistaat Bayern* case C – 396/92 [1994] ECR 1 – 13717.

This is particularly relevant in the present application in which it is respectfully submitted that project splitting should be deemed to be occurring. The

distinction between this application and the cases previously cited is that this application pertains to a prior grant of permission for an entire project rather than requiring an applicant to conduct an EIAR for future phases of a project regarding a grid connection or masterplan. As such, the applicant herein is in a different position regarding the ascertainability of cumulative impacts.

It is respectfully submitted that the previous investigations and assessments of baseline conditions were not reviewed in the context of the current baseline conditions to determine whether there have been any relevant or material changes in the baseline environment since these previous planning documents were prepared and the s.37E application granted. It is respectfully submitted that this failing to account for the passage of time is a departure from the EPA 2022 Guidelines and is not best practice pursuant to the EIA Directive requirements. In this regard, the approach in this application ought to be contrasted with that in the project involving a series of applications in and currently 244006, 318602, 309412, 318545. A-190 – A-224.

Given the expansive failure to properly assess, map or consider the cumulative impact issues within the EIAR, it is respectfully submitted that the Board's requiring, in its absolute discretion pursuant to s.37F(1) of the PDA 2000, the applicant for permission to submit further information, including a revised environmental impact assessment report would not be beneficial in this matter as such would effectively require a complete reassessment and rewriting of the EIAR in full and all attending notices/correspondence. Similarly, either requiring further information from the applicant or making any specifications pursuant to s. 182A(5) of the PDA 2000 would arguably be ineffective in this matter for the same reasons.

III. ISSUES WITHIN THE EIARS, CEMPS AND S.37E GRANT OF PERMISSION CONDITIONS

The EU Habitats Directive (92/43/EEC), in conjunction with the Birds Directive (79/409/EEC), as subsequently codified by Council Directive 2009/147/EC on the

conservation of wild birds forms the cornerstone of nature conservation within the EU. It is predicated on two frameworks: the Natura 2000 network of protected sites and the strict system of species protection. The Habitats Directive protects over 1,000 animal and plant species and over 200 "habitat types" of European importance. The Habitats Directive and Birds Directive, which were transposed into Irish law inter alia through Part XAB of the Planning and Development Act 2000 (as amended) recognise the significance of protecting rare and endangered species of flora and fauna, and vitally, their habitats.

Annex I of the Habitats Directive lists habitat types whose conservation requires the designation of Special Areas of Conservation (SAC). Priority habitats, such as Turloughs, which are in danger of disappearing within the EU territory are also listed in Annex I. Annex II of the Directive lists animal and plant species whose conservation also requires the designation of SAC. Annex IV lists animal and plant species in need of strict protection, and Annex V lists animal and plant species whose taking in the wild and exploitation may be subject to management measures. Species can be listed in more than one Annex. The disturbance of species under Article 12 of the Habitats Directive, particularly avoidance of deliberate disturbance of Annex IV species, particularly during the period of breeding, rearing, hibernation and migration and avoidance of deterioration or destruction of breeding sites or resting places requires specific assessment for each relevant species.

Council Directive 2009/147/EC on the conservation of wild birds requires Member States to take measures to maintain populations of all bird species naturally occurring in the wild state in the EU (Article 2). According to Recital 1 of the Birds Directive, Council Directive 79/409/EEC on the conservation of wild birds was substantially amended several times and in the interests of clarity and rationality, the Birds Directive codifies Council Directive 79/409/EEC. Such measures may include the maintenance and/or re-establishment of habitats in order to sustain these bird populations (Article 3). A subset of bird species has been identified in the Directive and are listed in Annex I as requiring special conservation measures in relation to their habitats. These species have been

listed on account of inter alia: their risk of extinction; vulnerability to specific changes in their habitat; and/or due to their relatively small population size or restricted distribution. Special Protection Areas (SPAs) are to be identified and classified for these Annex I listed species and for regularly occurring migratory species, paying particular attention to the protection of wetlands (Article 4).

Under Article 12 and 13 of the Habitats Directive, Member States must establish systems of strict protection for animal and plant species which are particularly threatened, and which are listed on Annex IV of the Habitats Directive. Article 16 provides for derogations from these provisions under limited circumstances. Article 12, 13 and 16 of the Habitats Directive are transposed into Irish law by Regulations 51, 52 and 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended. Annex IV species are afforded strict protection throughout their range, both inside and outside of designated protected areas. It is an offence to deliberately kill, injure or disturb a specimen in the wild, or damage or destroy a breeding site or resting place of an Annex IV animal species.

The Wildlife Act, 1976–2021, is the principal piece of national legislation governing protection of wildlife in Ireland. The Wildlife Act provides strict protection for species of conservation value. The Wildlife Act conserves wildlife and protects certain wild creatures and flora. These species are therefore considered in this report as ecological receptors. Natural Heritage Areas (NHAs) and Proposed Natural Heritage Areas (pNHAs) are heritage sites that are designated for the protection of flora, fauna, habitats and geological sites. Only NHAs are designated under the Wildlife (Amendment) Act 2017. The Appropriate Assessment (AA) process, or screening for same, under Part XAB of the Planning Acts therefore does not apply to NHAs or pNHAs. pNHAs were published on a non-statutory basis in 1995 but have not since been statutorily proposed or designated. However, these sites are considered to be of significance for wildlife and habitats as they may form statutory designated sites in the future (NPWS, 2020).

The National Biodiversity Action Plan 2023-2030⁶ (Department of Culture, Heritage and the Gaeltacht, 2017) (the “Plan”) is a national policy demonstrates Ireland’s continuing commitment to meeting and acting on its obligations to protect and preserve Ireland’s biodiversity through a series of targeted strategies and actions. The main objective of the Plan is to bring biodiversity into the mainstream of policy and decision-making.

As such, the species and habitats provided National and International protection under these legislative and policy documents must each be duly and fully considered in any Ecological Impact Assessment. A detailed assessment must be rendered of the likelihood of the Proposed Development having either a significant effect or an adverse impact on any relevant European Sites (i.e. SACs, cSACs, SPAs or cSPAs) has been carried out in the Appropriate Assessment Screening Report and Natura Impact Statement (NIS). These reasons ought to have a scientific, evidentiary basis. Additionally, per Recital (32) of Directive 2014/52/EU ‘Data and information included by the developer in the environmental impact assessment report, in accordance with Annex IV to Directive 2011/92/EU, should be complete and of sufficiently high quality’.

In this regard there does not appear to be sufficient reconciliation of methodologies in the ornithological studies conducted pertaining to both the proposed development and the Seven Hills Wind Farm.

The Applicant in each application EIAR has termed some of the SPAs, NHAs, pNHAs at 15km or further from the site, in the absence of any specific European or Irish guidance in relation to establishing ecological connectivity these were not considered further. However, having regard to the increased site area with two grid connection and the present application situated closer to protected areas and within foraging areas for qualifying species, no basis proffered for same.

Following Case C 418/04 Commission v. Ireland (“The Birds Case”), with respect to Curlews, Ireland undertook the following conservation efforts:

⁶ https://www.npws.ie/sites/default/files/files/4th_National_Biodiversity_Action_Plan.pdf

establishing how many pairs of Curlew remain breeding in Ireland and their locations; the convening of a Curlew Task Force to produce recommendations for addressing the decline through policy and action; direct conservation action through the Curlew Conservation Programme (CCP), the Irish Breeding Curlew EIP and GLAS.⁷ Indeed, the curlew impact is stated as having only regional importance, however, the curlew is in extreme peril: *“Four waders of European importance remain on the Red list (Lapwing Vanellus vanellus, Curlew, Dunlin Calidris alpina and Redshank Tringa totanus) and all exhibit continued severe population declines in Ireland.”* and *“When we look at those groups of species whose breeding and wintering populations are declining severely across both long and short-term time periods, none are declining as catastrophically in Ireland as wading birds, including Lapwing, Curlew and Dunlin, of which Dunlin is the least common breeding species.”*⁸ Similarly; *“When more than 25% of species are Red-listed it is not possible to prioritise them all for conservation action and we would not advocate that resources can be spent on all of these species. Further prioritisation of the Red-list may come from examining the breadth of criteria which trigger Red-listing of a species, for example Curlew which has six criteria at the Red level, including one reflecting poor European status. We could focus prioritisation on the forty species with at least one Red level criteria of Irish origin”*.⁹ Based on this descriptor and the foregoing, the consideration of the curlew population in the survey as being of no more than regional importance or not having a significant impact appears misplaced. The same rational applies to the Whooper swan, lapwing and Black-headed gull specifically as pertaining to this second grid connection application. Thus, it should be considered that it has not been demonstrated beyond reasonable scientific doubt that the development would not contravene the conservation objectives for some of these species,

⁷Judgment of the Court of Justice of the European Union in Case C 418/04 Commission v Ireland; A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union “The Birds Case”, Update-February 2022, Update-May 2019, Department of Housing, Local Government and Heritage.

⁸ Birds of Conservation Concern in Ireland 4: 2020–2026, Gillian Gilbert, Andrew Stanbury & Lesley Lewis (2021), page 17.

⁹ *Ibid.*, page 18

especially regarding cumulative impacts with the s.37E permission previously granted.

The conclusion that there will not be a significant effect at the construction, operational or decommissioning phase on terrestrial mammals is arguably predicated upon incomplete baseline data and inadequate assessments, resulting in erroneous conclusions about potential impacts. There are issues with the under-identified and unidentified potential impact upon badgers by the proposed development as the number of badgers in the areas around the site has not yet been clarified. Predicated upon the foregoing, this assessment would appear to be based upon insufficient data.

It is also submitted that potential impacts on otters were not properly considered and assessed by the Applicant. As was noted by the Applicant, no otters were recorded on the site of the proposed development, although their presence, along with suitable commuting and foraging habitat was recorded along some of the water courses traversed by the grid connection. It is notable that the same findings were made regarding otters within the Inspector's Report of the s.37E Seven Hills Windfarm case. The Inspector in that matter concluded that it is unlikely that otter commutes across the windfarm site and there is no physical evidence that it uses the site as commuting route. The Inspector also concluded therein that no adverse impacts are anticipated for otter in terms of loss of foraging grounds or prey species. However, given the fact that otter is a QI for the River Shannon Callows SAC, the Applicant did not consider the potential for both temporary, short-term disturbances and long-term effects based on the fact that both grid connections, neither having been withdrawn, must cumulatively be assessed in addition to the windfarm as a single site footprint. This is particularly required where both grid connections have suitable foraging habitats and the current application recorded spraints in the area around the substation.

Moreover, the present application fails to reconcile the proposed development with the conditions in 313750-22 pertaining to biodiversity preservation, specifically; Conditions 5, 6, 10, 12, 13, 14. A specific example of this is retaining

an ecologist for this application per EIAR 5.9.3.1, though this is not the only such issue.

IV. ISSUES PREJUDICING THE NATURE AND SCOPE OF PUBLIC PARTICIPATION DUE TO APPLICANT FAILING TO ADHERE TO THE PUBLIC NOTICE PRE-CONSULTATION INSTRUCTIONS OF THE BOARD

There are increased social and legal emphases on the need for meaningful public participation in decisions relating to environmental issues. In this context, it is more important than ever to ensure that information is available in a format that is clear, concise and accessible to the greatest number of people.

With regards to public participation with this application, there has been an apparent dereliction on the part of the Applicant to adhere to the instructions of the Board in the content and form notice indicating the nature and location of the proposed development as required by s.37E(3)(a) of the PDA. It is submitted that this did not occur within the meaning of s. 37E(3)(a) nor the EIA and Public Participation Directives.

At a meeting on April 8, 2024, in ABP-319042-24, the Board noted that the Applicant was not proposing to use s.146B to amend the existing s.37E permission as granted with conditions to provide for the alternative grid connection. A-24. The Board accordingly advised the prospective applicant to provide clarity in the public notices and application documentation of what is proposed and the need for that approach based on the circumstances of the applicant. *Id.* Notably, the Applicant did not correct or challenge this upon reviewing and accepting the Board's report of that meeting. A-16. However, in the Site Notice, Newspaper Notice No. 1, and Newspaper Notice No. 2 as issued, the Applicant does not denote the development as anything other than a routine s.182A application.

There is no evidence in the application documents as to why same was not adopted by the Notice Party, indeed there is no reason stated for departing from

the Board's advisement which placed a requirement on the documentation which was to be advertised for public consultation in accordance with the duty of the Board to promulgate, give notice, invite observations, and to facilitate public participation. In this case the Board properly instructed the Applicant regarding the notice information but the onus is still that of the Board to discharge.

Moreover, the Applicant's materials to the public expressly state that the grid connection to Monksland is no longer possible. See EIAR Annex 1.6: Community Consultation Report, Appendix C at 8. Furthermore, the public were appraised of the total site footprint of the Seven Hills Wind farm with Monksland grid connection. See EIAR Annex 1.6: Community Consultation Report at Appendix A & Appendix C.5. However, within the EIAR and other planning documents of the developer in the application, the site of the grid connection and substation of this application are almost uniformly shown in isolation rather than constituting the full, combined site footprint of both the s.37E windfarm and grid connection granted and the proposed s.182A application. Failure to do so in the EIAR and other submitted materials arguably results in a failure to permit the public to participate in submitting particularised observations on implications and/or likely effects of the cumulative impacts of both the ABP-313750-22 development as granted and 321238. This is particularly the case where the Board was also shown a total site footprint in a pre-application consultation meeting as being pertinent to the proposed development. A-33.

What constitutes the "public" as a legal term of art specifically in the context of this matter, sufficient interest and impairment of a specific right of the public remains a legal question. Article 2 of the Aarhus Convention defines the terms "the public" and "the public concerned". See also Public Participation Directive: Directive 2011/92/EU; EIA Directive: Directive 2011/92/EU. The EIA Directive at Articles 5 & 6 also imposes and details the necessary measures to ensure that an applicant supplies in an appropriate form such information.

Generally, see *Friends of the Irish Environment & Ors v An Bord Pleanála (Substitute Consent)* ([2021] IEHC 234 at para 6 on the importance and right of public participation. In *Sandymount and Merrion Residents Association v An*

Bord Pleanála & Anor., Appeal Nos. 143/2013 & 171/2013, the Supreme Court addresses the definition of public in terms of EU law and the wide scope of participation which the public can expect in participating in such proceedings. Whilst that decision pertained to leave to appeal by an unincorporated group, the framework as set out regarding what is intended by public participation in planning proceedings is clearly set out, as is the general scope of same with regard to EU law requirements. *Heather Hill Management Company CLG & McGoldrick v An Bord Pleanála, Burkeway Homes Limited and the Attorney General* [2022] IESC 43 also examines the application of the Aarhus Convention and Public Participation Directive, in addition to statutory interpretation guidance.

Thus, it could be submitted that the notices published by the developer are incompatible with the text of s.37E(3)(a) as failing to properly describe the application as an additional grid connection for the windfarm as distinct from an initial application for one or as replacing the existing one. While case law generally distinguishes public from the impact on a specific party, separating general standing from public participation and the text of s.37E(3)(a), the lack of adherence to the advice of the Board and the forgoing ambiguity identified foreseeably results in prejudice at law to the public and any observers as the classes who were required to be notified at law as “the public”, and particularised breach insofar as such is broadly applied and defined by the Public Participation Directive and EIA Directive. There is a similar issue regarding the statutory interpretation of the plain meaning of s.37E(3)(a) within the decision as a causal nexus for demonstrable particularised harm to the specific rights of the observers as would potentially discharge any evidentiary requirement of unlawful deprivation. The foregoing is compounded by the experience of the author at the public engagement event by the applicant in which specific and informed questions had to be asked to become informed of the complete nature of the proposed development. A-186 – A-189. Consequently, the Board must fulfil its duty in addressing these notice and public participation issues with this application.

It is also notable that the failure of the applicant to label the EIAR in this application with the relevant headings, as differing from those in ABP-313750-22 makes public participation, particularly regarding cumulative impacts, more difficult in reconciling the EIARs of these interconnected developments.

V. APPLICATION OF THE *BALZ* CASE TO OBSERVATION SUBMISSION DOCUMENTS

With respect to the Applicant's and ABP having discussed *Balz and Heubach v. An Bord Pleanála & Ors* [2019] IESC 90 the conclusions regarding the findings of the Supreme Court therein and the resulting application to the present matter has further application. The proceedings in the High Court in that matter centred largely on issues of *vires Balz & Anor v. An Bord Pleanála & Ors*, [2018] IEHC 535 whilst the conclusions of the Supreme Court pertained to the general obligations on public body decision makers to give reasons for the decisions reached. In that case, an evidence-based submission objection regarding statutory guidelines in effect as incompatible with technological and scientific developments was not an "irrelevant planning consideration", thus ought to have been addressed by ABP and reasoning given for the disregard of same. The Wind Energy Development Guidelines 2006, as promulgated under Section 28 of the Planning and Development Act 2000, as amended, obligating the planning authority to "have regard to" certain guidelines made under it as distinct from Section 29 Policy Guidelines which must be followed. "Have regard to" has been defined by Quirke J in *McEvoy and Smith v. Meath County Council* [2003] IEHC 31 as meaning to give reasonable considerations to such guidelines with a view to accommodating the objectives and policies contained therein. Thus, the planning authority could depart for bona fide reasons consistent with proper planning and development; neither the Inspector nor the Board could exclude the submission as irrelevant, especially when it was corroborated by independent, official sources. Per O'Donnell J at the conclusion of the Supreme Court decision:

"It is a basic element of any decision-making affecting the public that relevant submissions should be addressed and an explanation give as to why they are not

accepted, if indeed that is the case. This is fundamental not just to the law, but also to the trust which members of the public are required to have in decision making institutions if the individuals concerned and the public more generally, are to be expected to accept decisions with which in some cases they may profoundly disagree and with whose consequences they may have to live."

In reality, the issues of that case are analogous and in accordance with the public participation requirements of the Aarhus Convention: the right to access to environmental information (Art 8a, 9); the right to participate in environmental decision making (Art 1(2), 6, 8) and access to Justice on environmental matters (Art 11).

As the online upload file is limited to 30MB, in this respect, in addition to the Appendix attached hereto, the planning documents referenced those linked to in footnotes herein, in addition to following documents are submitted in accordance with *Balz* a schedule of scientific, technical and planning materials being provided to the Board:

- Judgment of the Court of Justice of the European Union in Case C 418/04 Commission v Ireland "The Birds Case", A Programme of measures by Ireland to ensure full compliance with the Judgment of the Court of Justice of the European Union; Update – September 2024, Update – May 2022, Update – February 2022, Update – May 2019
- Birds of Conservation Concern in Ireland 4: 2020–2026 Gillian Gilbert, Andrew Stanbury & Lesley Lewis (2021)
- Irish Wildlife Manuals No. 116, Checklists of Protected and Threatened Species in Ireland, Version 3.1 1 February 2023: Brian Nelson, Sinéad Cummins, Loraine Fay, Rebecca Jeffrey, Seán Kelly, Naomi Kingston, Neil Lockhart, Ferdia Marnell, David Tierney and Mike Wyse Jackson
- Irish Wildlife Manuals No. 138, Status and Distribution of Breeding Eurasian Curlew in Ireland 2021; Colhoun, K., Flannelly, F., O'Neill, J., Phelan, E., Servignat, H., O'Donoghue, B. & Kelly, S

- The Status of EU Protected Habitats and Species in Ireland, SPECIES ASSESSMENTS Volume 3 2019, NPWS Irish Wildlife Manuals No. 116, Checklists Protected and Threatened Species 2019: Nelson, B., Cummins, S., Fay, L., Jeffrey, R., Kelly, S., Kingston, N., Lockhart, N., Marnell, F., Tierney, D. and Wyse Jackson, M.
- EirGrid – Engage with Us – A Guide for Customers and Industry Stakeholders (December 2020)
- EirGrid - Guide for New Customers (Ireland) (2018-19)
- EirGrid - Services We Offer FOI Publications Scheme
- Full file and all EIAR in ABP-313750-22

CONCLUSION

For the foregoing observation reasons stated, An Bord Pleanála should refuse planning permission.

Respectfully submitted by:

/s/ Ciara Farrell

Ciara M. Farrell, Esq.

Attorney-at-Law

New York State Bar

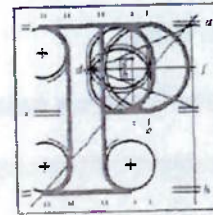
/s/ Wind Turbine Action Group South Roscommon

WTAGSR, with Ciara Farrell (member) acting as agent for the Group

APPENDIX

Our Case Number: ABP-319042-24

Your Reference: Energia Renewables ROI Limited



**An
Bord
Pleanála**

Galetech Energy Services
Clondargan
Stradone
Co. Cavan
H12 NV06

Date: 30 October 2024

Re: 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables
Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool and Ballymullavill Co. Roscommon

Dear Sir / Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development **falls within the scope of section 182A** of the Planning and Development Act 2000, as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

The following is a list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage
2. Minister for Culture, Heritage and Gaeltacht (Development Applications Unit)
3. Minister for Agriculture, Food and the Marine
4. Minister for Communications, Climate Action and Environment
5. Minister for Transport, Tourism, and Sport
6. Roscommon County Council

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maolbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

7. Irish Water
8. Inland Fisheries Ireland
9. Transport Infrastructure Ireland
10. Environmental Protection Agency
11. The Heritage Council
12. An Taisce
13. An Chomhairle Ealaíon
14. Fáilte Ireland
15. Irish Aviation Authority
16. Department of Defense
17. Office of Public Works

Further notifications should also be made where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As a meeting was not required / only one meeting was required in this case, a refund of 3,500 will be sent to you in due course.

The following contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

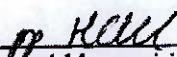
Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,


Raymond Muwaniri
Executive Officer
Direct Line: 01-8737125

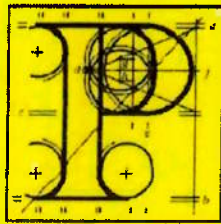
VC11A

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Websíte
Email
(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



An
Bord
Pleanála

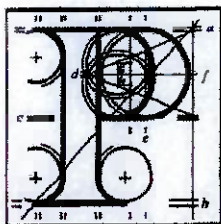
Board Direction
BD-017991-24
ABP-319042-24

The submissions on file and the inspector's report were considered at a Board Meeting held on 23/10/2024.

The Board decided that the prospective applicant, Energia Renewables ROI Limited be informed that the proposed development consisting of a 110kV substation and underground 110kV transmission line from the connection point at Brideswell to the proposed substation at Moyvannan, as set out in the plans and particulars received by An Bord Pleanála on the 13th February 2024, does fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

The applicant shall be informed that the application documentation should be forwarded to the following prescribed bodies:

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Roscommon County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce



An
Bord
Pleanála

Memorandum ABP-319042-24

To: Chairperson

From: Raymond Muwaniri, Executive Officer

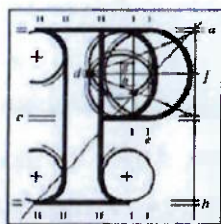
Re: 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables. Located in Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool and Ballymullavill Co. Roscommon

Date: 14th October 2024

Please find attached the report and recommendation of the Inspector dated the 10th of October 2024 in relation to the above-mentioned pre-application consultation case.

The Inspectors recommendation states that the pre-application consultation does fall within the scope of Section 182A of the Planning and Development Act 2000, as amended.

File for Direction / Decision



An
Bord
Pleanála

Inspector's Report ABP-319042-24.

Development	110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables
Location	Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool and Ballymullavill Co. Roscommon.
Prospective Applicant	Energia Renewables ROI Limited
Planning Authority	Roscommon County Council
Type of Application	Pre-Application consultation under Section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	4 th April 2024.
Inspector	Sarah Lynch

1.0 Introduction

- 1.1. The Board received a request on the 13th February 2024 from Energia Renewables ROI Limited to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in relation to 110kV electrical infrastructure and connection to the National Grid at a proposed 110kV substation in Moyvannan, Co. Roscommon.
- 1.2. It is important to note at the outset that the proposed development is associated with the permitted Seven Hills windfarm which has been the subject of permission by the Board under ref: ABP-313750-22 and includes a grid connection.
- 1.3. The grid connection permitted within the aforementioned consent proposed to connect into the Athlone town substation. It is stated by the applicant that at present there is no capacity at this substation as other projects are ahead of the permitted windfarm in terms of the connection priority at this location.
- 1.4. It is therefore proposed to redirect the permitted connection at a point near to Brideswell along the public road network to the proposed new substation at Moyvannan, north of Bridewell. It is this section of grid that is the subject of this pre application.
- 1.5. The Board's representatives met with the prospective applicant and agent on the 8th April 2024. The meeting was held virtually, the prospective applicant's representative outlined the proposed route and outlined the relevant legislation pertaining to the proposed development.
- 1.6. The prospective applicant requested closure of the pre-application process on the 7th August 2024.

2.0 Site Location and Description

- 2.1. The proposed development will be located within Southeast County Roscommon, circa 8km northwest of Athlone town, immediately north/northeast of Brideswell. The current use of the lands at the proposed substation location is agriculture and the proposed grid connection will be located predominantly within the road edge. The area is sparsely populated and is characterised by one off housing and agricultural development.

3.0 Proposed Development

3.1. The proposed development consists of:

- Proposed 110kV Substation;
- Grid connection from permitted windfarm grid connection route at Brideswell to proposed substation.

4.0 Planning History

- *ABP-313750* – Permission for 20-turbine windfarm and associated infrastructure including grid connection to existing 110kV substation at Monkstown, Athlone.
- *ABP PL20.244346*: permission refused for a 16 x turbine windfarm at Cronin and adjoining townlands following a Third Party appeal and subsequent JR of the Board's original decision to grant permission. Permission was refused for 1 x reason related to the absence of adequate data to assess potential adverse impacts on turloughs and their inter-connectivity several SPAs and their QI bird species.
- *ABP PL20.244347*: permission refused for a 19 x turbine windfarm at Skyvalley and adjoining townlands following a Third Party appeal and subsequent JR of the Board's original decision to grant permission.

5.0 Prospective applicant's case

5.1. The prospective applicant's case can be summarised as follows:

- It is the prospective applicant's opinion that the proposed development would constitute Strategic Infrastructure Development as it consists of 110kV infrastructure.

6.0 Legislative Provisions

Under section 182A (1) of the 2000 Act (inserted by section 4 of the 2006 Act) where a person, (thereafter referred to as the 'undertaker') intends to carry out development

comprising or for the purposes of electricity transmission, (hereafter referred to in this section and section 182B as 'proposed development'), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.

Subsection 9 states that in this section '**transmission**' in relation to electricity, shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of

- (a) a high voltage line where the voltage would be 110 kilovolts or more, or
- (b) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.

In section 2(1) of the Electricity Regulation Act, 1999, "**transmission**" is defined as

"The transport of electricity by means of a transmission system, that is to say a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity from a generating station to a substation, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board."

"**Distribution**" is defined as

"The transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switch gear and which is used for conveying electricity to final customers."

"**Electric plant**" is defined as:

any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other than –

- (a) An electric line.

6.1. Environmental Impact Assessment

- 6.1. The prescribed classes of development and thresholds that trigger a mandatory EIAR are set out in Schedule 5 of the Regulations. The Board should note that the prospective applicant proposes to submit an EIAR with the proposed development as it forms part of a permitted windfarm development for which EIA is mandatory.

7.0 Assessment

- 7.1. This pre-application consultation concerns the development a 110kV substation and grid connection. The Board should note, as mentioned above, that the applicants have permission for a grid connection from the Seven Hills Windfarm development to an existing substation at Monkstown Athlone. However as mentioned above, this connection is no longer available as the substation is currently at capacity. It is therefore proposed to utilise a section of the permitted grid connection route which commences at the permitted windfarm to a point near to Brideswell and then create a new spur off this connection towards the proposed substation at Moyvannan.
- 7.2. The applicant stated at the meeting that it is their intention to submit a 146B application in relation to the permitted Windfarm development (ABP-313750) to omit the section of the permitted grid connection from Brideswell to Athlone.
- 7.3. The proposed transmission link will be provided via an underground cable from the connection point of the permitted grid connection at Brideswell and will follow the road network from this point to the proposed substation at Moyvannan.
- 7.4. Section 182A (9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. I note that no threshold is set in respect of a substation.
- 7.5. With regard to the electricity transmission line, I note that the prospective applicant has stated that the substation and connection point will become nodes on the national transmission grid. Having regard to the information submitted and that presented during the course of the pre-application meeting I consider that the proposed 110kV transmission cable will become an integral part of the national grid transmission infrastructure.

7.6. I conclude that the proposed grid connection, in comprising a high voltage line where the voltage would be 110 kilovolts or more, as per Section 182A(9) of the Planning and Development Act, as amended, constitutes Strategic Infrastructure.

7.7. Prescribed Bodies

7.8. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

8.0 Recommendation

8.1. I recommend that Energia Renewables ROI Limited be informed that the proposed development consisting of a 110kV substation and underground 110kV transmission line from the connection point at Brideswell to the proposed substation at Moyvannan, as set out in the plans and particulars received by An Bord Pleanála on the 13th February 2024, does fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

8.2. I attach an Appendix listing relevant prescribed bodies.



Sarah Lynch
Senior Planning Inspector
10th October 2024

Appendix – list of prescribed bodies

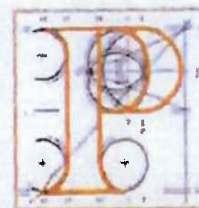
The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Roscommon County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Department of Defense
- Office of Public Works

Further notifications should also be made, where deemed appropriate.

Our Case Number: ABP-319042-24

Your Reference: Energia Renewables ROI Limited



**An
Bord
Pleanála**

Galetech Energy Services
Clondargan
Stradone
Co. Cavan
H12 NV06

Date: 14 August 2024

Re: 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables
Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan,
Knocknanool and Ballymullavill Co. Roscommon

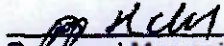
Dear Sir / Madam,

An Bord Pleanála acknowledges receipt of your letter dated 2nd August 2024 and notes your formal closure request in relation to the above-mentioned pre-application consultation case.

The Board will revert in due course.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,


Raymond Muwaniri
Executive Officer
Direct Line: 01-8737125

VC08A

Tel
Gfao Áitúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LeCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



Galetech Energy Services
Cavan: Clondargan, Stradone, Co. Cavan, Ireland, H12 NV06
Cork: Unit 2 Airport East Business Park, Farmers Cross,
Kinsale Road, Cork, Ireland, T12 N500

t: +353 (0)49 555 5050
e: info@galetechenergy.com
w: www.galetechenergyservices.com

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

02 August 2024

AN BORD PLEANÁLA	
LDG-	
ABP-	<u>319042-24</u>
07 AUG 2024	
Fee: €	Type:
Time: <u>9:07</u>	By: <u>R-Post</u>

Our Ref: SEV001SSPAC
Your Ref: ABP-319042-24

Dear Sir/Madam,

Re: Pre-Application Consultation Request pursuant to Section 182E of the Planning & Development Act 2000 (as amended).

Development: 110 kilovolt (kV) 'loop-in loop-out' electricity substation and approximately 6.5 kilometres (km) of underground electricity cables.

Location: Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowncloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun, and Brideswell, Co. Roscommon.

On behalf of our client, Energia Renewables ROI Limited ('the prospective applicant'), we wish to formally acknowledge receipt of the Record of Meeting pursuant to a meeting with An Bord Pleanála ('the Board') dated 08 April 2024. Having reviewed the Record, a number of comments were furnished to the Board via email on 23 April 2024. We wish to advise that the prospective applicant has no further comment to make in relation to the Record.

During the meeting, the Board was advised that the project design process was ongoing and that this process was to be further informed by upcoming consultation with Roscommon County Council. Since the meeting with the Board, the project design process has continued with minor alterations to the precise siting of infrastructure in response to the identification of localised environmental constraints, at the request of the Environmental Impact Assessment Report (EIAR) project team or for technical reasons. However, the prospective applicant can confirm that there has been no substantive alteration to the proposed route of the underground electricity line or to the location of the electricity substation as described by the prospective applicant during the meeting with the Board.

The prospective applicant recently held a consultation meeting with members of the Roads Department of Roscommon County Council. In advance of this meeting, the Planning Department of Roscommon County Council advised the prospective applicant that due to staff resourcing constraints, pre-planning services have been paused until further notice and that a representative of the Planning Department would not be in attendance. During the meeting, the project was described in detail followed by an open discussion on various matters including *inter alia* the design

Mayvarinan Electricity Substation

features of the project to ensure the protection of the public road network and measures to ensure the appropriate management of traffic during the construction phase. The representatives of Roscommon County Council provided recommendations to the prospective applicant regarding interactions with watercourse bridging structures, culverts and road reinstatement requirements. The recommendations have been considered and adopted into the design of the prospective development as appropriate.

Separately, the prospective applicant has undertaken community consultation to ensure that local residents, landowners and interested parties are informed as to the prospective development. Consultation has, to date, comprised door-to-door calls with local residents and a public information event was held locally where interested parties could attend and discuss the prospective development with the prospective applicant and members of the EIAR project team.

The prospective applicant, therefore, now requests that the pre-application consultation process be formally closed and the Board proceed to issue the appropriate determination.

The prospective applicant remains of the opinion that the prospective development constitutes a Strategic Infrastructure Development, for the following reasons:-

- the prospective development comprises high voltage electricity lines and electrical plant with a capacity of 110kV; and,
- the electricity substation would form a new node on the national transmission network given that all electricity passing along the Athlone- Lanesborough 110kV overhead transmission line would be directed through the electricity substation.

The prospective applicant does not consider that a further meeting is necessary in order for the Board to reach a determination; however, should the Board consider that a further meeting, or any further information, is required, please do not hesitate to contact this office.

Yours Sincerely,

Galetech Energy Services

Galetech Energy Services



Outlook

RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables. Co. Roscommon

From Simon Carleton <simon.carleton@galetechenenergy.com>

Date Tue 4/23/2024 8:50 AM

To SIDS <sids@pleanala.ie>

 1 attachments (373 KB)

SEV001SS F06040601 Record of Meeting.pdf;

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

FAO: Ellen Moss

Good Morning Ellen,

Further to the receipt of the Record of Meeting 1 in respect of Case Reference ABP-319042-24 (attached for reference), I wish to confirm that the prospective applicant considers it to accurately reflect the discussions held during said meeting.

The prospective applicant wishes to make the following comments:-

1. At Page 2 of 7, the Record correctly refers to correspondence received by An Bord Pleanála from the prospective applicant on 13 February 2024 requesting to commence pre-application consultation. However, on 27 March 2024, the prospective applicant furnished An Bord Pleanála with revised details and plans of the prospective development (i.e. revised route of the underground electricity line and revised site location details [townlands]); and it is the revised prospective development which is now the subject of pre-application consultation and was the subject of discussion during the meeting; and,
2. At Page 3 of 7 (final paragraph), the Record refers to the presence of the "M61" to the east of the prospective development site. For clarity, we wish to confirm that the N61 national secondary route is located to the east of the prospective development site.

I trust the above to be in order; however, should you have any queries, please do not hesitate to contact me.

Kind Regards,
Simon

Simon Carleton
Senior Planner

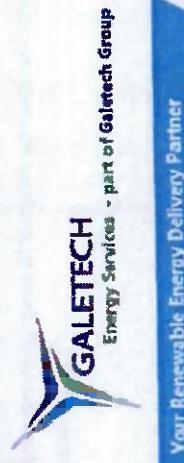


simon.carleton@galetechenergy.com

+353 (0)86 365 1619 | +353 (0)49 555 5050

Clondargan, Stradone, Co. Cavan, Ireland

www.galetechgroup.com



GALETECH
Energy Services - part of Galetech Group

Your Renewable Energy Delivery Partner

This communication contains information that is confidential and may also be privileged. It is for the exclusive use of the intended recipient. If you are not the intended recipient please note that any distribution, copying or use of this communication or the information in it is strictly prohibited. If you received this communication in error please notify by email or telephone +353(0)49 555(0)5 and then delete the email and any copies of it. Thank you

From: SIDS <sids@pleanala.ie>

Sent: Friday, April 5, 2024 10:12 AM

To: Simon Carleton <simon.carleton@galetechenergy.com>

Subject: RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.

Co. Roscommon

Good morning Simon,

I wish to acknowledge receipt of your email. Many thanks for sending on the presentation.

Kind regards,
Ellen

From: Simon Carleton <simon.carleton@galetechenergy.com>

Sent: Friday, April 5, 2024 9:41 AM

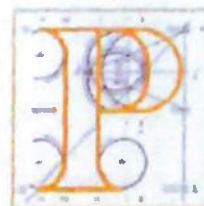
To: SIDS <sids@pleanala.ie>

Subject: RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.

Co. Roscommon

Our Case Number: ABP-319042-24

Your Reference: Energia Renewables ROI Limited



**An
Bord
Pleanála**

**Galetech Energy Services
Clondargan
Stradone
Co. Cavan
H12 NV06**

Date: 19 April 2024

**Re: 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables
Moyvannan, Fearnmore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan,
Knocknanool and Ballymullavill Co. Roscommon**

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the meeting of the 8th April 2024.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

**Ellen Moss
Executive Officer
Direct Line: 01-8737285**

VC07

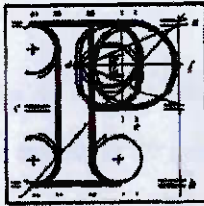
**Tel
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost**

**Tel
LoCall
Fax
Website
Email**

**(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie**

**64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902**

**64 Marlborough Street
Dublin 1
D01 V902**



An
Bord
Pleanála

Record of 1st Meeting ABP-319042-24

Case Reference / Description	ABP-319042-24 - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables. Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool and Ballymullavill Co. Roscommon.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd / 4th Meeting	1 st		
Date	08/04/2024	Start Time	2:30 p.m.
Location	Virtually	End Time	3:15 p.m.

Representing An Bord Pleanála

Staff Members

Stephen Kay, Assistant Director of Planning (Chair)

Sarah Lynch, Senior Planning Inspector

Ellen Moss, Executive Officer

Representing the Prospective Applicant

Simon Carleton, Senior Planner, Galetch Energy Services

Tony Gallagher, Project Manager, Energia Renewables

Sara Tinsley, Planning & Environmental Consents Manager, Energia Renewables

Introduction

The Board referred to the letter received from the prospective applicant on the 13th of February 2024, requesting pre-application consultations under section 182E of the Planning and Development Act 2000, as amended, and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters that it wished to receive advice on from the Board. The Board's representatives mentioned the following general procedures in relation to the pre-application consultation process:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development. It may form a preliminary view at an early stage in the process on the matter.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

Presentation made by the prospective applicant:

The prospective applicant provided a general description of the proposed development, which would comprise of a 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables. The prospective applicant stated that the proposed development would provide an alternative connection point to the national electricity network for the permitted Seven Hills Wind Farm (ABP-313750-22), which was granted permission by the Board in November 2023. The prospective applicant stated that due to the recent changes in the available capacity at Monksland substation in Athlone, connection at that point is no longer guaranteed to be feasible and hence why an alternative grid connection option is being pursued.

The prospective applicant described the location of the site which is c.8km northwest of Athlone, and immediately north/northeast of Brideswell. The proposed development is located within a generally undulating landscape used for agricultural grassland/ pasture. The wider environs have small pockets of forestry and low-lying wetland areas. Lough Ree, situated to the east, and Lough Funshinagh located to the northwest of the proposed site are both notable landscape features. The area is sparsely populated with one-off rural dwellings and agricultural buildings. The prospective applicant outlined how the proposed underground electricity lines would follow local and regional roads and would predominately be installed within the paved carriageway of those roads.

The prospective applicant outlined the extensive site identification process undertaken. In particular, the prospective applicant outlined how the location was selected due to the ease of access with the M61 to the east, proximity to the existing Athlone-Lanesborough 110kV overhead transmission line, the absence of European-designated nature conservation sites, the general absence of sensitive flora and fauna and the absence of complex geologies, watercourses, and flood risk. The

design options of the proposed site allow for 'mitigation by avoidance' regarding cultural heritage features. The nearest dwellings are over 300 meters from the proposed substation.

The prospective applicant stated that an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) would be submitted with any application. It was also stated that consultants working on behalf of the prospective applicant have conducted environmental scoping and constraints analysis of the soil, water, biodiversity, noise, etc.

The prospective applicant discussed biodiversity, land and soil, water and cultural heritage through the maps provided. Ornithology surveys commenced in October 2023 and are ongoing. Due to the bedrock surface and the presence of karst features at the proposed site, site specific site investigations were carried out to confirm it could accommodate the proposed infrastructure. There are turlough and other water bodies in the area and the prospective applicant stated that there will be no discharge from the site to these water bodies. No significant effects on cultural heritage features are anticipated. Following the completion of the primary scoping process and environmental constraints analysis, the prospective applicant noted that no fundamental concerns were expressed by the consultees. Localised constraints such as the archaeological features and the presence of small karst features were identified. Ornithology surveys have identified that there is no usage from species of interest on the proposed site, however there is a small amount of usage of the turloughs to the south.

The prospective applicant stated that the next steps regarding the proposed development are to continue preparing the EIAR and NIS and continuing consultations with the Planning Authority and the roads section of the local authority. Public consultations will commence in the coming weeks. The prospective applicant

stated its opinion that the proposed development would constitute Strategic Infrastructure Development and that they intend to lodge an application in July 2024.

Discussion:

- The Board's representatives gave their preliminary view that, considered in isolation, the proposed development may be considered strategic infrastructure development but noted that the final decision would be a matter for the Board.
- The Board's representatives queried the justification for the change in the development necessitating the revised connection to Monksland substation. The prospective applicant stated that when the Seven Hills Windfarm was originally submitted in 2022 there was capacity for the Windfarm to connect to the Monksland substation. However, in the intervening period, two solar developments have submitted connection applications to EirGrid and, in the event that these developments also connect to the Monksland substation, there would not be sufficient capacity to accommodate the permitted windfarm development.
- The prospective applicant stated that given the uncertainty of connection to the Monksland substation they were forced to develop an alternative option to ensure the viability of the scheme.
- The Board's representative queried the prospective applicant's approach in terms of seeking a pre app under Section 182 of the Act when the permitted windfarm and grid connection were determined under Section 37 of the Act. Specifically, the Board's representatives queried what would be the consequential effect of the proposed alternative grid connection outlined in this pre application consultation for the build out of the permission that the prospective applicant has under s.37, which includes a grid connection to Monksland substation.
- The prospective applicant stated that given the uncertainty of the grid connection they have been forced to seek permission for an alternative stand-alone connection under Section 182, however it is recognised that this would

mean that the entirety of the permitted Seven Hills windfarm (ie the balance of the permitted grid connection route to Monksland substation) would not be constructed. The prospective applicant stated that in the event that connection to the Monksland substation is not feasible they intend to submit a 146B application to amend the original windfarm and grid connection application to remove the section of grid connection from Brideswell (where the proposed grid connection route connects with the currently permitted grid connection) to Monksland Substation and implement the current proposal in its place.

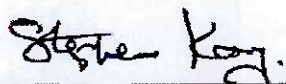
- The prospective applicant stated that, subject to a SID determination on foot of this pre application consultation, it is intended to pursue the option of the alternative grid connection by way of an application under s182A of the Act. The 146B application would follow subsequently in the event that the alternative grid connection option was required.
- The Board's representatives noted the approach proposed and the fact that the prospective applicant was not proposing to use the 146B process to amend the existing s.37E permission for the Seven Hills Windfarm and grid connection to provide for the alternative grid connection route. The Board's representatives advised the prospective applicant to provide clarity in the public notices and application documentation of what is proposed and the need for such an approach given the circumstances outlined by the prospective applicant. The Board representatives also highlighted to the prospective applicant the need to obtain their own advice regarding the most appropriate way to proceed with the project.
- The Board's representatives advised the EIAR must include mitigation factors to avoid impacting Lough Ree and the turloughs.
- The prospective applicant advised that noise surveys and preliminary habitat and mammal surveys have been completed. Preliminary feedback from the ecological team have advised that they don't expect any significant findings. Ornithology surveys found that hooper swans and geese move between turloughs in the winter months. Detailed habitat and mammal surveys will be

carried out and will be fully assessed in the EIAR. The land is mainly agricultural, and bats and badgers are not common in the area.

- The Board's representative asked if the prospective applicant had consulted with the planning authority regarding construction management and the potential impact on the local roads identified as accommodating the grid connection route. The prospective applicant advised that they are currently consulting with Roscommon County Council.
- The Board's representative advised the prospective applicant to have as much certainty as possible before submitting the application and requested that the prospective applicant clarify any amendments to the proposed development in the closure request.

Conclusion:

The Board's representatives advised that the onus is on the prospective applicant to either request a further meeting or formal closure of the instant pre-application consultation process. The Board's representatives advised that the record of the instant meeting will be issued in the meantime and that the prospective applicant can submit any comments it may have in writing or alternatively bring any comments for discussion at the time of any further meeting.



Stephen Kay

Assistant Director of Planning



Outlook

RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables. Co. Roscommon

From Simon Carleton <simon.carleton@galetechenergy.com>

Date Wed 4/3/2024 2:52 PM

To S DS <sids@pleanala.ie>

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

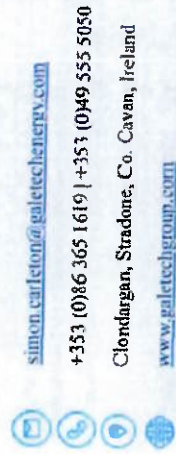
Good Afternoon Niamh.

I can confirm that 8th April at 2.30pm is suitable. In attendance will be the following:-

1. Sara Tinsley, Planning & Environmental Consents Manager, Energia Renewables (sara.tinsley@energia.ie);
2. Tony Gallagher, Project Manager, Energia Renewables (tony.gallagher@energia.ie); and,
3. Simon Carleton, Senior Planner, Galetech Energy Services. (simon.carleton@galetechenergy.com).

Kind Regards,
Simon

Simon Carleton
Senior Planner





This communication contains information that is confidential and may also be privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient please note that any distribution, copying or use of this communication in it is strict,ly prohibited. If you received this estimate even in error please notify by email or telephone +353(0)49 5535800 and then delete the email and any copies of it. Thank you

From: SIDS <sids@pleanala.ie>

Sent: Wednesday, April 3, 2024 11:49 AM

To: Simon Carleton <simon.carleton@galetechenenergy.com>

Subject: RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.
Co. Roscommon

Good afternoon,

I wish to acknowledge receipt of your email, the contents of which have been noted.

Further to your request for pre-application consultation on the above-mentioned case, the Board is now in a position to facilitate a meeting virtually through Microsoft teams.

The proposed date is 8th April @ 2:30pm.

I would be grateful if you could confirm if that date is suitable and if so, provide the names and email address of the attendees.

Kind regards,
Niamh

From: Simon Carleton <simon.carleton@galetechenenergy.com>

Sent: Wednesday, March 27, 2024 4:07 PM

To: SIDS <sids@pleanala.ie>

Subject: RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.
Co. Roscommon

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Good Morning Niamh,

Please find attached presentation to be utilised during the meeting on Monday. If you have any queries or require additional information, please do not hesitate to contact me.

Kind Regards,
Simon

Simon Carleton
Senior Planner

 simon.carleton@galetecheenergy.com
 +353 (0)86 365 1619 | +353 (0)49 555 5050
 Clondargan, Stradane, Co. Cavan, Ireland
 www.galetechgroup.com



This communication is confidential information that is confidential and may also be privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient please note that any distribution, copying or use of this communication or the information in it is strictly prohibited. If you received this communication in error please notify the email or telephone +353(0)49 555 5051 and then delete the email and any copies of it. Thank you.

From: SIDS <sids@pleanala.ie>

Sent: Wednesday, April 3, 2024 3:01 PM

To: Simon Carleton <simon.carleton@galetecheenergy.com>

Subject: RE: ABP-319042-24 - Pre-application Consultation - 110KV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.

Dear Simon,

I wish to acknowledge receipt of your email. Those invites have now been issued.

Can the presentation be sent over as soon as possible please?

Kind regards,
Niamh

From: Simon Carleton <simon.carleton@galetechenergy.com>

Sent: Wednesday, April 3, 2024 2:52 PM

To: SIDS <sids@pleanala.ie>

Subject: RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.
Co. Roscommon

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Good Afternoon Niamh.

I can confirm that 8th April at 2.30pm is suitable. In attendance will be the following:-

1. Sara Tinsley, Planning & Environmental Consents Manager, Energia Renewables (sara.tinsley@energia.ie);
2. Tony Gallagher, Project Manager, Energia Renewables (tony.gallagher@energia.ie); and,
3. Simon Carleton, Senior Planner, Galetech Energy Services. (simon.carleton@galetechenergy.com).

Kind Regards,
Simon

Simon Carleton
Senior Planner

 simon.carleton@galetechenergy.com
 +353 (0)86 365 1619 / +353 (0)49 555 5050
 Clondargan, Stradone, Co. Cavan, Ireland
 www.galetechgroup.com





Strategic Infrastructure Development Pre-Application Consultation Meeting

Moyvannan Electricity Substation

An Bord Pleanála Reference ABP-319042-24

Monday 8 April 2024



Introduction

- Prospective Applicant: Energia Renewables ROI Limited
- Prospective Applicant's Agent: Galetech Energy Services
- Attendees
 - Sara Tinsley (Energia Renewables)
 - Tony Gallagher (Energia Renewables)
 - Simon Carleton (Galetech Energy Services)

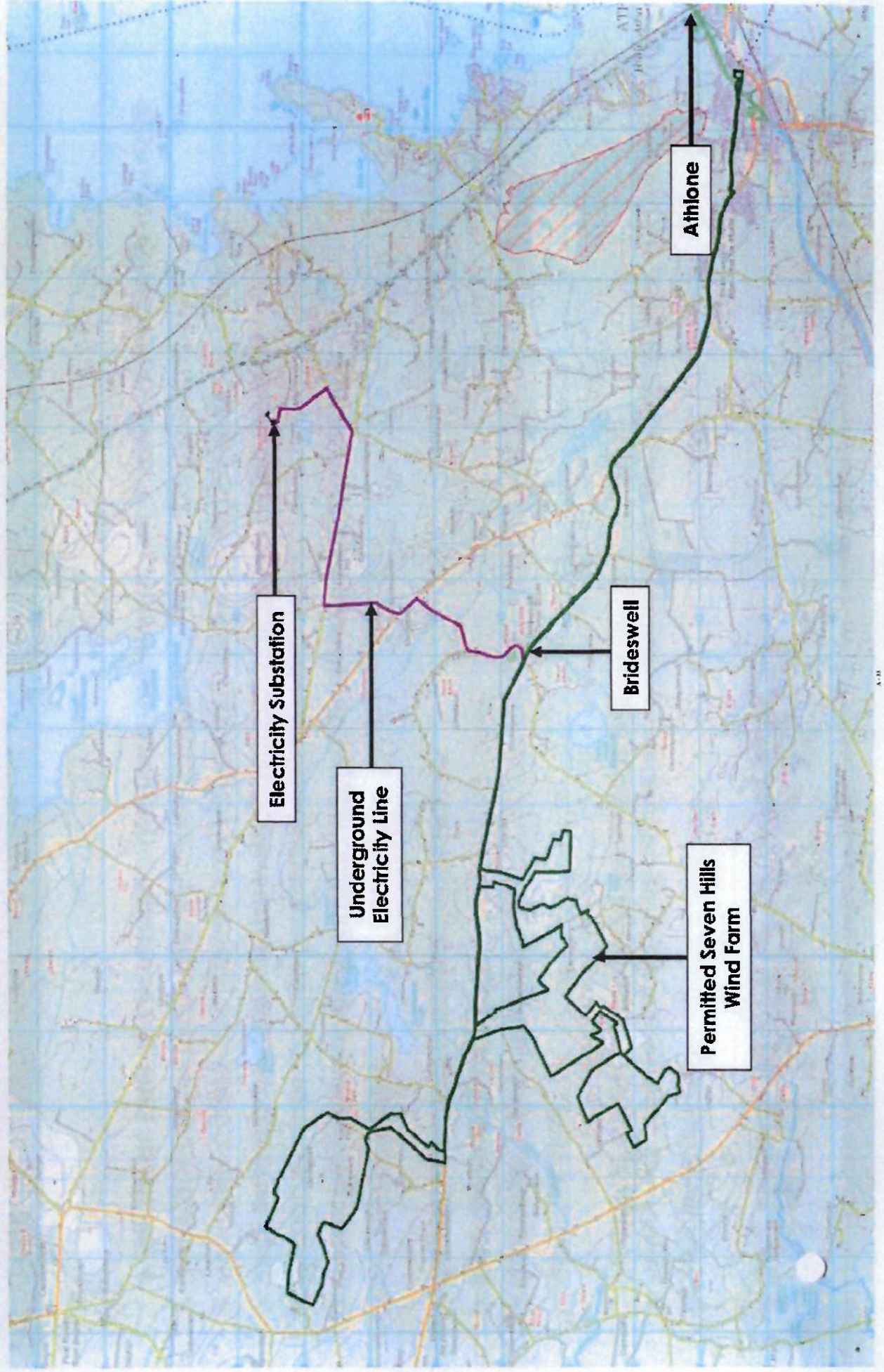


Project Introduction

- Project Background
 - Project will provide the point of connection to the national electricity network for the permitted Seven Hills Wind Farm (An Bord Pleanála Reference ABP-313750-22)
- Project Location
 - Southeast County Roscommon
 - 8km northwest of Athlone
 - Immediately north/northeast of Brideswell
- Site Characteristics
 - Electricity substation site is located within a gently undulating landscape
 - Current land use is agricultural grassland/pasture
 - Small pockets of forestry and low-lying wetland areas in the wider environs
 - Relatively sparsely populated; characterised by one-off rural dwellings and agricultural buildings
 - Underground Electricity Line will follow a number of local and regional roads
 - Electricity Line to be installed predominately within the paved carriageway of roads



Regional Context

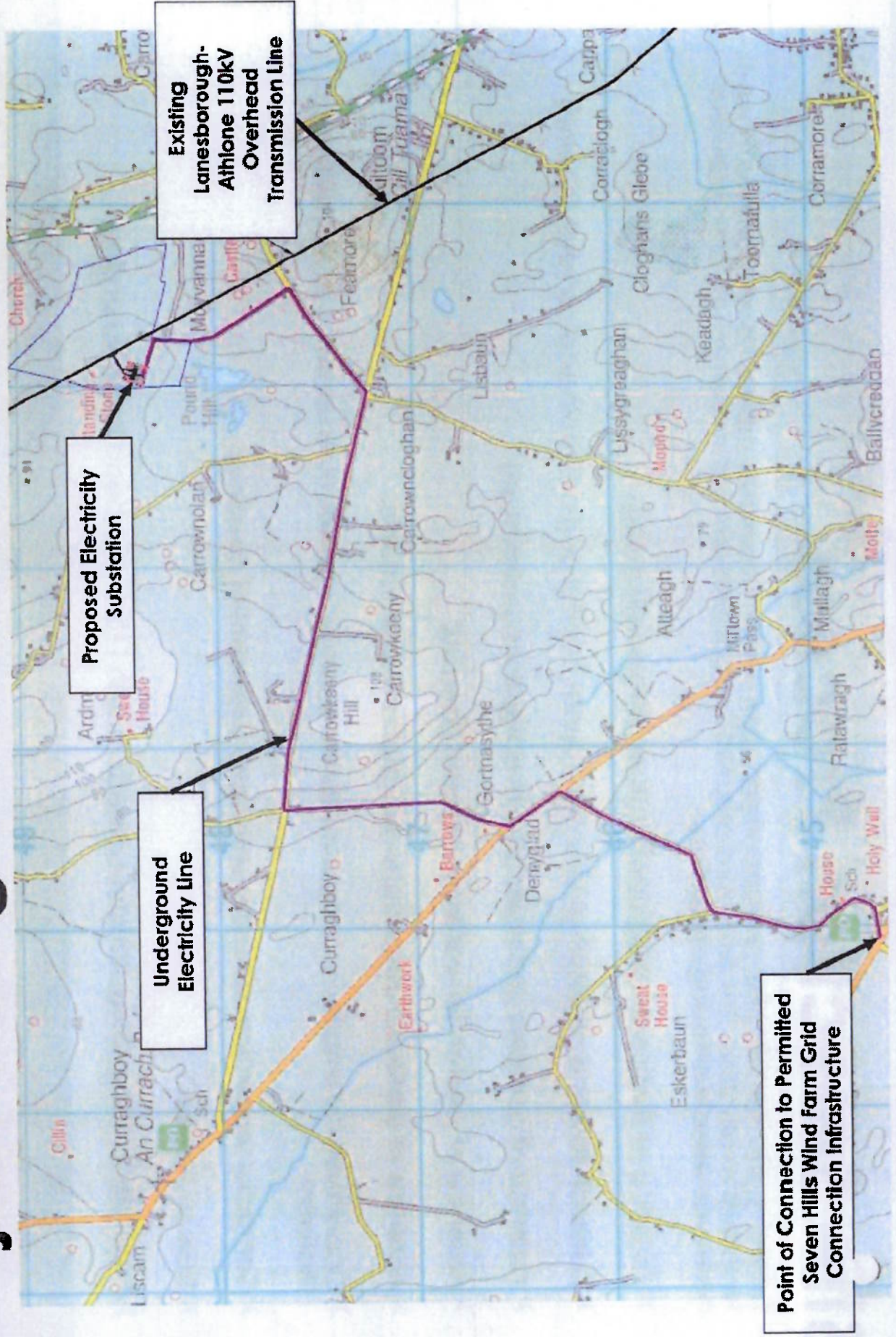


Site Selection Process

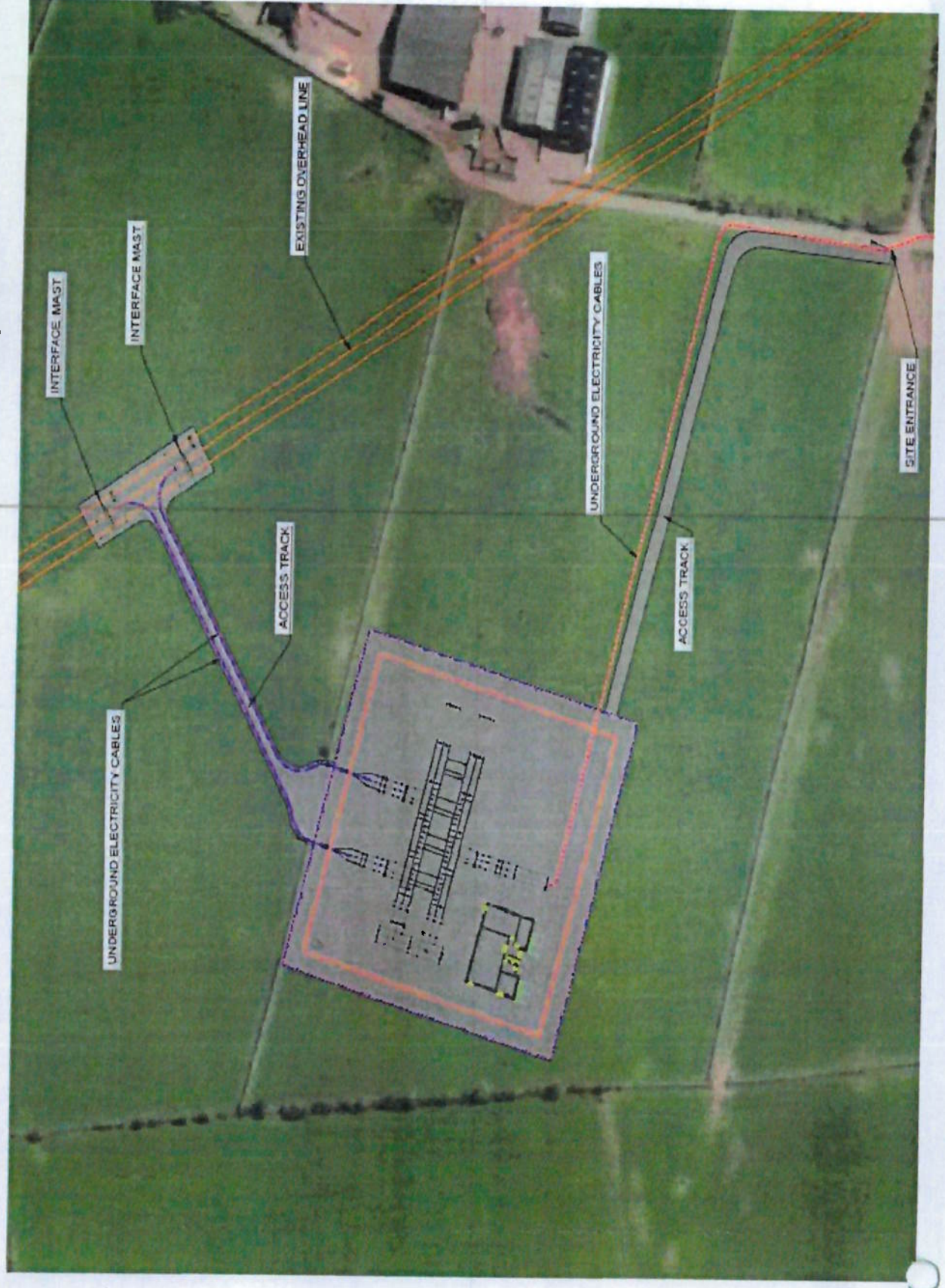
- Extensive site identification process undertaken with multiple sites subject to environmental and technical evaluation. The proposed electricity substation site and underground electricity line route was selected having regard to:-
 - Absence of European-designated nature conservation sites
 - General absence of sensitive flora and fauna (habitat and ornithological surveys ongoing)
 - Absence of complex geologies (site investigations undertaken)
 - Absence of substantial watercourses and flood risk
 - Absence of particular landscape designations or sensitivities
 - Opportunity to employ a 'mitigation-by-avoidance' approach to known cultural heritage features
 - Generous separation distance (setback) to residential dwellings
 - Ease of Access
 - Proximity to the existing Athlone-Lanesborough 110kV overhead transmission line



Project Design



Electricity Substation Design

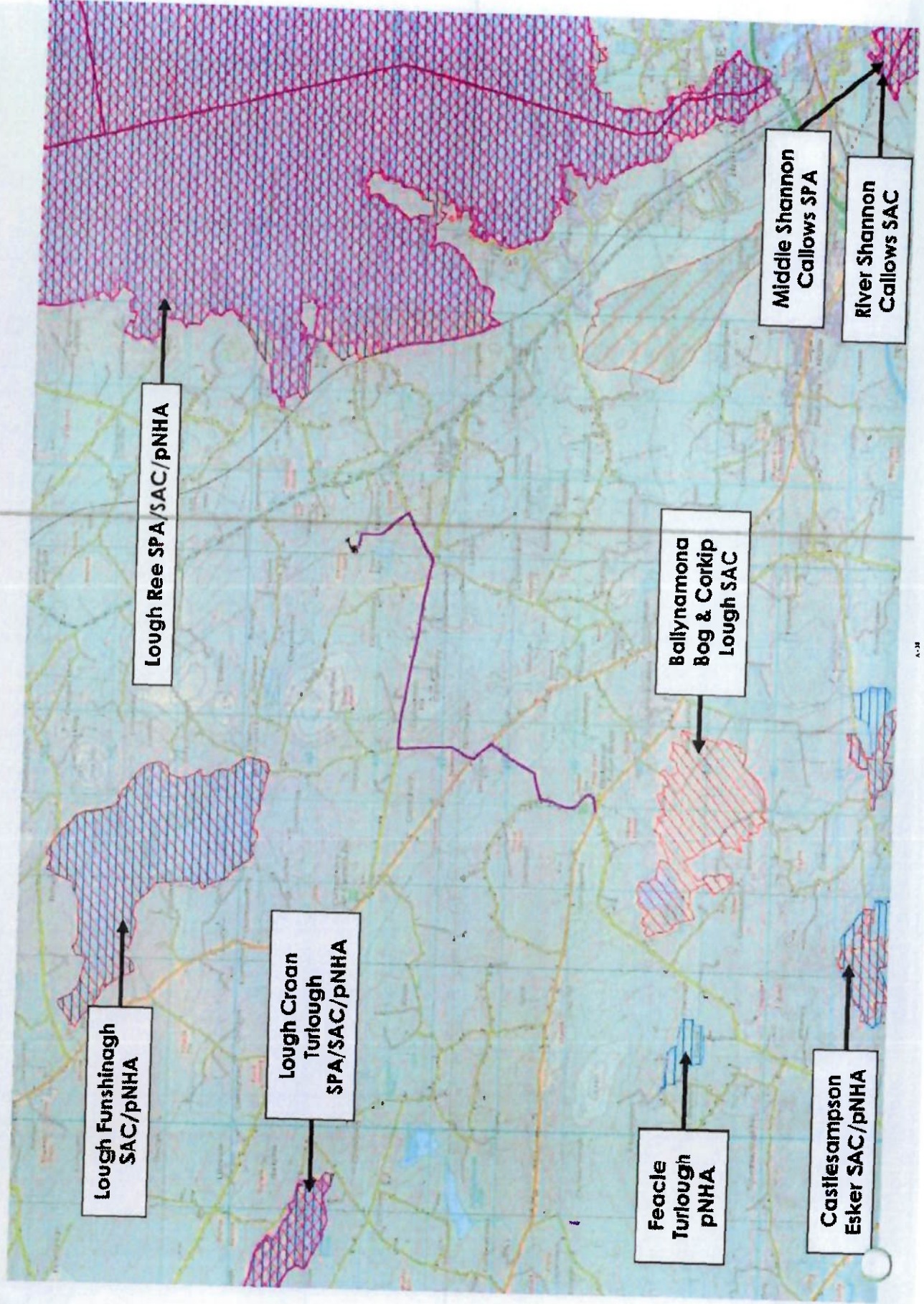


Environmental Scoping

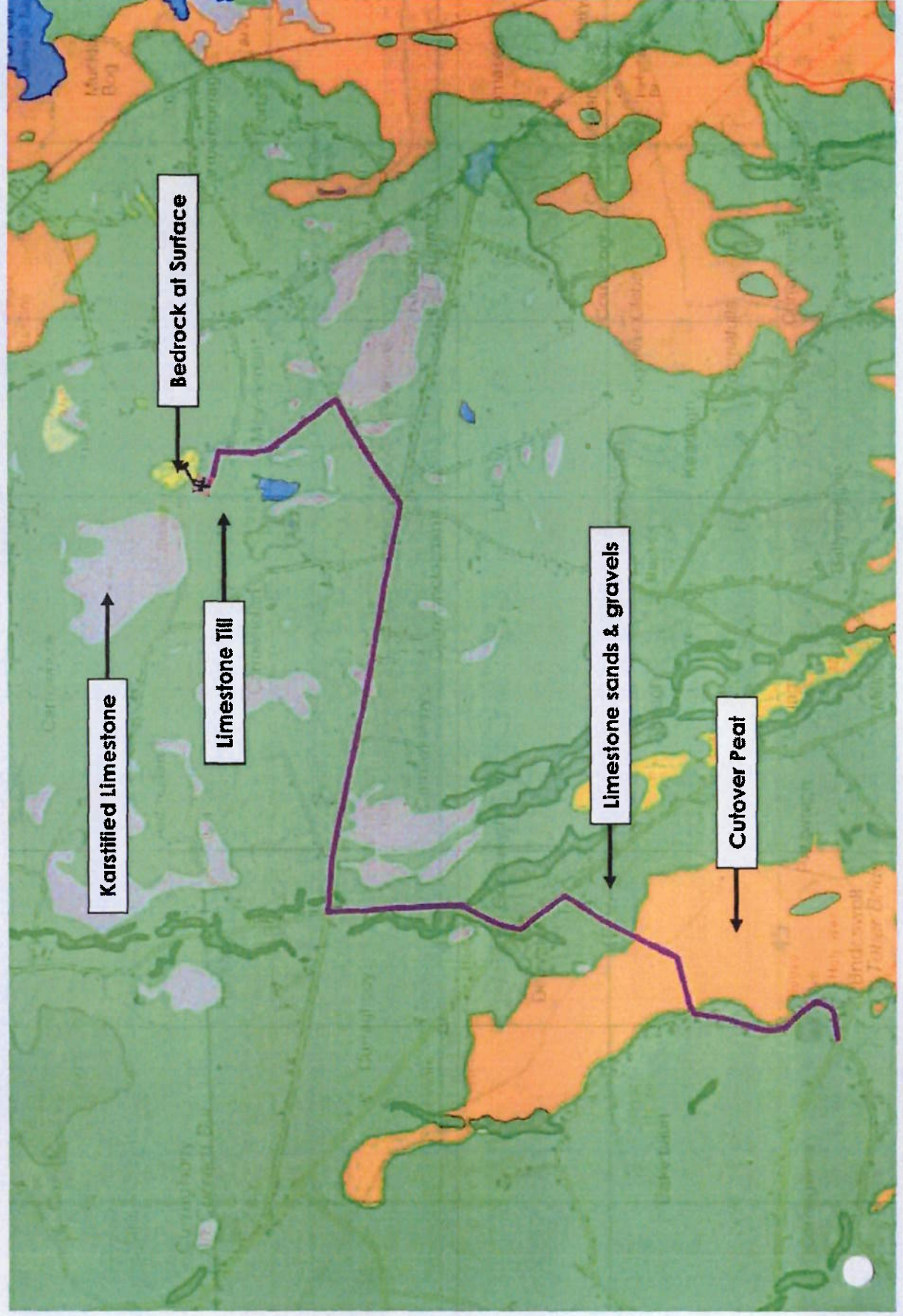
- Consultation
 - Government Departments, relevant bodies, authorities and service providers
- Environmental Scoping & Constraints Analysis
 - Biodiversity (birds, bats, habitats, aquatic species, mammals)
 - Land & Soil (land use, ground conditions, presence of karst features)
 - Water (surface water features, flood risk (incl. groundwater flooding), hydrogeology, drinking-water sources/aquifers)
 - Landscape (scenic views/prospects, designated landscapes)
 - Cultural Heritage (archaeological and architectural features)
 - Noise & Vibration (proximity of dwellings, construction methodologies)
 - Material Assets (transport/access, telecommunications, aviation)



Biodiversity



Land & Soil





Outcome of Environmental Scoping

- Key points, following the completion of primary scoping process and environmental constraints analysis:-
 - No fundamental concerns expressed by consultees
 - Localised constraints identified which have informed the precise siting of the electricity substation (e.g. presence of an archaeological feature and findings of site investigations)
 - Ornithology surveys have identified use of turloughs to the south of the electricity substation but little-to-no usage of the electricity substation site itself.
 - Site investigations identified the presence of small localised karst features and the site layout was revised to avoid same.



Proposed Next Steps

- Continued evaluation and assessment of identified environmental constraints and iterative project design process
- Commencement of Public Consultation
 - Door-to-Door Consultation
 - Public Information Event
 - Project Website
- Continued Engagement with Pre-Application Consultation Process
 - Prospective Applicant remains of the view that the development constitutes a SID
- Preparation of Environmental Impact Assessment Report
- Preparation of Planning Application, including Natura Impact Statement
- Targeted Planning Application Submission Date: July 2024





GALETECH
ENERGY SERVICES

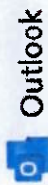
Galetech Energy Services

Clondargan, Stradone, Co. Cavan Ireland

Telephone +353 49 555 5050

www.galetechenergy.com





Outlook

RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables. Co. Roscommon

From Simon Carleton <simon.carleton@galetechenenergy.com>

Date Wed 3/27/2024 4:08 PM

To SIDS <sids@pleanala.ie>

1 attachments (5 MB)

SEV001SS F06040601 Letter to Board Rev00.pdf;

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Good Afternoon Niamh,

Further to previous discussions, please find the attached which details the current status of the prospective development.

We look forward to hearing from you in due course.

Kind Regards,
Simon

Simon Carleton
Senior Planner

 simon.carleton@galetechenenergy.com
 +353 (0)86 365 1619 | +353 (0)49 555 5050
 Clondargan, Stradone, Co. Cavan, Ireland
 www.galetechgroup.com



This communication contains confidential information and may also be privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient please note that any distribution, copying or use of this communication or the information in it is strictly prohibited. If you received this communication in error please notify by email or telephone +353(0)49 5533030 and then delete the email and any copies of it. Thank you.

From: SIDS <sids@pleanala.ie>
Sent: Monday, March 11, 2024 9:54 AM
To: Simon Carleton <simon.carleton@galetechenergy.com>
Subject: RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.
Co. Roscommon

Dear Simon,

I wish to acknowledge receipt of your email.

Can you please contact us once you completed the assessment, and we can arrange a meeting then.

Kind regards,
Niamh

From: Simon Carleton <simon.carleton@galetechenergy.com>
Sent: Friday, March 8, 2024 3:42 PM
To: SIDS <sids@pleanala.ie>
Subject: RE: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.
Co. Roscommon

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Good Afternoon Niamh,

Many thanks for your email.

As part of the design process for the prospective development, a series of environmental and technical evaluations were undertaken prior to, and have continued subsequent to, the submission of the pre-application consultation request. Following the submission of the pre-application consultation request, a technical matter arose which may preclude the installation of underground electricity cables along the route illustrated in the drawings which accompanied the pre-application request (attached for ease of reference).

As a consequence, the prospective applicant is currently undertaking a series of further evaluations to determine if the route as indicated remains feasible or if an alternative route will be required. Concurrent to these further evaluations, the prospective applicant has identified, and is also technically and environmentally assessing, an alternative route to determine its suitability. It is intended that these evaluations and assessments will be completed and a cable route selected in the coming weeks.

Accordingly, and apologies in advance for any inconvenience caused, we are hereby respectfully requesting to delay the pre-application consultation meeting (scheduled for 19 March) by 2-weeks to allow the prospective applicant to furnish revised documentation and plans to the Board and to allow the Board to consider same in advance of the consultation meeting. It is our opinion that a postponement of the meeting would allow the prospective applicant to provide greater clarity to the Board in relation to the prospective development during said meeting.

We once again apologise for any inconvenience caused and look forward to hearing from the Board in due course.

Kind Regards,
Simon

Simon Carleton
Senior Planner



simon.carleton@galeteclenergy.com

+353 (0)86 365 1619 | +353 (0)49 555 5050

Clondargan, Stradone, Co. Cavan, Ireland

www.galetechgroup.com



This communication contains information that is confidential and may also be privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient please note that any distribution, copying or use of the communication or the information in it is strictly prohibited. If you received this communication in error please notify the email or telephone - 01494 555800 and then delete the email and any copies of it. Thank you.

From: SIDS <sids@pleanala.ie>

Sent: Monday, March 4, 2024 5:29 PM

To: Planning Galetech Energy <planning@galetechenergy.com>

Subject: ABP-319042-24 - Pre-application Consultation - 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables.
Co. Roscommon

Good afternoon,

Further to your request for pre-application consultation on the above-mentioned case, the Board is now in a position to facilitate a meeting virtually through Microsoft teams.

The proposed date is 19th March @ 11am.

I would be grateful if you could confirm if that date is suitable and if so, provide the names and email address of the attendees.

Kind regards,
Niamh

Fógra Rúin: Tá an ríomhphost seo agus aon chomhaid atá nasctha leis faoi rún agus dírithe amháin don seolaí. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bainisteoir an chórais.

Tabhair faoi deara le d'athair: aon tuairimí nochtaithe san ríomhphost seo is iad tuairimí an tseoltóra féin agus níl sé intuigthe gurb iad tuairimí An Bhoird Pleanála nó go gcloíonn siad le polasaithe ráite an Bhoird.

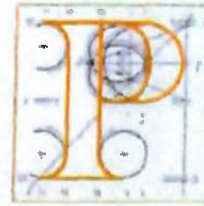
Confidentiality Notice: This email and any files transmitted with it are confidential and intended solely for the addressee. If you have received this email in error

please notify the system manager.

Please Note: any views expressed in this email are those of the individual sender and may not necessarily reflect the views or accord with the stated policies of An Bord Pleanála.

Our Case Number: ABP-319042-24

Your Reference: Energia Renewables ROI Limited



**An
Bord
Pleanála**

**Galetech Energy Services
Clondargan
Stradone
Co. Cavan
H12 NV06**

Date: 15 February 2024

**Re: 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables
Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan,
Knocknanool and Ballymullavill Co. Roscommon**

Dear Sir / Madam,

An Bord Pleanála has received your request to enter into pre-application consultations under section 182E of the Planning and Development Act 2000, as amended, in respect of the above mentioned proposed development. Please accept this letter as a receipt for the fee of €4,500 that you have paid.

Please be advised that the amendments introduced by the Planning and Development (Amendment) Act 2010 provide for the Board to recover its costs in conducting pre-application consultations. These costs together with costs incurred by the Board in determining any application made to it will be included in the Board's decision. The Board will offset any application fees paid by the applicant against its costs.

Further advice or details in relation to the above will be provided by the Board at pre-application consultation meetings (if held).

The Board will revert to you in due course in respect of the request.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

**Niamh Hickey
Executive Officer
Direct Line: 01-8737145**

VC01

**Tel
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost**

**Tel
LoCall
Fax
Website
Email**

**(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie**

**64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902**

**84 Marlborough Street
Dublin 1
D01 V902**



Galetech Energy Services
Cavan: Clondargan, Stradone, Co. Cavan, Ireland, H12 NV06
Cork: Unit 2 Airport East Business Park, Farmers Cross,
Kinsale Road, Cork, Ireland

t: +353 (0)49 555 5050
e: info@galetechenergy.com
w: www.galetechenergy.com

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

27 March 2024
Our Ref: SEY001SSPAC
Your Ref: ABP-319042-24

Dear Sir/Madam,

Re: Pre-Application Consultation Request pursuant to Section 182E of the Planning & Development Act 2000 (as amended).

Development: 110 kilovolt (kV) 'loop-in loop-out' electricity substation and approximately 6.5 kilometres (km) of underground electricity cables.

Location: Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowncloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun, and Brideswell, Co Roscommon.

1.0 Introduction

As set out in our correspondence (email) of 8 March 2024, subsequent to the submission of the prospective applicant's pre-application consultation request, a technical matter arose in relation to the then-proposed route of the underground electricity cables. Following further examination and technical evaluation, it was concluded that the route was not capable of accommodating the proposed infrastructure and that an alternative route would be required.

The prospective applicant can now confirm that an alternative route has been identified and has been assessed and found to be suitable to accommodate the proposed underground electrical cables. The underground electricity cables will be installed within the carriageways of the L7551, L2019, L2018, L7731, R362, L2023, and L7636; and within the townlands of Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowncloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun, and Brideswell. At a crossing of the Cross (Roscommon) stream, the cables will be installed within the deck of an existing bridging structure thus avoiding works within the stream channel.

It should be noted that the characteristics of the trench, within which the ducting and cabling will be installed, are unchanged; and there are no alterations to the location or layout of the proposed electricity substation and ancillary infrastructure. For the convenience of the Board, a set of revised site location and layout plans are enclosed at **Annex 1**.

2.0 Revised Description of the Prospective Development

In the interests of clarity, the description of the prospective development has been reviewed, and revised where necessary, in response to the revised cable route.

The prospective development comprises a new 110kV 'loop-in/loop-out' electricity substation on the existing Athlone-Lanesborough 110kV overhead transmission line and approximately 7.5km of 110kV underground electricity cable.

The electricity substation, and associated infrastructure, will be located in the townland of Moyvannan. An environmental scoping and constraints analysis process is ongoing which will inform the final siting, design and layout of the electricity substation; however, in general, it will comprise:-

- A compound with a hardcore surface enclosed by security fencing and gates containing electrical plant and equipment;
- An electrical control building containing electrical plant and equipment;
- 2 no. interface masts and underground electrical cables to facilitate connection to the existing Athlone-Lanesborough 110kV overhead transmission line; and,
- Associated site development works including the upgrading of an existing agricultural site entrance, construction of an access track, construction of a temporary construction compound, and installation of site drainage infrastructure.

The environmental scoping and constraints analysis process will also inform the precise siting of the underground electricity cables. The electricity cables (approximately 7.5km in length) will be located within the townlands of Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowcloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun, and Brideswell; and within the L7551, L2019, L2018, L7731, R362, L2023, and L7636 to its junction with the R363. At this point, the electricity cables will connect to electricity cables permitted as part of the Seven Hills Wind Farm. The electricity cables will be installed in ducts within a trench approximately 1.2m deep and 0.9m in width. It is likely that the trench will be located predominately within the paved surface of the above regional and locally classed public roads; with a short section to be located within private lands as it approaches the electricity substation.

The electricity cables will facilitate the connection of the permitted Seven Hills Wind Farm grid connection cables to the 110kV electricity substation which will, in turn, provide for the export of renewable electricity to the national electricity network.

Following the completion of its construction, ownership of the electricity substation will transfer to EirGrid who will be responsible for its continued operation and maintenance.

3.0 Prospective Applicant's Opinion on SID Status

Notwithstanding the alteration to the route of the underground electricity cables, the prospective applicant remains of the opinion that the prospective development comes within the scope of Section 182A of the Act and is a SID thus necessitating that a planning application be made directly to the Board.

4.0 Conclusion

The prospective applicant therefore requests to re-commence pre-application consultations with the Board to formally determine whether the prospective

Moyvannan Electricity Substation

development falls within the scope of Section 182A of the Act and, if so determined, the procedures involved in making such an application and what considerations, related to proper planning and sustainable development or the environment, may, in the opinion of the Board, have a bearing on its decision in relation to such an application.

Yours Sincerely,

Galetech Energy Services

Galetech Energy Services

Annex 1 – Site Plans & Drawings



LEGEND

LANDOWNERSHIP BOUNDARY



CHS LAYOUT: E1, 1/2024 - 1st May 2024, Rev. 1.0
 Prepared by: CHS Engineering Ltd

Rev.	Rev. No.	Description	Drawn By
1	1	Initial Issue	CHS Engineering Ltd

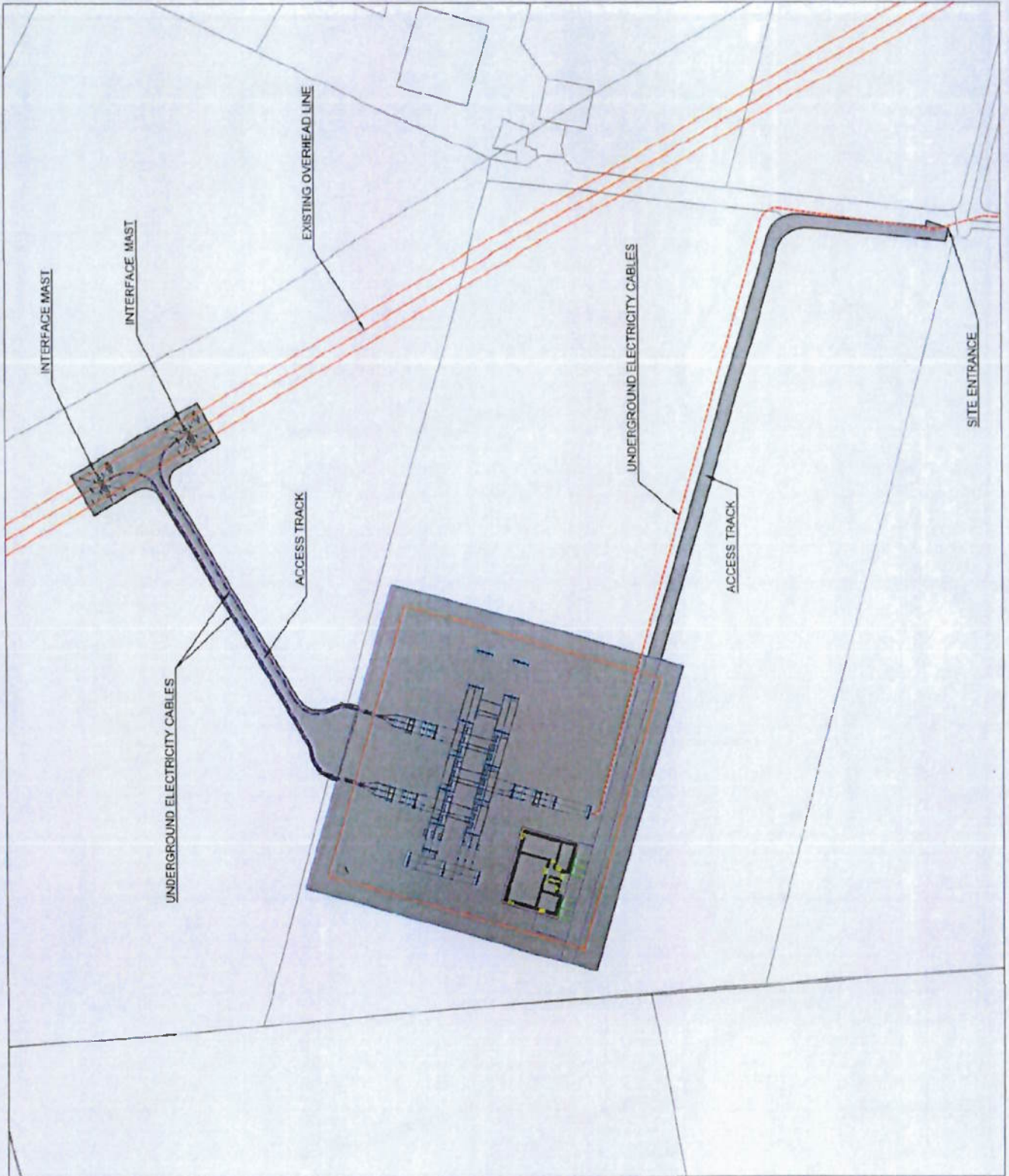


ENERGIA RENEWABLES ROI LIMITED

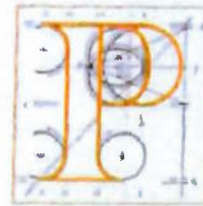
MOYVANNAN ELECTRICITY SUBSTATION

FIGURE 2.01 INDICATIVE SUBSTATION LAYOUT AND LOOP IN / LOOP CUT CONNECTION

Rev.	Rev. No.	Description	Drawn By
1	1	Initial Issue	CHS Engineering Ltd



Our Case Number: ABP-319042-24



**An
Bord
Pleanála**

Roscommon County Council
Áras an Chontae
Roscommon
Co. Roscommon

Date: 15 February 2024

Re: 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables
Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool and Ballymullavill Co. Roscommon

Dear Sir / Madam,

Please be advised that the Board has received a request to enter into pre-application consultations in relation to the above-described proposed development. This request has been received in accordance with section 182E of the Planning and Development Act 2000, as amended.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,


Niamh Hickey
Executive Officer
Direct Line: 01-8737145

VC02

Tell
Glao Áitúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

Galetech Energy Services
Cavan: Clondargan, Stradone, Co. Cavan, Ireland, H12 NV06
Cork: Unit 2 Airport East Business Park, Farmers Cross,
Kinsale Road, Cork, Ireland

t: +353 (0)49 555 5050
e: info@galetechenergy.com
w: www.galetechenergy.com

AN BORD PLEANÁLA
D69765-24
LDG-
ABP-
13 FEB 2024
Fee: € 4500.00 type: cheque
Time: 11.38 By: hand

13 February 2023
Our Ref: SEV001SSPAC

Dear Sir/Madam,

Re: Pre-Application Consultation Request pursuant to Section 182E of the Planning & Development Act 2000 (as amended).

Development: 110 kilovolt (kV) 'loop-in loop-out' electricity substation and approximately 6.5 kilometres (km) of underground electricity cables

Location: Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corranatran, Knocknanool, and Ballymullavill, Co. Roscommon

1.0 Introduction

On behalf of our client, Energia Renewables ROI Limited ('the prospective applicant'), we hereby request to enter into pre-application consultations with An Bord Pleanála ('the Board') pursuant to Section 182E of the Planning & Development Act 2000 (as amended) ('the Act') to determine whether a proposed development is, or is not, Strategic Infrastructure Development (SID). We enclose the applicable fee of €4,500.

2.0 Background to the Prospective Development

As part of the permitted Seven Hills Wind Farm (An Bord Pleanála Reference ABP-313750-22), planning permission was granted for the installation of approximately 12km of underground electricity cables between the wind farm electricity substation and the existing Athlone 110kV substation at Mankland, Co. Roscommon. However, following the recent completion of a series of electrical studies of the Athlone 110kV substation and the capacity of the local electricity network, it has been concluded that a connection to the Athlone substation may no longer be feasible.

Consequently, the prospective applicant has sought to identify an alternative means of connecting the permitted wind farm to the national electricity network. Through this process; which has been informed by a number of environmental and technical assessments; the prospective applicant has identified a possible alternative means of connecting the permitted Seven Hills Wind Farm to the national electricity network, as described at **Section 3.0** below.

Galetech Energy Services
Registered in Ireland
Reg. No. 352304
VAT No. 6372304C
Registered Address: Greaghcroftagh, Cootehill, Co. Cavan



3.0 Description of the Prospective Development

The prospective development comprises a new 110kV 'loop-in/loop-out' electricity substation on the existing Athlone-Lanesborough 110kV overhead transmission line and approximately 6.5km of 110kV underground electricity cable.

The electricity substation, and associated infrastructure, will be located in the townland of Moyvannan. An environmental scoping and constraints analysis process is ongoing which will inform the final siting, design and layout of the electricity substation; however, in general, it will comprise:-

- A compound with a hardcore surface enclosed by security fencing and gates containing electrical plant and equipment;
- An electrical control building containing electrical plant and equipment;
- 2 no. interface masts and underground electrical cables to facilitate connection to the existing Athlone-Lanesborough 110kV overhead transmission line; and,
- Associated site development works including the upgrading of an existing agricultural site entrance, construction of an access track and installation of site drainage infrastructure.

The environmental scoping and constraints analysis process will also inform the precise route and siting of the underground electricity cable. It is currently envisaged that the electricity cables (approximately 6.5km) will be located within the townlands of Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool, and Ballymullavill; and within the L7551, L2019, L2018, and the R362 to its junction with the R363. At this point, the electricity cables will connect to electricity cables permitted as part of the Seven Hills Wind Farm. The general arrangement of the electricity cables will be installed in ducts within a trench approximately 1.2m deep and 0.9m in width. It is likely that the trench will be located predominately within the paved surface of the above regional and locally classed public roads; with a short section to be located within private lands as it approaches the electricity substation.

The electricity cables would facilitate the connection of the permitted Seven Hills Wind Farm grid connection cables to the 110kV electricity substation which will, in turn, provide for the export of renewable electricity to the national electricity network.

For the convenience of the Board, preliminary site plans and drawings of the prospective development are provided at **Annex 1**.

Following the completion of its construction, ownership of the electricity substation will transfer to EirGrid who will be responsible for its continued operation and maintenance.

4.0 Prospective Applicant's Opinion on SID Status

It is noted that in comparable recent cases¹, the Board has determined similar 'loop-in/loop-out' electricity substations and 110kV electrical developments to be SID. Having regard to the provisions of Section 182A of the Act, the characteristics of the prospective development and precedent decisions of the Board, the prospective applicant is of the view that:-

- i) the prospective development comprises high voltage electricity lines and electrical plant with a capacity of 110kV; and,

¹ For example [ABP-314127-22](#), [ABP-314024-22](#), [ABP-315128-22](#), and [ABP-313493-22](#).

Mayvannan Electricity Substation

- ii) the proposed electricity substation would form a new node on the national transmission network given that all electricity passing along the Athlone-Lanesborough 110kV overhead transmission line would be directed through the electricity substation.

Therefore, it is considered that the prospective development comes within the scope of Section 182A of the Act and is a SID thus necessitating that a planning application be made directly to the Board.

5.0 Conclusion

The prospective applicant therefore requests to enter into pre-application consultations with the Board to formally determine whether the proposed development falls within the scope of Section 182A of the Act and, if so determined, the procedures involved in making such an application and what considerations, related to proper planning and sustainable development or the environment, may, in the opinion of the Board, have a bearing on its decision in relation to such an application.

Yours Sincerely,

Galetech Energy Services

Galetech Energy Services

Prospective Applicant Details

Energia Renewables ROI Limited
Mill House
Ashtown Gate
Navan Road
Dublin 15

Agent Details

Galetech Energy Services
Clondargan
Stradone
Co. Cavan
Tel: +353 49 555 5050
Email: planning@galetechenergy.com

Address of Prospective Development

Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool, and Ballymullavill, Co. Roscommon

Prospective Applicant's Legal Interest

A lease agreement is in place between the prospective applicant and the relevant private landowner.

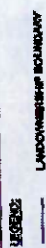
In accordance with Article 22(2)(g)(ii) of the *Planning & Development Regulations 2001 (as amended)*, the prospective development will be located in part within the confines of the public road network and will be constructed (the prospective applicant) and operated (EirGrid) by a statutory undertaker authorised for the provision of electricity services.

Local Authority Functional Area

Roscommon County Council

**Annex 1 –
Site Plans & Drawings**





Q35 0 License RN assigned - CD Sup Ref No. 3960,
Proposed Ldg 146 Temporary Number 0146.

GALETECH
ENERGY SERVICES

Oilfield Energy Services
Shedden, Alberta
CA. 506.711.1100

info@galetech.com
www.galetech.com

ENERGIA RENEWABLES ROY LIMITED
MAYYANMAN ELECTRICITY SUBSTATION

FIGURE 2.01: NEGATIVE SUBSTATION LAYOUT AND LOOP IN / LOOP OUT CONNECTION

[illegible]



LEGEND:
LANDOWNERSHIP BOUNDARY



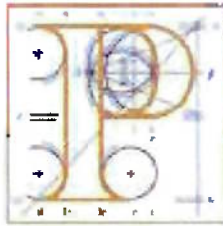
Client	ENRGA RENEWABLES PCL LIMITED
Project Name	MOYANMAN ELECTRICITY SUBSTATION
Location	MOYANMAN, CO. CARLISLE, CO. CARLISLE, CO. CARLISLE
Scale	1:1000
Drawn By	GALETECH
Checked By	GALETECH
Approved By	GALETECH
Date	2023/07/06
Version	1.0

GALETECH
ENERGY SERVICES
Electricity Engineering Services
100, Green Lane, Carrisland, Co. Carlin, N12 1WQ
www.galetechenergy.com

ENRGA RENEWABLES PCL LIMITED
MOYANMAN ELECTRICITY SUBSTATION

FIGURE 2.02: INDICATIVE SUBSTATION
LAYOUT AND LOOP IN/ LOOP OUT
CONNECTION

Project Name	MOYANMAN ELECTRICITY SUBSTATION
Client	ENRGA RENEWABLES PCL LIMITED
Location	MOYANMAN, CO. CARLISLE, CO. CARLISLE, CO. CARLISLE
Scale	1:1000
Drawn By	GALETECH
Checked By	GALETECH
Approved By	GALETECH
Date	2023/07/06
Version	1.0



**An
Bord
Pleanála**

Board Order ABP-313750-22

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Application for ten-year planning permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 7th day of June 2022 by Energia Renewables ROI Ltd care of MKO, Planning and Environmental Consultants, Tuam Road, Galway, Co. Galway as amended by the further information received by An Bord Pleanála on the 10th day of July 2023.

The development comprises of the following:

- 1. 20 number wind turbines with an overall ground to blade tip height of 180 metres, a rotor diameter of 162 metres and a hub height of 99 metres, associated foundations, hard-standing areas.**
- 2. 15 number spoil storage areas at hardstands of turbines number 1, 2, 3, 4, 5, 6 and 7 (in the townlands of Turrock, Gortaphuill, Cronin, and Tullyneeny) and turbines number 8, 10, 11, 13, 14, 17, 19 and 20 (in the townlands of Milltown, Cuilleenoolagh, Cloonacally, Feacle and Tawnagh).**
- 3. Provision of 1 number permanent meteorological mast with a maximum height of 100 metres for a period of 30 years from the date of commissioning of the entire wind farm.**

4. Provision of 1 number 110kV onsite substation in the townland of Cam, along with associated control buildings, MV switchgear building, associated electrical plant, associated security fencing, and equipment and wastewater holding tank.
5. All underground electrical and communication cabling connecting the proposed wind turbines to the proposed onsite substation and associated control buildings and plant.
6. All works associated with the connection of the proposed wind farm to the national electricity grid via underground 110kV cabling from the site to the existing Athlone 110kV substation located in the townland of Monksland. Cabling will be placed within the public road corridor of the R362, R363 and L2047, or on private land.
7. Upgrade works to the existing 110kV Athlone substation consisting of the construction of an additional dedicated bay to facilitate connection of the cable.
8. Provision of 2 number new site accesses north and south from the R363 and upgrade of 1 number junction south of the R363.
9. Provision of new access tracks or roads and upgrade of existing access tracks or roads.
10. 7 number overburden storage areas.
11. 2 number temporary construction compounds.
12. Site drainage works.
13. Operational stage site signage.
14. All associated site development works, apparatus and signage.

All within the townlands of Turrock, Cronin, Gortaphuill, Glenrevagh, Tullynseny, Bredagh, Cuilleenirwan, Cuilleenoolagh, Curry, Milltown, Tobermacloughlin, Skeavally, Boleyduff, Clooncaltry, Feacle, Cam, Tawnagh, Comageeha, Pollalaher, Brideswell, Knocknanool, Ballymullavill, Rooskagh, Bellanamulla, Cloonakille, Monksland and Commeen, Co. Roscommon.

Decision

Grant permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following

- (a) The National Planning Framework Ireland 2040,
- (b) the Climate Action Plan, 2023,
- (c) the Climate Action and Low Carbon Development (Amendment) Act 2021,
- (d) the National Biodiversity Action Plan 2022,
- (e) the National Landscape Strategy for Ireland, 2015-2025,
- (f) the Planning System and Flood Risk Management 2009,
- (g) the Regional Spatial and Economic Strategy for the North and West Region 2020,
- (h) the "Wind Energy Development Guidelines - Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in June 2006 (Draft Amendments 2019),
- (i) the policies of the planning authority as set out in the Roscommon County Development Plan, 2022 to 2028,
- (j) the distance to dwellings or other sensitive receptors,
- (k) the submissions made in connection with the planning application,
- (l) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and

(m) the report and recommendation of the Planning Inspector.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the following European Sites are the only sites for which there is a possibility of significant effects and must, therefore, be subject to Appropriate Assessment; -

- The River Suck Callows Special Protection Area (Site Code: 004097)
- Lough Croan Turlough Special Protection Area (Site Code: 004139)
- Four Roads Turlough Special Protection Area (Site Code: 004140)
- The Middle Shannon Callows Special Protection Area (Site Code: 004096)
- Lough Ree Special Protection Area (Site Code: 004064)
- Four Roads Turlough Special Area of Conservation (Site Code: 001637)
- Ballynamona Bog and Corkip Lough Special Area of Conservation (Site Code: 002339)
- Killeglan Grassland Special Area of Conservation (Site Code: 002214)
- River Shannon Callows Special Area of Conservation (Site Code: 000216)

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives for these Special Areas of Conservation and Special Protection Areas. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) The site specific Conservation Objectives for these European Sites,
- (ii) the current conservation status, threats and pressures on the qualifying interest or special conservation interest features.

- (iii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iv) the view of the Department of Arts, Heritage and the Gaeltacht,
- (v) the mitigation measures which are included as part of the current proposal.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) The nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the report of the planning authority,
- (d) the submissions received from the prescribed bodies,
- (e) the submissions received from the observers, and
- (f) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report

and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Noise, vibration, dust and shadow flicker during the construction and or the operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the Construction and Environment Management Plan which include specific provisions relating to the control of dust, noise and shadow flicker.
- The risk of soil instability and soil erosion during the construction and operational phases which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report and the Construction and Environment Management Plan which include specific provisions relating to spoil management.
- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report, Drainage Management Plan and the Construction and Environment Management Plan which include specific provisions relating to groundwater and surface water drainage.
- Biodiversity impacts, including on habitats, mammals, birds, bats, fisheries, invertebrates, and plant species would be mitigated by the implementation of specific mitigation to protect mammals, birds, bats, fisheries, invertebrates and plant species, during the construction and or operational phases, and the measures set out in the Biodiversity Mitigation and Enhancement Plan.
- The increase in vehicle movements and resulting traffic during the construction phase would be mitigated by the upgraded site access, the preparation of a Construction Traffic Management Plan.
- Landscape and visual impacts would arise during the operational phase from the insertion of the turbines and met mast into a rural setting, the location and siting of which would assist in assimilating the works into the landscape.

- The impact on cultural heritage would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features or deposits that may be identified.
- Positive environmental impacts would arise during the operational phase from the generation of renewable energy.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development:

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning, renewable energy, and other related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the further information received by the Board on the 31st day of March 2023 and on the 10th day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interest of clarity.

3. This permission shall be for a period of 30 years from the date of the first commissioning of the windfarm.

Reason: To enable the planning authority to review its operation in the light of the circumstances then prevailing.

4. The design and layout of the development shall be amended to omit the three wind turbines T9, T10 and T12 which would be located within the Killeglan Karst Landscape in the Southern Turbine Cluster. The Killeglan Karst Landscape is a County Geological Heritage site of National Importance, and Policy NF10.11 of the Roscommon County Development Plan 2022 to 2028 seeks to preserve and protect sites of county geological importance from inappropriate development where they comprise designated sites or national heritage areas.

Reason: To protect the visual integrity and geological heritage of the area.

5. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report, Natura Impact Statement, the further information response submission and all associated documentation, including the Biodiversity Mitigation and Enhancement Plan and associated Farm Plan, are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment.

6. The developer shall ensure that all soil and water quality related mitigation measures are implemented in full and monitored throughout the life cycle of the construction works and monitored throughout the operational phase, the excavation works for the turbine foundations and on-site spoil depositories should avoid incursion into the underlying bedrock, and where this cannot be locally avoided, excavation works shall not extend below or to within two metres of the winter water table level.

Reason: To protect groundwater in the area, public water supplies, and the quality and quantity of water in the surrounding interconnected furloughs.

7. The following design requirements shall be complied with: -
- (a) The wind turbines shall be as indicated in the plans and particulars submitted with the application.
 - (b) Details of colouring for the turbines, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) Cables within the site shall be laid underground.
 - (d) The wind turbines shall be designed to ensure that the blades rotate in the same direction.
 - (e) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

8. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:

(a) Between the hours of 0700 and 2300:

(i) the greater of 5 dB(A) $L_{90,10min}$ above background noise levels, or 45 dB(A) $L_{90,10min}$, at wind speeds of 7m/s or greater.

(ii) 40 dB(A) $L_{90,10min}$ at all other wind speeds.

(b) 43 dB(A) $L_{90,10min}$ at all other times

where wind speeds are measured at 10 metres above ground level.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 'Assessment of Noise with Respect to Community Response,' as amended by ISO Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the windfarm.

Reason: In the interest of residential amenity.

- 9 The following shadow flicker requirements shall be complied with:

(a) Cumulative shadow flicker arising from the proposed development shall not exceed 30 minutes in any day or 30 hours in any year at any dwelling.

(b) The proposed turbines shall be fitted with appropriate equipment and software to control shadow flicker at dwellings.

(c) Prior to commencement of construction, a wind farm shadow flicker monitoring programme shall be prepared by a consultant with experience of similar monitoring work, in accordance with details to be submitted to the planning authority for written agreement. Details of monitoring programme shall include the proposed monitoring equipment and methodology to be used, and the reporting schedule.

Reason: In the interest of residential amenity.

10. The developer shall retain the services of a suitably qualified and experienced Ecologist to undertake pre-construction surveys at the various project elements, immediately prior to commencing work in order to check for the presence of protected and sensitive species in the vicinity including badgers, otters, nesting birds, bats and plants. A 500 metre to 700 metre buffer should be placed around any protected bird species nest sites and maintained free from construction works until the nest is vacated. Bridges along the grid connection route shall be examined for the presence of roosting bats. Derogation Licences shall be obtained for the removal of any Bat roost or Otter holts.
- Reason: In the interests of protecting ecology and wildlife in the area.

11. The developer shall comply with the following additional nature conservation requirements: -
- (a) No hedgerow felling or vegetation removal shall take place during the bird breeding period between the 1st March and 31st August.
 - (b) Replacement hedgerow planting shall comprise of indigenous Irish hedgerow species and progress shall be monitored on an annual basis until the hedgerows reach maturity.
 - (c) A five metre buffer zone shall be installed around Autumn Lady's Tresses orchid sites for the duration of the construction works.
- Reason: In the interests of biodiversity and nature conservation.

12. The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate annual bird surveys of this site. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreed in writing with, the planning authority prior to commencement of development. These reports shall be submitted on an agreed date annually for five years, with the prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Arts, Heritage and the Gaeltacht.
- Reason: To ensure appropriate monitoring of the impact of the development on the avifauna of the area.

13. The developer shall implement mitigation measures to lessen the potential for bat fatalities arising from collision with rotating turbine blades which shall include feathering or pitching the blades out of the wind, and curtailment between mid-April to mid-October, between sunset and sunrise, at certain windspeeds and temperatures. Details of the curtailment shall be developed following consultation with, and agreed in writing with, the planning authority prior to commencement of development, and post construction monitoring shall be undertaken. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

Reason: To ensure appropriate monitoring of the impact of the development on the bat species of the area.

14. The developer shall implement mitigation measures to lessen the potential for impacts on badgers arising from the excavation and construction works: -
- (a) A 30 metre cordon shall be installed around any badger sett entrances, which shall be screened and remain in place throughout the construction works.
 - (b) there shall be no artificial lighting of any badger sett entrances during the construction and operational phases,
 - (c) during the breeding season, no works shall take place within 50 metres of the sett for general construction and 150 metres for noisy and vibratory activities, and
 - (d) the built-in construction design shall allow for escape from trenches,

Reason: To ensure appropriate monitoring of the impact of the development on the badger species of the area.

15. The developer shall implement mitigation measures to lessen the potential for adverse impacts on the Castlesampson Esker, a geological and geo-heritage site of national importance, which is located close to the southern boundary of the southern turbine cluster. The area around the northern tip of the Esker shall be cordoned off for the duration of the construction works, and no storage of materials, plant or vehicles should be permitted in the vicinity. The width of the internal roads and access tracks shall be kept to a minimum and not significantly exceed the width of the existing unpaved farm tracks in the vicinity of the Esker deposits. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, the said mitigation measures that shall include, *inter alia*, the proposed width of the internal roads and access tracks in the vicinity of the esker deposits.

Reason. To protect the geological heritage of the area.

16. The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be finalised prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise, vibration, dust monitoring and management measures, traffic management, an invasive species management plan, and off-site disposal of construction and excavation waste. A construction noise management plan and a contingency plan for remedial action shall be prepared in the event that monitoring levels indicate an exceedance of limits, before works commence.

Reason: In the interests of public safety and residential amenity.

18. Prior to commencement of development, a transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan shall incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of roads, bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads. Any works, including reinstatement works, works to existing junctions on the national road network, and grid connection cable excavations under the national road network shall comply with Transport Infrastructure Ireland standards as outlined in Transport Infrastructure Ireland Publications, planning authority roads requirements, and shall be subject to Road Safety Audit as appropriate.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

19. The developer shall prepare an Invasive Species Management Plan for the written agreement of the planning authority and all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.
Reason: In the interests of the proper planning and sustainable development of the area.
20. The construction and future decommissioning and works shall be limited between 0800 and 1800 Monday to Saturday and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.
Reason: In order to safeguard the residential amenities of property in the vicinity.
21. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the as constructed tip heights and co-ordinates of the turbines and wind monitoring masts.
Reason: In the interest of air traffic safety.
22. In the event that the proposed development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority prior to commissioning of the turbines and following consultation with the relevant authorities.
Reason: In the interests of protecting telecommunications signals and of residential amenity.

23. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the wind monitoring mast, the turbines concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, all to be complete to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

Reason: To ensure satisfactory reinstatement of the site upon full or partial cessation of the project.

24. Prior to the commencement of development, the community gain proposals shall be submitted to the planning authority for their written agreement.

Reason: In the interests of the proper planning and sustainable development of the area.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to planning authority, to secure the satisfactory reinstatement of the site and delivery route upon cessation of the project, coupled with an agreement empowering the planning authorities to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authorities and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authorities may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authorities and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is €2,250.

A breakdown of the Board's costs is set out in the attached Appendix 1.



Tom Rabbette

Member of An Bord Pleanála

**duly authorized to authenticate
the seal of the Board.**

Dated this 23rd day of Nov. 2023



CENTRAL OFFICE
THE HIGH COURT
PLANNING & ENVIRONMENT

Record No. 2024/128 J.R.

**IN THE MATTER OF AN APPLICATION PURSUANT TO
SECTION 50, 50A, AND 50B OF THE PLANNING AND DEVELOPMENT ACT 2000
AND IN THE MATTER OF AN APPLICATION**

Between:

**JOHN JOE KENNEDY AND THE WIND TURBINE ACTION GROUP SOUTH
ROSCOMMON**

Applicants

And

AN BORD PLEANÁLA, IRELAND AND THE ATTORNEY GENERAL

Respondents

And

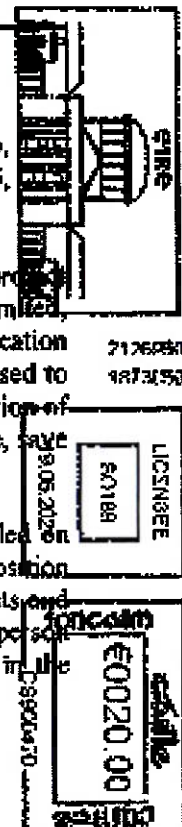
ENERGIA RENEWABLES ROI LIMITED

Notice Party

VERIFYING AFFIDAVIT OF ROBERT SCOTT

**I, ROBERT SCOTT, CHARTERED ENGINEER, of ENERGIA RENEWABLES ROI LIMITED,
GENERALI BUILDING, BLANCHARDSTOWN RETAIL PARK, BLANCHARDSTOWN, DUBLIN 15,
Y2TH aged 18 years and upwards MAKE OATH and say as follows:**

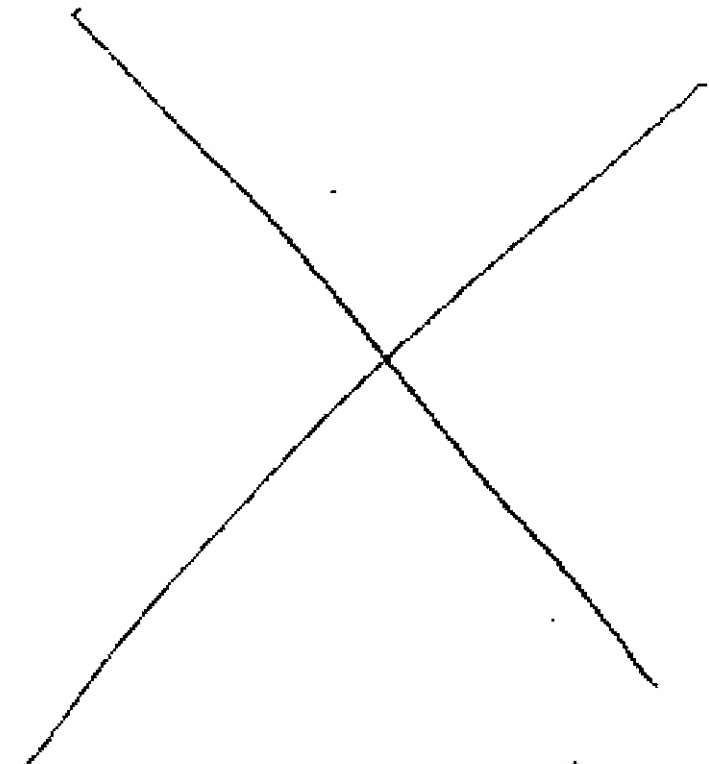
1. I am the Head of Development and the Senior Manager with responsibility for the project team for the Seven Hills wind farm development within Energia Renewables ROI Limited, the Notice Party to these proceedings. I acted as the Project Manager during the application for development consent in respect of the project. I confirm that I am duly authorised to make this Affidavit on behalf of the Notice Party and do so from a careful examination of the files and records of the Notice Party, and from facts within my own knowledge, save where otherwise appears and whereso appears, I believe same to be true.
2. I make this Affidavit to verify the factual pleas in the Statement of Opposition filed on behalf of the Notice party herein. I confirm that I have read the Statement of Opposition and I confirm that so much of the Statement of Opposition as relates to my own acts and deeds is true, and so much of it as relates to the acts and deeds of any and every other person I believe to be true. In addition, I confirm the veracity of the references made in the



Statement of Opposition to documentation submitted to An Bord Pleanála on behalf of the Notice Party on its planning application in respect of the Seven Hills wind farm development.

3. Energia Renewables ROI Limited is the developer of the Seven Hills wind farm project, which will be located in the County Roscommon, approximately 1.5 kilometres northeast and southeast of the village of Dysart, and approximately 11 kilometres northwest/west of Athlone. The Seven Hills renewable energy project covers an area of approximately 388 hectares, in total, and it is divided by the R363 into two wind turbine clusters. It is proposed to connect both wind turbine land parcels via 33kV cabling in the public road (R363) to the new 110kV on-site substation located in the southern land parcel. From here, the 110kV cabling will travel east in the public road corridor (in the main) to the Athlone 110kV substation in the townland of Monksland. The description of the proposed development has been set out in the public notices published and erected, and the planning application documentation submitted to An Bord Pleanála ("the Board") with the planning application (ref. no. ABP-313750-22).
4. As appears from the Amended Statement of Grounds, filed in these proceedings on 19 March 2024, the decision which is the subject of challenge in these proceedings is the decision made by An Bord Pleanála, the First Named Respondent, on 23 November 2023 (under ref. no. ABP-313750-22), to grant permission to the Notice Party for the development of a wind farm and associated works. I beg to refer to relevant application documentation which is produced at Tab A of Exhibit JKI to the Affidavit of John Joseph Kennedy sworn on 8 March 2024. I also refer to additional documentation from the Board's file which has been produced at Tabs 1 to 5 inclusive of Exhibit PD1 to the Affidavit of Pierce Dillon sworn on 17 June 2024.
5. Pursuant to the grant of permission, the Notice Party is authorised to develop 17 no. turbines and associated development. On the basis of the information set out in Chapter 10 of the Environmental Impact Assessment Report ("EIA") submitted with the planning application, the rated capacity of the proposed development is assumed to be 102 MW (based on 17 no. 6.0 MW turbines). In addition, the project has a value of c.€195 million and will operate a community benefit scheme providing a fund over the 30-year lifespan of the Proposed Development. I confirm that, based on the current estimated generating capacity, the value of the community benefit scheme over the operational phase will equate to potential funding of €12 million.
6. The delivery of this *quantum* of rated capacity of renewable electricity is urgently required, given the challenges recognised for Ireland to meet its 2030 renewable energy targets. In this regard, in May 2024, the Environmental Protection Agency ("EPA") projected that, even with implementation of all climate plans and policies, Ireland will achieve a reduction of only up to 29 per cent in total greenhouse gas emissions by 2030, which falls significantly short of its target of 51 per cent. Additionally, the electricity sector is on a trajectory to exceed its national sectoral emissions ceiling for 2025 and 2030. I beg to refer to true copy extracts from the Environmental Protection Agency's "Ireland's Greenhouse Gas Emissions Projections 2023–2050" report (May 2024), upon which marked with the letters and number "RS1", I have signed my name prior to the swearing hereof.

7. I confirm that I have considered the Affidavits of Aoife Butler and John Joseph Kennedy, filed on behalf of the Applicants in these proceedings. I note that Ms. Butler is no longer a party to the proceedings and, accordingly, there is no necessity to address the matters raised in her Affidavit, other than to record, for completeness, that the Notice Party does not accept Ms Butler's characterisation of events or the completeness of the chronology.
8. It is clear from its content that the Affidavit of Mr Kennedy addresses, in large part, the circumstances which led Ms Butler to withdraw from the proceedings and does not raise any issue which requires a substantive response from the Notice Party.
9. I say and believe that all relevant documentation has now been produced in evidence in these proceedings. For the sake of completeness, it might be noted that the Notice Party established, and still maintains, a project website (www.sevenhillswindfarm.ie) which contains all the documentation submitted to Board by or behalf of the Notice Party, in this regard, in relation to one aspect of the Statement of Opposition – responding to Core Ground 15 in the Applicants' Amended Statement of Grounds – I confirm that, the March 2023 Response to Observations document, and the July 2023 RFI Response, submitted to the Board on behalf of the Notice Party, were both available on the Notice Party's project website for the period from 1 August to 5 September 2023. Indeed, I confirm that the March 2023 Response to Observation document and the July 2023 RFI Response were both uploaded to the project website on 1 August 2023. I also confirm that those documents have remained available on the project website from 1 August 2023 continuously up to and including the date of swearing of this Affidavit.



Joshua Hughes
Practising Solicitor



A-87

10. In conclusion, I am advised by the Notice Party's legal advisors and so believe that the Applicant has failed to adduce any evidence to support any grounds upon which it would be entitled to relief by way of judicial review.

11. Accordingly, in all the circumstances and, in particular, on the basis of the pleas made out in the Statement of Opposition, I pray this Honourable Court to refuse the within application for judicial review.


ROBERT SCOTT

SWORN by the said ROBERT
SCOTT at
29 Funderburgh Rd
in the City/County of Dublin
before me a Commissioner for
Oaths/Practising Solicitor and I know
~~the deponent/the deponent has been~~
~~identified to me by~~
~~who is personally known to me/~~ the
identity of the deponent has been
established by him/her by reference to Strong's Bureau
of the deponent no. 080130822
this 19th day of June 2024 containing a
photograph of
the deponent

I certify that I know the deponent


Commissioner for Oaths/Practising
Solicitor

JUSTIN HUGHES

Filed this 19th day of June 2024 on behalf of the Notice Party by Arthur Cox, 10
Earlsfort Terrace, Dublin 2.

THE HIGH COURT
PLANNING & ENVIRONMENT
Record No. 2024/128 J.R.

IN THE MATTER OF AN APPLICATION
PURSUANT TO
SECTION 50, 50A, AND 50B OF THE PLANNING
AND DEVELOPMENT ACT 2000
AND IN THE MATTER OF AN APPLICATION

Between:

JOHN JOE KENNEDY AND THE WIND TURBINE
ACTION GROUP SOUTH ROSCOMMON
Applicants

And

AN BORD PLEANÁLA, IRELAND AND THE
ATTORNEY GENERAL

Respondents

And

ENERGIA RENEWABLES ROI LIMITED

Notice Party

VERIFYING AFFIDAVIT OF ROBERT SCOTT

**THE HIGH COURT
PLANNING & ENVIRONMENT**

Record No. 2024/128 J.R.

**IN THE MATTER OF AN APPLICATION PURSUANT TO
SECTION 50, 50A, AND 50B OF THE PLANNING AND DEVELOPMENT ACT 2000
AND IN THE MATTER OF AN APPLICATION**

Between:

**JOHN JOE KENNEDY AND THE WIND TURBINE ACTION GROUP SOUTH
ROSCOMMON**

Applicant

and

AN BORD PLEANÁLA, IRELAND AND THE ATTORNEY GENERAL

Respondent

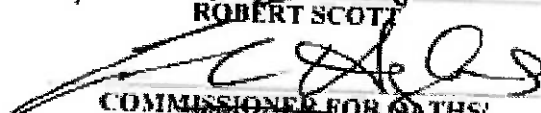
and

ENERGIA RENEWABLES ROI LIMITED

Notice Party

EXHIBIT RSI

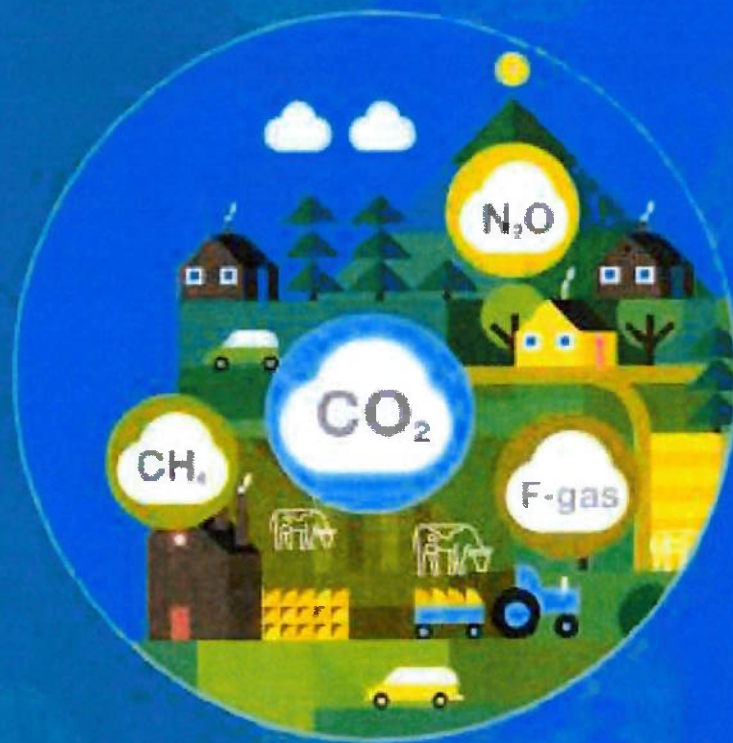
Exhibit "RSI" as referred to in the Affidavit of Robert Scott
sworn on 19 June 2024


ROBERT SCOTT

**COMMISSIONER FOR OATHS/
PRACTISING SOLICITOR**

Ireland's Greenhouse Gas Emissions Projections

2023-2050

May 2024



Contents

Key Findings	3
1 Introduction	4
1.1 National and EU targets	5
2 Approach	6
2.1 Projected Scenarios	6
2.2 Excluded Policies and Measures	7
2 Reference/Base Years in the Report	8
3 Projected Performance against European Targets	9
4 Projected Performance against National Climate Objective	12
4.1 Carbon Budgets	12
4.2 Sectoral Emissions Ceilings and associated percentage change in emissions	14
5 Sectoral Assessment of Projections out to 2030	16
5.1 Agriculture	18
5.2 Transport	21
5.3 Energy Industries	23
5.4 Residential	24
5.5 Manufacturing Combustion	25
5.6 Commercial and Public Services	27
5.7 Other (Industrial Processes, Waste, F-Gases)	28
5.8 LULUCF	29
Appendix – Underlying Assumptions and Additional Data	31
Sectoral Breakdown	31
Scenarios and Input Assumptions	31
Progress with Renewable Energy Targets	32
Effort Sharing Regulation and EU Emissions Trading Scheme	33
Projections by Gas in the WEM and WAM Scenarios	33
Models Used	34

ISBN: 978-1-80009-174-0

4 Projected Performance against National Climate Objective

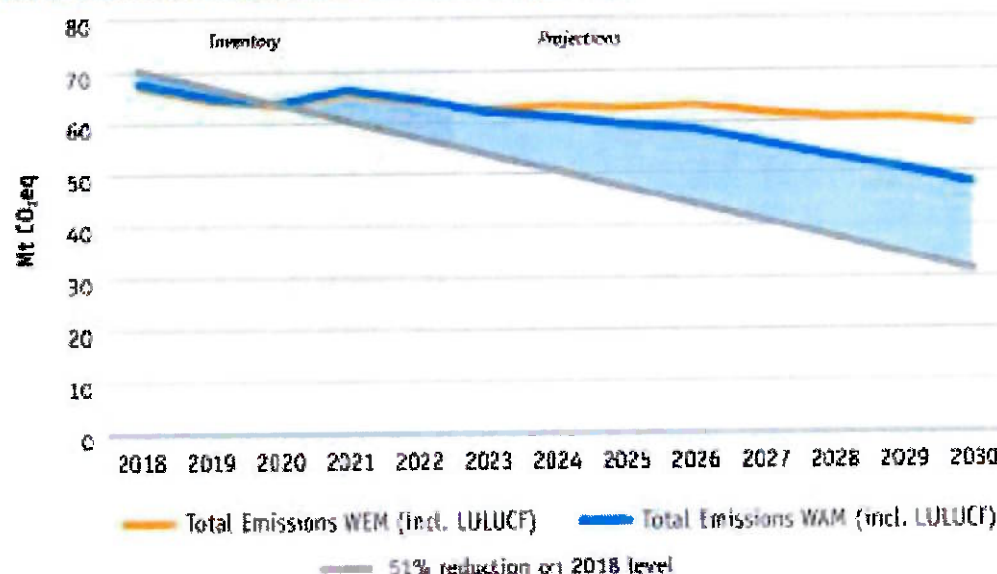
The Climate Action and Low Carbon Development (Amendment) Act 2021 sets a national climate objective of achieving a climate resilient and climate neutral economy by the end of the year 2050. An interim target has been set out to achieve a reduction of 51% in total emissions (including LULUCF) over the period 2018 to 2030.

The projections show that implemented policies and measures in the With Existing Measures (WEM) scenario can only deliver an 11% reduction in greenhouse gas emissions by 2030 compared to the 2018 level. The WAM scenario, including policies and measures from the 2024 Climate Action Plan, is projected to deliver a 29% emissions reduction over the same period.

Both projected scenarios indicate that even with implementation of all climate plans and policies Ireland will not meet the 51% emissions reduction target by 2030. Figure 3 below demonstrates the 'gap' between the WAM scenario projections and the 51% target.

Earlier in the report it was highlighted that approximately 8.75 Mt CO₂ eq of savings in 2030 identified in Climate Action Plan 2024 are not in these projections. If that amount of savings were realised in 2030, the percentage reduction in emissions achieved in total (with LULUCF) would be 42%.

Figure 3: Total Greenhouse Gas Emissions (including LULUCF) under the With Existing Measures and With Additional Measures scenarios out to the year 2030



4.1 Carbon Budgets

The Climate Action and Low Carbon Development (Amendment) Act 2021 provides for the establishment of carbon budgets to support achieving Ireland's climate ambition. The 51% target is the primary constraint on carbon budgets over the course of the first two budget periods ending on 31 December 2030, relative to 2018. The provisional carbon budget proposed for 2031 to 2035 continues the trajectory towards climate neutrality by 2050²⁶.

26. <https://www.climatecouncil.ie/media/climatechangeadvisorycouncil/Technical%20report%20on%20carbon%20budgets%2025-10-2021.pdf>

4.2 Sectoral Emissions Ceilings and associated percentage change in emissions

Sectoral emissions ceilings²⁷ are a mechanism to assist with the achievement of Carbon Budgets and the ambition in the Climate Act 2021. Each sectoral ceiling has an associated percentage target change in emissions per sector (relative to 2018 levels). Sectoral ceilings are legally binding and set out the maximum amount of greenhouse gas emissions permitted in different sectors that align with Governmental responsibility. The sectors do not align exactly with the sectors reported under the EU reporting obligations²⁸ but can be mapped to them. The Electricity sector, for example, largely maps to the sector the EPA refers to as Energy Industries in reporting to the EU. There is no ceiling set for LULUCF, however the Climate Action Plan 2024 suggests that the target set in the LULUCF Regulations (2023)²⁹ will be adopted.

Table 1: Assessment of Achievement of Sectoral Percentage Targets under the *With Additional Measures* scenario

Sectors	Emissions 2018 (Mt CO ₂ eq)	Projected Emissions 2030 (Mt CO ₂ eq)	Percentage Reduction 2030 vs 2018	Target Reduction 2030 vs 2018
Electricity	10.1	3.5	-66%	-75%
Transport	12.3	8.7	-29%	-50%
Buildings (Residential)	7.0	4.2	-40%	-40%
Buildings (Comm and Public)	1.5	0.5	-67%	-45%
Industry	7.0	5.3	-24%	-35%
Agriculture	23.2	19.1	-18%	-25%
Other*	2.1	1.6	-24%	-50%
LULUCF (no ceiling currently)	4.2	4.9	17%	N/A
Total with LULUCF**	67.6	48.0	29%	-51%

* Waste, F-gases and Petroleum Refining

**National objective includes LULUCF

In percentage terms, Table 1 shows that in the WAM scenario the percentage reduction is not achieved for electricity, transport, industry, agriculture and other (comprises of waste, fluorinated-gases and petroleum refining). Looking at the overall percentage emissions reduction target of -51% by 2030 compared to 2018, the projections are indicating a significant shortfall with only a 29% reduction achieved.

Table 2 summarises the projected emissions against the Sectoral ceilings in million tonnes of CO₂ equivalent in the WAM scenario. The only sectoral ceilings projected to be achieved in the first budget period (2021-25) are the Buildings (Commercial and Public) sector, and the sector Other. For the second budget period (2026-30), compliance is also being projected only for these sectors.

²⁷ <https://www.gov.ie/en/publication/75864-sectoral-emissions-ceilings/>

²⁸ REGULATION (EU) 2018/1999 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - of 11 December 2018 - on the Governance of the Energy Union and Climate Action

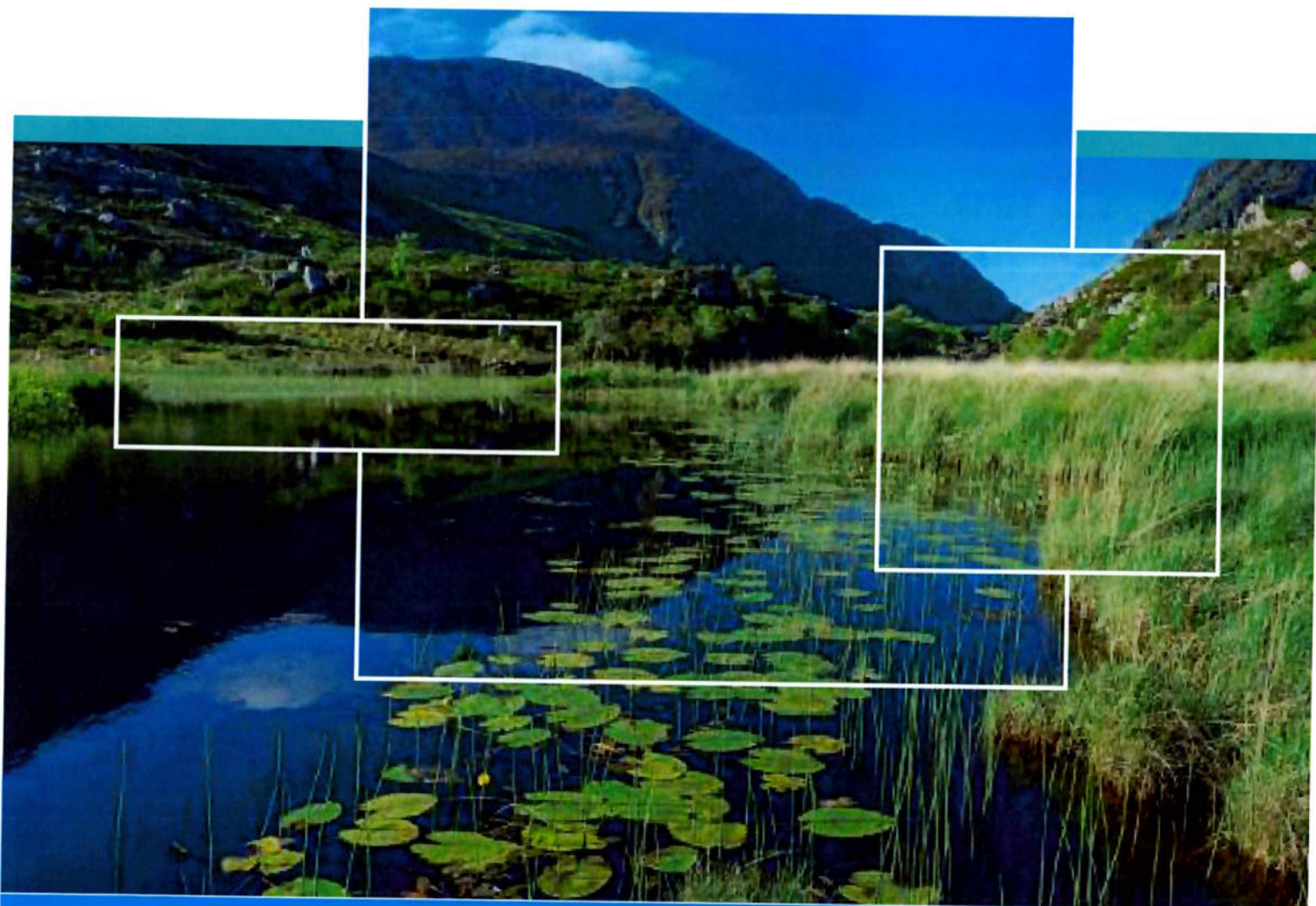
²⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%7BAC7D18B0841-20230511%7D>

Table 2: Assessment of Achievement of Sectoral Ceilings under the *With Additional Measures* Scenario

Sectors	Projected Emissions 2021-2025 (Mt CO ₂ eq)	Sectoral Ceiling 2021-2025 (Mt CO ₂ eq)	Projected Emissions 2026-2030 (Mt CO ₂ eq)	Sectoral Ceiling 2026-2030 (Mt CO ₂ eq)
Electricity	41	40	24	20
Transport	58	54	49	37
Buildings (Residential)	30	29	24	23
Buildings (Comm and Public)	7	7	5	5
Industry	37	30	30	24
Agriculture	113	106	100	96
Other*	9	9	8	8
LULUCF (no ceiling currently)	23		25	
Total with LULUCF**	314	295	267	200

* Waste, F-gases and Petroleum Refining

**National objective includes LULUCF



Guidelines on the information to be contained in Environmental Impact Assessment Reports

ENVIRONMENTAL PROTECTION AGENCY

The EPA is responsible for protecting and improving the environment as a valuable asset for the people of Ireland. We are committed to protecting people and the environment from the harmful effects of radiation and pollution.

The work of the EPA can be divided into three main areas:

Regulation: Implementing regulation and environmental compliance systems to deliver good environmental outcomes and target those who don't comply.

Knowledge: Providing high quality, targeted and timely environmental data, information and assessment to inform decision making.

Advocacy: Working with others to advocate for a clean, productive and well protected environment and for sustainable environmental practices.

Our responsibilities include:

Licensing

- Large-scale industrial, waste and petrol storage activities;
- Urban waste water discharges;
- The contained use and controlled release of Genetically Modified Organisms;
- Sources of ionising radiation;
- Greenhouse gas emissions from industry and aviation through the EU Emissions Trading Scheme.

National Environmental Enforcement

- Audit and inspection of EPA licensed facilities;
- Drive the implementation of best practice in regulated activities and facilities;
- Oversee local authority responsibilities for environmental protection;
- Regulate the quality of public drinking water and enforce urban waste water discharge authorisations;
- Assess and report on public and private drinking water quality;
- Coordinate a network of public service organisations to support action against environmental crime;
- Prosecute those who flout environmental law and damage the environment.

Waste Management and Chemicals in the Environment

- Implement and enforce waste regulations including national enforcement issues;
- Prepare and publish national waste statistics and the National Hazardous Waste Management Plan;
- Develop and implement the National Waste Prevention Programme;
- Implement and report on legislation on the control of chemicals in the environment.

Water Management

- Engage with national and regional governance and operational structures to implement the Water Framework Directive;
- Monitor, assess and report on the quality of rivers, lakes, transitional and coastal waters, bathing waters and groundwaters, and measurement of water levels and river flows.

Climate Science & Climate Change

- Publish Ireland's greenhouse gas emission inventories and projections;
- Provide the Secretariat to the Climate Change Advisory Council and support to the National Dialogue on Climate Action;
- Support National, EU and UN Climate Science and Policy development activities.

Environmental Monitoring & Assessment

- Design and implement national environmental monitoring systems: technology, data management, analysis and forecasting;
- Produce the State of Ireland's Environment and Indicator Reports;
- Monitor air quality and implement the EU Clean Air for Europe Directive, the Convention on Long Range Transboundary Air Pollution, and the National Emissions Ceiling Directive;
- Oversee the implementation of the Environmental Noise Directive;
- Assess the impact of proposed plans and programmes on the Irish environment.
- Environmental Research and Development
- Coordinate and fund national environmental research activity to identify pressures, inform policy and provide solutions;
- Collaborate with national and EU environmental research activity.

Radiological Protection

- Monitoring radiation levels and assess public exposure to ionising radiation and electromagnetic fields;
- Assist in developing national plans for emergencies arising from nuclear accidents;
- Monitor developments abroad relating to nuclear installations and radiological safety;
- Provide, or oversee the provision of, specialist radiation protection services.

Guidance, Awareness Raising, and Accessible Information

- Provide independent evidence-based reporting, advice and guidance to Government, industry and the public on environmental and radiological protection topics;
- Promote the link between health and wellbeing, the economy and a clean environment;
- Promote environmental awareness including supporting behaviours for resource efficiency and climate transition;
- Promote radon testing in homes and workplaces and encourage remediation where necessary.

Partnership and networking

- Work with international and national agencies, regional and local authorities, non-governmental organisations, representative bodies and government departments to deliver environmental and radiological protection, research coordination and science-based decision making.

Management and structure of the EPA

The EPA is managed by a full time Board, consisting of a Director General and five Directors. The work is carried out across five Offices:

- Office of Environmental Sustainability
- Office of Environmental Enforcement
- Office of Evidence and Assessment
- Office of Radiation Protection and Environmental Monitoring
- Office of Communications and Corporate Services

The EPA is assisted by advisory committees who meet regularly to discuss issues of concern and provide advice to the Board.



Guidelines

on the information to be contained in
Environmental Impact Assessment Reports

Published May 2022

ACKNOWLEDGEMENTS

The revision of the Guidelines was carried out by CAAS Ltd in close collaboration with a Working Group convened by the Environmental Protection Agency (EPA). This group was chaired by the Agency and comprised members of the following government departments, institutes and agencies: Department of Housing, Local Government and Heritage, Department of the Environment, Climate and Communications, An Bord Pleanála, Office of the Planning Regulator, Office of Public Works, National Parks & Wildlife Service, Northern and Western Regional Assembly, Irish Planning Institute and Local Authorities Planning/County and City Managers Association. This group met at key stages to discuss emerging issues, to offer comments and to give direction on revision of the Guidelines. The EPA wishes to express its appreciation to the members of the Working Group, and their contribution in the preparation of the Guidelines is gratefully acknowledged.

This report was prepared following a public consultation process. The EPA also acknowledges those who made submissions during the public consultation phase.

EPA personnel who provided photographs were: Ruth Little, Sorchá Ní Longphuirt and Marian Doyle. Other photographs were provided by: Brian Burke, Birdwatch Ireland.

© Environmental Protection Agency 2022

Although every effort has been made to ensure the accuracy of the material contained in this publication, complete accuracy cannot be guaranteed. Neither the Environmental Protection Agency nor the authors accept any responsibility whatsoever for loss or damage occasioned, or claimed to have been occasioned, in part or in full as a consequence of any person acting or refraining from acting, as a result of a matter contained in this publication. All or part of this publication may be reproduced without further permission, provided the source is acknowledged.

TABLE OF CONTENTS

1. INTRODUCTION	1
1.1 Introduction	1
1.2 The amended Directive	2
1.3 Legislation	2
1.4 The Purpose of the Guidelines	2
1.5 Structure of the Guidelines	4
2. CONTEXT AND GENERAL APPROACH	5
2.1 Introduction	5
2.2 What is an Environmental Impact Assessment Report?	6
2.3 Overview of the EIA Process	8
2.4 Fundamental Principles	12
2.4.1 Anticipating, Avoiding and Mitigating Significant Effects	12
2.4.2 Maintaining Objectivity	13
2.4.3 Ensuring Clarity and Quality	13
2.4.4 Providing Relevant Information to Decision Makers	13
2.4.5 Facilitating Better Consultation	13
2.5 Competency of Experts	14
2.6 Consultation	14
2.6.1 Transboundary Consultation	16
3. PREPARING AN EIAR	17
3.1 Introduction	17
3.2 Screening (Stage 1 of 7)	19
3.2.1 Introduction	19
3.2.2 Project Type	19
3.2.3 Thresholds	19
3.2.4 Consultation on Screening	22
3.3 Scoping (Stage 2 of 7)	23
3.3.1 Overview	23
3.3.2 Participants in Scoping	24
3.3.3 Consultation by Developer about Scoping	24
3.3.4 Key Scoping Criteria	25
3.3.5 Consideration of Other Assessments	25
3.3.6 Selection of Headings Under Which to Arrange Issues	26
3.3.7 Ongoing Scoping	32
3.3.8 Design Review	32
3.4 Consideration of Alternatives (Stage 3 of 7)	33
3.4.1 Overview	33
3.4.2 'Do-Nothing' Alternative	35
3.4.3 Alternative Locations	35
3.4.4 Alternative Layouts	35
3.4.5 Alternative Designs	35
3.4.6 Alternative Processes	35
3.4.7 Alternative Mitigation Measures	35
3.4.8 Consultation about Consideration of Alternatives	36

3.5 Describing the Proposed Project (Stage 4 of 7)	36
3.5.1 Introduction	36
3.5.2 Characteristics of the Project	37
3.5.3 Description of Construction	38
3.5.4 Description of Commissioning	38
3.5.5 The Operation of the Project	38
3.5.6 Changes to the Project	38
3.5.7 Description of Other Related Projects	40
3.5.8 Level of Detail in Project Description	41
3.6 Describing the Baseline (Stage 5 of 7)	43
3.6.1 Overview	43
3.6.2 Methodology	44
3.6.3 Grouping of Baseline Information	46
3.6.4 Range and Level of Detail of Baseline Information	46
3.7 Assessment of Effects (Stage 6 of 7)	47
3.7.1 Introduction	47
3.7.2 Documenting the Process	48
3.7.3 Descriptions of Effects	48
3.7.4 Criteria for Assessment of Effects	54
3.7.5 Assessment Methods	55
3.7.6 Interactions Between Effects on Different Factors	56
3.8 Mitigation & Monitoring (Stage 7 of 7)	58
3.8.1 Mitigation (& Offsetting)	58
3.8.2 Monitoring	61
3.8.3 Consultation about Predicted Effects, Mitigation & Monitoring Measures	61
3.8.4 Clarity of Mitigation & Monitoring Measures	61
3.9 Residual Effects and Conclusions	62
3.9.1 Residual Effects	62
3.9.2 Conclusions	62
3.10 Document Review	62
4. PRESENTING THE INFORMATION IN AN EIAR	64
4.1 Content	64
4.2 Structure	65
4.3 Language, Terms & Editorial Notes	65
4.4 Appendices	66
4.5 Size	66
4.6 Non-Technical Summary	67
4.7 Presentation / Media	68
5. NEXT STEPS IN THE EIA PROCESS	69
5.1 Scrutiny & Consent	69
5.2 Monitoring & Enforcement	70

APPENDIX I – GLOSSARY OF TERMS	72
APPENDIX II – ANNEX IV OF DIRECTIVE 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 16 APRIL 2014 AMENDING DIRECTIVE 2011/92/EU ON THE ASSESSMENT OF THE EFFECTS OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT.	78

LIST OF FIGURES AND TABLES

Figure 2.1	The Position of an EIAR within the EIA Process	10
Figure 2.2	EIA Process Flow Chart	11
Figure 3.1	EIAR Contents in Sequence	18
Figure 3.2	Screening	21
Figure 3.3	Consideration of Alternatives in an EIAR	34
Figure 3.4	Chart Showing Typical Classifications of the Significance of Effects	53
Figure 3.5	Sample Matrix to show Interactions between Factors	57
Figure 3.6	Strategies for Identification of Appropriate Mitigation or Offsetting Measures Leading to a Decision to Proceed with the Project	60
Figure 5.1	Monitoring, Mitigation and Enforcement	71
Table 3.1	Sample organisation of headings and topics to address issues arising for each prescribed environmental factor	27
Table 3.2	Baseline Scenarios	44
Table 3.3	Typical Standards of Descriptions of Baseline Data for use in an EIAR	45
Table 3.4	Descriptions of Effects	50
Table 3.5	Checklist for Information Required to Describe Effects	55

External hyperlinks are shown with a blue rule below. Internal links have a yellow rule below.

1. INTRODUCTION

1.1 INTRODUCTION

The Environmental Protection Agency is required by the EPA Act 1992, as amended¹, under which it was established, to:

'prepare guidelines on information to be contained in environmental impact assessment reports.'

The Act goes on to state that:

'Regard shall be had, in the preparation of an environmental impact assessment report in respect of development to which this section applies' to these Guidelines and

'A competent authority to which an environmental impact assessment report is submitted in respect of development to which this section applies shall, in considering the said statement, have regard' to these Guidelines.

For clarity, these Guidelines apply to the preparation of all Environmental Impact Assessment Reports undertaken in the State, not just the regimes for which the EPA is a competent authority. Since the first *Draft Guidelines on the information to be contained in Environmental Impact Statements* were produced in 1995², Environmental Impact Assessment (EIA) has come to play a central role in decision-making. It features heavily at oral hearings before An Bord Pleanála and has had a high rate of appearance in European Court of Justice proceedings, while an increasing number of judicial reviews³ seek to contest the adequacy of the EIA process for projects. EIA has become more prominent in relation to other consent processes such as Forestry, Agriculture and EPA related regimes (Waste, Integrated Pollution Control, Industrial Emissions and Waste Water Licensing). This background points to the importance of having authoritative and agreed guidelines for the information that should be available to those involved in EIA across all the various consent systems.

Furthermore, there are increased social and legal⁴ emphases on the need for meaningful public participation in decisions relating to environmental issues. In this context, it is more important than ever to ensure that information is available in a format that is clear, concise and accessible to the greatest number of people – and certainly to a wider audience than the professional experts and officials who are involved in EIA.

The Guidelines were made available in draft format following the transposition deadline of 16 May 2017 set down in *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (EIA Directive)*. The Guidelines have been updated following the introduction of transposing legislation and are now formally adopted and published by the Environmental Protection Agency.

1 Section 72 of Environmental Protection Agency Act, 1992 (as amended).

2 The first Guidelines were produced (as draft) in 1995. They were updated and published in 2002.

3 Public decisions made by administrative bodies and the lower courts may be judicially reviewed by the High Court. In a judicial review the court is not concerned with the merits of the decision but rather with the lawfulness of the decision-making process, that is, how the decision was made and the fairness of it. (See www.citizensinformation.ie for more information.)

4 ref. Aarhus Convention (The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters), made at Aarhus, Denmark, 25 June 1998.

Comprehensive lists of all relevant legislation, case law, etc., are avoided as they may become quickly outdated. Instead key examples are referred to, where particularly significant. Knowledge, understanding and application of all aspects of EIA are subject to emerging case law in the national and European courts. The case law reflected in these Guidelines is not exhaustive, and any subsequent case law or legislation should be considered.

The preparation of these updated Guidelines⁵ has involved extensive consultation. Participants in this consultation included government departments, national agencies, regional and local government, independent statutory bodies, non-governmental organisations, members of the public, developers and bodies representing various professional, industrial and sectoral groups.

Where these Guidelines refer to the 'amended Directive' this means the codified Directive 2011/92/EU as amended by Directive 2014/52/EU (EIA Directive). An *informal consolidated version* of 2011/92/EU as amended by 2014/52/EU is provided by the Commission. This is a useful reference document; however, it does not have legal standing.

1.2 THE AMENDED DIRECTIVE

The amended Directive uses the term Environmental Impact Assessment Report for what was formerly referred to in Irish legislation as an Environmental Impact Statement. These Guidelines use the new term and its initialism, EIAR.

The changes introduced by Directive 2014/52/EU are fully described in the Directive. Compliance with the amended Directive requires nothing less than was previously required.

1.3 LEGISLATION

The amended Directive has been transposed into the relevant domestic statutory provisions.

All domestic legislation is available at irishstatutebook.ie.

These Guidelines generally refer to the amended Directive rather than the domestic legislation, as this sets the fundamental framework which must be complied with by each Member State.

1.4 THE PURPOSE OF THE GUIDELINES

The Guidelines have been drafted with the primary objective of improving the quality of EIARs with a view to facilitating compliance (with the Directive). By doing so they contribute to a high level of protection for the environment through better informed decision-making processes. They are written with a focus on the obligations of developers⁶ who are preparing EIARs.

⁵ For the remainder of this document, the term 'the Guidelines' is used as an abbreviation of the full title of the 'Guidelines on the information to be contained in Environmental Impact Assessment Reports'.

⁶ "Developer" means the applicant for authorisation for a private project or the public authority which initiates a project (Article 1 of amended Directive).

This includes EIARs for all types of projects⁷ covered by the Directive. The Guidelines are also intended to provide all parties in the EIA process, including competent authorities (CAs), with an authoritative reference to be regarded when considering an EIAR.

The CA is the authority charged with examining an EIAR with a view to issuing a consent and includes the Minister, public or statutory body or public authority to which the EIAR is required to be submitted.

The Guidelines emphasise the importance of the methods used in the preparation of an EIAR to ensure that the information presented is adequate and relevant.



⁷ ref. [section 2.1](#) Introduction.

'Data and information included by the developer in the environmental impact assessment report, in accordance with Annex IV to Directive 2011/92/EU, should be complete and of sufficiently high quality'.

**Recital (32) of
Directive
2014/52/EU**

The Guidelines will assist all parties who contribute to deciding what the focus of the EIAR should be. This should improve clarity on the adequacy of concise EIARs that concentrate on the likely significant effects. In turn, this should also help to reduce the time, effort and expense required to prepare and evaluate EIARs. More importantly it should make the overall process clearer and easier to understand and should make it easier for the public to participate.

Having regard to the Guidelines will result in better environmental protection by ensuring that the EIA process identifies effects early and accurately. This will better inform the decision-making processes. It will also help to ensure that projects fit better with their physical, biological and human surroundings. This, in turn, contributes to improved protection of the environment, which is the objective of the EIA Directive.

These Guidelines are separate to the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*⁸ which relate to the responsibilities of planning authorities and An Bord Pleanála as Competent Authorities in carrying out their environmental impact assessments.

European Commission guidance documents on the Environmental Impact Assessment of Projects (Guidance on Screening, Scoping, and the preparation of the EIAR) are available on the Commission website⁹.

It should be noted that it is the responsibility of the developer or their agent(s) to have up-to-date knowledge of the case law and legislation that is applicable to their proposal.

1.5 STRUCTURE OF THE GUIDELINES

This document – the *Guidelines on the information to be contained in Environmental Impact Assessment Reports* – concentrates on the principles and associated practice of preparing EIARs. It is a statutory document that should be regarded by developers, practitioners and CAs – as set out in section 1.1 above.

Following this Introduction, the document is organised into three parts to provide guidance on:

1. The role of EIARs in the EIA process and fundamental considerations in the preparation of an EIAR, including consideration of alternatives, avoidance of significant adverse effects, mitigation and monitoring, provision of relevant information, public participation and objectivity.
2. The key activities involved in the preparation of an EIAR, namely screening, scoping, consultation, consideration of alternatives, establishing the baseline, assessment of effects, mitigation of significant adverse effects and assessing residual effects.
3. Guidance on the presentation of information.

This document contains links to specific legal and other relevant information that is available elsewhere.

⁸ Department of Housing, Planning and Local Government, 2018.

⁹ <https://op.europa.eu/en/publication-detail/-/publication/2b399830-cb4b-11e7-a5d5-01aa75ed71a1>

The information provided in the *Advice Notes for preparing Environmental Impact Assessment Reports*¹⁰ provides greater detail by way of practical guidance on individual environmental factors and on the likely ranges of effects caused by different project types. The Advice Notes is a non-statutory document which goes beyond the requirements of the EPA Act. The provision of Section 72(3)(b) of the EPA Act does not apply to the Advice Notes.

2. CONTEXT AND GENERAL APPROACH

2.1 INTRODUCTION

Before commencing it is important to clarify two terms. EIA stands for the *process* of Environmental Impact Assessment. The Environmental Impact Assessment Report (EIAR) is the principal *document* that the EIA process is based on. These two terms are described below, separately and in detail.

While these Guidelines follow the amended Directive by using the term Environmental Impact Assessment Report (EIAR), the term Environmental Impact Statement (EIS) may continue to appear in other guidelines and related documents until such time as those documents are updated.

As stated in section 1, the primary purpose of the Guidelines is to set out what information needs to be contained in an EIAR as well as the methods used in preparing it. However, as EIARs are integral to the EIA process, it is important for those preparing these reports to be familiar with the process. This helps all involved to understand where the information presented in an EIAR comes from, why it is included and what the purpose of the EIAR is.

It is important to note that details of processes, roles, titles and terminology vary under different pieces of legislation. For the purposes of the Guidelines, the term 'project' is used to encompass all of the various forms of development, works and activity¹¹ which are subject to EIA requirements, as set out in the relevant legislation and as understood by the Directive.

The Guidelines advise on general principles and methods only. All parties to the EIA need to take responsibility for being aware of requirements of the legislation pursuant to which the EIAR is being prepared.

This section gives an overview of the EIA process and explains the role that an EIAR plays in it.

¹⁰ Available on the EPA website www.epa.ie

¹¹ 'Activity' means any process, development or operation specified in the First Schedule and carried out in an installation, Environmental Protection Agency Act 1992, as amended.

2.2 WHAT IS AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT?

An EIAR is defined in the Planning and Development Act¹² as:

'a report of the effects, if any, which proposed development, if carried out, would have on the environment and shall include the information specified in Annex IV of the Environmental Impact Assessment Directive'

The EIAR is prepared by the developer¹³ and is submitted to a CA as part of a consent process. The CA uses the information provided to assess the environmental effects of the project and, in the context of other considerations, to help determine if consent should be granted. The information in the EIAR is also used by other parties to understand the significant effects of the project and its effects and to inform their submissions to the CA.

The EIAR presents the results of a systematic analysis and assessment of the significant effects of a proposed project on the receiving environment. The amended EIA Directive prescribes a range of environmental factors which are used to organise descriptions of the environment and these factors must be addressed in the EIAR. These are listed below. The EIAR should be prepared at a stage in the design process when changes can still be made to avoid significant adverse effects. This often results in the modification of the project to avoid or reduce effects through redesign.

Article 3(1) of amended Directive

'The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:

- a) population and human health;
- b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- c) land, soil, water, air and climate;
- d) material assets, cultural heritage and the landscape;
- e) the interaction between the factors referred to in points (a) to (d).'

¹² Planning and Development Act 2000, (as amended).

¹³ In these Guidelines, the person or organisation proposing to carry out a project is generally referred to as the 'developer'. This is consistent with the terminology of the Directive. In the Planning Act the equivalent term is the 'applicant'.

The Directive describes what an EIAR is to contain, as follows:

'The information to be provided by the developer shall include at least:

- a) a description of the project comprising information on the site, design, size and other relevant features of the project;
- b) a description of the likely significant effects of the project on the environment;
- c) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
- e) a non-technical summary of the information referred to in points (a) to (d); and
- f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.

Where an opinion is issued pursuant to paragraph 2, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The developer shall, with a view to avoiding duplication of assessments, take into account the available results of other relevant assessments under Union or national legislation, in preparing the environmental impact assessment report.'

**Article 5(1) of
amended Directive**

Clear, concise, unambiguous information is essential throughout an EIAR. A systematic approach, standard descriptive methods and the use of replicable assessment techniques and standardised effect descriptions contribute to ensuring that all likely significant effects are adequately considered and clearly communicated.

2.3 OVERVIEW OF THE EIA PROCESS

EIA is a process for anticipating and predicting the effects on the environment caused by a project. It is defined in the amended Directive as follows:

Article 1(2)(g) of amended Directive

'Environmental impact assessment means a process consisting of:

- i) the preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);
- ii) the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;
- iii) the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;
- iv) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and
- v) the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a.'

EIA contributes to the environmental basis for the decision-making process. It is integrated into consent processes. This helps to ensure that the environmental consequences of the project are understood before a consent decision is reached.

Figures 2.1 and 2.2 illustrate how EIA is a systematic analysis of the proposed project in relation to the existing environment during a consent process.

EIA screening is usually carried out at the project design stage where it is decided whether EIA is required or not. If EIA is required, then the scope of the EIAR is established (scoping), after which the EIAR is prepared as part of the consent application.

Where significant effects are identified during the preparation of the EIAR, it may be possible for these to be avoided or reduced during consideration of alternatives and the design process. The analysis of effects can also contribute to environmental protection by identifying mitigation measures such as process improvements, for example.

After the developer applies for consent, the CA examines the EIAR, circulating it to statutory consultees¹⁴ while also making it available to the public. In addition to its own consideration of the information presented in the EIAR, the CA takes account of other environmental information submitted by the developer, certain authorities and the public during the formal consent process¹⁵.

The CA then makes its decision to refuse or grant permission or to seek additional information, having regard to the information contained in the EIAR, among other considerations. The consent includes:

'any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment as well as, where appropriate, monitoring measures.'

Article 8a(1)(b) of amended Directive

Significant adverse effects identified in the EIAR can also be used as reasons for a decision to refuse consent.

The consent decision is a key milestone which generally marks the end of the formal EIA process. The implementation of mitigation measures and any monitoring measures contained in the EIAR and consent decision continues after the formal EIA process is complete. This can happen during the construction, operation and, where relevant, the decommissioning stages of a project.

'Member States should ensure that mitigation and compensation measures are implemented, and that appropriate procedures are determined regarding the monitoring of significant adverse effects on the environment resulting from the construction and operation of a project, inter alia, to identify unforeseen significant adverse effects, in order to be able to undertake appropriate remedial action. Such monitoring should not duplicate or add to monitoring required pursuant to Union legislation other than this Directive and to national legislation.'

Recital (35) of Directive 2014/52/EU

¹⁴ Bodies specified in the applicable legislation, e.g. Article 28 of the Planning and Development Regulations, 2001 (as amended).

¹⁵ ref section 5 of *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Housing, Planning and Local Government, 2018.

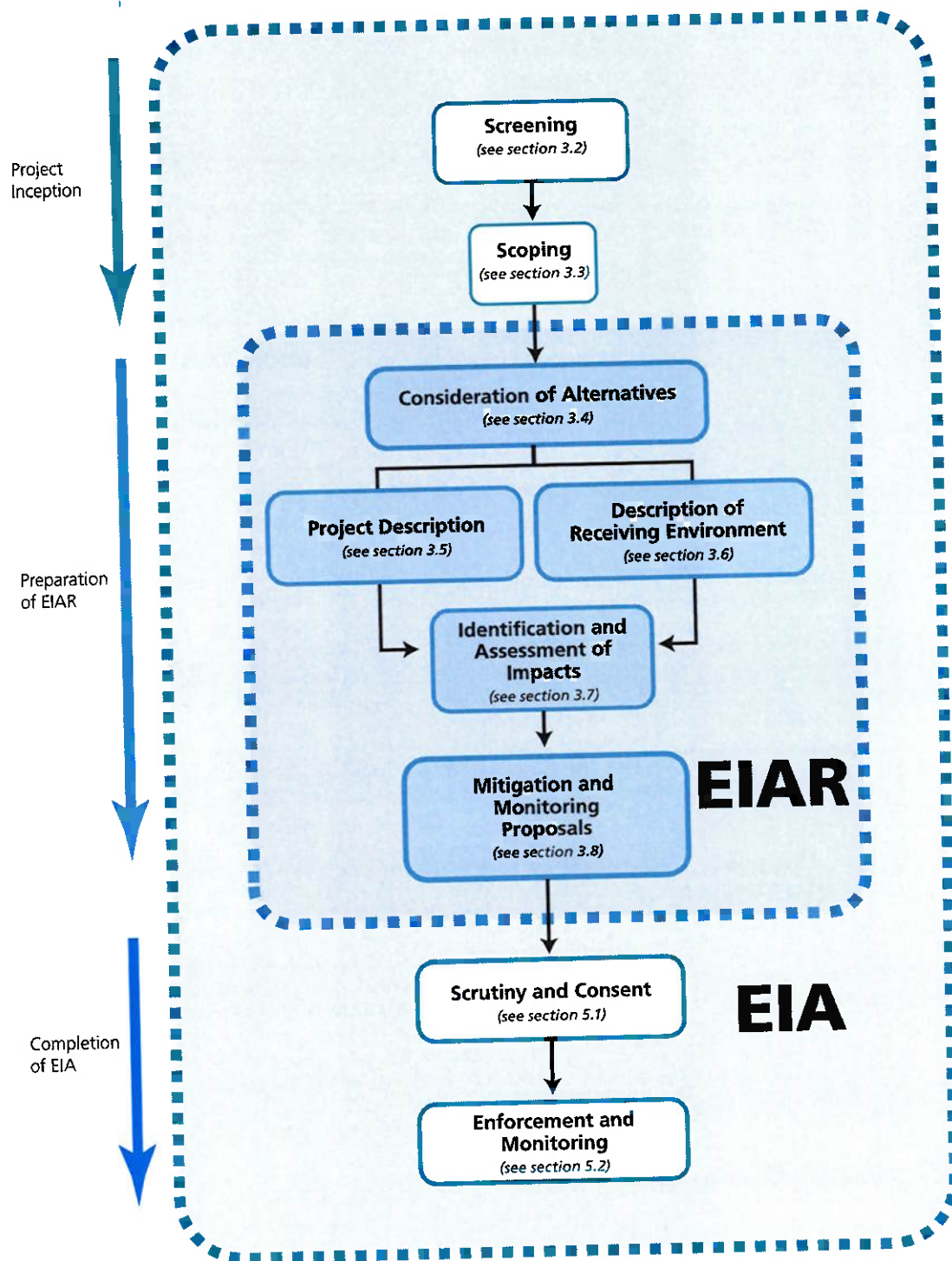


Figure 2.1 The Position of an EIAR within the EIA Process

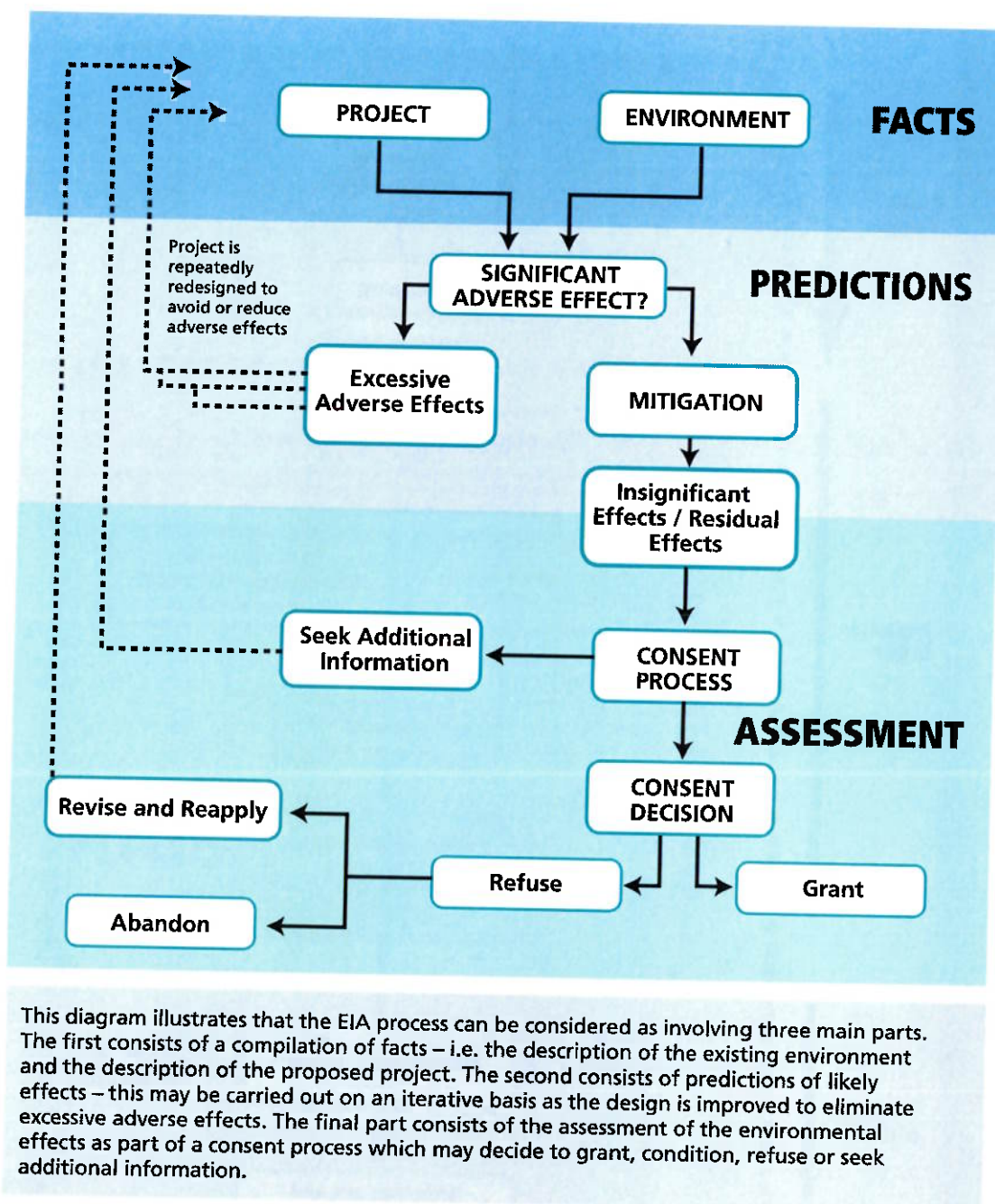


Figure 2.2 EIA Process Flow Chart

2.4 FUNDAMENTAL PRINCIPLES

EIA provides a system of sharing information about the environment which enables effects to be foreseen and prevented during the design and consent stages. This provides the basis for protecting the environment and informs decision-making.

The fundamental principles to be followed when preparing an EIAR are:

- ▲ Anticipating, predicting, avoiding and reducing significant effects
- ▲ Assessing and mitigating effects
- ▲ Maintaining objectivity
- ▲ Ensuring clarity and quality
- ▲ Providing relevant information to decision makers
- ▲ Facilitating better consultation.

2.4.1 ANTICIPATING, AVOIDING AND MITIGATING SIGNIFICANT EFFECTS

Throughout the EIA process, anticipation of effects is the most effective means of avoiding significant adverse effects. Anticipation works best when applied in the earliest stages of a project. This involves forming preliminary opinions, usually in the absence of complete data on the approximate magnitude, character, duration and significance of the likely effects.

Relevant experience and expertise are particularly helpful for early anticipation of effects. The use of relevant guidance material, such as the material provided in these Guidelines and in the accompanying Advice Notes, can also be helpful for this early anticipation of effects.

Then, once effects are anticipated, potential ways to avoid them are explored. Preliminary opinions are shared as early as possible with the developer and the design team to help them to modify proposals so that significant adverse effects are avoided or minimised.

Effect avoidance is principally achieved by consideration of alternatives¹⁶. Where significant adverse effects are identified then alternative options are identified and evaluated. The objective is to adopt the combination of options that presents the best balance between avoidance of significant adverse environmental effects and achievement of the objectives that drive the project.

Alternatives may be identified at many levels and stages during the evolution of a project, from project concepts and site locations, through site layouts, technologies or operational plans and on to mitigation and any monitoring measures. Alternatives that are available for consideration at the earlier stages in the evolution of a project often represent the greatest potential for avoidance of significant adverse effects.

At its most effective, avoidance of effects can lead to an EIAR which predicts 'no significant adverse effects'. To avoid misinterpretation of this statement it is very important for the EIAR to provide transparent and objective evidence of the evaluation and iterative decision-making processes which led to the adoption or selection of the chosen option.

Assessment during the project design¹⁷ typically involves a process of repeated steps, each involving design and re-design to try to get the best fit with a wide range of environmental factors. Each stage of the conception of the project is assessed, with questions such as 'is this the best site/route?', 'is this the best way to build this?' or 'is this the appropriate technology?' asked from the beginning until the design is completed. These stages will usually need to take account of a range of environmental issues, asking questions such as 'is this effect on this receptor significant or not?'.

¹⁶ ref. section 3.4 Consideration of Alternatives.

¹⁷ In this context, design refers to assessment by the developer rather than by the CA.

An effective way of achieving this is to maintain a dialogue between designers and competent experts throughout the design process with the designers adjusting the design in response to assessment by the specialists. The EIAR, particularly in the section describing the consideration of alternatives, records the key outcomes of these explorations.

2.4.2 MAINTAINING OBJECTIVITY

Objectivity has two key components. The first is derived from the rigour of the assessment and analysis. This ensures that replicable work based on high-quality scientific information is carried out using recognised methods that are presented in a fully transparent manner. The second is to ensure that credibility of the EIAR is not undermined by any perception of bias or subjectivity in assessments by experts lacking appropriate competency, objectivity or independence.

2.4.3 ENSURING CLARITY AND QUALITY

Clear, concise, unambiguous communication is essential throughout an EIAR. A systematic approach, standard descriptive methods and the use of replicable assessment techniques and standardised effect descriptions must be adopted to ensure that all likely significant effects are adequately considered and clearly communicated.

Adherence to the process, structure and content set out in the Directive ensures a systematic approach that is transparently supported by evidence supplied by competent experts throughout. The structure of clearly separating data (descriptions of the receiving environment and of the project) from predictions (effects) and mitigation measures facilitates the CA in their assessment of the likely conformity of effects with accepted standards and objectives.

2.4.4 PROVIDING RELEVANT INFORMATION TO DECISION MAKERS

An EIAR is prepared before a consent decision is made. This enables the CA to reach a decision in the full knowledge of the project's likely significant effects on the environment, if any. Information should be relevant, complete and legally compliant. It should also be appropriate to the requirements of the consent procedure and the scale of the project. The information should be systematically presented and assessed.

2.4.5 FACILITATING BETTER CONSULTATION

Good practice in preparing EIARs involves clear and focused consultation with various parties at key stages in the assessment process.

Compliance with the Aarhus Convention requires that the structure, presentation and the non-technical summary of the EIAR, as well as the arrangements for public access, all facilitate the dissemination of the information contained in the EIAR. The core objective of public consultation is to ensure that the public is made as fully aware as possible of the likely environmental impacts of projects prior to a decision being made by the CA.

Consultation is discussed in more detail in [section 2.6](#).

2.5 COMPETENCY OF EXPERTS

The Directive requires that:

**Article 5(3)(a) of
amended Directive**

'the developer shall ensure that the environmental impact assessment report is prepared by competent experts;'

It does not offer a definition of what would be considered competent expertise. The requirement for expertise on behalf of the developer and the CA is related to the significance, complexity and range of effects that an EIAR needs to assess. This will be reflected by an appropriate combination of experience, expertise and knowledge. It should be characterised by an appropriate knowledge of the latest and most appropriate scientific methodology and assessment procedures and by correct interpretation of data.

Competence includes an understanding of the legal context of the decision-making process and may often require a range of experts to cover the full range of the complexity of an environmental factor such as biodiversity, where the expertise of many disciplines may intersect.

**Recital (33) of
Directive
2014/52/EU**

'Experts involved in the preparation of environmental impact assessment reports 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.'

In relation to planning, further guidance on competency is provided in the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*¹⁸.

The introduction to the EIAR should include a list of the experts who have contributed to an EIAR, showing which parts of the EIAR they have worked on, their qualifications, experience and any other relevant credentials¹⁹. This facilitates an assessment of the competency in the team that prepared the EIAR.

2.6 CONSULTATION

Consultation is a key element of each stage of the EIA process. The requirement for consultation is included in the definition of EIA in the Directive²⁰ and there are procedures for statutory consultation at various stages in the EIA process. These are detailed in the relevant transposing legislation.

While it is generally best to commence pre-application consultation as early as possible, it is not obligatory during the preparation of an EIAR. The extent to which it is carried out is decided by the developer and their team on a case by case basis.

¹⁸ Section 4.8 to 4.11, Department of Housing, Planning and Local Government, 2018.

¹⁹ In relation to planning, this information is prescribed in Article 94 of the Planning and Development Regulations, 2001 (as amended).

²⁰ Article 1(2)(g)(ii) of amended Directive ([section 2.3](#) Overview of the EIA Process, above, refers).

The benefits of early consultation²¹ include:

- ▲ Early identification and therefore more focused consideration of significant effects, a more focused EIAR, and a more focused scoping process.
- ▲ Reduction in consultees' time and/or input required later in the process.
- ▲ Early indication of the need for detailed survey work, especially relating to data that is required over several seasons.
- ▲ Early indication of the information required to assess the application in a manner that is proportionate and appropriate in defining the likely significant effects on the environment.
- ▲ It allows for early understanding of the potential concerns of the consultees, and encourages greater understanding of the project and the preparation of the EIAR by the consultees and decision maker
- ▲ It allows for the identification of opportunities to incorporate mitigation measures into the design of the proposal.

Most consultation carried out for the preparation of the EIAR takes place with the CA, other authorities²², specialist agencies and those parties that are most likely to be directly affected. Consultation by a developer with the local population can be helpful in identifying potentially significant concerns and issues. Consultation by a developer with the wider public during preparation of an EIAR tends to be used where the affected population may be very large, and/or difficult to identify. To be of value, such consultation needs to be allocated sufficient time and be expertly structured and managed to ensure clarity and consistency. The *non-technical summary* of an EIAR can be an effective tool in explaining the content of the EIAR to the wider public and facilitating their involvement in the statutory consultation during the consent determination stage.

It is important to distinguish between EIA related consultation – which gathers information – and the exercise of canvassing for project support, which often precedes or accompanies applications for permission. Where a proposer carries out the latter type, they should keep it clearly separate from consultation for the EIAR, which should maintain an objective and factual approach.

During the statutory consent determination process, the CA is obliged to consult with certain authorities. Consultation by a developer with these authorities (if they offer such a service) before formal submission for consent helps the developer to pre-empt issues which may be raised at this stage and to address them beforehand²³.

The key stages at which consultation regarding the information to be contained in an EIAR may be carried out are detailed in section 3.

21 Adapted from *A handbook on environmental impact assessment Guidance for Competent Authorities, Consultees and others involved in the Environmental Impact Assessment Process in Scotland*, Scottish Natural Heritage, 5th Edition, 2018.

22 Bodies specified in the applicable legislation, e.g. Article 28 of the Planning and Development Regulations, 2001 (as amended).

23 See [section 3.3.3](#) Consultation by Developer about Scoping.

2.6.1 TRANSBOUNDARY CONSULTATION

Article 7(4) of amended Directive

'The Member States concerned shall enter into consultations regarding, inter alia, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time- frame for the duration of the consultation period. Such consultations may be conducted through an appropriate joint body.'

The Espoo (EIA) Convention²⁴ lays down the general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries. This convention is not limited to EU Member States and includes Great Britain and Northern Ireland.

In the case of an EIAR for any project that is likely to cause significant transboundary effects, contact with the relevant authorities in the UK (including Northern Ireland) or other States should be made. This may be discussed between the developer and the CA during pre-application consultation. Contact between the authorities will establish a consultation framework to consider and address these effects.



²⁴ *Convention on Environmental Impact Assessment in a Transboundary Context*, United Nations Economic Commission for Europe, 1991 (as amended), 2017.

3. PREPARING AN EIAR

3.1 INTRODUCTION

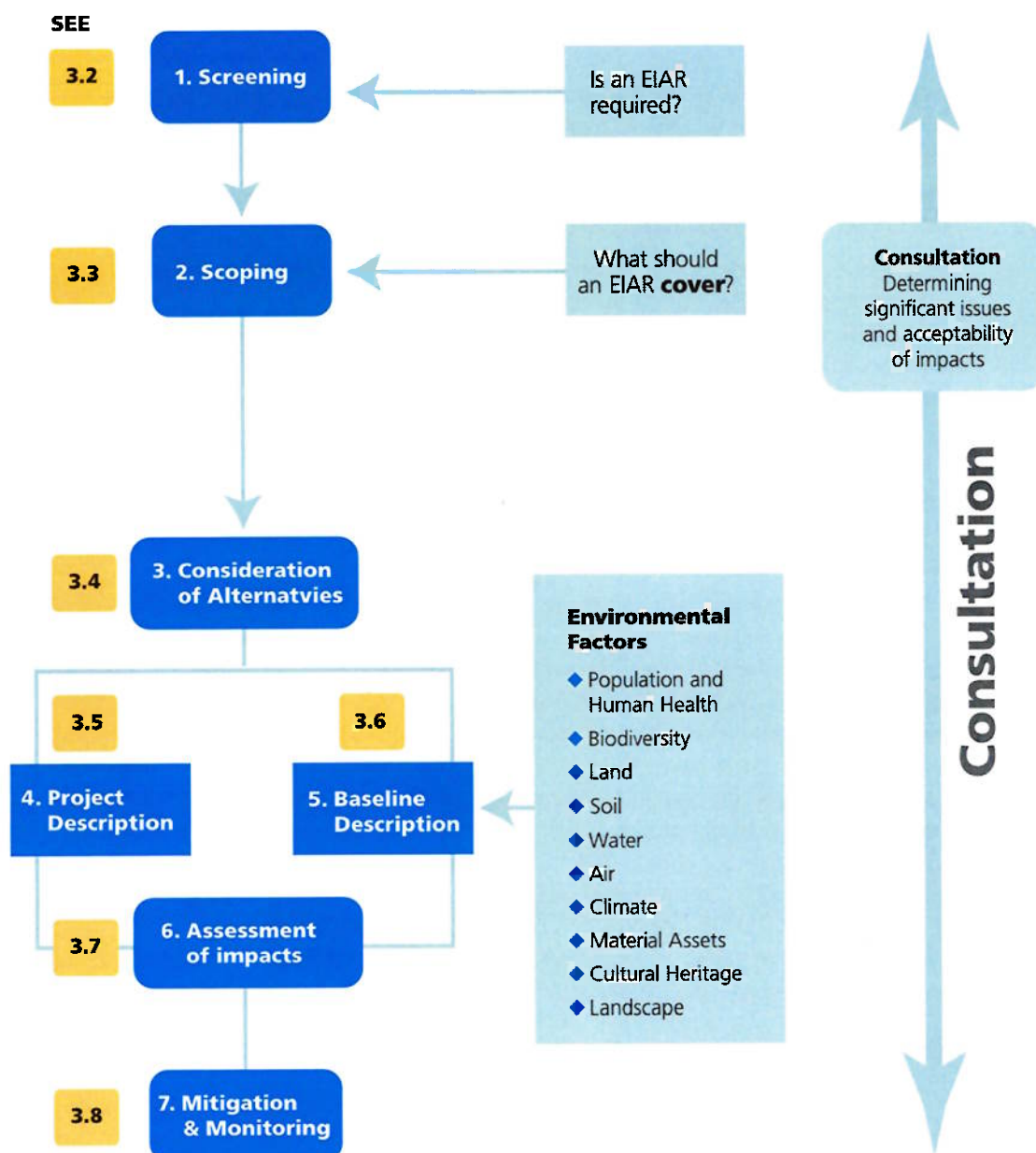
This section provides guidance on how to carry out each of the stages of work that are required to prepare an EIAR that complies with the relevant legislation²⁵.

The schematic (Figure 3.1) details the steps involved in the preparation of an EIAR. The steps are largely sequential, but not necessarily consecutive and some elements may be carried out throughout.

The first step, *screening*, is to establish if an EIA is required or not. Screening is discussed in the next section.



25 [Section 1.3](#) Legislation.



The information that must be included in an EIA is shown as seven steps in sequence in the diagram above. The environment is described under a number of specific headings that are shown on the right. Adherence to this general sequence and structure helps ensure an objective and systematic approach.

Figure 3.1 EIA Contents in Sequence

3.2 SCREENING (STAGE 1 OF 7)

3.2.1 INTRODUCTION

Screening involves deciding whether an EIA needs to be undertaken or not. At the outset, it needs to be determined whether the proposal is a *project* as understood by these Guidelines. For the purposes of the Guidelines, the term project is used to encompass all of the various forms of development, works and activity which are subject to EIA requirements, as set out in the relevant legislation and as understood by the Directive²⁶.

The decision-making process then proceeds by examining the relevant legislation which transposes Annexes I and II of the Directive. If this does not provide a clear screening outcome then the nature and extent of the project, site and the types of potential effects are examined. The totality of the project is considered²⁷, including off-site and secondary projects as well as indirect, secondary and cumulative impacts²⁸.

Figure 3.2 provides a step-by-step guide to the main steps involved in screening.

European Commission guidance on EIA screening is available on the Commission website²⁹.

3.2.2 PROJECT TYPE

The first step is to examine whether the proposal is a *project* as understood by the Directive. Projects requiring environmental impact assessment are defined in Article 4, and set out in Annexes I and II, of the Directive³⁰. If a proposed project is not of a type covered by the Directive, there is no statutory requirement for it to be subject to environmental impact assessment. However, this is a complex issue and regard should be had to the Directive's 'wide scope and broad purpose'³¹. In determining if the proposed project is of a type covered by the Directive it may be necessary to go beyond the general description of the project and to consider the component parts of the project and/or any processes arising from it. If any such parts or processes are significant and, in their own right, fall within a project type covered by the Directive, the proposed project as a whole may fall within the requirements of the Directive. The Commission document *Interpretation of definitions of project categories of annex I and II of the EIA Directive* provides useful guidance on project interpretation. Where doubt remains, consultation with the CA may be useful³².

3.2.3 THRESHOLDS

The next screening step is to determine whether the project exceeds a specific threshold. Thresholds are set out in the relevant legislation³⁰. The only types of projects to which thresholds do not apply are those that are considered to always be likely to have significant effects; Integrated works for the initial smelting of cast iron and steel, for example.

Where a project is of a specified type but does not meet, or exceed the applicable threshold then the likelihood of the project having significant effects on the environment needs to be considered. Both the adverse and beneficial effects are considered³³. This is done by reference to the criteria specified in Annex III of the amended Directive.

26 ref. Article 1(2)(a) of Amended Directive.

27 ref. [section 3.5 Describing the Proposed Project \(Stage 4 of 7\)](#)

28 ref. [Indirect, Secondary and/or Cumulative Impacts](#)

29 [Guidance on EIA Screening](#), European Commission, 2017.

30 Including but not limited to those projects specified in [Schedule 5 of the Planning and Development Regulations, 2001](#) as amended.

31 [Interpretations of definitions of project categories of annex I and II of the EIA Directive](#), EC, 2015.

32 ref. [section 3.2.4 Consultation on Screening](#).

33 Except in the case of project type 13(a) as listed in Annex II of the amended Directive. This covers project changes and extensions and requires EIA only where adverse effects are predicted.

**Recital (27) of
Directive
2014/52/EU**

The CA is also obliged to screen applications for consent for sub-threshold projects by reference to these criteria. Detailed guidance on this is given in the guidance for CAs regarding sub-threshold development³⁴. While that guidance is intended for consent authorities³⁵, the same considerations are relevant to developers or any parties involved in the EIA process.

'The screening procedure should ensure that an environmental impact assessment is only required for projects likely to have significant effects on the environment.'

The project needs to be considered in its entirety for screening purposes. This means that other related projects need to be identified and assessed at an appropriate level of detail. This will identify the likely significance of cumulative and indirect impacts, thus providing the CA with a context for their determination.

Dividing the project into separate parts so that each part is below an applicable threshold needs to be avoided. This is project-splitting and is not compliant with the Directive. (Ref. summary of C-142/07 below.)

Off-site or secondary projects also need to be considered at the screening stage. These are discussed in section 3.5.7, including reference to case law.

Applications for changes to or extensions of relevant projects should also be screened with regard to specified thresholds³⁶.

CASE LAW

In Case C-142/07 *Ecologistas en Acción-CODA v Ayuntamiento de Madrid* (2008), the Court of Justice of the European Union (CJEU) held that by splitting most of the the project into sections that were less than 5 km (the threshold above which national legislation required EIA), there was a failure to consider cumulative and indirect impacts of the project.

The judgment in this case stated 'The objective of the EIA Directive cannot be circumvented by the splitting of projects. Where several projects, taken together, may have significant effects on the environment within the meaning of Article 2(1), their environmental impact should be assessed as a whole. It is necessary to consider projects jointly in particular where they are connected, follow on from one another, or their environmental effects overlap.'

The whole project needs to be described.

(Case law summaries in [section 3.5.6](#) and [section 3.5.7](#) also refer to project splitting.)

34 *Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development*, Department of the Environment, Heritage and Local Government, 2003.

35 Including *competent* authorities.

36 ref Annex I(24) & Annex II(13) of amended Directive and transposing legislation.

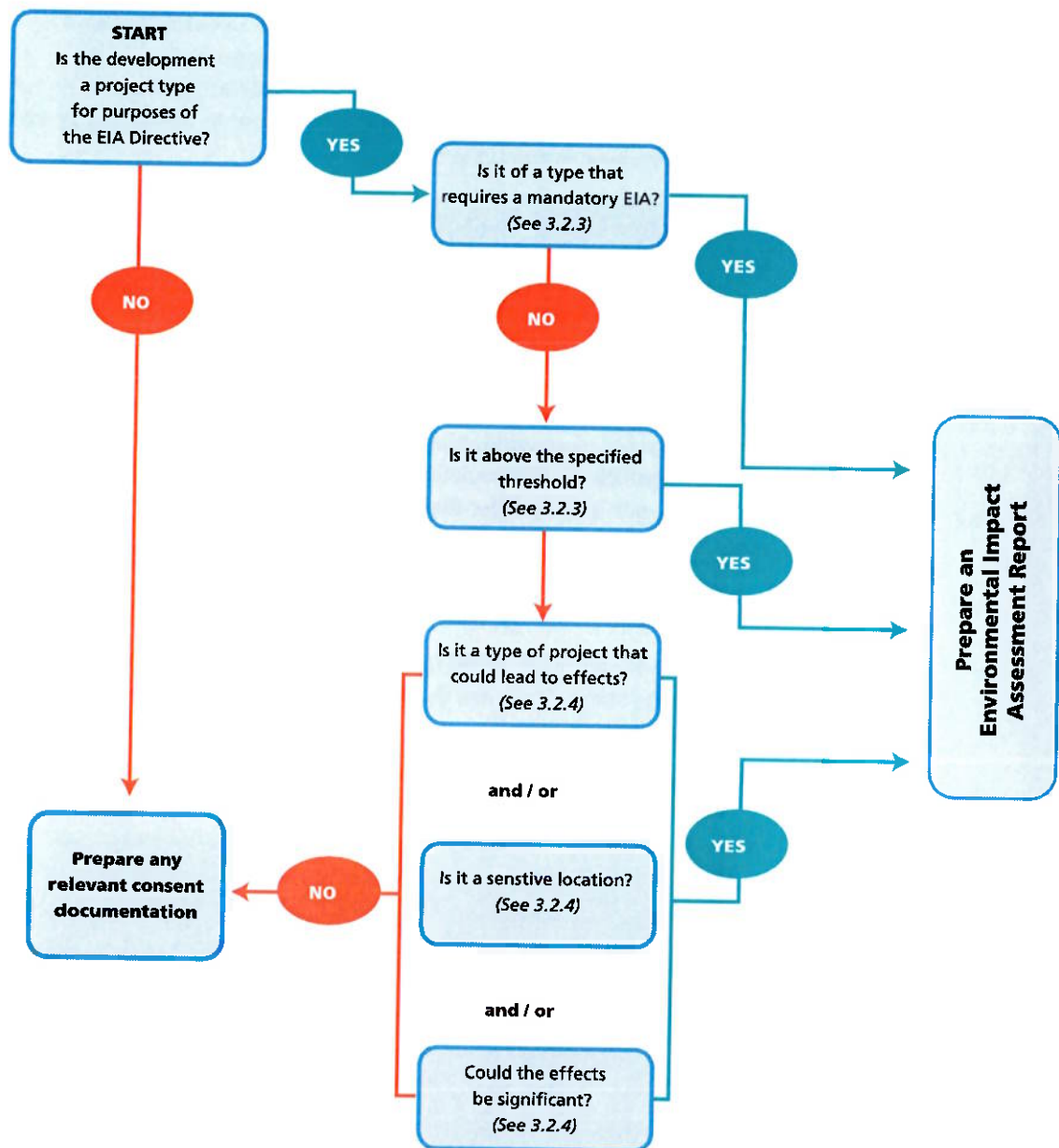


Figure 3.2 Screening

3.2.4 CONSULTATION ON SCREENING

During the screening stage, the applicant may seek to informally consult with the CA and other relevant authorities on EIA Screening. The applicant may prepare a report or written statement from a competent expert containing their view as to why an EIA is or is not required. This is usually presented as an EIA screening report. Authorities are not obliged to engage in informal consultation.

Where a developer wishes to engage in formal pre-application screening consultation with the CA, and subject to provisions of the legislation³⁷, then the Directive specifies the following as information to be provided by the developer:

Annex II A of amended Directive

1. 'A description of the project, including in particular:
 - a) a description of the physical characteristics of the whole project and, where relevant, of demolition works;
 - b) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.
2. A description of the aspects of the environment likely to be significantly affected by the project.
3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from:
 - a) the expected residues and emissions and the production of waste, where relevant;
 - b) the use of natural resources, in particular soil, land, water and biodiversity.

The criteria of Annex III shall be taken into account, where relevant, when compiling the information in accordance with points 1 to 3.'

On receipt of a formal screening determination request, the authority may consult with certain other authorities³⁸ with responsibility for environmental matters such as pollution control, nature protection, cultural heritage, water, waste or air. If the authority identifies that effects are likely under some factors but that, having regard to the prescribed screening criteria, these effects are insufficient to require an EIA, then they may suggest providing a separate report (or reports) on the affected factors.

Whether consultation is carried out on screening before the consent application is made or not, the CA screens a project for EIA as part of its consent determination process.

³⁷ Formal consultation on screening has not been provided for in all of the transposing legislation.

³⁸ Bodies specified in the applicable legislation, e.g. Article 28 of the Planning and Development Regulations, 2001 (as amended).

3.3 SCOPING (STAGE 2 OF 7)

3.3.1 OVERVIEW

‘Scoping’ is a process of deciding what information should be contained in an EIAR and what methods should be used to gather and assess that information. It is defined in the European Commission guidance³⁹ as:

‘The process of identifying the content and extent of the information to be submitted to the Competent Authority under the EIA process’

Scoping is best carried out by personnel having appropriate expertise and relevant prior experience. Knowledge of the characteristics of the project type and of the sensitivities likely to be present in the receiving environment are particularly useful for scoping.

The legislation provides for developers to formally request the opinion of the CA on the scope of an EIAR⁴⁰. This can be availed of for any project requiring an EIAR (ref section 3.3.3 below).

The provision of sufficient detail at the scoping stage is the best way to facilitate useful and specific responses from consultees.

Scoping is carried out on a case-by-case basis because the significant issues for different projects are unlikely to ever be identical. However, there are standard issues that a developer should consider for each project to establish whether they apply in specific cases. The Advice Notes contain guidance on relevant environmental factors for principal project types.

The potential for likely significant effects throughout different phases of the proposed project are considered as far as possible at scoping stage – whether they would individually require consent or not. These include, as relevant, site investigations, construction, commissioning and operation to eventual decommissioning. Scoping also considers the range of alternatives to be considered in an EIAR.

Detailed guidance on scoping can be found in many publications including the Advice Notes and the European Commission Guidance referred to above. Published guidance is typically focused on individual sectors (e.g. infrastructural projects) or on specialist topics (e.g. geology) and reference to both types is generally beneficial.

³⁹ [Guidance on EIA Scoping](#), European Commission, 2017.

⁴⁰ ref. Article 5(2) of [amended Directive](#) and transposing legislation ([Section 1.3 Legislation](#)).

3.3.2 PARTICIPANTS IN SCOPING

The scope of the EIAR commonly emerges from a dialogue between some or all of the following:

- ▲ *The developer* and their team, including competent experts, who may propose an initial draft of the scope on the basis of their knowledge of the project, the site and the likely relevant issues
- ▲ *The Competent Authority (CA)* who will have extensive knowledge of the context and local issues and concerns, as well as detailed knowledge of statutory requirements
- ▲ *Other Authorities*⁴¹, *Agencies and NGOs* who typically have a detailed understanding of aspects of the environment that may be affected
- ▲ *The Public*, either individually or in groups, who are likely to have either thematically specific or area-specific concerns. Local residents are likely to be key participants for most projects.

More information on the roles of all participants is given in the Advice Notes.

3.3.3 CONSULTATION BY DEVELOPER ABOUT SCOPING

There can be considerable benefits in the developer engaging in early consultation about the scope of an EIAR to help to identify the relevant issues. This can be done formally (under the legislation) or informally.

'2. Where requested by the developer, the competent authority, taking into account the information provided by the developer in particular on the specific characteristics of the project, including its location and technical capacity, and its likely impact on the environment, shall issue an opinion on the scope and level of detail of the information to be included by the developer in the environmental impact assessment report in accordance with paragraph 1 of this Article. The competent authority shall consult the authorities referred to in Article 6(1) before it gives its opinion.'

and

'Where an opinion is issued pursuant to paragraph 2, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment.'

**Article 5(2) and
extract from
Article 5(3) of
amended Directive**

When making the scoping request it should be stated whether this is being done formally, with reference to the relevant legislative provision, or informally. A similar level of detail should be provided to the CA (and any other consultees) on the proposed project and the proposed scope of the EIAR, regardless of whether scoping is being done informally or formally. It should be noted that there is no obligation on the CA or other parties to respond to informal scoping requests.

⁴¹ Bodies specified in the applicable legislation, e.g. Article 28 of the Planning and Development Regulations, 2001 (as amended).

3.3.4 KEY SCOPING CRITERIA

All parties should be aware of the need to keep the EIAR as tightly focused as possible. This focuses the effort and resources of all parties on the key significant issues. Scoping is usually guided by the following criteria:-

- ▲ Use 'Likely' and 'Significant' as the principal criteria for determining what should be addressed. Any issues that do not pass this test should be omitted (scoped out) from further assessment. A section of the EIAR should describe the scoping process explaining why such issues have been scoped out and they are not being considered further. All the prescribed environmental factors⁴² need to be listed in the scoping section of the EIAR. It is important to note that the environmental factors themselves cannot be scoped out and must feature in the EIAR. Only subtopics and headings related to each factor can be scoped in or out. Each environmental factor should be clearly covered by one or more specific section headings in the EIAR⁴³. If scoping determines that no likely significant issues arise under any heading, then an explanatory text should be included.
- ▲ Precedence - where EIARs for similar projects on similar sites or for other project proposals for the same site are available, these can be useful references.
- ▲ Interactions – careful consideration of pathways – direct and indirect – that can magnify effects through the interaction or accumulation of effects – for instance the potential for cumulative significant effects to arise from multiple non-significant effects. (See also Indirect, Secondary and/or Cumulative Impacts in [section 3.7.3](#)).

3.3.5 CONSIDERATION OF OTHER ASSESSMENTS

Scoping considers the extent to which other assessments may address some types of effects adequately and appropriately.

Strategic Environmental Assessment (SEA) is a higher tier form of environmental assessment that examines plans and programmes. It examines the same factors as EIA but at a higher decision-making level. These include higher level alternatives and effects of the plan or programme on environmental factors, including for example, water, biodiversity, climatic factors and the landscape. SEA also considers strategic measures to avoid, reduce or mitigate likely effects, which may also be relevant during EIA scoping. The extent to which higher level considerations have already been assessed- and so do not need to be assessed again - should inform and be referred to in the EIA scoping process. This can reduce the amount of cumulative effects that need to be considered in an EIAR⁴⁴.

Scoping considers other projects or activities that are not included in the same consent application. These may be closely related to the subject consent application and may even be a direct result of it. These could include secondary projects, such as a power line or a road junction upgrade, which may result in significant effects. (See Case Law summary in [section 3.5.7](#)).

Such considerations should allow the CA and the public to form an overall understanding of the likely effects – direct, indirect and cumulative - that will arise because of a decision to permit a project. Where uncertainty arises then an EIAR needs to describe the 'worst case' scenario of the accumulation of effects that could arise from these other projects. It is prudent to identify the full range of these other likely sources of potential effects at the initial scoping stage. This will ensure that major and reasonably foreseeable issues that could result in significant adverse effects can be identified and considered.

Assessments carried out to support separate consent requirements may include assessments for compliance under other EU Directives including the Industrial Emissions, Habitats, Seveso, Waste Framework, Water Framework and Floods Directives. Some of these may be carried

42 Population and Human Health, Biodiversity, Land, Soil, Water, Air, Climate, Material Assets, Cultural Heritage, Landscape and Interactions between these factors, (See Article 3(1) of Directive 2014/52).

43 See sections [4.1](#) and [4.2](#) for more on content and structure of the EIAR.

44 See EPA Research Report 392: [Guidance on Strategic Environmental Assessment–Environmental Impact Assessment Tiering](#)

out at different stages in the project than the consent application for which the EIAR is being prepared. For example, IED (Industrial Emissions Directive) licence applications generally happen after a planning application is made. Others may be carried out at the same time as the preparation of the EIAR, Natura Impact Statements, for example. The EIAR should avoid duplicating the assessment covered by these but should incorporate their key findings as available and appropriate. A biodiversity section of an EIAR, for example, should not repeat the detailed assessment of potential effects on European sites⁴⁵ contained in documentation prepared as part of the Appropriate Assessment process⁴⁶, but it should refer to the findings of that separate assessment in the context of likely significant effects on the environment, as required by the EIA Directive. It may also utilise data that is also included in the Appropriate Assessment documentation. The scoping process considers any other such assessments that apply to a project and reduces coverage of these issues in an EIAR accordingly. The rationale for reducing coverage of an issue should be clearly documented in the EIAR.

Applications for other consents that are not directly related to compliance with other EU Directives, such as Ministerial Consents under the National Monuments Acts, the Wildlife Acts or the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, are often made during or after the preparation of the EIAR. The EIAR should refer to these procedures as relevant, e.g. in the context of mitigation measures.

3.3.6 SELECTION OF HEADINGS UNDER WHICH TO ARRANGE ISSUES

The prescribed environmental factors must all be addressed in an EIAR. As they are a necessary simplification of the relevant components of the environment, each factor is typically explored by examining a series of headings and/or topics relevant to that factor, as indicated by the examples included in Annex IV of the Directive.

'A description of the factors specified in Article 3(1) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.'

**Annex IV(4) of
amended Directive**

These headings and topics are generally identified during the scoping process. Some typical headings and topics and their arrangement within an EIAR are shown in Table 3.1.

Typical topics which may be relevant under each environmental factor are set out on the following pages. These are indicative only. The relevant topics for any given EIAR should be established during scoping.

⁴⁵ Sites designated under the Habitats or Birds Directives.

⁴⁶ An assessment in accordance with the requirements of the Habitats Directive.

Table 3.1 Sample organisation of headings and topics to address issues arising for each prescribed environmental factor

Prescribed Environmental Factor	Typical Headings under which Environmental Factors could be addressed in an EIAR	Typical Topics
Material Assets	Roads & Traffic	Construction Phase Operational Phase Unplanned Events [i.e. Accidents]
	Built Services	Electricity Telecommunications Gas Water Supply Infrastructure Sewerage
	Waste Management	Construction Waste Operational Waste
Water	Surface Water	Construction Phase Operational Phase Unplanned Events [i.e. Accidents]
	Ground Water	Construction Phase Operational Phase Unplanned Events [i.e. Accidents]
	Waste Water	Effluent Characteristics On-site Treatment Capacity of Municipal Treatment Plant
Landscape	Visual Effects	Context Character Significance Sensitivity
	Amenity	Public access Public amenities Recreation Tourism

The inclusion of a table like this at the beginning of an EIAR can be helpful, because relevant issues and their arrangement as headings and topics within an EIAR varies from project to project. The table shows how the selected headings/topics in the project's EIAR relate to the prescribed environmental factors. This will show how each of the environmental factors has been addressed, demonstrating compliance with the statutory requirements.

Some topics could be placed under more than one heading, for example, where *hydrogeology* is a relevant topic it may be relevant under the heading of 'Aquatic Ecology' as well as under 'Water' or 'Ground Water'. Another example would be *amenity* which may be relevant under 'Population and Human Health' and 'Landscape'. The requirement for the EIAR to consider 'Interactions' addresses this issue by ensuring that effects are cross-referenced between topics, thus avoiding the need to duplicate coverage of such topics.

Some types of factors are particularly vulnerable to unplanned events that have the potential to cause significant sudden environmental effects. Unplanned events can include spill from traffic accidents, floods or landslides affecting the site, fire, collapse or equipment failure on the site. Topics such as human health, air and water, for example, should ensure that consideration extends beyond construction and operational activities – to include consideration of such unplanned events.

Population & Human Health

- ▲ Employment
- ▲ Settlement patterns
- ▲ Land use patterns
- ▲ Baseline population
- ▲ Demographic trends
- ▲ Human health (considered with reference to other headings, such as water and air)
- ▲ Amenity (e.g. effects on amenity uses of a site or of other areas in the vicinity may be addressed under the factor of Landscape)

The transposing legislation does not require assessment of land-use planning, demographic issues or detailed socioeconomic analysis. Coverage of these can be provided in a separate Planning Application Report to accompany an application for planning permission. This should be avoided in an EIAR, unless issues such as economic or settlement patterns give rise directly to specific new developments and associated effects (ref. [section 3.5.7](#)). The main purpose of such identification and assessment is to provide the CA with a context for their determination. (Examples would include future warehousing beside a new port, transmission lines in the vicinity of a new electrical substation or commercial developments on zoned land beside a new road).

Human Health

The recitals to the 1985 and 2011 Directives refer to 'Human Health' and include 'Human Beings' as the corresponding environmental factor. The 2014 Directive calls this factor 'Population and Human Health'.

While no specific guidance on the meaning of the term Human Health has been issued in the context of Directive 2014/52/EU, the same term was used in the SEA Directive (2001/42/EC). The Commission's SEA Implementation Guidance states 'The notion of human health should be considered in the context of the other issues mentioned in paragraph (f)'. (Paragraph (f)⁴⁷ lists the environmental factors including soils, water, air etc). This is consistent with the approach set out in the 2002 EPA EIS Guidelines where health was considered through assessment of the environmental pathways through which it could be affected, such as air, water or soil, namely:

'The evaluation of effects on these pathways is carried out by reference to accepted standards (usually international) of safety in dose, exposure or risk. These standards are in turn based upon medical and scientific investigation of the direct effects on health of the individual substance, effect or risk. This practice of reliance upon limits, doses and thresholds for environmental pathways, such as air, water or soil, provides robust and reliable health protectors [protection criteria] for analysis relating to the environment.'

In an EIAR, the assessment of impacts on population & human health should refer to the assessments of those factors under which human health effects might occur, as addressed elsewhere in the EIAR e.g. under the environmental factors of air, water, soil etc.. The Advice Notes provide further discussion of how this can be addressed.

Assessment of other health & safety issues are carried out under other EU Directives, as relevant. These may include reports prepared under the Industrial Emissions, Waste Framework, Landfill, Strategic Environmental Assessment, Seveso III, Water Framework Directive, Floods or Nuclear Safety Directives⁴⁸. In keeping with the requirement of the amended Directive, an EIAR should take account of the results of such assessments without duplicating them.

47 [Section 5.2.6 of Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the Environment](#)

48 Directives 2010/75/EU, 2008/98/EC, 1999/31/EC, 2001/42/EC, 2012/18/EU, 2000/60/EC, 2007/60/EC and 2009/71/EURATOM (all as amended).

Biodiversity

Recital (7) of Directive 2014/52/EU

'Over the last decade, environmental issues, such as resource efficiency and sustainability, biodiversity protection, climate change, and risks of accidents and disasters, have become more important in policy making. They should therefore also constitute important elements in assessment and decision-making processes.'

Recital (12) of Directive 2014/52/EU

'With a view to ensuring a high level of protection of the marine environment, especially species and habitats, environmental impact assessment and screening procedures for projects in the marine environment should take into account the characteristics of those projects with particular regard to the technologies used (for example seismic surveys using active sonars).'

- ▲ Habitats
- ▲ Breeding/Feeding/Roosting Areas
- ▲ Routes and landscape features
- ▲ Mammals/Birds/Fish/Invertebrates/Reptiles
- ▲ Vascular plants/bryophytes/lichens/fungi
- ▲ Population Stability
- ▲ Population Management
- ▲ Critical Resources
- ▲ Terrestrial/Aquatic/Marine
- ▲ Seasonality
- ▲ Existing Management
- ▲ Ecosystem Services
- ▲ Legal protection

Biodiversity

The amended Directive replaces the environmental factor of 'Flora & Fauna' with 'Biodiversity'. This change follows the publication by the Commission of 'Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment'⁴⁹. It aligns the Directive with the United Nations Convention on Biological Diversity⁵⁰ and with 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020'⁵¹.

Recital 14 of the amended Directive provides this context: 'The effects of a project on the environment should be assessed in order to take account of concerns ... to ensure maintenance of the diversity of species and to maintain the reproductive capacity of the ecosystem as a basic resource for life'. This recital is unchanged since it originally appeared in Directive 85/337/EEC.

49 European Union, 2013.

50 ref Recital 10 of amended Directive.

51 European Commission, 2011.

Land & Soils

- ▲ Land (for example land take)⁵²
- ▲ Soil (for example organic matter, erosion, compaction, sealing)⁵³
- ▲ Agricultural capability
- ▲ Geology
- ▲ Hydrogeology (may alternatively be placed under the heading of Water)

Land

The amended Directive introduces Land as a prescribed environmental factor. Recital 9 gives context to this addition, showing that it relates to the issue of 'land take'. This change aligns the Directive with the proceedings of the United Nations Conference on Sustainable Development (Rio de Janeiro, 2012) and with Commission strategy.

Water

- ▲ Water (for example hydromorphological changes, quantity and quality)
- ▲ Ground/Surface/Estuarine/Marine
- ▲ Physical characteristics
- ▲ Chemical characteristics
- ▲ Q value
- ▲ Beneficial uses
- ▲ Flooding

Air

- ▲ Air Quality
 - ▲ Pollutants
 - ▲ Suspended Particles
- ▲ Odour
- ▲ Noise & Vibration
 - ▲ Daytime Noise
 - ▲ Night time Noise
 - ▲ Vibration sources
 - ▲ Sensitive receptors
- ▲ Radiation

52 Removal of productive land from potential agricultural or other beneficial uses.

53 Annex IV(4) of amended Directive.

Climate

Recital (13) of Directive 2014/52/EU

'Climate change will continue to cause damage to the environment and compromise economic development. In this regard, it is appropriate to assess the impact of projects on climate (for example greenhouse gas emissions) and their vulnerability to climate change.'

- ▲ Greenhouse gases
- ▲ Acid Rain
- ▲ Thermal Pollution
- ▲ Climate change trends (macro and micro)
- ▲ Carbon Accounting / Carbon Balance

Climate

The list of environmental factors which needed to be addressed under Directive 2011/92/EU included climate. The amended Directive also requires the vulnerability of a project to climate change to be addressed, particularly 'the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge'⁵⁴. Other studies may substantially address climate and those assessments should be referred to where appropriate⁵⁵; for example, assessment of climate change effects at a higher decision making level in an SEA or consideration of effects of climate change on a project in a Flood Risk Assessment.

See EU 'Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment'⁵⁶ for more details.

Material Assets

- ▲ Built Services
- ▲ Roads and Traffic
- ▲ Waste Management

Material Assets

In Directive 2011/92/EU this factor included architectural and archaeological heritage. Directive 2014/52/EU includes those heritage aspects as components of cultural heritage. Material assets can now be taken to mean built services and infrastructure. Traffic is included because in effect traffic consumes transport infrastructure. Sealing of agricultural land and effects on mining or quarrying potential come under the factors of land and soils.

54 Annex III(1)(f) of amended Directive.

55 ref. [Section 3.3.5](#) Consideration of Other Assessments.

56 European Union, 2013.

Cultural Heritage

- ▲ Archaeology
 - ▲ Known archaeological monuments
 - ▲ Areas of archaeological potential (including unknown archaeology)
 - ▲ Underwater archaeology
- ▲ Architectural heritage
 - ▲ Designated architectural heritage
 - ▲ Other significant architectural heritage
- ▲ Folklore and history
 - ▲ Designations or sensitivities

The Landscape

- ▲ Landscape Appearance and Character
- ▲ Landscape Context
- ▲ Views & Prospects
- ▲ Historical Landscapes

Interactions between Impacts on Different Factors

The scoping stage should consider the likely relevant interactions that need to be assessed in the EIAR. For example, if interaction between ecology and surface water is a likely issue this should be outlined. (Also see [section 3.7.6](#) Interactions Between Impacts on Different Factors).

[Section 4](#) provides more information on the arrangement of the appropriate material in an EIAR.

3.3.7 ONGOING SCOPING

Scoping continues throughout the preparation of an EIAR. The team working on the EIAR should maintain a flexible view of the scope throughout the work on the EIAR, particularly during the earlier stages. If information or analysis that emerges after the initial scoping stages indicates that additional issues should be considered, then these can be included.

3.3.8 DESIGN REVIEW

The project design is adapted and continually reviewed in light of predicted environmental effects emerging during the preparation of an EIAR. [Section 2.4.1](#) provides specific recommendations on the need for the developer, the design team and the environmental specialists to maintain a regular dialogue through the design preparations and revisions to ensure that this objective is achieved. Open, effective and ongoing communication between all members of the developer's team helps to achieve this.

Scoping should be linked with and informed by design reviews at any stage during the preparation of the EIAR.

3.4 CONSIDERATION OF ALTERNATIVES (STAGE 3 OF 7)

3.4.1 OVERVIEW

Annex IV(2) of the
amended Directive

The EIA Directive requires an EIAR to contain:

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

The presentation and consideration of the various reasonable alternatives investigated by the developer is an important requirement of the EIA process.

The objective is for the developer to present a representative range of the practicable alternatives considered. The alternatives should be described with 'an indication of the main reasons for selecting the chosen option'. It is generally sufficient to provide a broad description of each main alternative and the key issues associated with each, showing how environmental considerations were taken into account in deciding on the selected option. A detailed assessment (or 'mini-EIA') of each alternative is not required⁵⁷.

In an effective EIA process, different types of alternatives may be considered at several key stages during the process. As environmental issues emerge during the preparation of the EIAR, alternative designs may need to be considered early on in the process or alternative mitigation options may need to be considered towards the end of the process. These various levels of alternatives are discussed further in sections 3.4.2 to 3.4.7 and in Figure 3.3.

Clearly, in some instances some of the alternatives described below will not be applicable – e.g. there may be no relevant 'alternative location' for the upgrading of an existing road but there may be alternative design options.

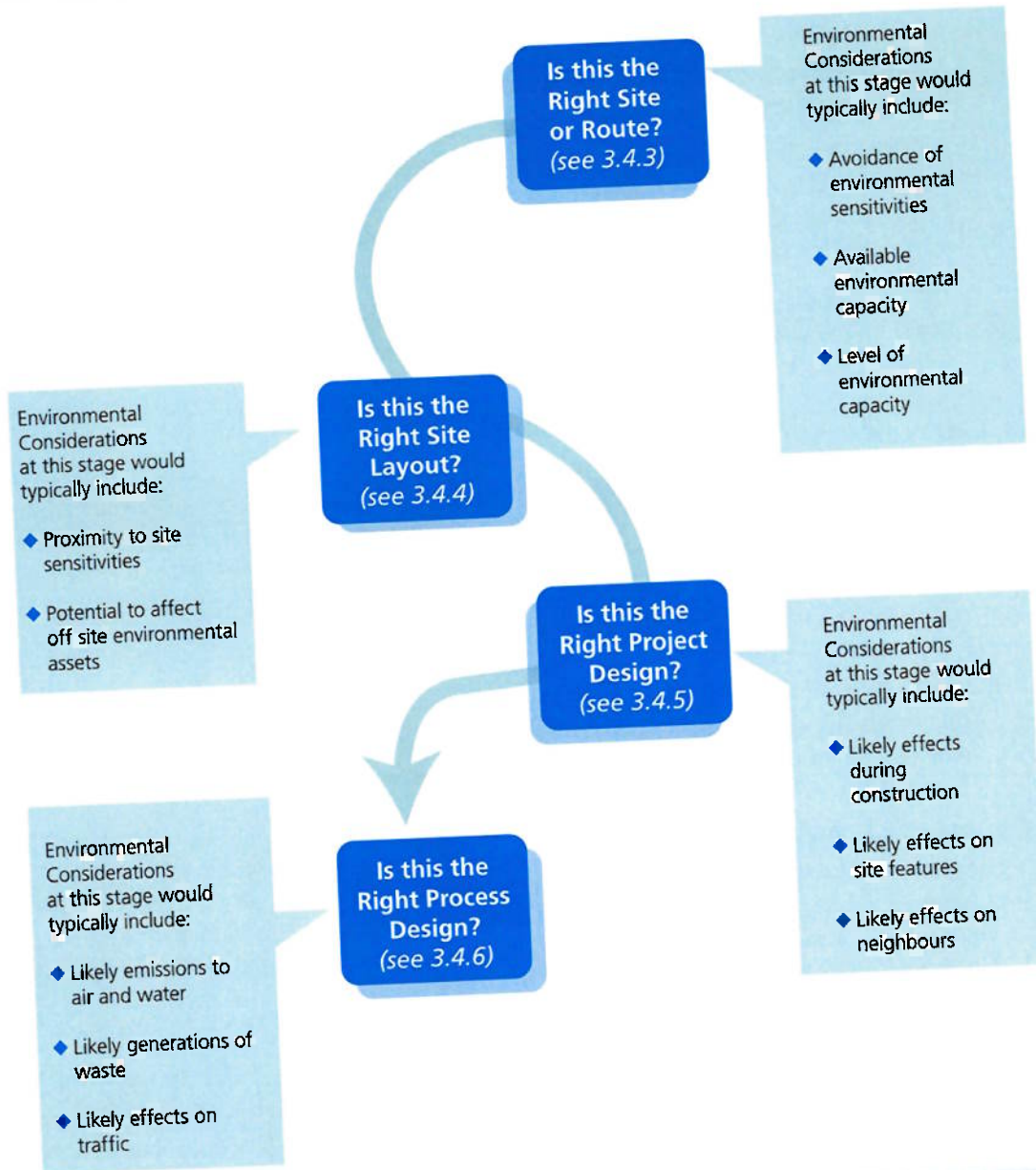
Higher level alternatives may already have been addressed during the strategic environmental assessment of relevant strategies or plans. Assessment at that tier is likely to have taken account of environmental considerations associated, for example, with the cumulative impact of an area zoned for industry on a sensitive landscape. Note also that plan-level/higher-level assessments may have set out project-level objectives or other mitigation that the project and its EIAR should be cognisant of. Thus, these prior assessments of strategic alternatives may be taken into account and referred to in the EIAR⁵⁸. This is particularly the case for public sector projects where it is often appropriate to consider a wider range of alternatives than for private sector projects. (See [section 3.3.5](#) for more on consideration of other assessments⁵⁹.) *Developing and Assessing Alternatives in Strategic Environmental Assessment*, EPA 2015, provides detailed information on consideration of alternatives in SEA.

57 Ref [CJEU Case 461/17](#).

58 see EPA Research Report 392: [Guidance on Strategic Environmental Assessment–Environmental Impact Assessment Tiering](#)

59 Alternatives for Habitats/Birds Directives assessments are addressed in other documents/ guidance from the Commission and elsewhere.

Analysis of high-level or sectoral strategic alternatives should not be expected within a project level EIAR. Types of high-level strategic alternatives include electricity generation from renewables rather than fossil fuels in the case of a proposal for expansion of an existing power station, for example, or extraction of stone from another location outside the control of the developer in the case of a proposal to extend a quarry. It should be borne in mind that the amended Directive refers to 'reasonable alternatives... which are relevant to the proposed project and its specific characteristics'.



This illustrates the sequence of alternative options that exist. Not all options (such as alternative sites) may be available for every project. The applicant is required to describe the reasonable alternatives examined during the design process with an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

Figure 3.3 Consideration of Alternatives in an EIAR

3.4.2 'DO-NOTHING' ALTERNATIVE

The range of alternatives can include a 'do-nothing' alternative⁶⁰ where appropriate. This examines trends currently occurring at the site, for example likely land-use changes or other interventions, the likely effects of climate change, and the significance of these changing conditions. It can be particularly useful when assessing effects caused by projects which themselves are designed to alleviate environmental or infrastructural problems, e.g. waste treatment facilities, flood relief projects, road building, etc.

The 'do-nothing' alternative is a general description of the evolution of the key environmental factors of the site and environs if the proposed project did not proceed. It is similar to but typically less detailed than the 'likely future receiving environment' description discussed in [section 3.6 Describing the Baseline](#).

It should cumulatively consider the effects of projects which already have consent but are not yet implemented. It may also be appropriate to consider other projects that are planned but not yet permitted. For example, it would be prudent to consider a significant project for which a planning application has been lodged even if the consent decision has not been issued.

The 'do-nothing' alternative should describe consequences that are reasonably likely to occur. It ought not be used to exaggerate or catastrophise environmental consequences that may occur without the proposed project.

3.4.3 ALTERNATIVE LOCATIONS

Some locations have more inherent environmental sensitivities than others. Depending on the type of project and the range of alternatives that the developer can realistically consider, it may be possible to avoid such sites in favour of sites which have fewer constraints and more capacity to sustainably assimilate the project. It can be useful to ensure that a range of options, which may reasonably be available, are included in the evaluation.

3.4.4 ALTERNATIVE LAYOUTS

Alternative layouts can often be devised to consider how different elements of a proposal can be arranged on a site, typically with different environmental, as well as design implications.

3.4.5 ALTERNATIVE DESIGNS

Many environmental issues can be resolved by design solutions that vary key aspects such as the shape of buildings or the location of facilities. Where designers are briefed at an early stage on environmental factors, these can be considered during the design development process, along with other design parameters.

3.4.6 ALTERNATIVE PROCESSES

Within each design solution there can be several different options as to how the processes or activities of the project can be carried out, e.g. the management of processes that affect the volumes and characteristics of emissions, residues, traffic and the use of natural resources.

3.4.7 ALTERNATIVE MITIGATION MEASURES

It may be possible to mitigate effects in a few different ways. In these circumstances the EIAR can describe the various options and provide an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

⁶⁰ Guidance on do-nothing alternatives is given in [Development of Strategic Environmental Assessment \(SEA\) Methodologies for Plans and Programmes in Ireland](#), EPA, 2003. While this is an SEA guidance document, it is also useful in the context of EIA as similar principles apply.

3.4.8 CONSULTATION ABOUT CONSIDERATION OF ALTERNATIVES

As mentioned in [section 3.3](#), it may also be useful to use consultation processes to help identify alternative options. (See sections [2.4](#), [3.3.5](#) and [3.8.1](#) for more coverage of alternatives.)

3.5 DESCRIBING THE PROPOSED PROJECT (STAGE 4 OF 7)

3.5.1 INTRODUCTION

The EIA Directive requires that the EIAR includes:

'a description of the project comprising information on the site, design, size and other relevant features of the project'.

Article 5(1)(a) of amended Directive

The developer is required to provide a description of the whole proposed project, comprising information on the site, design, size and other relevant features of the project, within the EIAR. The actual level of detail required will vary according to the stage at which the consent procedure is taking place, the specific characteristics of the project and the environmental features likely to be affected, as may have been identified during scoping. The range of information and the level of detail required should be sufficient to fulfil the needs of the consent procedure that the EIAR is to be submitted for. Where the same EIAR is to be used to support more than one such consent procedure then it may need to include supplementary material for the other of the consent procedures. However, it is appropriate for most EIARs to include (to varying degrees of detail) a description of:

- ▲ the **location** of the project
- ▲ the **physical characteristics** of the whole project, including, where relevant, demolition works, the land-use requirements during construction and operation and other works that are integral to the project
- ▲ the **main characteristics of the operational** phase of the project (production and maintenance processes in particular), for example energy demand, energy used, nature and quantity of materials and natural resources (including water, land, soil, biodiversity, etc.,) used
- ▲ an estimate, by **type and quantity, of the expected residues and emissions** (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation, and quantities and types of waste produced during the construction and operational phases).

The description of the site, design and scale of the project considers all relevant phases of the life of the project, e.g. from construction through to existence and operation (and in some cases to its restoration or decommissioning).

The description of a project that is required for an EIAR is specific and is different to a description that would typically be used, for example, in the construction sector. It is also different to the description that

would be used to support a consent application, for example a land-use planning application that is not accompanied by an EIAR. The principal differences arise from the fact that the EIAR needs to describe the dynamics, for example, of the construction and day-to-day operations, as well as the use, disposal and transformation of materials in ways that traditional static descriptions of structures, layouts and land-uses do not. Similarly, in an EIAR it may be useful to describe avoidance measures that have been integrated into the project. (ref also [section 3.5.8](#)).

It should also be noted that the focus of the analysis required for the factors within the EIAR may change following initial baseline surveys; e.g. discovery of a zone of high archaeological potential adjacent to a site will trigger a need for increased detail on construction activities that will cause ground disturbance.

The implementation of a systematic approach will help to ensure that all relevant aspects of the project are accurately and fully described by the developer. The requirement is to provide a description in sufficient detail, which if taken together with the description of the existing environment, will allow a CA to understand the significant effects likely to arise from the proposed project.

Not all the following headings will be relevant for all projects. More detailed coverage of the information which may be relevant under each heading is provided in the Advice Notes.

(See also [section 3.2.3](#) re the need to describe the whole project and [3.5.7](#) Description of Other Related Projects.)

3.5.2 CHARACTERISTICS OF THE PROJECT

**Recital (22) of
Directive
2104/52/EU**

'...environmental impact assessments should take account of the impact of the whole project in question, including, where relevant, its subsurface and underground, during the construction, operational and, where relevant, demolition phases.'

The typical categories for describing the physical characteristics of a project are given below. These topics are frequently cross-referenced to drawings and illustrations:

- ▲ the site location
- ▲ the size, design and appearance of the proposed project
- ▲ the cumulation with other proposed projects
- ▲ the use of natural resources
- ▲ the production of waste
- ▲ emissions and nuisances
- ▲ a description of the risk of accidents – having regard to substances or technologies used.

Complex projects which require EIA are described in a manner that takes account of their full 'life-cycle'. They have the potential to generate different effects at different times and at different places both at and beyond the project site.

3.5.3 DESCRIPTION OF CONSTRUCTION

Effects during construction can often be more significant than those that arise during the operational life of a project. Larger projects can take several years to complete. During this period, there may be numerous significant effects. The description includes, but is not limited to: -

- ▲ construction phase land use requirement
- ▲ proposed works and construction methods
- ▲ duration and timing, including any phasing proposals
- ▲ environmental protection measures
- ▲ Construction Environmental Management Plan (CEMP).

3.5.4 DESCRIPTION OF COMMISSIONING

This may be useful if the proposed project will not be substantially operational in the period immediately following construction. This description could include:

- ▲ testing, certification and commissioning
- ▲ occupation/use
- ▲ establishment of mitigation measures (e.g. acoustic screening).

3.5.5 THE OPERATION OF THE PROJECT

This is one of the most important sections of an EIAR. While accurate descriptions are vital to ensure credibility, not all of these topics will be relevant to many projects, particularly smaller scale ones:

- ▲ principal processes or activities
- ▲ the scope of the project
- ▲ the operations described in general terms
- ▲ processes
- ▲ regular activities
- ▲ occasional activities
- ▲ occupants
- ▲ materials used
- ▲ natural resources used (including energy and materials)
- ▲ residues and emissions
- ▲ waste management
- ▲ secondary processes/activities.

3.5.6 CHANGES TO THE PROJECT

Very few projects remain unaltered throughout their existence. Success may bring growth; technology or market forces may cause processes or activities to alter. All projects change and – like living entities – will someday cease to function.

The life cycles of some types of projects, such as quarries, are finite and predictable. Such projects often consider their closure and decommissioning in detail from the outset, while for most projects a general indication of the nature of possible future changes may suffice.

While the examination of the potential consequences of change (such as extension) does not imply permission for such extension, its identification and consideration can be an important factor in the determination of the application. Descriptions of likely changes may cover:

- ▲ extension
- ▲ decommissioning
- ▲ other changes.

CASE LAW

Fitzpatrick & Daly v An Bord Pleanála & Others [2019] IESC 23 involved a planning application for a data centre. The initial decision by Galway County Council to grant permission was appealed to An Bord Pleanála (the Board). Following a request for further information from the Board, the applicant, Apple Distribution International, provided a revised EIS for the proposed data centre. They also provided a site masterplan which indicated that the proposed data centre was the first phase of site development and that up to seven more data centre halls would potentially be built in future phases of development.

A second application was made for a large electrical substation and associated grid connection, which was designed to serve eight data halls. This was also accompanied by an EIS. The revised EIS for the data centre assessed the cumulative effects of the data centre in combination with the effects of the power supply project. The EIS for the power supply project took similar account of the data centre.

The Board considered that the revised EIS for the data centre 'allows for an integrated assessment of the overall impact of the data centre and power supply developments as well as detailing the cumulative impacts of these projects with other relevant plans and projects, including the potential future expansion of the data centre.'

The Board granted permission. This decision was appealed to the courts on the grounds that the Board's EIA process was not compliant with the requirements of the Directive. In October 2017 the High Court upheld the Board's EIA process.

The case was further appealed to the Supreme Court, primarily on the grounds that the Board had not carried out an EIA of the entire masterplan. In April 2019 the Court found that:

- ▲ The EIAs only needed to assess the impacts 'of the proposed development, or in this case developments, for which planning permissions were sought'.
- ▲ The entire masterplan did not need to be subject to EIA before deciding on the applications for the data centre hall and substation.
- ▲ The EIA process was required 'to take account, as far as practically possible, of potential later phases of the masterplan'.

Further useful clarification on requirements for assessment of cumulative effects and on the concept of project splitting was provided in the judgment. 'the obligation ... to take account, when conducting the EIA of the proposed development which is the subject of the planning application, of potential environmental impacts of future phases of a masterplan, as far as is practically possible, does not amount to an obligation to conduct an EIA of the masterplan. ... When and if an application for planning permission for further phases of the masterplan is made, a full EIA will be required which in turn will both assess cumulative impacts with all existing or approved developments, and look forward by taking account, as far as practically possible, of remaining future phases of the masterplan.'

(See also case law on project splitting in [section 3.2.3](#) and on indirect and cumulative effects in [section 3.7.3](#)).

3.5.7 DESCRIPTION OF OTHER RELATED PROJECTS

The description includes other projects (sometimes by other developers and sometimes off site) or individual project components which occur as a direct result of the main project, such as a power line, a substation or a road junction upgrade which may result in significant effects. Some of these may require parallel separate consent. Omission of such projects or components may be referred to as project splitting where they are 'integral' to the primary project (i.e. they are required for the primary project to operate). This issue is also discussed under the headings of Screening and Scoping (ref. sections 3.2 and 3.3 and case law at end of this section and in [section 3.7.3](#)).

The key considerations are whether such projects are integral (no matter who carries out the work) and whether they are subject to any separate consent procedure with separate environmental assessment requirements.

The description of other projects can loosely be grouped under two headings: Off-site and Secondary Projects. The effects of these can often be as significant as those of the main project and must not be overlooked. It should also be borne in mind that these ancillary works may generate the need for other types of assessments of the entire project (such as an appropriate assessment), which the primary aspect of the project on its own may not necessitate. The following are indicative of aspects which may need to be included in the project description:

Off-Site Projects

These include projects specifically required for the project which take place at a distance from the site, often on lands owned by others (such as public roads) and which are sometimes permitted and developed by others. For example:

▲ Transportation

- ▲ The provision of new access facilities (e.g. access roads) or the upgrading of existing roads (e.g. road widths, bridges and junctions) carried out by other parties can give rise to significant environmental effects.
- ▲ Energy transmission, e.g. power lines
- ▲ The provision of new power lines or pipelines with associated substations or pumping stations can give rise (for instance) to effects on the landscape or ecological or archaeological heritage at a considerable distance from the project.

▲ Waste Water infrastructure.

Secondary Projects

These are projects that may arise largely because of the existence of the principal project, though they are usually not carried out by the developer of the principal project. These can be very difficult to describe with precision – but can be usefully examined as a series of 'what if' scenarios that can be used as a context for decision-making by the CA.

Examples include:

- ▲ Commercial projects at new major road junctions
- ▲ Industrial and warehousing projects near new inter-modal transportation nodes
- ▲ Recreational land-uses via new access in undeveloped areas (hunters and hill walkers using new access roads to windfarms, for example)
- ▲ Retail projects near new residential areas
- ▲ Land-use change including agricultural intensification, hunting, tourism, restructuring of land-holdings, afforestation, etc, because of new access.

CASE LAW

In *O’Grianna v An Bord Pleanála* (IEHC 632, 12/12/2014) the High Court quashed the decision of the Board granting planning permission for a wind farm in County Cork on ‘project splitting’ grounds. The developer maintained that the EIS could not consider the effects of the connection of the wind farm to the national grid as that design was not available and would be undertaken subsequently by ESB Networks. The Board accepted this position and clarified that the grid connection was not covered by its permission to develop the wind farm.

The Court held that grid connection was an integral part of the development and could not be considered as a separate project.

‘The wind turbine development on its own serves no function if it cannot be connected to the national grid. In that way, the connection to the national grid is fundamental to the entire project, and in principle at least the cumulative effect of both must be assessed in order to comply with the Directive.’

(See also case law on project splitting in [section 3.2.3](#) and on indirect and cumulative effects in [section 3.7.3](#))

3.5.8 LEVEL OF DETAIL IN PROJECT DESCRIPTION

The EIAR must contain adequate information to enable the CA to carry out an assessment of all likely significant effects of the project on the environment. The information to be provided by a developer in an EIAR when describing a project is set out in Article 5 and Annex IV of the Directive.

The nature of design and construction processes may limit the level of detail in a project description that is available at consent stage, particularly for land-use consent processes. For example, for certain larger projects some details may only become available after the consent stage, e.g. following a procurement process. In relation to construction, it may not be practicable to include full details at consent stage, however information on working areas, hours of work, principal construction methods and phases, volumes of materials, traffic and environmental controls should be sufficient to enable the assessment of effects.

Where provision of full details of the construction and/or operation of a project is not practicable in an EIAR, the extent of environmental effects of the project should be set out so that the CA has sufficient information about the context, for their assessment and decision. To do this, a description of the project should be provided to enable the worst-case effects of the project to be described in an EIAR. The detailed design can then vary without rendering the EIA process inadequate. See also case law overleaf.

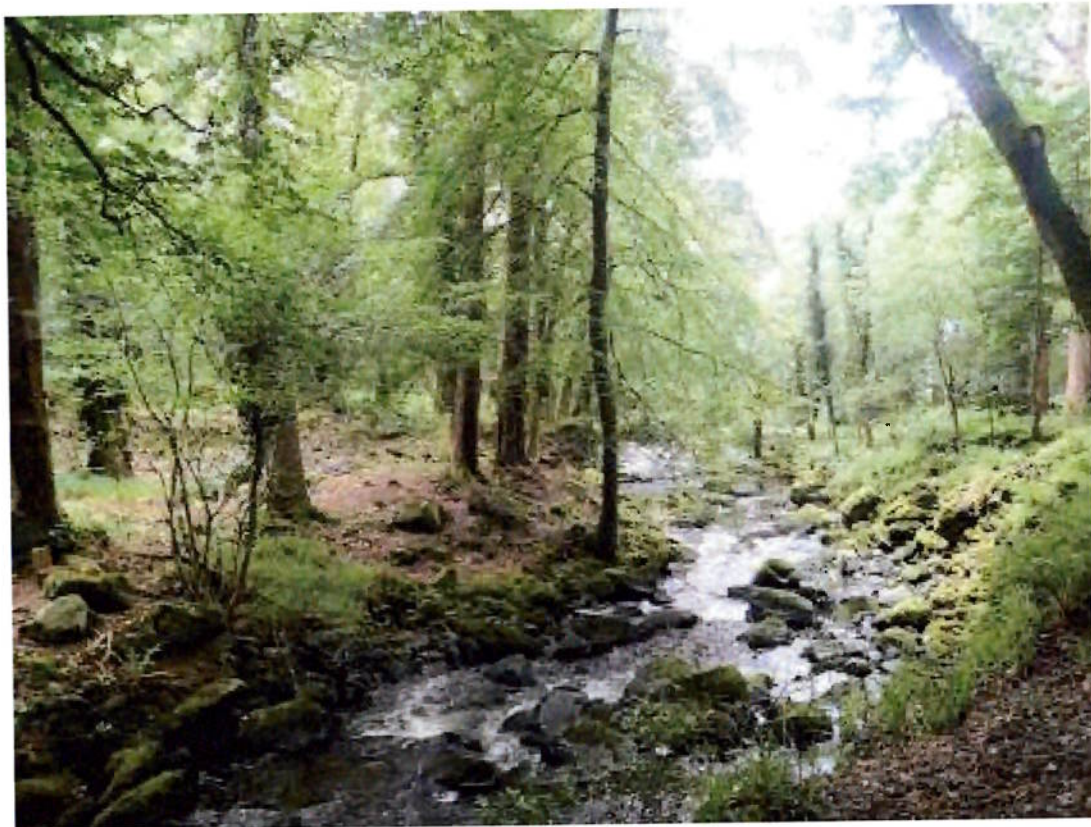
The above approach is generally not as relevant to EIARs associated with consents such as emission licences, which typically require detailed information about specific equipment, operating procedures, etc.

Notwithstanding any allowance for omission of full details of a proposal from the EIAR, the EIAR must contain adequate information to enable assessment of all likely significant effects. The more detailed the proposal is at the time of the consent application, the easier it will be to ensure compliance with the legislation.

CASE LAW

In *People Over Wind v An Bord Pleanála* ([2015] ICEA 272) it was judged that matters of detail may be left over for agreement post consent, provided the results to be achieved are specified and provided the project cannot go ahead unless those objectives will be achieved.

It should also be noted that in *Sweetman v An Bord Pleanála & Ors* ([2021] IEHC 390) it was judged that provision of typical or maximum details (maximum height of wind turbines in this case) was insufficiently clear as basis for a strategic infrastructure development consent process being carried out under the Planning and Development Regulations, 2001 (as amended). This judgment was confined to planning consent considerations under the Planning & Development Regulations and EIA points did not come under consideration. The extent to which the same principles may apply to EIA is subject to emerging jurisprudence and interpretation.



3.6 DESCRIBING THE BASELINE (STAGE 5 OF 7)

3.6.1 OVERVIEW

The EIA Directive requires:

'A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.'

Annex IV(3) of the amended Directive

After the description of the proposed project, the description of the baseline scenario is the second of the two factual foundations of the EIAR.

The *baseline scenario* refers to the current state of environmental characteristics. It involves the collection and analysis of information on the condition, sensitivity and significance of relevant environmental factors which are likely to be significantly affected by the project.

The environment will change over time, even without the introduction of the proposed project. Therefore the EIAR must include a description of the likely evolution of the environmental factor in the absence of the project. This predicted changing baseline may be referred to as the *likely future receiving environment*.

Changes to the baseline may be natural changes (due to ecological trends, for example) or may be caused by other actions (nearby projects, for example; ref also coverage of cumulative effects in [section 3.7.3](#)). It is likely that some aspects of the baseline will not change (archaeology for example) whereas others will (water quality for example). Where changes are likely, then the effects of different stages of the proposed project are assessed against the likely future receiving environment.

Gathering of baseline data should ensure that sufficient data is gathered to enable assessment of all the types of effects that the EIAR needs to consider, as identified at scoping stage. These may include direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects.

The description of the baseline scenario needs to be sufficiently accurate to provide a reliable reference against which effects can be assessed and against which environmental monitoring of the effects of the project can be measured (where relevant). It is important to demonstrate that correct methodologies and experts have been used. It is also important that the methodology used in establishing the baseline scenario is documented to permit replicable future monitoring so that the later results can be properly compared (where required). Standard recognised methods should be applied where available and appropriate.

Table 3.2 Baseline Scenarios

Examples	
(a) Water Discharge	Water quality in a river to which a water discharge is proposed is going to improve due to an already permitted upgrade to a water treatment plant upstream of the project, which will be operational before the time of the proposed new discharge. In this case the EIAR should assess the impact of the proposed discharge against the receiving baseline water quality which will occur when the project is built.
(b) Expansion of Industrial Site	Where an intensification of other operations on a site have already been permitted but are not yet operational at the time of the assessment, then emissions from the proposed expansion should be assessed against the increased emissions levels which would apply when the intensification of operations has occurred.
Scenarios In the case of the examples above, if it is not certain whether the change will be in effect before commencement of the proposed project then the impact of the proposed project may be assessed against two scenarios, i.e. with and without the water treatment plant upgrade in example (a) and with and without the intensifications of other operations in example (b). It is important to ensure in any event that the <i>worst-case scenario</i> is assessed. This is the scenario that would be likely to give rise to the most significant environmental impacts.	

The following sections provide general guidance on the methodology and range of baseline information which an adequate description may include. The Advice Notes contain more detail on potentially relevant types of baseline data for each individual environmental factor.

3.6.2 METHODOLOGY

Sourcing Baseline Information

Baseline information should, in the first instance, be sourced from published references to ensure reliability and objectivity. Such data is increasingly available from state agencies. These sources provide readily available referable sources. These are likely to reduce the time and resources required to prepare an EIAR. They also make it easier for competent authorities and others to review the sources and verify the information used.

Note that the absence of a designation or documented feature (e.g. ecological or archaeological) does not mean that no such feature exists within the site. A detailed evaluation of the existing environment, by specialists (ref. [section 2.5](#)), is likely to be necessary for all topics that are likely to be significantly affected.

It is important for the EIAR to draw attention to limitations about factors that may affect the reliability of baseline data. These can include the availability, completeness, accuracy, age, accessibility and compatibility of data.

The need for site-specific and up-to-date data is reviewed on a case-by-case basis in the context of available data and to determine whether new surveys or research are required.

Describing Baseline Information

To facilitate evaluation of the EIAR, references to recognised descriptive standards and classifications should be included, where appropriate, as well as supporting records, information and descriptions of methodologies employed.

The description of any aspect of the environment should provide sufficient data to facilitate the identification and evaluation of the likely significant effects on that topic. Systematic, accurate and comprehensive descriptions include descriptions of the context, character, significance and sensitivity of the existing environment. The following is a list of typical baseline descriptions required for each environmental factor in an EIAR. The actual relevant range of information and the appropriate standard of description should be related to the scope of the specific EIAR and needs to be ascertained on a case-by-case basis.

Table 3.3 Typical Standards of Descriptions of Baseline Data for use in an EIAR⁶¹

BASELINE DESCRIPTIONS REQUIRED	
Context	Describe the location, magnitude, spatial extent and trends of the environmental factor, e.g.: ▲ Where is the monument? ▲ Are the air/water quality conditions representative? ▲ Are there evident trends in the condition of the local environment? ▲ What proportion of the habitat is managed?
Character	Indicate the distinguishing aspects of the environment under consideration, e.g.: ▲ Is it unpolluted air/water? ▲ What types of habitats are present? ▲ What age are the buildings?
Significance	What quality, value or designation is assigned to this aspect of the existing environment, e.g.: ▲ Is it protected by legislation or designation? ▲ Is it rare/scarse/common/abundant? ▲ Is it renewable/unique? ▲ Is it scenic/ordinary/derelict?
Sensitivity	How sensitive is this aspect of the environment to change, e.g.: ▲ Would any increase in nutrients cause eutrophication? ▲ Would disturbance cause the nesting birds to leave? ▲ Would any manmade structures detract from the character of the amenity or wilderness?

Sufficiency

Baseline information is ultimately used to inform decisions about whether to grant or withhold consent. The information provided should be enough to inform a reliable assessment of the implications for the environment.

The following criteria provide useful guidance on sufficiency of data:

- ▲ Is the information necessary for identification of the main effects available?
- ▲ Is the information necessary for assessment of the main effects available?
- ▲ Is the information focused on effects which are likely and significant?

Where it is the case that incomplete information is provided, it should be made clear that information is not intentionally withheld and that readers are made aware of the incompleteness.

⁶¹ See the Advice Notes for more detail on appropriate baseline data (available on the EPA website www.epa.ie).

The CA will then have to determine if the information included is sufficient or if absence of any information renders the EIAR non-compliant⁶². If the information is deemed to be sufficient although it is incomplete, then the resultant decision will usually be qualified or conditional.

'Because permitted adjacent developments are not yet operational and have not been subject to detailed traffic impact assessments it is not possible to model receiving traffic flows (the flows that will be in effect at the time of the construction and operation of the proposed project) with full accuracy. The receiving flows have, however, been calculated based on best predictions using all available information and in keeping with recognised standards⁶¹.'

Example of wording in an EIAR regarding sufficiency

3.6.3 GROUPING OF BASELINE INFORMATION

The environment is an extremely complex combination of natural and human factors, many of which are constantly changing. To ensure that comprehensive, reliable and accurate baseline environmental descriptions are provided in a manner which is consistent from one EIAR to another the baseline information is broken down into its constituent elements and categorised under the factors, headings and topics identified during scoping (ref [section 3.3.6](#)) so that it can be systematically described.

3.6.4 RANGE AND LEVEL OF DETAIL OF BASELINE INFORMATION

The range and the level of detail of baseline information included in an EIAR should be directly informed by the scoping process. Only information that is required for the assessment of likely significant impacts should be included. Information that is not relevant to the scope of the EIAR should not be included. For example, information on water quality characteristics in adjacent water bodies should focus on parameters which are likely to be affected by the proposal and are analysed in the (later) assessment section of the EIAR. Inclusion of irrelevant information tends to reduce clarity of the assessment as well as adding to costs and time required to prepare the EIAR and unnecessarily increasing demands on all parties involved in the overall EIA process.

62 See sections 6.2 - 8.6 of [Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment](#), Department of Housing, Planning and Local Government, 2018.

63 The standards and any relevant traffic guidelines should be referenced.

3.7 ASSESSMENT OF EFFECTS (STAGE 6 OF 7)

3.7.1 INTRODUCTION

The main purpose of an EIAR is to identify, describe and present an assessment of the likely significant effects of a project on the environment. This informs the CA's assessment process, its decision on whether to grant consent for a project and, if granting consent, what conditions to attach.

The EIAR focuses on:

- ▲ effects that are both likely and significant; and
- ▲ description of effects that are accurate and credible.

It should contain:

'A description of the likely significant effects of the project on the environment resulting from, inter alia:

- a) the construction and existence of the project, including, where relevant, demolition works;
- b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- g) the technologies and the substances used.

The description of the likely significant effects on the [environmental] factors should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project.'

Annex IV(5) of the amended Directive

Annex III(3) of the amended Directive

Effects should be described by reference to the individual environmental factors and their sensitivities⁶⁴. It may be useful to consider such effects in light of the criteria listed in Annex III of the amended Directive.

- a) 'the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- b) the nature of the impact;
- c) the transboundary nature of the impact;
- d) the intensity and complexity of the impact;
- e) the probability of the impact;
- f) the expected onset, duration, frequency and reversibility of the impact;
- g) the cumulation of the impact with the impact of other existing and/or approved projects;
- h) the possibility of effectively reducing the impact.'

The following sections outline how to identify and describe the likely significant effects and how to ensure that sufficient information has been provided to satisfy the requirements of the amended Directive and the legislation.

3.7.2 DOCUMENTING THE PROCESS

The assessment of effects needs to leave a clear documentary trail of the analysis used to arrive at conclusions. Such documentation would include a description of data and methods used, the reasons for their selection from a range of reasonable alternative means of assessment, together with descriptions of the reliability and certainty of the results as well as the limitations and difficulties encountered. All the preceding information should, wherever possible or relevant, be set out using referable standards and methods that demonstrably conform to peer-reviewed standards used by established specialist organisations.

Some uncertainty is unavoidable in EIA, especially about matters that involve an element of judgement, such as assigning a level of significance to an effect. Such judgements should be explicit and substantiated rather than presented as objective fact. This is best done using agreed referable approaches, e.g. the *Guidelines on Landscape and Visual Impacts Assessment*⁶⁵ provide guidance on what constitutes a severe visual effect. (See also [section 2.4.2](#) Maintaining Objectivity.)

3.7.3 DESCRIPTIONS OF EFFECTS

The description of effects needs to be precise and concise. Each effect usually needs to be qualified to provide a comprehensive description of the predicted effect on receptors – for example 'The likely effect of the monthly quarry blasts will be a noise that will be audible at distances

⁶⁴ See sections 3.3.6 Selection of Headings Under Which to Arrange Issues and 3.6 Describing the Baseline (Stage 5 of 7).

⁶⁵ *Guidelines for Landscape and Visual Impact Assessment*, Landscape Institute & I.E.M.A., UK, 2013.

of up to two kilometres. The cumulative effect of the quarry blasts, in addition to the established motorway noise, will give rise to a momentary increase in noise levels that will have a slight adverse impact at the local primary school.'

The EIAR should focus on the **likely, significant** effects.

The Likelihood of Effects

To ensure that the EIA adds value to the consent process it is necessary to focus on those effects that are probable or likely to occur. However, to be prudent, the EIAR also attempts to identify a reasonably foreseeable worst-case scenario as a context for 'likely significant effects'.

With competent scoping, it should be possible to greatly narrow down the key areas of concern and to derive a list confined to 'effects' that may reasonably be seen as 'likely'. Likely or probable effects can be described as those which are planned to take place (e.g. the projected emissions, the proposed earthmoving etc.) and those which can be reasonably foreseen to be inevitable consequences of the normal construction and operation of the project.

To address unforeseen or unplanned effects the Directive further requires that the EIAR takes account of the vulnerability of the project to risk of major accidents and /or disasters relevant to the project concerned and that the EIAR therefore explicitly addresses this issue. The extent to which the effects of major accidents and / or disasters are examined in the EIAR should be guided by an assessment of the likelihood of their occurrence (risk). This may be supported by general risk assessment methods or by systematic risk assessments required under other legislation e.g. a COMAH (Control of Major Accident Hazards involving Dangerous Substances) assessment.

The potential for a project to cause risks to human health, cultural heritage or the environment due to its vulnerability to external accidents or disasters⁶⁶ is considered where such risks are significant, e.g. the potential effects of floods on sites with sensitive facilities. Where such risks are significant then the specific assessment of those risks in the form of a Seveso Assessment (where relevant) or Flood Risk Assessment may be required⁶⁷.

The Significance of Effects

The significance attributed to effects can be a central issue when the findings of an EIAR come under scrutiny, for example during an appeal to An Bord Pleanála for a contested development application.

Significance of effects is usually understood to mean the importance of the outcome of the effects (the consequences of the change). Significance is determined by a combination of (objective) scientific and subjective (social) concerns.

While guidelines and standards help ensure consistency, the professional judgement of competent experts can play an important role in the determination of significance. These experts may place different emphases on the factors involved. As this can lead to differences of opinion, the EIAR sets out the basis of these judgements so that the varying degrees of significance attributed to different factors can be understood.

Descriptive Terminology

The description of effects is usually subjected to closer scrutiny than any other part of the EIAR. Clarity of method, language and meaning are vital to accurately explain the full range of effects. Adherence to a systematic method of description can be of considerable assistance in this matter.

The relevant terms listed in the table below can be used to consistently describe specific effects. All categories of terms do not need to be used for every effect.

66 ref. Annex IV(5)(d) of amended Directive.

67 ref. [section 3.3.5](#) Consideration of Other Assessments.

Table 3.4 Descriptions of Effects

Quality of Effects It is important to inform the non-specialist reader whether an effect is positive, negative or neutral.	Positive Effects A change which improves the quality of the environment (for example, by increasing species diversity, or improving the reproductive capacity of an ecosystem, or by removing nuisances or improving amenities). Neutral Effects No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error. Negative/Adverse Effects A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem, or damaging health or property or by causing nuisance).
Describing the Significance of Effects 'Significance' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful (also see <i>Determining Significance</i>).	Imperceptible An effect capable of measurement but without significant consequences. Not Significant An effect which causes noticeable changes in the character of the environment but without significant consequences. Slight Effects An effect which causes noticeable changes in the character of the environment without affecting its sensitivities. Moderate Effects An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends. Significant Effects An effect which, by its character, magnitude, duration or intensity, alters a sensitive aspect of the environment. Very Significant An effect which, by its character, magnitude, duration or intensity, significantly alters most of a sensitive aspect of the environment. Profound Effects An effect which obliterates sensitive characteristics.
Describing the Extent and Context of Effects Context can affect the perception of significance. It is important to establish if the effect is unique or, perhaps, commonly or increasingly experienced.	Extent Describe the size of the area, the number of sites and the proportion of a population affected by an effect. Context Describe whether the extent, duration or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)

Describing the Probability of Effects Descriptions of effects should establish how likely it is that the predicted effects will occur so that the CA can take a view of the balance of risk over advantage when making a decision.	Likely Effects The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented. Unlikely Effects The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.
Describing the Duration and Frequency of Effects 'Duration' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful.	Momentary Effects Effects lasting from seconds to minutes.
	Brief Effects Effects lasting less than a day.
	Temporary Effects Effects lasting less than a year.
	Short-term Effects Effects lasting one to seven years.
	Medium-term Effects Effects lasting seven to fifteen years.
	Long-term Effects Effects lasting fifteen to sixty years.
	Permanent Effects Effects lasting over sixty years.
	Reversible Effects Effects that can be undone, for example through remediation or restoration.
	Frequency of Effects Describe how often the effect will occur (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually).

Describing the Types of Effects

Indirect Effects (a.k.a. Secondary or Off-site Effects)

Effects on the environment, which are not a direct result of the project, often produced away from the project site or because of a complex pathway.

Cumulative Effects

The addition of many minor or insignificant effects, including effects of other projects, to create larger, more significant effects.

'Do-nothing Effects'

The environment as it would be in the future should the subject project not be carried out.

'Worst-case' Effects

The effects arising from a project in the case where mitigation measures substantially fail.

Indeterminable Effects

When the full consequences of a change in the environment cannot be described.

Irreversible Effects

When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.

Residual Effects

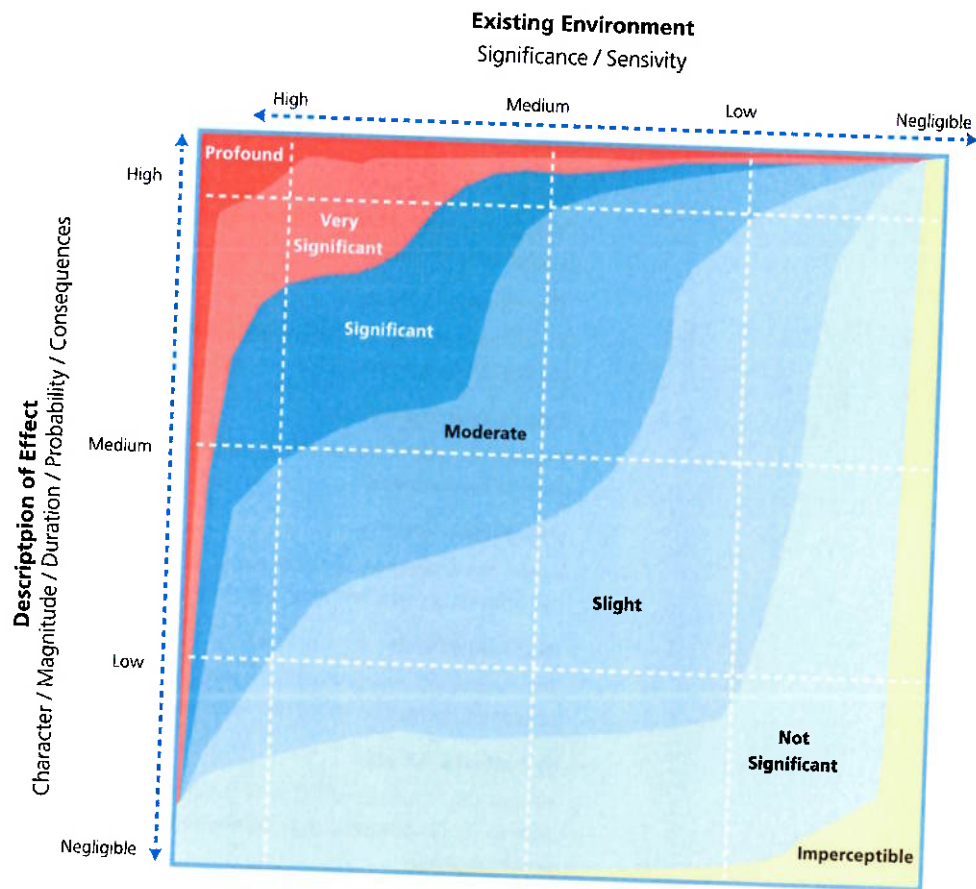
The degree of environmental change that will occur after the proposed mitigation measures have taken effect.

Synergistic Effects

Where the resultant effect is of greater significance than the sum of its constituents (e.g. combination of SO_x and NO_x to produce smog).

Determining Significance

Figure 3.4 shows how comparing the character of the predicted effect to the sensitivity of the receiving environment can determine the significance of the effect.



There are seven generalised degrees of effect significance that are commonly used in EIA. Imperceptible, Not Significant, Slight, Moderate, Significant, Very Significant and Profound. Generalised definitions of each of these are provided in Table 3.4. When more specific definitions exist within a specialised factor or topic, e.g. biodiversity, these should be used in preference to these generalised definitions. (ref. Advice Notes⁶⁸.)

Figure 3.4 Chart Showing Typical Classifications of the Significance of Effects⁶⁹

Indirect, Secondary and/or Cumulative Effects

The EC *Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions*⁷⁰ provide the following definitions.

Indirect Effects

Sometimes referred to as secondary effects or impacts, these are defined by the EC as 'Impacts on the environment, which are not a direct result of the project, often produced away from (the site) or as a result of a complex pathway.'

⁶⁸ see Advice Notes for more detail on appropriate baseline data (available on the EPA website www.epa.ie).

⁶⁹ This chart is adapted from guidance provided in section C8 of *A handbook on environmental impact assessment: Guidance for Competent Authorities, Consultees and others involved in the Environmental Impact Assessment Process in Scotland*, Scottish Natural Heritage, 5th Edition, 2018. The depiction of significance classifications is indicative and should not be relied on as being definitive. It is provided for general guidance purposes.

⁷⁰ *Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions*, European Commission, 1999.

One example of an indirect effect would be deterioration of water quality due to soil erosion following tree clearance for a development on a woodland site. In this case the tree removal is a direct effect and the effects of the erosion are indirect effects.

CASE LAW

In *An Taisce v An Bord Pleanála* (2015 IEHC 633) *Edenderry* the High Court ruled that an EIA of a proposal to extend the operating life of the peat - and part biomass - fuelled power station at Edenderry, Co. Offaly, excluded indirect effects due to harvesting of peat to fuel the power plant. The judgment referred to the 'functional interdependence' between the plant and the bogs where the peat was harvested. It was held that the fact that the harvesting operations were governed by separate EPA licensing did not justify exclusion from the EIA process.

Cumulative Effects

The addition of many minor or insignificant effects, including effects of other projects, to create larger, more significant effects.

While a single activity may itself result in a minor impact, it may, when combined with other impacts (minor or insignificant), result in a cumulative impact that is collectively significant. For example, effects on traffic due to an individual industrial project may be acceptable; however, it may be necessary to assess the cumulative effects taking account of traffic generated by other permitted or planned projects. It can also be prudent to have regard to the likely future environmental loadings arising from the development of zoned lands in the immediate environs of the proposed project.

(See also [section 3.5.7](#) Description of Other Related Projects for more on cumulative effects.)

3.7.4 CRITERIA FOR ASSESSMENT OF EFFECTS

As identified in [section 3.7.1](#), the likely significant effects of projects on the environment must be considered in relation to a set of criteria identified in the Directive. To ensure sufficient information has been provided in this regard, the EIAR should aim to answer the types of questions included in the right-hand column of Table 3.5 in relation to each of the criteria.

Table 3.5 Checklist for Information Required to Describe Effects⁷¹

CRITERIA	DETAILED QUESTIONS - TO DETERMINE WHETHER THE EIAR HAS:
a. Magnitude and spatial extent of the effects	- clarified the size and scale of the effects? - indicated the spatial extent of the effects (will some, much or all the areas be affected)? - identified the receptors which will be affected, indicating their sensitivity and significance?
b. Nature of the effects	- clarified which part of the environment will be affected and how significantly? - identified the aspect of the environment affected? - described whether the effects are positive, neutral or negative?
c. Transboundary nature of the effects	indicated the spatial extent of the transboundary effects (will some, much or all of the jurisdiction be affected)?
d. Intensity and complexity of the effects	- quantified the amount or intensity by which the character/quality of any environmental factor will change? - described the degree of change (e.g. imperceptible, slight or significant)? - Identified the significance of the effect [e.g. profound or insignificant]
e. Probability of the effects	- established the level of certainty of the assessment's findings? - highlighted consequence that cannot be determined?
f. Expected onset, duration, frequency and reversibility of the effects	- stated whether the effects will be continuous, intermittent or occasional? - indicated whether the effects will be temporary, short, medium or long-term? - highlighted irreversible effects?
g. Cumulation of the effects with the effects of other existing and/or approved projects	- described cumulative effects? - considered cumulative effects due to cumulation of effects with those of other projects that are existing or are approved but not yet built or operational?
h. Possibility of effectively reducing the effects	- indicated whether the effects can be mitigated? - stated whether compensation is available, possible or acceptable?

3.7.5 ASSESSMENT METHODS

Where relevant the EIAR should describe the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge⁷²) encountered in compiling the required information and the main uncertainties involved. These details should enable all parties to arrive at similar conclusions as to the significance of effects, having regard to the criteria above⁷³. This is typically included on a topic-by-topic basis within each specialist section of the EIAR. There is more detailed discussion of this in the accompanying Advice Notes.

⁷¹ Adapted from criteria to determine whether projects would have significant environmental impacts as set out in Annex III of Directive 2014/52/EU.

⁷² ref. guidance on *Sufficiency* in section 3.6.2.

⁷³ ref. sections 3.7.3 Description of Effects and 3.7.4 Impact Assessment Criteria.

3.7.6 INTERACTIONS BETWEEN EFFECTS ON DIFFERENT FACTORS

The interactions between effects on different environmental factors should be addressed as relevant throughout the EIAR. For example, where it is established in the Hydrology section that there will be an increase in suspended solids in discharged surface waters during construction, then the Biodiversity section should assess the effect of that on sensitive aquatic receptors. Close coordination and management within the EIA team is needed to ensure that interactions are adequately addressed throughout an EIAR. Further guidance on this important requirement is contained in [section 4.3](#) Language, Terms and Editorial Notes⁷⁴.

It is general practice to include a matrix to show where interactions between effects on different factors have been addressed. This is usually done using the actual headings used in the EIAR (which may differ from the factors contained in the Directive (ref [section 3.3.6](#)). This is typically accompanied by text describing the interactions. Further coverage of this is provided in the Advice Notes.



⁷⁴ See also [sections 3.3.6, 3.7.3 and 3.8.1](#).

Interaction	Population & Human Health		Biodiversity		Land, Soils & Geology		Hydrology & Hydrogeology		Air Quality & Climate		Noise & Vibration		Landscape		Material Assets		Roads, Traffic & Transportation		Waste Management		Archaeology		Architectural Heritage	
	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.	Con.	Op.
Population & Human Health			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Biodiversity					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Land, Soils & Geology							X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hydrology & Hydrogeology							X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Air Quality & Climate											X	X	X	X	X	X	X	X	X	X	X	X	X	X
Noise & Vibration													X	X	X	X	X	X	X	X	X	X	X	X
Landscape													X	X	X	X	X	X	X	X	X	X	X	X
Material Assets													X	X	X	X	X	X	X	X	X	X	X	X
Roads, Traffic & Transportation													X	X	X	X	X	X	X	X	X	X	X	X
Waste Management																	X	X	X	X	X	X	X	X
Archaeology																	X	X	X	X	X	X	X	X
Architectural Heritage																								

Con.	Construction Phase	Weak Interaction
Op.	Operational Phase	Some Interaction
X	No Interaction	Strong Interaction

Figure 3.5 Sample Matrix to show Interactions between Factors

3.8 MITIGATION & MONITORING (STAGE 7 OF 7)

An EIAR should include:-

Annex IV(7) of the amended Directive

'A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.'

3.8.1 MITIGATION (& OFFSETTING)

Overview

Early in the design process, assessments are carried out to identify likely significant effects and to integrate mitigation measures into the fundamental design to address potential adverse effects.

Undertakings to mitigate are specific parts of the project that must be complied with – in the same way as features that are described in drawings or specifications. Therefore, it is in the applicant's interest to ensure that all undertakings to mitigate are fully understood and accepted and the resources will be available to ensure compliance with such commitments.

Non-compliance is increasingly likely to be detected by sophisticated monitoring and post-consent evaluation – leading to likely enforcement proceedings in relation to failure to fully or effectively implement mitigation measures.

At an early stage, for projects interacting with significant environmental sensitivities, it may even be of benefit to review whether emerging requirements for mitigation may affect project viability.

The best mitigation measures are fully incorporated into the permitted design and operation of the project. Other mitigation measures may respond to exceedances detected by monitoring and are expressed as 'if/then' measures. These measures clearly set out a sequence of actions and responsibilities that arise on detection of an exceedance, e.g. *'If the BOD levels in the holding pond exceed the (stated parameter) then the discharge valve shall be closed until the levels return to permitted levels'*.

The established strategies for mitigation of effects are avoidance, prevention and reduction, which are commonly referred to as 'Mitigation Measures'. Offsetting⁷⁵ can be considered a type of 'Compensation Measure'. The efficacy of each is related to the stage in the design process at which environmental considerations are taken into account. Effects avoidance is most applicable at the earliest stages, while prevention or reduction may be provided up to a much later stage.

⁷⁵ It should be noted that different considerations apply in relation to the application of mitigation measures and compensatory measures in the context of the assessments required by Articles 6(3) and 6(4) of the Habitats Directive.

Measures such as offsetting should only be considered as a last resort if they may be the only option available, for example where projects cannot avoid, prevent or reduce significant effects due to their need to locate on a particular site.

Mitigation by Avoidance

Avoidance, usually referring to strategic issues – such as site selection, site configuration or selection of process technology - is generally the fastest, cheapest and most effective form of effect mitigation. Environmental effects and the consideration of alternatives need to be taken into account at the earliest stage in the site / route selection and project design processes. For example, the realignment of a transport corridor to avoid residential property, avoid habitat destruction or to reduce agriculture severance, etc. In many situations, mitigation by avoidance may be viewed as part of the 'consideration of alternatives'.

Mitigation by Prevention

This usually refers to technical measures. Where a potential exists for unacceptable significant effects to occur (such as noise or emissions) then measures are put in place to limit the source of effects to a permissible and acceptable level. Examples include the specification of process technology standards or building design to minimise height or contrasts of materials. Prevention measures are also put in place to prevent the effects of accidental events from giving rise to significant adverse effects. The installation of a fire-water retention basin is an example of mitigation against such risk by prevention.

Mitigation by Reduction

This is a very common strategy for dealing with effects which cannot be avoided. It tends to concentrate on the emissions and effects and seeks to limit the exposure of the receptor. It is generally regarded as the 'end of pipe' approach because it tends not to affect the source of the problems. As such this is regarded as a less sustainable, though still effective, approach.

Reducing the Effect

This strategy seeks to intercept emissions, effects and wastes before they enter the environment. It monitors and controls them so that acceptable standards are not exceeded. Examples include waste water treatment, filtration of air emissions and noise attenuation measures.

Reducing Exposure to the Effects

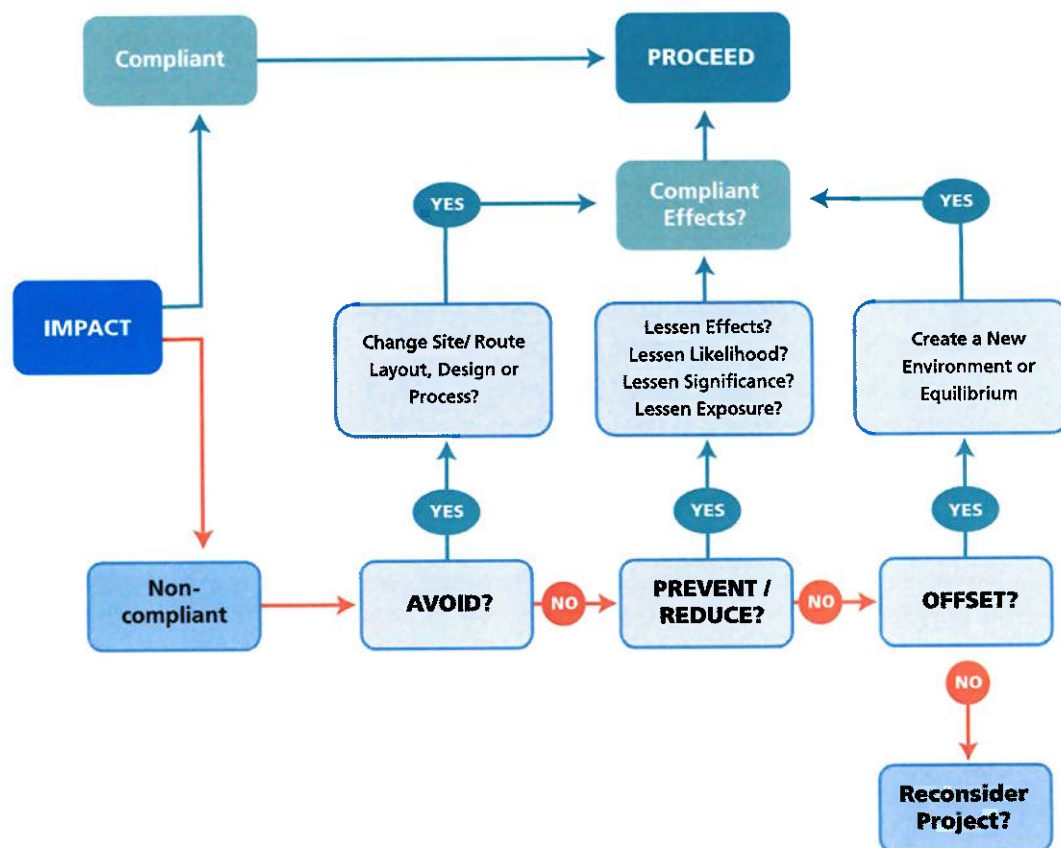
This strategy is used for effects which occur over an extensive and undefined area. Such effects may include noise, visual effects or exposure to accidents or hazards. The mitigation is achieved by installing barriers between the location(s) of likely receptors and the source of the effects.

Offsetting

This is a strategy used for dealing with significant adverse effects which cannot be avoided, prevented or reduced. It includes measures to compensate for adverse effects.

Examples

- ▲ Restoration of buildings, walls or features to compensate for loss of similar features.
- ▲ Planting of new vegetation elsewhere to replace unavoidable loss of similar vegetation.
- ▲ Provision of a new amenity area to replace amenity lost as a result of a project.



For definition of *compliant* as used here see footnote⁷⁶.

Figure 3.6 Strategies for Identification of Appropriate Mitigation or Offsetting Measures Leading to a Decision to Proceed with the Project

Mitigation or offsetting measures may unintentionally cause indirect effects, e.g. an acoustic screen wall to mitigate noise effects may have a significant visual effect or waste water treatment to mitigate water quality effects may require disposal of sludge waste. All mitigation and offsetting measures, including those devised in the latter stages of preparation of an EIAR need to be clearly described. Careful co-ordination to ascertain if they need to be referred to or assessed in other sections of the EIAR is essential⁷⁷. As an example, road widening mitigation proposals to address traffic congestion may cause effects on other factors including biodiversity, land, soil, water, air, cultural heritage and the landscape. It is also important to fully consider interactions between effects and cumulative effects arising from the mitigation or offsetting measure.

⁷⁶ In this context, *compliant* means effects that are in accordance with legislation, appropriate guidelines or accepted standards.

⁷⁷ See also [section 3.7.6](#) Interactions Between Impacts on Different Factors

3.8.2 MONITORING

The Annex IV extract in section 3.8 includes the requirement regarding coverage of monitoring in an EIAR, as set out in the Directive.

It may be appropriate, where relevant, to propose monitoring takes place after consent is granted in order to check that the project in practice conforms to the predictions made during the EIA and to record any unforeseen effects in order to undertake appropriate remedial action⁷⁸.

Monitoring checks that proposed systems are operating as intended. This allows adjustments of operations to be made to ensure compliance with consent conditions such as emission limit values, conditions of operation, performance criteria indicators and detection of unexpected mitigation failures.

It is important to avoid excessive reliance on monitoring because this has the potential to lead to operational changes that fall outside the scope of project that was subject to scrutiny during the consent process. Monitoring post consent should similarly not be used to allow the deferral of the gathering of information that is necessary for the assessment/consent⁷⁹.

In this context, it is important to ensure that monitoring is described within the context of the operations of the project processes. Monitoring descriptions should refer to remedial actions to be taken, as well as responsible parties, i.e. the developer and/or the consent authority (if monitoring thresholds are exceeded). In this way, all monitoring proposals and actions should be expressed as 'if-then' scenarios.

3.8.3 CONSULTATION ABOUT PREDICTED EFFECTS, MITIGATION & MONITORING MEASURES

Once likely significant effects are identified it can be useful to consult with the CA or other authorities⁸⁰ with responsibility for the relevant environmental characteristics. This can help to determine the practicality, acceptability and enforceability of any mitigation and monitoring measures that are being considered.

3.8.4 CLARITY OF MITIGATION & MONITORING MEASURES

The commitment to all mitigation and monitoring measures need to be made clear in the EIAR. Terms such as *...is recommended* or *...should be considered* need to be avoided. All commitments need to be clear and specific.

For ease of reference and clarity, and to facilitate enforcement, all such measures contained in an EIAR can be included in a compendium of mitigation and monitoring commitments (only). This may be a separate section or appendix to the EIAR. Such a compendium should comprise a list of relevant measures but should not elaborate on the reasoning or expected effectiveness of those measures, as the elaboration will take place within the main body of the EIAR.

78 Note that, like many other terms used in these Guidelines, the term *monitoring* can mean different things in different contexts. A specific definition of its meaning in the context of Archaeology is given in section 3.3.2 (c) of the *Policy and Guidelines on Archaeological Excavation*, Department of Arts, Heritage, Gaeltacht and the Islands, 1999.

79 ref. Section 7 of *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Environment, Community and Local Government, 2018.

80 Bodies specified in the applicable legislation, e.g. Article 28 of the Planning and Development Regulations, 2001 (as amended).

3.9 RESIDUAL EFFECTS AND CONCLUSIONS

3.9.1 RESIDUAL EFFECTS

The residual effects are the final predicted or intended effects which occur after the proposed mitigation measures have been implemented.

It will not always be possible or practical to mitigate all adverse effects. The effects that remain after all assessment and mitigation are referred to as 'Residual Effects'. These are the remaining environmental 'costs' of a project that could not be reasonably avoided. These are a key consideration in deciding whether the project should be permitted or not.

For this reason, it is important that residual effects are clearly described in accordance with the standardised terminology set out previously.

3.9.2 CONCLUSIONS

The EIAR, or sections of an EIAR, should avoid including a 'Conclusions' section. Instead, an EIAR can include a summary of effects, a mitigation and monitoring measures compendium (as described in [section 3.8.4](#)), or a section on 'Residual Effects,' as described above.

While an EIAR is being scrutinised during the consent determination process, particularly during any appeal or challenge, it is not uncommon to encounter a request from a CA, statutory consultee or member of the public for an EIAR to provide an overall summary of the effects on the environment – or indeed on one aspect – asking, for example, to 'describe the overall effect of the proposed project on the landscape of the area'. The tendency to try to answer simplistic questions needs to be resisted because it fails to recognise that it is the nature of effects to affect individual, discrete, receptors at specific and separate times.

It can, however, be useful to provide an overview of the ways that the EIA process has helped to avoid reduce or mitigate significant effects of the proposed project. This can be done by including an overview of how the impact assessment and mitigation process has influenced the evolution of the design. This may be particularly useful when there are complex project or environmental issues to be considered and can form part of the section dealing with the consideration of alternatives.

3.10 DOCUMENT REVIEW

While it is not provided for in the legislation, all parties can benefit from a pre-application review of a draft EIAR by the CA or other statutory consultees – who are sometimes assisted by specialist advise. This may be particularly useful when there are complex project or environmental issues to be considered and can help to identify and resolve any issues before the application is finalised.

Such a review by the CA or other statutory consultees is carried out without prejudice to the subsequent determination.

The principal advantages of this kind of document review can include:

- ▲ Ensuring that the material submitted will be clearly understood by the public
- ▲ Avoidance of requests for additional information during the formal consent application process
- ▲ Clarifying descriptions of residual effects, reference criteria and relevant mitigation proposals
- ▲ Highlighting interactions or conflicts that may not have been evident at the earlier scoping stage.

Such reviews are at the discretion of the relevant authorities because resources may not always be available to facilitate this kind of review and engagement. The CA may review the whole EIAR, while other consultees are unlikely to review sections of the EIAR that fall outside their remit.

Within the EIAR team, ongoing document review is an essential part of an effective EIAR process. Internal reviews should take place throughout the preparation of an EIAR from initial drafts to the application stage. All relevant team members should have roles in reviewing the document before the document is finalised and submitted to a consent process. This should include key specialists who have contributed to the EIAR as well as lead design team members, the project manager and the client. (See *sections 2.4* and *4.3* for more guidance on this essential aspect of EIAR preparation.)

4. PRESENTING THE INFORMATION IN AN EIAR

While the amended Directive and the legislation include many requirements about the factors that need to be addressed in an EIAR, there are few requirements regarding the presentation of an EIAR. In practice, the structure of an EIAR tends to follow the same sequence as the requirements set out in the Directive and legislation.

Compliance with the legislation⁸¹ ensures that the information needed for decision makers is available, adequate and accurate.

4.1 CONTENT

To assist assessment and increase clarity and the systematic organisation of information in an EIAR, it is good practice to separately describe the:

- i) key alternatives considered
- ii) proposed project
- iii) receiving environment
- iv) likely significant effects
- v) mitigation and monitoring measures
- vi) residual effects.

A non-technical summary must also be provided (ref [section 4.6](#)).

The receiving environment and the effects of the project are explained by reference to its possible effects on a series of environmental factors:

- ▲ Population and Human Health
- ▲ Biodiversity
- ▲ Land & Soils
- ▲ Water
- ▲ Air
- ▲ Climate
- ▲ Material Assets
- ▲ Cultural Heritage
- ▲ Landscape
- ▲ Interactions.

Different specialist topics may be relevant under some of these factors (ref [section 3.3](#)).

In practice the descriptions of items (iii) to (vi) above are usually addressed under each individual environmental factor (or specialist topic), along with the description of project details which are particularly relevant to that factor (or topic).

Effects address direct, indirect, secondary, cumulative, transboundary, short- medium- and long-term, permanent, temporary, positive and negative effects.

If it has been decided during scoping that a topic is not relevant, then the EIAR should nonetheless include a specific explanation as to why it has been determined that it is not relevant, i.e. why it has been decided that it is appropriate for the topic to be 'scoped out'.

⁸¹ ref. [section 1.3](#) Legislation.

4.2 STRUCTURE

The format, which is a matter for the proponent to determine, should be rational, systematic and clearly show how it relates to the mandatory requirements. Accessibility and clarity should be key considerations. The non-technical summary can be part of the main EIAR document or can be presented separately.

The structure should ensure that facts and prediction are kept separate. This keeps facts to the forefront and reduces the potential for bias or selective information.

The typical format starts with an introduction, followed by descriptions of the screening and scoping stages and an overall project description. It then examines each environmental factor (as listed in [section 4.1](#)) as a separate section. These sections may contain separate parts or subsections to address the individual headings and/or topics identified during scoping.

4.3 LANGUAGE, TERMS & EDITORIAL NOTES

Thorough briefing and editing ensures a consistent and well-integrated EIAR. This should greatly improve accessibility and keep the EIAR focused on assessment of the likely significant effects. It should also reduce the possibility of conflicting information being included in the EIAR. Inconsistencies can compromise compliance, leading to delays in the consent process or even forming grounds for legal challenge.

The editing role will often identify interactions between issues arising under separate factors which might otherwise not be noticed but which need to be assessed to ensure compliance.

Inclusion of separately prepared assessments for different topics without adequate editing is likely to result in a disjointed EIAR. This increases the potential for inconsistencies or for significant interactions with other topics to be overlooked.

Key editing considerations include:

- ▲ The phrases ‘...effects will occur’ or ‘is likely to occur’ are always preferable to terms like *may*, *could*, or *might occur* unless there is a particularly high degree of unavoidable uncertainty about the effects. If it is not possible to provide such definitive statements, then the use of tentative language should be explained.
- ▲ Euphemisms should be avoided (e.g. the description of the clear-felling of mature trees ought not to be described as ‘a woodland management programme’).
- ▲ Terms should be used consistently throughout an EIAR. This is particularly important when compiling contributions from different experts into one EIAR document. Use terms that have a widely accepted meaning. Specialised or technical terms used in an EIAR should be explained so that their usage and meaning is clear to the average non-specialist reader. If numerous such terms are used, then inclusion of a *glossary of terms* can be very beneficial.
- ▲ Repetition should be avoided. For example, avoid repetition of site location and project description information. Similarly, the methodology description in each specialist section should avoid repetition of references to the same guidelines.
- ▲ Use of cross-referencing should help make the EIAR easier to follow, pointing the reader to relevant related material, e.g. to figures, tables or interacting topics. This should also help avoid repetition of material.
- ▲ Footnotes can similarly help make the EIAR easier to follow by removing details such as document references and technical information from the body of the report text.
- ▲ Clear page numbering, logical arrangement and numbering of sections and subsections improve accessibility. A table of contents that includes lists of tables, figures and appendices will also help to make the EIAR easier to navigate.

- Review and editing by a lead author or central editing team should help achieve a consistency of style and format. This increases the legibility and accessibility of the overall EIAR and makes it more useful in the EIA process.

Illustrations

Illustrations, including maps, plans, sections, diagrams, photographs and sketches, can be used to explain aspects of the assessment. Illustrations need to be prepared that will be legible at the scale at which they are included in the EIAR. Drawings that are intended to be printed in large format (e.g. A1 or A0 size) will usually not be sufficiently clear if reduced in the EIAR to A3 or A4 page size. Simplified versions of drawings may need to be separately prepared in order to clearly describe the relevant parts of a project in the EIAR. The date and source of mapping and other externally sourced data used in illustrations should be included where relevant. Clear captions are required to explain the purpose of each illustration.

Illustrations should only be included where they help to explain information that is relevant to the EIAR. So, for example, large sets of floor plans, elevations and process diagrams are rarely helpful in an EIAR and their inclusion may make it harder to find other information that is relevant. Lack of clarity can undermine credibility or lead to requests for additional information.

4.4 APPENDICES

Appendices can be useful for including supporting information that is not core to an EIAR but which may nonetheless be required for a more detailed understanding, or technical scrutiny, of significant issues. The appendices can be particularly useful for minimising the size of the main EIAR. Inclusion of unnecessary technical data or material such as legislation that may be available elsewhere (online) should be avoided.

For example, the appendix may include a detailed traffic impact assessment report that may contain numerous junction diagrams and engineering calculations while the findings of the report will be accurately summarised in plain language in the main body of an EIAR. This approach helps to keep the main EIAR document clear and succinct.

Where appendices are used, then cross-references to them should be included in the body of the EIAR to advise the reader of relevant appendices and of specific relevant material within them.

4.5 SIZE

The size of an EIAR will vary as a result of the range and complexity of the significant issues. It is in the interest of all parties for an EIAR to be kept as concise as possible. Excessive length can be a considerable barrier to effective public participation. It is best to keep supplementary or detailed information out of the main volume of the EIAR and present it as an appendix, separate to the main EIAR document. [Section 4.7](#) provides guidance on presentation to assist in ensuring accessibility. This is particularly relevant in the case of long documents and documents containing numerous appendices.

The EIAR, together with its appendices, ought to generally constitute a self-contained document, i.e. direct reliance on references to documentation that is not readily available (e.g. online) is to be avoided.

Topics which are not directly relevant to the EIAR are excluded to maintain focus on environmental matters. For example material on project justification is generally inappropriate for inclusion in the EIAR or the appendices and is better included elsewhere (in a Planning Application Report, for example).

4.6 NON-TECHNICAL SUMMARY

Introduction

The Directive includes the requirement for a non-technical summary because one of the fundamental objectives of the EIA process is to ensure that the public is made aware of the environmental implications of any decisions about whether to allow new projects to take place. This should be a summary of the information provided under points 1 to 8 in Annex IV of the amended Directive.

While it is a summary, it is important to cover the issues that arose in sufficient detail so that the key issues and their implications can be clearly understood.

For larger projects it can be useful to present the non-technical summary as a separate document, which can be widely distributed to the public who are likely to be affected by the project.

A non-technical summary of an EIAR is different to and should not be confused with public relations or promotional material, which should not form any part of an EIAR (see also [section 2.6](#)).

Structure and Contents

The non-technical summary is generally laid out in a similar, but condensed, format to the main EIAR, i.e. describing the project, existing environment, effects and mitigation measures, etc. The inclusion of clear maps, plans and other illustrations can be useful.

Language and Terms

The non-technical summary should be short and easily followed, but it should not omit or understate any effects which may be controversial. All key likely significant effects should be included.

Technical terms, abbreviations, references or jargon should not be used.

4.7 PRESENTATION / MEDIA

For ease of use, most EIARs are printed in A4 format. A3 format is sometimes used for illustrations to aid legibility, and this is considered acceptable. It is best to avoid excessive use of colour illustrations because this impedes making copies available at a reasonable cost.

The copies of an EIAR submitted to accompany a consent application need to be made available in whatever format is required by the CA and in accordance with requirements of the legislation⁸². Provision of digital copies of EIARs is increasingly recognised as being practical because it reduces cost and facilitates ease of access for the public. In some consent procedures, the applicant is legally required to make them available online.

Provision of digital copies also helps the state to meet its obligation under the Directive to make relevant information accessible in electronic format:

'With a view to strengthening public access to information and transparency, timely environmental information with regard to the implementation of this Directive should also be accessible in electronic format. Member States should therefore establish at least a central portal or points of access, at the appropriate administrative level, that allow the public to access that information easily and effectively.'

**Recital (18) of
Directive
2014/52/EU**

Digital copies should:

- ▲ be in a locked format that is laid out and numbered the same as the paper copy (normally PDF)
- ▲ be searchable
- ▲ be clearly indexed and labelled
- ▲ ensure that the digital file size readily facilitates uploading and distribution.

Internal hyperlinks, e.g. to footnotes and cross-references can be useful and aid accessibility provided they do not affect the numbering or arrangement of content.

82 ref also [section 5.1](#) Scrutiny and Consent and section 5 of *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Housing, Planning and Local Government, 2018.

5. NEXT STEPS IN THE EIA PROCESS

After completion of an EIAR, the remaining stages in the EIA process are *scrutiny & consent* and *enforcement & monitoring* (See Figure 2.1). These are not part of the preparation of an EIAR but are worthwhile considering in order to improve the applicant's focus on how to present material in a way that facilitates the CA's role in the EIA process.

5.1 SCRUTINY & CONSENT

Submission to the Competent Authority

Once the EIAR has been completed, public notification requirements must be complied with. These will state that an EIAR is being (or has been) submitted with a consent application. For larger or complex projects it can be advisable to discuss the details of these and other requirements with the CA in advance of submission. Discussions can, for example, include the requirements for the number of copies or the most suitable format – for ease of reproduction or display. EIA Portal requirements must also be complied with, as applicable⁸³.

Competent Authority Assessment

The CA will assess the EIAR to ensure that it is compliant with the requirements of the Directive and transposing legislation. This is usually done by checking that it contains all of the main requirements, as set out in [section 2.4.4](#). If any of these items are not included, the CA will expect to see an explanation as to why the particular item or items were omitted (e.g. on account of scoping). The CA will also check that the EIAR was prepared by competent experts (ref. [section 2.5](#)).

The CA consults with certain authorities⁸⁴ and with the public to seek their observations on submissions. They must consider these observations as part of the determination process.

The CA assesses the EIAR and other submitted documents to determine whether it has sufficient information on the environmental effects of the project to enable it to make an adequately informed determination.

Competent Authority Decision

The CA can then make one of three decisions, namely to seek further information, grant or refuse the application.

If, during the review, the CA determines that the information presented in an EIAR is not sufficient for it to make a determination, then the developer may be asked to provide further information.

If granting, the CA attaches conditions to the consent. The conditions will typically seek to ensure adherence to mitigation and monitoring measures presented in the EIAR. These may be augmented and modified by the CA.

If refusing, the CA may cite specific evidence from the EIAR such as the non-conformity of residual effects with official standards, impractical mitigation measures or uncertainty about environmental interactions.

Article 8a of the Directive specifies various requirements in relation to the making of the decision. These mainly relate to reasoned conclusion, conditions, mitigation measures and monitoring. These requirements are transposed into the relevant legislation. A consent decision may be

83 EIA Portal, Department of Housing, Local Government and Heritage
<https://www.gov.ie/en/publication/9f9e7-eia-portal/>

84 Bodies specified in the applicable legislation, e.g. Article 28 of the Planning and Development Regulations, 2001 (as amended).

subject to appeal and/or legal challenge. The provisions for appeals and challenges vary according to the consent regime and a range of other considerations. These stages may involve further scrutiny of the EIAR and of the EIA process.

5.2 MONITORING & ENFORCEMENT

'1. The decision to grant development consent shall incorporate at least the following information:

....

(b) any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment as well as, where appropriate, monitoring measures.

...

4. In accordance with the requirements referred to in paragraph 1(b), Member States shall ensure that the features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment are implemented by the developer, and shall determine the procedures regarding the monitoring of significant adverse effects on the environment.

The type of parameters to be monitored and the duration of the monitoring shall be proportionate to the nature, location and size of the project and the significance of its effects on the environment.

Existing monitoring arrangements resulting from Union legislation other than this Directive and from national legislation may be used if appropriate, with a view to avoiding duplication of monitoring.'

**Article 8a of
amended Directive**

If consent has been granted and the project proceeds, then the developer is obliged to adhere to the specific mitigation measures and monitoring commitments contained in the EIAR⁸⁵, as modified by any conditions attached to the consent.

Applicants are strongly advised to give careful consideration to the wording of undertakings to mitigate – to ensure that they clearly result in actions that can be readily identified by monitoring and acted upon by enforcement procedures.

Monitoring requirements may include reporting to the CA. Where triggers have been attached to monitoring results then relevant mitigation measures are activated as required by the EIAR or consent conditions. This could be during construction (or commissioning), operations or modifications (or decommissioning or reinstatement).

85 ref [section 3.8.4](#) Clarity of Mitigation & Monitoring Measures.

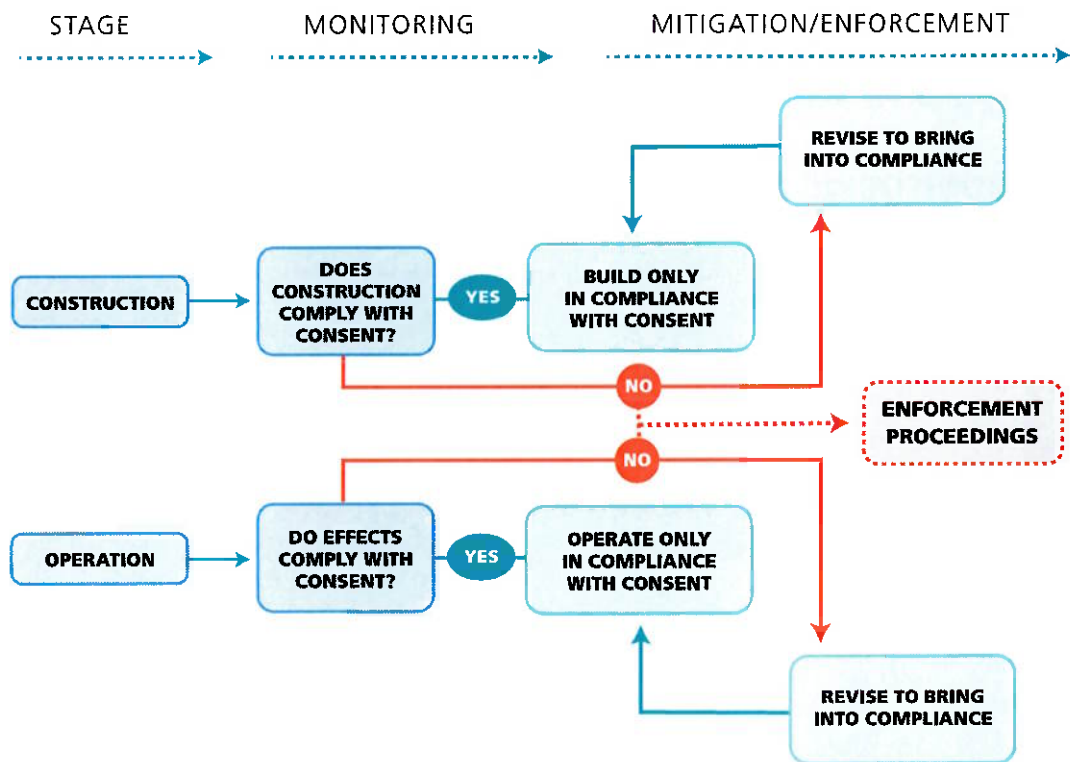


Figure 5.1 Monitoring, Mitigation and Enforcement

Modifications to a project should be subject to screening for further consent requirements including EIA screening. If they do not require any separate consent then the above monitoring and mitigation considerations apply.

APPENDIX I – GLOSSARY OF TERMS

This glossary provides standard definitions of terms that may be useful in preparation of EIARs.

Alternatives

A description of other options that may have been considered during the conception of a project; these include alternative locations, alternative designs and alternative processes.

Appropriate Assessment – AA

An appropriate assessment is an assessment of the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. These sites are protected by national and European law.

Archaeology

The study of past societies of any period through the material remains and the evidence of their environment. The material things (objects, monuments, sites, features, deposits) which archaeology uses to study past societies are referred to as 'archaeological heritage'.

Baseline Scenario

The current state of environmental characteristics – including any evident trends in its status.

Baseline Survey

A survey to establish the current state of environmental characteristics.

Biodiversity

'The variability among living organisms from all sources, including, *inter alia*, terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems'⁸⁶.

Commissioning

The activities occurring after the construction of a project that occur before it becomes fully operational. On large or complex projects, this can include extended periods of testing, certification and calibration, for instance.

Competent Authority (CA)

The term 'competent authority' means the Minister or public authority to which an EIAR is required to be submitted, i.e. the authority charged with examining an EIAR with a view to issuing a consent to develop or operate.

Decommissioning

The final closing down and putting into a state of safety of a development, project or process when it has come to the end of its useful life.

Developer

A term used in the EIA Directive to describe persons or organisations proposing a project which is subject to the EIA Directive.

⁸⁶ Convention on Biological Diversity, Secretariat of the Convention on Biological Diversity, Montreal, Canada, 1992.

Development

A project involving new works [including alteration and/or demolition] or altered patterns of activity.

'Do-nothing' Scenario

The situation or environment which would exist if a proposed, development, project or process were not carried out. This scenario needs to take account of the continuation or change of current management regimes, as well as the continuation or change of trends currently evident in the environment.

Ecology

The study of the relationships between living organisms and between organisms and their environment (especially animal and plant communities), their energy flows and their interactions with their surroundings.

Effect / Impact

A change resulting from the implementation of a project.

Effluent

Any liquid discharged from a source into the environment.

Emission

Under the EPA Act 1992, as amended, 'emission' means, in relation to an activity referred to in Part IV, IVA, IVB or IVC, any direct or indirect release of substances, heat or noise from individual or diffuse sources in the activity into the atmosphere, water or land, and includes:

- a) an emission into the atmosphere of a pollutant within the meaning of the Air Pollution Act, 1987,
- b) the release of a greenhouse gas or a precursor of a greenhouse gas into the atmosphere,
- c) a discharge of polluting matter, sewage effluent or trade effluent within the meaning of the Local Government (Water Pollution) Act 1977, to waters or sewers within the meaning of that Act, or
- d) waste,

but does not include a radioactive substance within the meaning of Council Directive 96/29/Euratom, a genetically modified micro-organism within the meaning of Council Directive 90/219/EEC or a genetically modified organism within the meaning of Directive 2001/18/EC of the European Parliament and of the Council.

Environmental Factor

EIA legislation has defined a number of factors that are used to organise descriptions of the environment. The discussions of the characteristics of the environment in an EIAR are grouped under headings which correspond to these factors or closely related headings (ref. [section 3.3.6](#) Selection of Headings Under Which to Arrange Issues).

Environmental Impact Assessment – EIA

The process of examining the anticipated environmental effects of a proposed project – from consideration of environmental aspects at design stage, through consultation and preparation of an Environmental Impact Assessment Report (EIAR), evaluation of the EIAR by a competent authority, and the subsequent decision as to whether the project should be permitted to proceed, encompassing public response to that decision.

Environmental Impact Assessment Report – EIAR

A report or statement of the effects, if any, that the proposed project, if carried out, would have on the environment.

EPA

The Environmental Protection Agency.

Geology

The science of the earth, including the composition, structure and origin of its rocks.

Ground Water

The water which flows underground through naturally porous parts of the soil or rock.

Habitat

'A habitat is described as the area in which an organism or group of organisms lives, and is defined by the living (biotic) and non-living (abiotic) components of the environment. The latter includes physical, chemical and geographical factors, in addition to human impact or management'⁸⁷.

Hydrology

The science concerned with the occurrence and circulation of water in all its phases and modes, and the relationship of these to man.

Impact / Effect

A change resulting from the implementation of a project.

Impact Avoidance

The modification of project decisions (about site location or design, for example) having regard to predictions about potentially significant environmental effects.

Industrial Emissions – IE Licence

Industrial Emissions Directive activities are defined in Annex I of the Industrial Emissions Directive (Directive 2010/75/EU). These activities were incorporated into the First Schedule to the Environmental Protection Agency Act 1992 by the European Union (Industrial Emissions) Regulations 2013. Industrial Emissions Directive activities are subject to an Industrial Emissions licensing system administered by the EPA. An IE licence is a single integrated licence which covers all emissions from the installation and its environmental management. More information is available on the EPA website <http://www.epa.ie/licensing/industrialemissionslicensing/#.VQIV3tKsUph>

Infrastructure

The basic structure, framework or system which supports the operation of a project, for example roads and sewers, which are necessary to support development projects.

⁸⁷ A Guide to Habitats in Ireland, Fossitt, J.A., 2000. Heritage Council.

Integrated Pollution Control – IPC Licence

IPC licensing applies to certain activities specified in the First Schedule of the Environmental Protection Agency Act 1992, as amended. IPC licences aim to prevent or reduce emissions to air, water and land, reduce waste and use energy/resources efficiently. An IPC licence is a single integrated licence which covers all emissions from the installation and its environmental management. More information is available on the EPA website.

Integrated Pollution Prevention and Control – IPPC (see Directive 96/61/EC)

This was an EU-wide licensing/enforcement regime for specified activities. It aimed to prevent, reduce and, as far as possible, eliminate pollution by giving priority to intervention at source and ensuring prudent management of natural resources, in compliance with the 'polluter pays' principle and the principle of pollution prevention. Emphasis was placed on energy efficiency and residuals management. It has been superseded by the Industrial Emissions Directive (Directive 2010/75/EU – see above).

Land Use

The human activities which take place within a given area of space.

Likely Effects (or Likely Impacts)

The effects that are specifically predicted to take place – based on an understanding of the interaction of the proposed project and the receiving environment. (See also *Potential Effects* and *Residual Effects*.)

Methodology

The specific approach or techniques used to analyse impacts or describe environments.

Mitigation Measures

Measures designed to avoid, prevent or reduce impacts. These measures can mitigate impacts:

- ▲ *by Avoidance*
When no impact is caused (often through consideration of alternatives).
- ▲ *by Prevention*
When a potential impact is prevented by a measure to avoid the possibility of the impact occurring.
- ▲ *by Reduction*
When an impact is lessened.

Monitoring

The observation, measurement and evaluation of environmental data to follow changes over a period of time, to assess the efficiency of control measures and to record any unforeseen effects in order to be able to undertake appropriate remedial action. This is typically a repetitive and continued process carried out during construction, operation or decommissioning of a project.

NGO

An acronym used to describe a Non-governmental Organisation.

Offsetting

Resolution of a significant adverse impact by a balancing positive action.

Pathway

The route by which an effect is conveyed between a source and a receptor.

Planning Application Report

Documentation that accompanies the planning application which describes the conformity of the proposal with relevant legislation and planning matters – such as the County, City or Local Area Plans – and sectoral policies, as well as social and economic activity.

Pollution

Any release to the environment which has a subsequent adverse effect on the environment or man.

Potential Effect/ Impact

The effect / impact that would occur without mitigation.

Processes

The activities which take place within a project.

Project

For the purposes of the Guidelines, the term project is used to encompass all of the various forms of development, works and activity which are subject to EIA requirements, as set out in the relevant legislation and as understood by the Directive⁸⁸.

Reasonably Foreseen

A working assumption about the future that assumes that a project will be developed as planned and used within a receiving environment that will change in accordance with currently evident trends. It will include a consideration of the likelihood and consequences of abnormal occurrences – such as accidents.

Receiving Environment

The likely evolution of baseline environmental characteristics without implementation of the proposed project.

Receptor

Any element in the environment which is subject to impacts.

Residual Effect (or Residual Impact)

The final predicted effect / impact remaining after mitigation.

Risk Assessment

An analytical study of the probabilities and magnitude of harm to human health and the environment associated with a biological, physical or chemical agent, activity or occurrence.

Scoping

The process of identifying the significant issues which should be addressed by a particular Impact Assessment, as well as the means or methods of carrying out the assessment.

88 Article 1(2)(a) of amended Directive.

Screening

The process of assessing the requirement for a project to be subject to Impact Assessment based on project type and scale, as well as the significance or environmental sensitivity of the receiving environment.

Services

The conduits, pipes and lines that carry water, phones, electricity, sewage etc. Sometimes referred to as *built services*.

Sensitivity

The potential of a receptor to be significantly affected.

Significance (of impact)

The importance of the outcome of the impact (or the consequence of change) for the receiving environment.

Source

The activity or place from which an effect originates.

Statutory Consultees

An organisation or authority stipulated by legislation to be notified by a CA or developer if an application is made which might give that organisation a cause for concern⁸⁹.

Strategic Environmental Assessment – SEA

Assessment of the effects of certain plans and programmes (and, in some jurisdictions, policies) on the environment. It presents a structured and participative process containing a set of tools to assist in the integration of environmental considerations and promote informed decision-making at plan/programme level.

Surface Water

Natural water bodies such as streams, lakes and rivers and artificial features, such as canals and impoundments, that are visible on the surface of the earth.

Threshold

The magnitude of a project which, if exceeded, will trigger the requirement for an Environmental Impact Assessment to be carried out.

Waste Licence

Specified waste activities listed in the Third and Fourth Schedules to the Waste Management Act 1996, as amended, require a Waste Licence from the EPA. A waste licence is a single integrated licence dealing with emissions to all environmental media and the environmental management of the facility.

Waste Water Discharge Authorisation

A system for the licensing or certification of waste water discharges from areas served by Irish Water sewer networks in accordance with the requirements of the *European Union (Waste Water Discharge) Regulations 2007 to 2020*. The authorisation process provides for the EPA to place stringent conditions on the operation of such discharges to ensure that potential effects on the receiving water bodies are strictly limited and controlled.

⁸⁹ Bodies specified in the applicable legislation, e.g. Article 28 of the Planning and Development Regulations, 2001 (as amended).

APPENDIX II – ANNEX IV OF DIRECTIVE 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 16 APRIL 2014 AMENDING DIRECTIVE 2011/92/EU ON THE ASSESSMENT OF THE EFFECTS OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT.

INFORMATION REFERRED TO IN ARTICLE 5(1)

(INFORMATION FOR THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT)

1. Description of the project, including in particular:
 - a) a description of the location of the project;
 - b) a description of the physical characteristics of the whole project, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
 - c) a description of the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
4. A description of the factors specified in Article 3(1) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.
5. A description of the likely significant effects of the project on the environment resulting from, inter alia:
 - a) the construction and existence of the project, including, where relevant, demolition works;
 - b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - c) (the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
 - d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);

- e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in Article 3(1) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project.

- 6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.
- 7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.
- 8. A description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.
- 9. A non-technical summary of the information provided under points 1 to 8.
- 10. A reference list detailing the sources used for the descriptions and assessments included in the report.

AN GHNÍOMHAIREACTH UM CHAOMHNÚ COMHSHAOIL

Tá an GCC freagrach as an gcomhshaol a chosaint agus a fheabhsú, mar shócmhainn luachmhar do mhuintir na hÉireann. Táimid tiomanta do dhaoine agus don chomhshaol a chosaint ar thionchar díobhálach na radaíochta agus an truaillithe.

Is féidir obair na Gníomhaireachta a roinnt ina trí phríomhréimse:

Rialáil: *Rialáil agus córais chomhlíonta comhshaoil éifeachtacha a chur i bhfeidhm, chun dea-thorthaí comhshaoil a bhaint amach agus díriú orthu siúd nach mbíonn ag cloí leo.*

Eolas: *Sonraí, eolas agus measúnú ardchaighdeán, spriocdhírthe agus tráthúil a chur ar fáil i leith an chomhshaoil chun bonn eolais a chur faoin gcinnteoireacht.*

Abhcóideacht: *Ag obair le daoine eile ar son timpeallachta glaine, táirgiúla agus dea-chosanta agus ar son cleachtas inbhuanaithe i dtaobh an chomhshaoil.*

I measc ár gcuid freagrachtaí tá:

Ceadúnú

- Gníomhaíochtaí tionscail, dramhaíola agus stórála peitрил ar scála mór;
- Sceitheadh fuíolluisce uirbhig;
- Úsáid shrianta agus scaoileadh rialaithe Orgánach Géimhódhnaíthe;
- Foinsí radaíochta ianúcháin;
- Astaíochtaí gás ceaptha teasa ó thionscal agus ón eitleocht trí Scéim an AE um Thrádáil Astaíochtaí.

Forfheidhmiú Náisiúnta i leith Cúrsaí Comhshaoil

- Iniúchadh agus cigireacht ar shaoráidí a bhfuil ceadúnas acu ón GCC;
- Cur i bhfeidhm an dea-chleachtais a stiúradh i ngníomhaíochtaí agus i saoráidí rialáilte;
- Maoirseacht a dhéanamh ar fhreagrachtaí an údarais áitiúil as cosaint an chomhshaoil;
- Caighdeán an uisce óil phoiblí a rialáil agus údaruithe um sceitheadh fuíolluisce uirbhig a fhorfheidhmiú
- Caighdeán an uisce óil phoiblí agus phríobháidigh a mheasúnú agus tuairisciú air;
- Comhordú a dhéanamh ar líonra d'eagraíochtaí seirbhíse poiblí chun tacú le gníomhú i gcoinne coireachta comhshaoil;
- An dlí a chur orthu siúd a bhriseann dlí an chomhshaoil agus a dhéanann dochar don chomhshaol.

Bainistíocht Dramhaíola agus Ceimiceáin sa Chomhshaol

- Rialacháin dramhaíola a chur i bhfeidhm agus a fhorfheidhmiú lena n-áirítear saincheisteanna forfheidhmithe náisiúnta;

- Staitistící dramhaíola náisiúnta a ullmhú agus a fhoilsiú chomh maith leis an bPlean Náisiúnta um Bainistíocht Dramhaíola Guaísi;
- An Clár Náisiúnta um Chosc Dramhaíola a fhorbairt agus a chur i bhfeidhm;
- Reachtaíocht ar rialú ceimiceán sa timpeallacht a chur i bhfeidhm agus tuairisciú ar an reachtaíocht sin.

Bainistíocht Uisce

- Plé le struchtúir náisiúnta agus réigiúnacha rialachais agus oibriúcháin chun an Chreat-treoir Uisce a chur i bhfeidhm;
- Monatóireacht, measúnú agus tuairisciú a dhéanamh ar chaighdeán aibhneacha, lochanna, uisce idirchreasa agus cósta, uisce snámha agus screamhuisce chomh maith le tomhas ar leibhéal uisce agus sreabhadh abhann.

Eolaíocht Aeráide & Athrú Aeráide

- Fardail agus réamh-mheastacháin a fhoilsiú um astaíochtaí gás ceaptha teasa na hÉireann;
- Rúnaiocht a chur ar fáil don Chomhairle Chomhairleach ar Athrú Aeráide agus tacaíocht a thabhairt don Idirphlé Náisiúnta ar Ghníomhú ar son na hAeráide;
- Tacú le gníomhaíochtaí forbartha Náisiúnta, AE agus NA um Eolaíocht agus Beartas Aeráide.

Monatóireacht & Measúnú ar an gComhshaol

- Córais náisiúnta um monatóireacht an chomhshaoil a cheapadh agus a chur i bhfeidhm: teicneolaíocht, bainistíocht sonraí, anailís agus réamhaisnéisiú;
- Tuairiscí ar Staid Thimpeallacht na hÉireann agus ar Tháscairí a chur ar fáil;
- Monatóireacht a dhéanamh ar chaighdeán an aeir agus Treoir an AE i leith Aeir Ghlain don Eoraip a chur i bhfeidhm chomh maith leis an gCoinbhinsiún ar Aerthruailliú Fadraoin Trasteorann, agus an Treoir i leith na Teorann Náisiúnta Astaíochtaí;
- Maoirseacht a dhéanamh ar chur i bhfeidhm na Treorach i leith Torainn Timpeallachta;
- Measúnú a dhéanamh ar thionchar pleananna agus clár beartaithe ar chomhshaol na hÉireann.
- Taighde agus Forbairt Comhshaoil
- Comhordú a dhéanamh ar ghníomhaíochtaí taighde comhshaoil agus iad a mhaoiniú chun brú a aithint, bonn eolais a chur faoin mbeartas agus réitigh a chur ar fáil;
- Comhoibriú le gníomhaíocht náisiúnta agus AE um thaighde comhshaoil.

Cosaint Raideolaíoch

- Monatóireacht a dhéanamh ar leibhéil radaíochta agus nochtadh an phobail do radaíocht ianúcháin agus do réimsí leictreamaighnéadacha a mheas;
- Cabhrú le pleananna náisiúnta a fhorbairt le haghaidh éigeandálaí ag eascairt as taismí núicléacha;
- Monatóireacht a dhéanamh ar fhorbairtí thar lear a bhaineann le saoráidí núicléacha agus leis an tsábháilteacht raideolaíochta;
- Sainseirbhísí um chosaint ar an radaíocht a sholáthar, nó maoirsiú a dhéanamh ar sholáthar na seirbhísí sin.

Treoir, Ardú Feasachta agus Faisnéis Inrochtana

- Tuairisciú, comhairle agus treoir neamhspleách, fianaise-bhunaithe a chur ar fáil don Rialtas, don tionscal agus don phobal ar ábhair maidir le cosaint comhshaoil agus raideolaíoch;
- An nasc idir sláinte agus folláine, an geilleagar agus timpeallacht ghlan a chur chun cinn;
- Feasacht comhshaoil a chur chun cinn lena n-áirítear tacú le hiompraíocht um éifeachtúlacht acmhainní agus aistriú aeráide;
- Tástáil radóin a chur chun cinn i dtithe agus in ionaid oibre agus feabhsúchán a mholadh áit is gá.

Comhpháirtíocht agus líonrú

- Oibriú le gníomhaireachtaí idirnáisiúnta agus náisiúnta, údarais réigiúnacha agus áitiúla, eagraíochtaí neamhrialtais, comhlachtaí ionadaíocha agus ranna rialtais chun cosaint comhshaoil agus raideolaíoch a chur ar fáil, chomh maith le taighde, comhordú agus cinnteoireacht bunaithe ar an eolaíocht.

Bainistíocht agus struchtúr na Gníomhaireachta um Chaomhnú Comhshaoil

Tá an GCC á bainistiú ag Bord lánaimseartha, ar a bhfuil Ard-Stiúrthóir agus cúigear Stiúrthóir. Déantar an obair ar fud cúig cinn d'Oifigí:

- An Oifig um Inbhuanaitheacht i leith Cúrsaí Comhshaoil
- An Oifig Forfheidhmithe i leith Cúrsaí Comhshaoil
- An Oifig um Fhianaise agus Measúnú
- An Oifig um Chosaint ar Radaíocht agus Monatóireacht Comhshaoil
- An Oifig Cumarsáide agus Seirbhísí Corparáideacha

Tugann coistí comhairleacha cabhair don Ghníomhaireacht agus tagann siad le chéile go rialta le plé a dhéanamh ar ábhair imní agus le comhairle a chur ar an mBord.



Environmental Protection Agency
An Ghníomhaíocht um Chaomhu Comhshaoil

Headquarters

PO Box 3000,
Johnstown Castle Estate
County Wexford, Ireland

T: +353 53 916 0600
F: +353 53 916 0699
E: info@epa.ie
W: www.epa.ie
LoCall: 1890 33 55 99

Regional Inspectorate

McCumiskey House,
Richview, Clonskeagh Road,
Dublin 14, Ireland

T: +353 1 268 0100
F: +353 1 268 0199

Regional Inspectorate

Inniscarra, County Cork,
Ireland

T: +353 21 487 5540
F: +353 21 487 5545

Regional Inspectorate

Seville Lodge, Callan Road,
Kilkenny, Ireland

T +353 56 779 6700
F +353 56 779 6798

Regional Inspectorate

John Moore Road, Castlebar
County Mayo, Ireland

T +353 94 904 8400
F +353 94 902 1934

Regional Inspectorate

The Glen, Monaghan, Ireland

T +353 47 77600
F +353 47 84987

Regional Offices

The Civic Centre
Church St., Athlone
Co. Westmeath, Ireland
T +353 906 475722

Room 3, Raheen Conference Centre,
Pearse House, Pearse Road
Raheen Business Park, Limerick,
Ireland
T +353 61 224764



Printed on environmentally friendly paper stock

**Record of Meeting with Energia Renewables ROI Ltd. at Public Information
Event on June 19, 2024, at St Brigid's GAA Club, Kiltoom**

1. On June 19, 2024, upon becoming aware around 5pm of the community engagement event which Energia Renewables and Gaeltech Energy Developments were holding at St. Brigid's GAA club located at N37WK60, until 8pm, I attended this event at approximately 7pm on behalf of the Wind Turbine Action Group South Roscommon.
2. I was greeted by a person who identified themselves as Sara Tinsley, Planning and Environmental Consents Manager with Energia Group. She asked a general question about my awareness of the development and the information I may need. I explained that my main reason for attending was to understand the application in issue as relating to the then-current *Kennedy & Anr v An Board Pleanála & Ors* constituting potential project splitting, in my view. Ms. Tinsley asked if I was a legal person, and I answered that I was.
3. Ms. Tinsley proceeded to explain this was a separate matter, was not project splitting, and that the application in issue regarding the loop-in-loop-out substation and ancillary works was a different development to the Seven Hills windfarm. I followed by asking what the Notice Party believed would occur regarding the grid connection if the High Court affirmed the decision of ABP, specifically pointing out that a Court decision ordering same would specifically be permitting the application presently before the High Court replete with the Monksland grid connection and attending conditions. In the event of this being the development approved by the Court; I asked what the Notice Party intended to do as modification of a High Court decision appeared to me unlikely. Ms. Tinsley replied that the Notice Party would be seeking to amend the grid connection pursuant to s.146B of the PDA separate to the Moyvannan substation SID application. I observed that, to the best of my knowledge, this applied to altering approved developments by the Board and could not envisage the provisions of the section permitting joining of two separate SID applications (the substation and ancillary works if approved with the Seven Hills windfarm and Monksland grid connection) to cure a project splitting defect. Ms. Tinsley merely repeatedly replied that the Notice Party would rely on s.146B in this regard and had done so in other matters to amend applications. Any further time on this issue was clearly counterproductive to us both, so I politely moved on.
4. Next, I asked Ms. Tinsley about the EIAR, and associated studies being conducted for the Moyvannan 110 kV Substation. Specifically, I asked how these mandated studies in terms of assessing cumulative impacts of the proposed Seven Hills Windfarm could be properly assessed given the lapse in time and changing ecological baseline between the 2017 windfarm studies and original grid connection studies with the non-contemporaneous suite undertaken for this project. Ms. Tinsley struggled with the question, then stating that the Seven Hills EIAR was complete and then stated that no adverse cumulative impacts were foreseen. She stated each EIAR would stand on its own. The methodology

employed by the developer in dealing with cumulative impacts similarly remained unanswered, and in this regard, Ms. Tinsley then brought over Simon Carleton, Senior Planner with Gaeltech Energy Services, as a person with more knowledge of the Moyvannan substation project.

5. Mr. Carleton explained that the surveys undertaken were less extensive than those of the windfarm insofar as it concerned cabling rather than turbine foundations. However, he also then stated that the Notice Party had already conducted extensive geological surveys of the area in issue as part of the windfarm assessment. This appeared impossible to me as much of the connection is outside the original site boundary, which I stated. A further justification proffered by Mr. Carleton was that the new proposed grid connection would have less impact as it drains towards the Shannon flood plain, with the windfarm drainage towards the River Suck flood plain.
6. I asked what stage the application was at. Mr. Carleton and Ms. Tinsley together explained that there had been one meeting with ABP, two with Roscommon Co.Co., 60 submissions from prescribed bodies but that none of these raised any concerns or issues, including those I was raising. I expressed doubt that no one before me was asking about project splitting being an impediment and was told again that I was the first to address this issue. Mr. Carleton stated that the full current process was expected to be completed and decided by August 2024.
7. I then moved on to the need for the development itself insofar as there was understood to be a grid connection associated with the windfarm development, and that as far as I knew, neither the Notice Party nor ABP had notified the High Court of the issues with this aspect of the development to date nor the application for a different grid connection. Mr. Carleton stated that the need for the grid connection had come up after the fact and the Notice Party was unaware of the problem. I noted that ABP issued a decision regarding the windfarm on November 23, 2023, and the Notice Party lodged the substation SID pre-application consultation request on February 13, 2024, asking when the Notice Party became aware exactly. I received no answer. Regarding the need for a new grid connection, I asked why the change occurred. Mr. Carleton told me that the Notice Party believed it was possible that the windfarm could connect at Monksland but this was impossible now as the Notice Party learned a solar farm had the priority connection and both energy developments could not be facilitated. He expanded that energy developments receive a number in a queue for grid connection and that of the solar farm took precedent. I asked if this was because the solar farm applicant had purchased an earlier connection and was now electing to exercise their contractual right. Both Mr. Carleton and Ms. Tinsley answered in the affirmative, claiming the Notice Party did not know of the priority of the solar farm. I then asked how this was possible, and expressed my concern at the legality of the Notice Party's place in the grid connection not being disclosed to them as both were claiming. Silence greeted this, so I moved on.

8. As both had repeatedly insisted that the ABP-313750 development and VC20.319042 are two distinct developments and no project splitting was occurring, I asked what would happen if the windfarm permission was quashed or remitted and subsequently denied but the substation approved. Ms. Tinsley informed me that the substation could not be constructed as it was being built to connect the windfarm. I asked the same question in the converse. Mr. Carleton confirmed that absent a route to the grid and required connection, the windfarm could not be constructed, and a grid connection would have to be obtained. Ms. Tinsley then said that the solar farm grid may not go ahead, that this may not be known until 2025 or 2026, and that a grid connection via Monksland in accordance with the initial ABP-313750 proposal may be viable still. She did not explain her statement in the context of the Notice Party's Moyannan substation booklet I had been given and was leafing through expressly stated to the public that the Monksland grid connection was no longer viable without this equivocation she was now offering.
9. I verified that the new grid connection is to join the network nearer to Lough Ree SPA/SAC and the route would be closer to Lough Fuinshinagh SAC than the original site. This was confirmed. I expressed that there are issues with cumulative impact assessments and findings concerning both these sites, turloughs, geology, and species consequently, particularly pertaining to the Inspector's Report concerning adequacy of mitigation measures, the Board's decision and conditions therein failing to address the scope of the development with a new grid connection. I queried if the original Seven Hills grid connection route remains the same until after the on-site substation and R363 windfarm site entrance, whereby the grid connection deviates from the initial route. This was confirmed by Ms. Tinsley and Mr. Carleton as correct.
10. I had no further questions, and Ms. Tinsley asked if I wanted to provide contact information to receive status updates regarding the planning process. I stated I would if this was possible, Ms. Tinsley stated it was if I wanted it and asked me to fill out a visitor form with my contact information which I duly did.

Conclusion:

The record of the foregoing was created from detailed notes made me on June 19, 2024, immediately after the conversations described herein as a contemporaneous record of my participation in the public engagement event of the applicant at St Brigid's GAA Club, Newpark, Kiltoom. This record was created for production to the Board pertaining to the issues therein and the application involved.



Ciara M. Farrell, Esq.

Attorney-at-Law, New York State Bar

Wind Turbine Action Group South Roscommon member

KWF Grid Connection EIA Report 2023

RECEIVED: 08/09/2023

Volume C2: EIAR 2023 Main Report

Chapter 2: The EIA Report (including Screening and Scoping)

EIAR Coordinator:



August 2023

Contents

2.	<u>The EIA Report (including Screening & Scoping)</u>	2-4
2.1	The EIA Directive	2-4
2.2	Screening for EIA	2-4
2.3	EIA Screening Conclusion	2-8
2.4	The EIA Report.....	2-8
2.4.1	EIA Report Requirements.....	2-8
2.4.2	Guidance Documents for the EIA Report.....	2-8
2.4.3	The Project Design Team	2-9
2.4.4	The EIA Report Team	2-10
2.5	Scoping for Content and Extent of the EIA Report	2-11
2.5.1	Key Activities in the preparation of the EIA Report	2-11
2.5.2	Scoping for Sensitive Aspects.....	2-12
2.5.3	Scoping Projects and Activities for inclusion in the Cumulative Evaluations.....	2-13
2.5.4	Passage of time since previous site investigations and assessments	2-14
2.5.5	Scoping of other projects and activities.....	2-15
2.5.6	Existing Windfarms	2-16
2.5.7	Other activities considered	2-17
2.6	Methodology used in this EIA Report	2-17
2.7	Descriptive Terminology Used in this EIA Report	2-17
2.8	Presentation of the EIA Report	2-20

List of Chapter Figures

<u>Figure No.</u>	<u>Figure Title</u>
Figure 2.1	Location of other projects included in the Scoping for Cumulative Evaluations

Figures and mapping referenced in this topic chapter can be found at the end of the chapter.

List of Appendices

<u>Appendix No.</u>	<u>Appendix Title</u>
Appendix 2.1	Scoping of other projects and activities for the Cumulative Evaluations

Appendices referenced in this topic chapter can be found at the end of the chapter.

Glossary of General Terms

<u>Term</u>	<u>Definition</u>
KWF Grid Connection (the subject development)	Underground cabling, additional plant and apparatus in the existing Woodhouse Substation, the construction a new link road, the widening of an existing forestry road and the use of the existing entrance and windfarm road network at Woodhouse Windfarm.
Authorised Knocknamona Windfarm	Not Constructed - Knocknamona Windfarm authorised in 2016 (ABP-PL 93.244006); Amendments to Knocknamona Windfarm to provide for larger turbines authorised in September 2022 (ABP-309412-21) and Junction & Bend Widening Works to facilitate turbine component access through the windfarm site entrance at Knocknaglogh Lower authorised in December 2022 (ABP-314219-22)
Whole Project	KWF Grid Connection with Authorised Knocknamona Windfarm

List of Abbreviations

<u>Abbreviation</u>	<u>Full Term</u>
EIA Directive	EU Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment.
EIAR	Environmental Impact Assessment Report prepared by competent experts and submitted as part of the planning application
EIA	Environmental Impact Assessment by the planning authority of the effects of certain public and private projects on the environment, governed by the terms of the EIA Directive
Habitats Directive	EU Habitats Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

2. The EIA Report (including Screening & Scoping)

2.1 The EIA Directive

The Environmental Impact Assessment (EIA) of projects is governed by the terms of European Union Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment, herein called the EIA Directive. The EIA Directive requires that projects that are likely to have significant effects on the environment be made subject to an assessment prior to development consent being given by the planning authority.

EIA Directive Article 1: Paragraph 2(a) defines 'project' as

- The execution of construction works or of other installations or schemes and
- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.

The EIA Directive divides potential Projects into two lists;

- Annex I – where EIA is required in all cases.
- Annex II – where Member States shall determine whether an EIA is required.

2.2 Screening for EIA

The proposed KWF Grid Connection development does not fall within Annex I or Annex II of the EIA Directive or within Part 2: Schedule 5 of the Planning & Development Regulations 2001 (as amended).

A further screening exercise was carried out by the applicant to determine the requirement for EIA for the KWF Grid Connection project in the context of the development as part of the whole Knocknamona Windfarm project. The screening was informed by the available results from other assessments of the effects on the environment, which were previously carried out pursuant to European Union legislation other than the EIA Directive. The relevant other assessments and screening are presented in the table below;

Table 2-1: Screening for EIA

Previous Assessments	Pursuant to Directive	Screening Result	Rationale
Strategic Environmental Assessment carried out for Waterford City & County Development Plan (WCCDP) 2022-2030 – Renewable Energy Strategy	Directive 2001/42/EC (the Strategic Environmental assessment (SEA) Directive)	No EIA required In Appendix 7: Renewable Energy Strategy 2016-2030 at S. 12.2 it states that <i>The Council is committed to working closely with Eirgrid in the preparation of this Grid Development Strategy (Grid 25) to ensure that the County has the required infrastructure network to enable it to generate, distribute and export renewable energy.</i> KWF Grid Connection is identified in Section 6.4 Energy of the Plan as an Eirgrid project subject to upgrades during the lifetime of the Plan - CP1052: Knocknamona 110kV new Station – Wind Farm connection. The proposed development is compatible with WCCDP commitments (S.6.4) to support the national policy shift to low carbon energy solutions for a greener future, as well as the need to enhance electrical generation and distribution infrastructure to ensure that current and future energy demands are met. Further, Policy UTL 13 states that it is policy to facilitate and encourage where appropriate, proposals for renewable energy generation, transmission and distribution and ancillary support infrastructure facilities.	The development location is within a Preferred Area (the highest preference) for Wind Energy developments in Appendix 7: Renewable Energy Strategy 2016-2030 of the Plan. WCCDP 2022-2028 Renewable Energy Strategy was subject to Screening for SEA (See Appendix 4 of the Strategy¹) where commitments to maximise Waterford's renewable energy potential and its transition to becoming a more energy secure, low carbon county in line with national energy targets whilst balancing the need to protect the environmental, social and heritage assets of the city and county and identification of preferred areas for such developments (windfarms and grid infrastructure) form part of the baseline Plan assessed. Following the SEA Screening process, whereby the strategic aims, policy and strategic planning considerations (section 13) of the Renewable Energy Strategy were assessed against the environmental significance criteria as contained in Annex II (2) of the SEA Directive and it was concluded in the Screening exercise that a Strategic Environmental Assessment is not required for the Waterford Renewable Energy Strategy 2016-2030.

¹ <https://consult.waterfordcouncil.ie/en/system/files/materials/2264/Appendix%207%20-%20Renewable%20Energy%20Strategy%202016-2030.pdf>

Previous Assessments	Pursuant to Directive	Screening Result	Rationale
Flood Risk Management Plan (FRMP) 2018 – 2021 Blackwater (Munster) WFD catchment management unit ID 18)	Directive 2007/60/EC (Floods Directive)	No EIA Required There are no River Water Bodies (RWBs) on the KWF Grid Connection site.	No part of the KWF Grid Connection site is in a fluvial or pluvial flood zone. The site is wholly located in mapped Flood Zone C – where the probability of flooding is low (less than 0.1% or 1 in 1,000). Additionally, no flood events have been recorded within or in the vicinity of the site.
River Basin Management Plan (RBMP) for Ireland 2018 – 2021 and Draft RBMP 2022 – 2027	Directive 2000/60/EC (Water Framework Directive)	EIA Required KWF Grid Connection is not directly hydrologically connected to any River Water Bodies (RWBs), there are no RWBs and limited drainage on site. However the potential for interaction of indirect effects to water, aquatic habitats and species from excavations for the various elements of the Whole Knocknamona Windfarm Project and with other projects should be considered.	Notwithstanding that the scale and nature of KWF Grid Connection does not indicate that an EIA be carried out, and that there is no water at the site location nor direct hydrological connection to a RWB, nevertheless an EIA would be preferred so that indirect impacts on River Water Bodies of the proposed KWF Grid Connection together with other elements of the Whole Knocknamona Windfarm Project and with other projects can be considered.

Previous Assessments	Pursuant to Directive	Screening Result	Rationale
Appropriate Assessments (2016; 2022) for Authorised Knocknamona Windfarm	Directive 92/43/EEC (Habitats Directive)	EIA Required - No part of the Whole Knocknamona Windfarm Project site locations are within a European Site. - No part of the Whole Knocknamona Windfarm Project is directly connected with, or necessary to, the management of any European site. - Neither KWF Grid Connection nor the Authorised Knocknamona Windfarm are hydrologically connected to a European Site. However the potential for interaction of indirect effects to water, aquatic habitats and species from excavations for the various elements of the Whole Knocknamona Windfarm Project along with other projects should be considered.	Notwithstanding that the scale and nature of KWF Grid Connection does not indicate that an EIA be carried out, and that there is no water at the site location nor hydrological connection to a European Site, nevertheless an EIA would be preferred so that that indirect impacts on European Sites of the proposed KWF Grid Connection together with other elements of the Whole Knocknamona Windfarm Project and with Other Projects can be considered.

The results of other assessments, carried out pursuant to Directive 2008/50/EC (Air Quality directive) and Directive 2002/49/EC (environmental noise) where relevant to the scale and nature of the proposed development and relevant to the site location are discussed in the effects on Air Chapter of this EIA Report.

2.3 EIA Screening Conclusion

Notwithstanding that the KWF Grid Connection development does not fall within Annex I or Annex II of the EIA Directive or Part 2: Schedule 5 of the Planning & Development Regulations 2001; that the scale and nature of the development does not indicate that an EIA should be carried out; that the development is compatible with WCCDP 2022-2028 policy on grid infrastructure: that there is no water on site; and that there is no direct hydrological connection to a European Site, nevertheless an EIA should be carried out so that the environmental effects on water of KWF Grid Connection together with the Authorised Knocknamona Windfarm can be considered.

Therefore, Knocknamona Windfarm Limited commissioned the preparation of an EIA Report for the development.

2.4 The EIA Report

The form and content of this EIA Report is in compliance with the EU Directive 2011/92/EU (as amended by Directive 2014/52/EU) and fulfils all the requirements of an Environmental Impact Assessment Report under the Directive.

2.4.1 EIA Report Requirements

The information to be provided in the EIA Report, is set out in Article 5 and also in Annex IIA and Annex IV of the EIA Directive. This EIA Report was compiled having regard to the generality of the EIA Directive (meaning Directive 2011/92/EU as amended by 2014/52/EU) and specifically to the requirements of Article 5; Annex IIA and Annex IV and also having regard to Schedule 6 of the Planning and Development Regulations 2001 (as amended).

2.4.2 Guidance Documents for the EIA Report

This EIA Report has been prepared in accordance with the following Guidance Documents:

- **EIA Directive:** Article 5, Annex IIA and Annex IV https://environment.ec.europa.eu/law-and-governance/environmental-assessments/environmental-impact-assessment_en
- **Planning and Development Regulations 2001** (as amended) – Part 10 Environmental Impact Assessment & Schedule 6 Information to be contained in EIAR.
- **Planning and Development Act 2000** (as amended) – Part X Environmental Impact Assessment
- **Guidance on the preparation of the EIA Report** (European Commission, 2017) https://ec.europa.eu/environment/eia/pdf/EIA_guidance_EIA_report_final.pdf
- **Guidance on Screening** (European Commission, 2017) https://ec.europa.eu/environment/eia/pdf/EIA_guidance_Screening_final.pdf
- **Guidance on Scoping** (European Commission, 2017) https://ec.europa.eu/environment/eia/pdf/EIA_guidance_Scoping_final.pdf
- **Guidelines for the Assessment of Indirect and Cumulative Impacts** as well as Impact Interactions, (European Commission, 1999). <https://ec.europa.eu/environment/archives/eia/eia-studies-and-reports/pdf/guidel.pdf>

- **Guidelines on the information to be contained in Environmental Impact Assessment Reports** (EPA May 2022). https://www.epa.ie/publications/monitoring--assessment/assessment/EIAR_Guidelines_2022_Web.pdf
- **Statutory Instrument S.I. No. 296 of 2018. European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.**
<http://www.irishstatutebook.ie/eli/2018/si/296/made/en/pdf>
- **Chapter 3: The Scoping Consultations**

2.4.3 The Project Design Team

An EIA Report Coordinator was appointed, who arranged for all the initial consultations, site investigations, development designs and technical investigation to be carried out; appointed engineering and scientific experts as the Project Design Team to prepare the final project design; assembled the EIA Report Team of experts (which includes the project design team members) to prepare the specialist environmental factors or topic chapters for the EIA Report on the chosen design; co-ordinated the assembly and presentation of the EIA Report and carried out continuous reviews of the Report. Philomena Kenealy of Ecopower is the EIA Report Coordinator for KWF Grid Connection.

Specialist engineering and environmental consultants were engaged for planning, design and evaluation of KWF Grid Connection. These specialists are competent experts² in their field of expertise and, are identified in the table below.

Table 2-2: The Project Design Team

Team Member	Competence	Design Area
Ecopower	Windfarm planning and development specialists Project Supervisor Design Process (PSDP) EIA practitioners	Supervision of overall design Overall Alternatives Considered EIAR Coordinators
INIS Environmental Consultants Ltd	Environmental Consultants specialising in ecology & environmental management	Biodiversity
Hydro Environmental Services	Geologist and Hydrogeologist Environmental engineering consultancy	Water
TLI Group	TLI (Transmission Links Ireland) Utility Infrastructure Development Consultancy	Electrical and Cable Design Construction Methodologies as set out in Chapter 5

² Competent Experts: Article 5(3) Directive 2014/52/EU

2.4.4 The EIA Report Team

Including the Project Design Team, Ecopower engaged the services of additional suitably qualified and experienced Competent Experts to appraise the likely effects on all the prescribed Environmental Factors of the KWF Grid Connection development as described in Chapter 5 of this EIAR. The competency of all the experts engaged is summarised in the table below.

Table 2-3: The EIAR Team

EIAR Chapter	Competent Expert
EIA Report Co-ordinator Chapters 1-5, 15-16 Non-technical Summary	Philomena Kenealy Lead Assessor (Dip. EIA) Julie Brett Dip. EIA Ecopower Managers in EIA and AA Reporting leaders of a multi-disciplinary team which has completed site investigations, assessments and planning applications on 23 windfarm projects on-shore in Ireland.
Biodiversity	Andrew Whitfield (BA. MA. C. Ecol. C. Env) and Dr Alex Copland (BSc PhD MEnvSc) of Inis Environmental Consultants Ltd
Population & Human Health	Population Ciara Morley (Ph.D. and M.A. in Economics and Finance), Director at Morley Economic Consulting Ltd. Human Health - Tara Barratt (MSc Environmental Technology, Associate Director in Savills' Health and Social Impact Assessment team), Dr Andrew Buroni (PhD in international Health and Impact Assessment methods and best practice, Savills' Health and Social Impact Assessment Practice Leader)
Land & Soils	Land - Andy Dunne (B.Agr.Sc M.Sc(Agr) PhD) Environmental Agricultural Engineering Consultancy (EAEC) Soils - David Broderick (BSc, H. Dip Env Eng, MSc): Hydrogeologist; Michael Gill (P. Geo., B.A., B.A.I., M.Sc., Dip. Geol, MIEI): Environmental Engineer and Hydrogeologist of Hydro-Environmental Services (HES)
Water	As per Soils above
Air	Air Quality - Ciara Nolan BSc (Hons) in Energy Systems Engineering and Master in Applied Environmental Science, AWN Consultancy Noise & Vibration - Peter Barry (BAgr Sc.MSc) Malachy Walsh & Partners, consulting environmental engineers Electromagnetic Fields - Lewis Brien (B (Hons) in Electronics) Compliance Engineering Ireland (CEI)
Climate	Per Air Quality above

EIAR Chapter	Competent Expert
Material Assets	Ruairi Geary and David Tarrant, Chartered Engineers with TLI Group, utility infrastructure consultancy and construction company Eoin Reynolds NRB Consulting Engineers
Cultural Heritage	Al Curtis (MA (Hons); ACIfA) of Archaeological Management Solutions (AMS), Cultural Heritage Consultants. James Powell (BSc MIEI CEng), a Chartered Engineer with a post-graduate diploma in Applied Building Repair and Conservation
Landscape	Richard Barker MLArch Master Landscape Architecture. Macro Works Consultancy

A more detailed statement of competency of the environmental experts is provided in each environmental topic **Chapters 6 – 14: Section X.1.4³**.

2.5 Scoping for Content and Extent of the EIA Report

According to 'EC 2017 Guidance on Scoping', scoping is the process of determining the content and extent of the information to be submitted to the planning authority to ensure that the environmental assessment is focused on any likely significant effects of the project on the environmental factors. Scoping was carried out throughout the whole EIA Report preparation process.

2.5.1 Key Activities in the preparation of the EIA Report

The key activities involved in the preparation of this EIA Report included:

- A preliminary description of the proposed KWF Grid Connection development was prepared by Ecopower.
- Scoping the content and extent of the EIA Report by the project design team. Previous and more recent consultations with local and regional authorities, and other interested parties such as landowners were taken into account.
- Once the final particulars of the development were established, a description of the final proposed development was prepared by Ecopower which included the characteristics of the Project; the life-cycle stages including construction and operation phases; the use of natural resources including land, biodiversity, water and soils; expected residues, emissions, and waste from the Project; and the vulnerability of the development to major accidents, natural disasters and climate change. All elements of the whole project including the previously authorised Knocknamona Windfarm; the authorised Larger Turbines at Knocknamona Windfarm and authorised Junction & Bend Widening works along with unrelated projects are described.
- Preparation of the 9 No. topic specific chapters (Chapters 6 – 14) covering Population & Human Health; Biodiversity; Land & Soils; Water; Air; Climate; Material Assets; Cultural Heritage and Landscape. These

³ X represents the chapter number

were prepared by topic specific experts. These chapters describe the sensitivity of the environmental topic; the information sources for the evaluation and the evaluation methodology; study area for the evaluation; the baseline environment and the effects of the passage of time since previous studies and surveys, future trends in that environment and the likely receiving environment at the construction stage; then follows the evaluation of effects (including direct, indirect, and cross-factor effects) on sensitive aspects both directly from the KWF Grid Connection and cumulatively with other elements of the whole Knocknamona Windfarm Project and with other projects where relevant; Summary table and summary text was prepared for each Sensitive Aspect Evaluation and a summary description was prepared for the end of the chapter itself. **Note:** Where no significant effects are found the full Evaluation Tables are in the Appendices for each topic chapter.

- Interaction of the Foregoing (Chapter 15) - the Interaction of the predicted effects. Some impacts can affect more than one environmental factor. Consideration of interactions ensures that cross factor effects are evaluated.
- Chapter 16 – the Mitigation and Monitoring Arrangements for KWF Grid Connection was compiled by the EIA Coordinator.
- A non-technical summary of the information contained in the EIA Report, was prepared by the EIA Coordinator.

2.5.2 Scoping for Sensitive Aspects

Scoping to identify the sensitive aspects of the environment where there is potential to be affected by the development was conducted through all iterations of the project from initial design; through to alternatives; and during examination of the final design.

The scoping process considered topic specific publications; the available results from other assessments, which were previously carried out pursuant to European Union legislation including the River Basin Management Plan (RBMP) for Ireland 2018 – 2021 (Water Framework Directive), Flood Risk Management Plan (FRMP) 2018 – 2021 Blackwater Munster (Floods Directive), and previous Appropriate Assessment prepared for other elements of the whole Knocknamona Windfarm project (Habitats Directive); legislation or regulatory controls relevant to the project; feedback from Statutory Bodies and NGOs and other parties who were likely to have either or both, thematically specific or area specific concerns; Landowner and neighbour feedback; competent expert fieldwork and desktop studies and previous fieldwork and desktop studies for the Whole Knocknamona Windfarm Project other elements.

The Scoping process followed the same pattern irrespective of project design stage;

- **Scoping to identify Sensitive Aspects of the Environment:** Any Sensitive Aspects with potential to be affected by the project were identified using a combination of field surveys; desktop surveys of mapping including designated sites mapping; information from previous assessments, industry guidance on protection standards for the environmental topics and the competent expert's knowledge and expertise.
- **Identification of a Study Area:** KWF Grid Connection study areas are not governed by the development area (red line boundary) - rather to delineate a study area boundary, the receiving environment relevant for each topic and each Sensitive Aspect was scoped for the likely zone of impact based on the nature and scale of the proposed development and the competent expert's knowledge and expertise using a combination of information from previous assessments and industry guidance.

- **Scoping to identify Impact Pathways:** The Conceptual Site Model technique was used by the Competent Experts to identify likely source-pathway-receptor links to receptors i.e. the Sensitive Aspects, see the table below. Cross Factor effects between topics were also examined. Each expert had access to the other expert's reports so that potential cross factor effects could be examined.

The terms used in this EIA Report to describe impacts/ source/ pathway/ receptor are defined in the table below.

Table 2-4: Definition of Terms – Source, Pathway, Receptor (EPA, May 2022)

Term	Description
Effect/Impact	A change resulting from the implementation of a project
Source	The activity or place from which an effect originates
Pathway	The route by which an effect is conveyed between a source and a receptor, i.e. a Sensitive Aspect.
Receptor	Any element in the environment which is subject to impacts, i.e. a Sensitive Aspect

The Source-Pathway-Receptor is identified in the detailed long form Evaluation Tables relating to each Environmental Factor. These are presented as an Appendix to each chapter (found at the end of the chapter) where no significant effects are found. Only a detailed summary table is presented in the chapter body in order to keep the chapter itself concise and coherent.

2.5.2.1 Scoping out of Sensitive Aspects of the Environment

During all stages of EIAR preparation, the competent experts also scoped out (excluded) Sensitive Aspects of their environmental topic. This was because either:

- there will be either no potential or no likelihood for the Sensitive Aspect to be affected, or
- any effects to the Sensitive Aspect will be Neutral, or
- to avoid duplicating evaluations due to the Sensitive Aspect being examined in another EIA Report topic chapter.

Note: EPA define 'Neutral' as 'No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error'. The Imperia method defines No Impact as 'An effect so small that it has no practical implication. Any benefit or harm is negligible'

2.5.3 Scoping Projects and Activities for inclusion in the Cumulative Evaluations

2.5.3.1 What are Cumulative Impacts?

Cumulative impacts are the addition of many effects, including effects of other projects, to create larger, more significant effects.

2.5.3.2 Cumulative Evaluation Requirements

Under the EIA Directive, the cumulative effects of a project must be considered which includes all elements of a whole project and other projects and activities. The consideration of the potential for effects of the whole project and of other projects or activities to create larger, more significant, cumulative effects with the proposed development is carried out for the **Whole Knocknamona Windfarm Project** including the

subject development, the proximate **Woodhouse Substation and Woodhouse Windfarm projects** and relevant **other projects and activities**.

2.5.3.3 Scoping of the Whole Knocknamona Windfarm and proximate projects Woodhouse Windfarm and Substation

The location of KWF Grid Connection overlaps to some extent with the authorised Knocknamona Windfarm (not yet constructed). There are also an overlap with two proximate existing projects – operational Woodhouse Substation and operational Woodhouse Windfarm. These three projects – Authorised Knocknamona Windfarm, Woodhouse Substation and Woodhouse Windfarm are included in the cumulative evaluations in each topic chapter.

The location of these projects is illustrated on Chapter 1 Figure - **Figure 1.2: Location of KWF Grid Connection in relation to Authorised Knocknamona Windfarm, existing Woodhouse Windfarm and existing Woodhouse Substation**

The competent expert scoping of previously authorised elements of the Knocknamona Windfarm project and overlapping operational projects was informed by;

- A description of the Authorised Knocknamona Windfarm (not constructed) as presented in **EIAR 2023 Chapter 5: Description of the Development: Section 5.5.1: Authorised Knocknamona Windfarm**.
- The Revised EIS 2015 for Knocknamona Windfarm; Revised EIAR 2021 for the Larger Turbines at Knocknamona Windfarm; and Screening for EIA 2022 for Junction & Band Widening Works which are submitted herein as **Reference Documents**.
- Knocknamona Windfarm Grant of Permission 2016; Board Direction and Board Order and ABP Inspector's Report No. 1 and No. 2 (Authorised 14/12/2016 under ABP Ref. PL93.244006). Accessed at <https://www.pleanala.ie/en-ie/case/244006>
- Larger Turbines at the Authorised Knocknamona Windfarm Grant of Permission 2022; Board Direction and Board Order and ABP Inspector's Report (ABP Ref: PL PL93.309412). Accessed at <https://www.pleanala.ie/en-ie/case/309412>
- Junction & Bend Widening Works Grant of Permission 2022; Board Direction and Board Order and ABP Inspector's Report (ABP Ref. PL93.314219). Accessed at <https://www.pleanala.ie/en-ie/case/314219>
- A description of operational Woodhouse Substation presented in **EIAR Chapter 5: Description of the Development: Section 5.5.3**.
- A description of operational Woodhouse Windfarm presented in **EIAR Chapter 5: Description of the Development: Section 5.5.4**.

2.5.4 Passage of time since previous site investigations and assessments

The Passage of Time was considered for each environmental factor topic. The previous investigations and assessments of baseline conditions were reviewed in the context of the current baseline conditions to determine whether there have been any relevant or material changes in the baseline environment since these previous planning documents were prepared. The passage of time is documented in each topic chapter.

- The effect of the passage of time since the Board's 2016 assessment on the baseline environment of Knocknamona Windfarm is also considered in the context of cumulative evaluation. The effects of passage of time is presented in the Cumulative (baseline) Information for each Sensitive Aspect in each of the Environmental Factor topic chapters.
- Impacts which were assessed for the Knocknamona Windfarm application, the Larger Turbines application and the Junction and Bend Widening Work application were automatically included for evaluation in the KWF Grid Connection application.
- In the event of any new impact pathway being identified during the course of KWF Grid Connection investigations, then this new impact pathway was examined for Knocknamona Windfarm also, so that the cumulative whole project impact with KWF Grid Connection could be determined for this new impact.

2.5.5 Scoping of other projects and activities

Other Projects in the area relate to existing or consented projects which by addition, could create larger, more significant effects. Other projects in the area (within c.17km) were scoped for potential to cause cumulative effects with the development.

The area around KWF Grid Connection was researched in 2023 for projects such as water treatment works, electricity substations, power stations, underground or overhead power lines, road projects, large infrastructure projects, sewage treatment plants, pumping stations, factories, pipelines, filling stations, hospitals, waste facilities, large housing or building developments, manufacturing plants, windfarms, industrial or commercial development of land, marinas or harbour developments, concrete batching plants, abattoirs, mining, quarries, piggeries, breweries, industrial chimneys, communication masts and data centres. The research covers all projects which may have received planning (and an additional extension of duration) and which could be constructed at the same time as KWF Grid Connection or of Knocknamona Windfarm.

Figures (at the end of the chapter)

Figure 2.1: Location of other projects included in the Scoping for the Cumulative Evaluations

Appendices (at the end of the chapter)

Appendix 2.1: Scoping of other projects and activities for the Cumulative Evaluations

2.5.5.1 Results of Scoping Exercise for other projects

In total 44 other projects were identified within c.17km of KWF Grid Connection. These are numbered 1-44 on Figure 2.1: Location of other projects included in the Scoping for the Cumulative Evaluations.

These 44 projects were scoped to determine if they were located or occurred within the cumulative geographical and time-frame boundaries.

The scoping results were that 35 of the 44 projects were excluded as they do not occur within the geographical and time-frame boundaries, and therefore are not likely to cause cumulative impacts with KWF Grid Connection.

7 No. projects:

- No. 6 Piggery in Knocknaglogh Upper 3.3km to the southeast;
- No. 8: Animal housing and slurry tank in Carrowgarra Beg 8km to the northeast;
- No. 13: Agricultural shed & slatted tank in Ballymulalla West 653m to the north;
- No. 34: Solar farm (63ha) 6km to the northwest (near Cappoquin);
- No. 37: Solar farm (29ha) 4.5km to the northwest (near Cappoquin);
- No. 39: Single wind turbine (131m overall tip height) connecting to the GlaxoSmithKlein plant on the outskirts of Dungarvan town, 8km to the east;
- No. 44: Agricultural shed, underground slatted slurry storage tanks, two walled silage storage slabs in Farranbullen 3km to the north.

were within geographical boundaries but have been scoped out from further cumulative evaluation in the EIA because either the projects were not in the timeframe boundary (No.6, No.8 and No.13 are already constructed); or No. 39 where the planning consent has expired, or Nos. 34 and 37 where cumulative effects with KWF Grid Connection will be negligible due to the nature of these projects in addition to the separation distances. No. 44 will likely be built before KWF Grid Connection but in any case the small scale of this development and of KWF Grid Connection and the separation distance of 3km will result in no potential cumulative effects.

2 No. windfarm projects:

- No. 40: Lyrenacarriga Windfarms: A Strategic Infrastructure Development application with respect to Lyrenacarriga Windfarm, was made to An Bord Pleanála in August 2021 (ABP Ref. 309121). The proposed Lyrenacarriga Windfarm site is approximately 5km southeast of Tallow, Co. Waterford, 9km northwest of Youghal, Co. Cork and approximately 11km west of the Knocknamona Windfarm site. The Lyrenacarriga windfarm site is currently utilised for commercial forestry and agriculture. The proposed windfarm comprises 17 wind turbines, each with a maximum height to blade tip of up to 150 metres on lands straddling the Waterford/Cork County boundaries. The proposed windfarm is located in the Blackwater (Munster) catchment.
- No. 41: Scart Mountain Windfarm: Proposed 17 No. wind turbines up to 186 metres overall height in Scart Mountain Co. Waterford 11km north northwest of KWF Grid Connection. Current Pre-Application SID consultation (ABP Ref. PC93.315920). The proposed windfarm is located in the Blackwater (Munster) catchment.

Both proposed Lyrenacarriga and Scart Mountain windfarms have been scoped out for cumulative evaluation because cumulative effects with KWF Grid Connection are considered to be negligible during the construction stage due to the separation distance from KWF Grid Connection and the small scale of the KWF Grid Connection works (effects on water). During the operational stage cumulative effects are considered to be negligible also, due to the compact surface expression of additional electrical equipment proposed for an existing substation (effects on Avifauna, Landscape and Cultural Heritage).

In summary, the result of the scoping exercise is that there are no other projects within 17km scoped in for evaluation of cumulative effects in this EIA Report.

2.5.5.1.1 Existing Windfarms

The existing 2-turbine Ballycurrreen Windfarm is considered herein for in-combination effects. Ballycurrreen Windfarm is located c.12km to the southeast of the KWF Grid Connection in the Maoil_an_Choirnigh sub-catchment. Due to the separation distance from the KWF Grid Connection, the built status of the

Ballycurreen Windfarm and its location in a separate subcatchment, it is considered that Ballycurreen Windfarm does not have any potential to cause cumulative effects with KWF Grid Connection.

2.5.5.2 Other activities considered

Forestry and Agricultural Landuse activities: Forestry is the dominant landuse occurring at the KWF Grid Connection development site, with sections of forestry plantation also occurring throughout the wider area. Commercial forestry plantation is the most dominant habitat within the authorised windfarm site boundary along with sections of recently felled forestry. Intensive agriculture is also one of the main land uses within the wider area. Land reclamation, drainage, reseeding, fertilisation and intensive grazing have all made an impact on the landscape of this area. Forestry and agricultural activities which occur within the landholdings of the KWF Grid Connection were also considered for cumulative evaluations, but were ultimately scoped out from further evaluation herein as the KWF Grid Connection is not likely to cause significant cumulative impacts when considered with these landuse activities.

Other activities include residential, commercial, infrastructural, recreational or other development which may give rise to direct impacts on habitats or species (loss of habitat, disturbance to species); as well as activities which could have indirect impacts (e.g. activities which could affect water quality or hydrology which could in turn affect the status/health of populations of water dependant habitats or species). A search of the EIA Portal and Waterford County Council's online planning system in May 2023 did not list planned major developments in proximity to the proposed KWF Grid Connection, that had potential to contribute to significant cumulative effects.

2.6 Methodology used in this EIA Report

The methodology used to describe the baseline environment and to evaluate impacts is described in Section X.1.6 of each chapter (X being the chapter number).

For environmental factor topics, where there are no specific guidelines on evaluating the baseline environment and assessing the effects of a development on that factor, the methodology used is a standardised EU methodology – the IMPERIA methodology. The Imperia methodology if used is described in Section X.1.6 of the topic chapter.

2.7 Descriptive Terminology Used in this EIA Report

Terms that have a widely accepted meaning are used consistently throughout this EIA Report. Specialised or technical terms are listed in the Glossary of Terms at the beginning of each chapter. The terms 'effect' and 'impact'; 'appraised' and 'evaluated'; 'indirect impact' and 'secondary impact' or 'cross factor impact'; and 'receptor' and 'Sensitive Aspect' are used interchangeably in this EIA Report.

The terms used to describe effects are EPA definitions taken from the latest relevant guidance per;

- EPA Guidelines on the information to be contained in Environmental Impact Assessment Reports (May 2022);

The standard descriptive terminology for Effects, which is used in this EIA Report is set out below, for;

- Probability
- Quality

- Extent and Context
- Duration and Frequency
- Significance
- Type of Effects

RECEIVED: 08/09/2023

Table 2-5: Definition of Probability of Effects

Probability of Effect	Description
Likely Effect	The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented.
Unlikely Effect	The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.

Source: EPA (May 2022) *Guidelines on the information to be contained in EIA Reports*

Table 2-6: Definition of Quality of Effects

Quality of Effect	Description
Positive Effect	A change which improves the quality of the environment (for example, by increasing species diversity; or the improving reproductive capacity of an ecosystem, or by removing nuisances or improving amenities)
Neutral Effect	No impact or impact that are imperceptible, within normal bounds of variation or within the margin of forecasting error.
Negative/Adverse Effect	A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem; or damaging health or property or by causing nuisance).

Source: EPA (May 2022) *Guidelines on the information to be contained in EIA Reports*

Extent and Context refers to the 'size' or 'amount' of an effect, determined on a quantitative basis and the 'context' which refers to whether the effect is unique or, perhaps, commonly or increasingly experienced.

Table 2-7: Definition of the Extent and Context of Effects

Extent and Context	Description
Extent	The size of the area, the number of sites and the proportion of a population affected by an effect
Context	Describe whether the extent, duration, or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)

Source: EPA (May 2022) *Revised Guidelines on the information to be contained in EIS*

Table 2-8: Definition of the Duration and Frequency of an Impact

Duration of Effect	Description
Momentary	Effects lasting from seconds to minutes
Brief	Effects lasting less than a day
Temporary	Effects lasting less than a year
Short-term	Effects lasting one to seven years
Medium-term	Effects lasting seven to fifteen years
Long-term	Effects lasting fifteen to sixty years
Permanent	Effects lasting over sixty years

Duration of Effect	Description
Frequency of Impacts	How often the effects will occur. (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually)

Source: EPA (May 2022) Guidelines on the information to be contained in EIA Reports

Table 2-9: Definition of Significance of Impacts

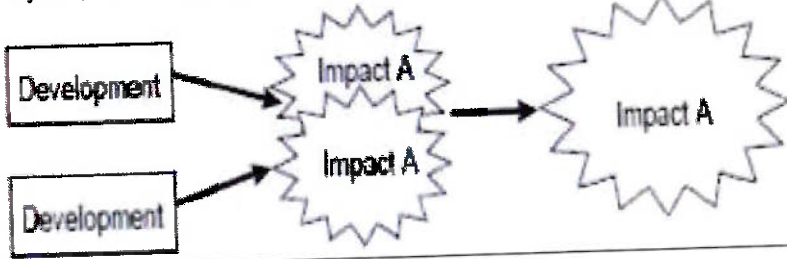
Significance of Effect	Description
Imperceptible	An effect capable of measurement but without significant consequences.
Not Significant	An effect which causes noticeable changes in the character of the environment but without significant consequences.
Slight Impacts	An effect which causes noticeable changes in the character of the environment without affecting its sensitivities
Moderate Impacts	An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends
Significant Impacts	An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment
Very Significant Impacts	An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment
Profound Impacts	An effect which obliterates sensitive characteristics

Source: EPA (May 2022) Guidelines on the information to be contained in EIA Reports

Direct effects are those that result from direct cause-effect consequences of interactions between the environmental factor and the development.

Indirect and cumulative impacts and impact interactions are also considered. The definitions presented below have been used in the appraisals of the various environmental factors in the Environmental Topic Chapters 6-14.

Table 2-10: Definition of Indirect, Cumulative and Impact Interaction

Type of Effect	Description
Indirect Effects (also referred to as Secondary or Off-Site effects)	Impacts on the environment, which are not a direct result of the project, often produced away from the project site or because of a complex pathway. 
Cumulative Effects	The addition of many minor or insignificant effects, including effects of other projects, to create larger, more significant effects. 

Sources: EPA (May 2022) Guidelines on the information to be contained in EIA Reports with **Graphics from EC (May 1999) Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions: Section 2.1**

Table 2-11: Definition of Other Types of Effects

Type of Effect	Description
'Do Nothing' Effects	The environment as it would be in the future should the subject project not be carried out.
'Worst Case' Effects	The effects arising from a project in the case where mitigation measures substantially fail.
Indeterminable Effects	When the full consequences of a change in the environment cannot be described.
Irreversible Effects	When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.
Residual Effects	The degree of environmental change that will occur after the proposed mitigation measures have taken effect.
Synergistic Effects	Where the resultant effect is of greater significance than the sum of its constituents, (e.g. combination of SO _x and NO _x to produce smog).

Source: EPA (May 2022) Guidelines on the information to be contained in EIA Reports

2.8 Presentation of the EIA Report

In this EIA Report the Coordinators' aim is to set out the herein environmental information in a rational and systematic format so that the EIA Directive requirements are shown to be addressed. This is achieved through briefing and editing by the lead assessor during the whole EIAR process in order to keep the focus on evaluating the likely effects on important or sensitive environmental receptors. Ease of reading, clarity and structure were key considerations during chapter review and editing, in order to produce an EIA Report that is concise and well-integrated across the specialist chapters.

To achieve this concise and focused style, the key presentation techniques deployed were;

- The **Non-Technical Summary** is presented in a handy, short, separate volume with figures included. This is **Volume C1: Non-Technical Summary**.
- In the **Main Report**, the information in the Environmental Factor topic Chapters 6 – 14 is prepared by various experts but presented in the chapters using a standardised structure with a pre-defined layout, terms and definitions; standard evaluation processes and standard descriptive methods and impact descriptions in order to ensure that the key characteristics of sensitive aspects of the environment, and the likely effects to these receptors or sensitive aspects are clearly communicated, placed in context and **easily cross-referenced**.
- The evaluation of the baseline or receiving environment and likely impacts are presented by individual Sensitive Aspect.
- Every Environmental Factor chapter is set out in the following manner;
 - **Section X.1:** ('X' being the chapter number, e.g. Section 6.1 in the Population and Human Health chapter): comprises an introduction to the topic, and overview of the receiving topic environment; a list of the Sensitive Aspect (receptors); the authors; sources of EIA Report information; methodology for evaluation.
 - **Section X.2 – X.X** (2nd X depending on how many Sensitive Aspects are Evaluated): sets out the baseline environment, study area and characteristics for the particular Sensitive Aspect

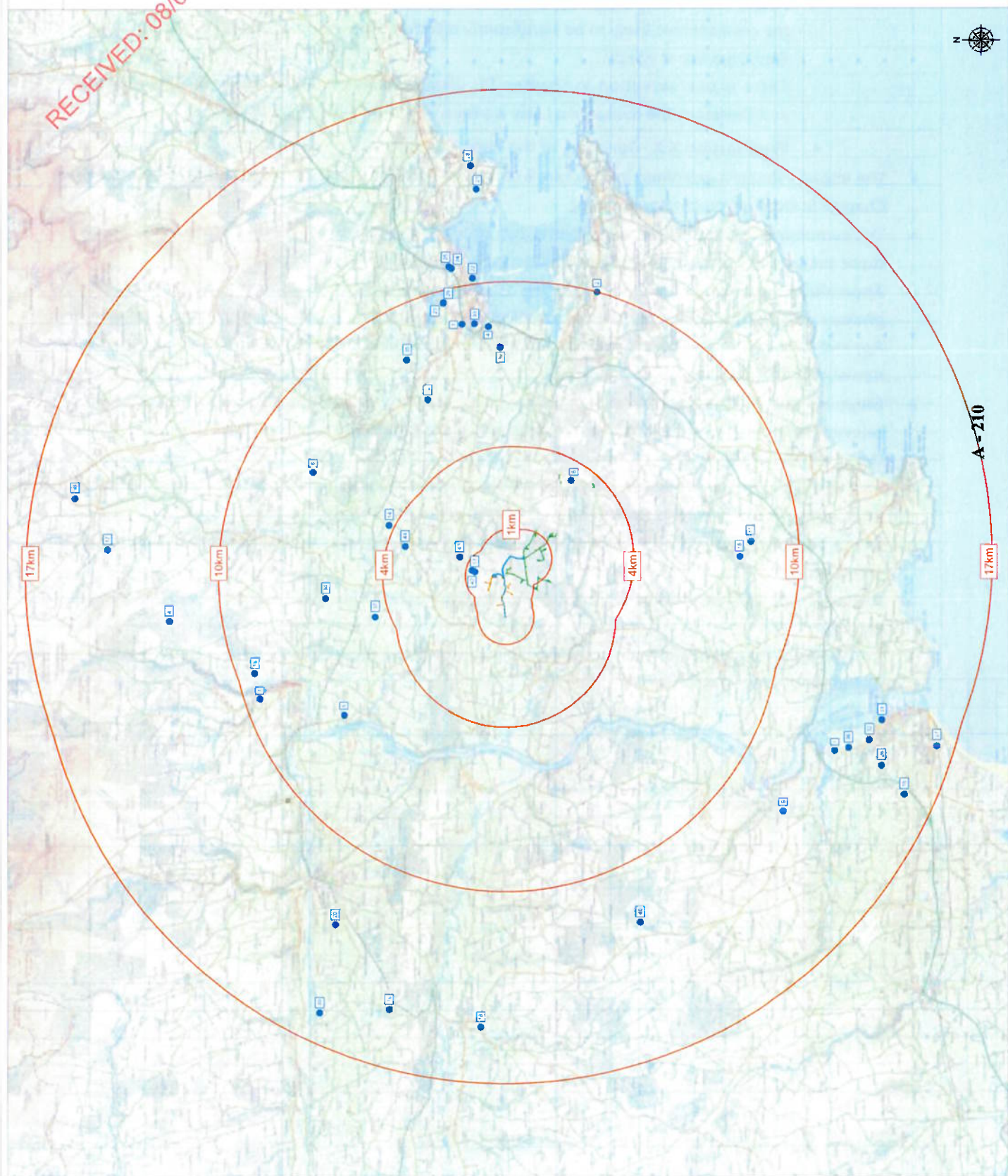
(Section X.X.1); and the evaluation of impacts (Section X.X.2) comprising a summary table and text of the significance of the potential impacts (including cumulative impacts). Because the topic experts concluded that the effects of KWF Grid Connection (directly or cumulatively) will be no more than Negative Slight (and generally less i.e. Neutral or Imperceptible) and therefore Not Significant, the full evaluation tables on which the summary is based are presented in Appendix 1 at the end of each topic chapter. This is to keep the EIA Report focused on likely significant impacts, as required by the EIA Directive (under Article II A) – (2) *where the developer must provide a description of the aspects of the environment likely to be significantly affected by the project and (3) a description of any likely significant effects.*

There is one exception in Chapter 11: Climate, where there is the only Significant effect and therefore the evaluation table is presented within the Chapter itself.

- **Final Section X.X** - Summary of the Topic Chapter.

- The impacts that are examined in Chapters 6 to 14, are for the subject development as it is described in Chapter 5: Description of Development.
- The cumulative impacts with other projects and activities that are examined in Chapters 6 to 14 are for these projects as described in Chapter 5: Description of Development; Section 5.5.
- **Appendices** have been used for including detailed, supplementary or technical information and photographs which underpins the information and evaluations in the topic chapters. In addition, Appendix X.1 of Chapters 6-14 contains the long form evaluation tables for the Sensitive Aspects, for non-significant impacts.
- **Mapping and Illustrations**, including maps, plans, sections and diagrams are presented after the relevant chapter so that they can be prepared at a scale that is legible and so that they do not distract from the flow of the text.
- **Red Font** is used to **cross reference** to the **location** of all appendices, figures and references to interacting environmental factors in other chapters of the EIA Report.
- At the beginning and end of each chapter is a **lists of chapter figures**, and **list of chapter appendices** for reference.
- A **Glossary of Terms** and **list of abbreviations** is located before the introduction to each chapter where relevant.
- **EPA evaluation criteria and definitions** are used across all the topic Chapters. EIA Report Descriptive Terminology is set out in **Section 2.7 above**.

Figure 2.1 - Location of other projects included in the Scoping for Cumulative Evaluations



Appendix 2.1: Scoping of other projects and activities for the Cumulative Evaluations

The data and descriptions in this appendix have informed Chapter 2: The EIAR Process including Scoping.

Contents

A2.1.1	Other projects identified within 17km of the KWF Grid Connection	2
A2.1.2	Scoping of other projects in relation to the Environmental Factors	5
A2.1.3	Scoping of activities in relation to the Environmental Factors.....	14

Appendix 2.1 - Scoping of other projects and Activities for the Cumulative Evaluations

A2.1.1 Other projects identified within 17km of the KWF Grid Connection

Aside from operational Woodhouse Substation and Woodhouse Windfarm and Authorised (but not constructed) Knocknamona Windfarm, the area around KWF Grid Connection was researched for other relevant projects. Projects such as water treatment works, electricity substations, power stations, underground or overhead power lines, road projects, large infrastructure projects, sewage treatment plants, pumping stations, factories, pipelines, filling stations, hospitals, waste facilities, large housing or building developments, manufacturing plants, windfarms, industrial or commercial development of land, marinas or harbour developments, concrete batching plants, abattoirs, mining, quarries, piggeries, breweries, industrial chimneys, communication masts and data centres were researched. **In total 44 other projects were identified within 17km of KWF Grid Connection**, as per Table 1.

Table 1: Full list of other projects within 17km of KWF Grid Connection

List of other projects within 17km of KWF Grid Connection						
ID	Title	Short Description	Address	Status	Planning Reference	Distance to KWF.GC
1	Waste Recovery Station Upgrade	Waste recovery/transfer and sludge drying facility	Youghal, Co. Cork	Plans Granted	114123	13km
2	Water & Sewerage	2 water reservoirs, installation of c.6km of pipeline, decommissioning of existing seawater treatment plant, resurfacing of roads.	Gort na Daibhche Uachtarach, An Rinn, Co. Waterford	Plans Granted	16550	10km
3	Petrol Station	Service station.	Campus Service Station, Kilrush, Dungarvan, Co. Waterford	Plans Granted	17319	9km
4	Industrial	Laboratory buildings	Eurofins Lancaster Laboratories, Dungarvan, Co. Waterford	Plans Granted	16347	8km
5	Industrial	Additional Industrial grain storage and drying facilities	Cappoquin, Co. Waterford	Plans Granted	11476	7km
6	Agricultural	Piggery Facility	Knocknaglogh Upper, Aglish, Co.	Constructed	16725	3.3km

List of other projects within 17km of KWF Grid Connection						
ID	Title	Short Description	Address	Status	Planning Reference	Distance to KWF.GC
	Development		Waterford			
7	Agricultural Development	Dairy building and facilities	Cappoquin, Co. Waterford	Plans Granted	1469	10km
8	Agricultural Development	Animal housing, and slurry tanks	Carrowgarra Beg, Cappagh, Co. Waterford	Constructed	14113	8km
9	Agricultural Development	Animal housing, and slurry tanks	Templemichael, Youghal, Co. Waterford	Constructed	15148	13km
10	Agricultural Development	Dairy buildings and facilities	Tallow, Co. Waterford	Constructed	15409	16km
11	Agricultural Development	Extension of animal housing	Grange, Co. Waterford	Constructed	17228	8km
12	Agricultural Development	Dairy facilities including slurry storage tanks and soiled water tanks	Ballymacmague East, Dungarvan, Co. Waterford	Constructed	17871	6km
13	Agricultural Development	Agricultural shed and slatted tank	Ballymulalla West, Dungarvan, Co. Waterford	Constructed	15405	653m
14	Agricultural Development	Animal housing, and slurry tanks	Cappagh, Dungarvan, Co. Waterford	Constructed	17499	4.2km
15	Agricultural Development	Dairy and extension to existing farm buildings and facilities	Youghal, Co. Cork	Constructed	165390	16km
16	Agricultural Development	Yard, animal housing, and slurry lagoon	Cappoquin, Co. Waterford	Constructed	15224	9km
17	Agricultural Development	Animal housing, and slurry tanks	Ballinamult, Co. Waterford	Constructed	16687	14km
18	Agricultural Development	Dairy building and facilities	Grange, Co. Waterford	Constructed	1518	8km
19	Agricultural Development	Dairy building and facilities	Tallow, Co. Waterford	Constructed	14118	16km
20	Agricultural Development	Construction of dairy facilities including slurry storage tanks, and silage pits	Lismore, Co. Waterford	Constructed	1888	14km
21	Equestrian Facility	Upgrade and extension of existing	Ballynacourty, Dungarvan, Co.	Plans Granted	13112	13km

List of other projects within 17km of KWF Grid Connection						
ID	Title	Short Description	Address	Status	Planning Reference	Distance to KWF.GC
		equestrian facility, construction 20 holiday homes.	Waterford			
22	Housing Development	17 houses	Abbeyside, Dungarvan, Co. Waterford	Constructed	15750	10km
23	Housing Development	98 houses	Dungarvan, Co. Waterford	Constructed	11510041	10km
24	Housing Development	150 houses	Clonea Road, Dungarvan, Co. Waterford	Constructed	17580	11km
25	Housing Development	75 houses, and associated roads	Clonea, Dungarvan, Co. Waterford	Constructed	16411	11km
26	Housing Development	66 houses	Youghal, Co. Cork	Constructed	184041	15km
27	Housing Development	47 apartments and amenities, includes demolition of existing hotel	Youghal, Co. Cork	Constructed	1458007	17km
28	Housing Development	21 holiday homes	Clonea Strand, Dungarvan, Co. Waterford	Constructed	11404, 07614, 16754	14km
29	Housing Development	98 houses	Dungarvan, Co. Waterford	Constructed	17579	10km
30	Convent Development	Upgrade of existing convent, includes new buildings	St Mary's Abbey, Glencain, Lismore, Co. Waterford	Constructed	11326	17km
31	Shops and Retail	Supermarket and car parking	Youghal-Lands, Youghal, Co. Cork	Constructed	145523	14km
32	Shops and Retail	change of use, alterations within existing buildings	Youghal Lidl Youghal, Co. Cork	Constructed	184484	14km
33	Other Medical Facilities	Health care facility including car parking	Dungarvan Community Hospital, Dungarvan, Co. Waterford	Constructed	13510030	9km
34	Renewable Energy	Solar Farm, 63ha	Cappoquin, Co. Waterford	Plans Granted	17564	6km
35	Renewable Energy	Solar farm 5MW	Killadangan, Dungarvan, Co. Waterford	Plans Granted	17156	8km
36	Renewable Energy	Solar farm 5MW 5ha	Youghal Mudlands, Youghal, Co. Cork	Plans Granted	175245	14km
37	Renewable Energy	Solar farm on 29ha site.	Cappoquin, Co. Waterford	Plans Granted	16126	4.5km

List of other projects within 17km of KWF Grid Connection					
ID	Title	Short Description	Address	Status	Planning Reference Distance to KWF.GC
38	Renewable Energy	Single wind turbine at existing piggery (45m overall tip height)	Ballinamult, Co. Waterford	Plans Granted	13465 16km
39	Renewable Energy	Single wind turbine at GSK Plant (131m overall tip height)	Knockbrack, Dungarvan, Co. Waterford	Plans Granted	13467 8km
40	Renewable Energy	17 No. wind turbines up to 150 metres overall height	Lyrenacarriga, Co. Waterford and Lyremountain, Co. Cork.	SID Application 2021 – in planning	ABP Ref. 309121 12.5km southwest
41	Renewable Energy	17 No. Wind Turbines up to 186m overall height	Scart Mountain 4km north of Cappoquin County Waterford	Pre-Application SID 28/02/23	ABP Ref. 315920 11km north northwest
42	Agricultural Development	Retention and Modification of Dairy building and facilities	Ballymulalla West, Dungarvan, Co. Waterford	Constructed	18617 650m north
43	Agricultural Development	Slatted Slurry Tank in Existing Shed	Ballymulalla West, Dungarvan, Co. Waterford	Constructed	203 1.3m north
44	Agricultural Development	Agricultural shed, underground slatted slurry storage tanks, two walled silage storage slabs	Farranbullen, Whitechurch, Cappagh, Dungarvan	Plans Granted	2392 3km north

A2.1.2 Scoping of other projects in relation to the Environmental Factors

The 44 other projects are scoped in Table 2 below for each of the Environmental Factor topics.

Methodology:

- As a worst-case scenario, it was assumed during scoping that any 'other projects' with a status of 'Plans Granted' within 5 years, will build and operate during the same periods as KWF Grid Connection.
- Any 'other projects' which occur within the geographical boundaries for potential impacts associated with KWF Grid Connection were then examined for their occurrence within timeframe boundaries (i.e. the construction stage or operational stage of KWF Grid Connection as appropriate).

- Where an 'other project' occurs within both geographical and timeframe boundaries, the 'other project' is then evaluated for potential to cause cumulative effects with KWF Grid Connection.
- The 'other project' is scoped out where impacts are not likely to occur, or where cumulative impacts would be negligible otherwise the 'other project' is scoped in for detailed evaluation in the Impact Evaluation Tables for the relevant Environmental Factor topic.

Table 2: Scoping of the 44 other projects for each Environmental Factor Topic

08/09/2023

Scoping of other projects for each Environmental Factor Topic					
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the <u>Geographical Cumulative Study Area</u> ?	Are any of these other projects <u>also located within the Timeframe Cumulative Study Area</u> ?	Scoping Evaluation:
Population & Human Health	Local Population (Socio-Economic)	Electoral Divisions (EDs): Keereen, Dromana, Whitechurch, Dromore, Mountstuart, Carriglea in relation to cumulative socio-economic impacts and secondary effects on health.	6: Piggery Facility 13: Agricultural shed and slatted tank	NO	6 & 13: Not within timeframe boundary, already constructed - SCOPED OUT
	Local Population (human health) Transient People (human health)	Cumulative study area boundaries as those used for Chapter 10: Air and Chapter 12: Material Assets are used: 700m from KWF Grid Connection construction works, 50m from KWF Grid Connection haul routes for KWF Grid Connection construction materials and abnormal loads, 200m from KWF Grid Connection operational electrical equipment and additional plant and apparatus at Woodhouse Substation (operational	13: Agricultural shed and slatted tank None of the other projects are likely to cause cumulative impacts to Population & Human Health	NO	13: Not within timeframe boundary, already constructed - SCOPED OUT

Appendix 2.1 Scoping of other projects and Activities

Scoping of other projects for each Environmental Factor Topic				
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the <u>Geographical Cumulative Study Area</u> ?	Are any of these other projects <u>also</u> located within the <u>Timeframe Cumulative Study Area</u> ? Scoping Evaluation:
		noise), cabling, and 800m from operational KWF Grid Connection		
Biodiversity	Terrestrial Habitats	Construction works area boundary plus 100m in all directions	NO - No other projects within the Geographical Study Area, and None of the other projects are likely to cause cumulative impacts to Terrestrial Habitats	n/a 13: Not within timeframe boundary, already constructed - SCOPED OUT
Biodiversity	Birds	KWF Grid Connection construction works area boundary plus 1km	13: Agricultural shed and slatted tank None of the other projects are likely to cause cumulative impacts to Birds	NO
Biodiversity	Mammals	- Bats: 300m of the construction works area (CWA) boundary - Otter: 600m from CWA - Badger & Other Mammals: 100m from CWA	NO - No other projects within the Geographical Study Area, and None of the other projects are likely to cause cumulative impacts to Mammals	n/a

Appendix 2.1 Scoping of other projects and Activities for Cumulative Evaluations

Scoping of other projects for each Environmental Factor Topic					
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the <u>Geographical Cumulative Study Area</u> ?	Are any of these other projects <u>also</u> located within the <u>Timeframe Cumulative Study Area</u> ?	Scoping Evaluation:
Biodiversity	Aquatic Habitats & Species	Local surface water bodies & catchments (see also Water below)	YES - 6: Piggery Facility, 8: Animal housing & slurry tank 13: Agricultural shed and slatted tank 34: Solar Farm, 63ha 37: Solar farm on 29ha site 39: Single wind turbine at GSK Plant (131m overall tip height) 40: Proposed 17 No. Wind Turbines c.12.5km to the southwest in the Blackwater Catchment (Lyrenacarriga Windfarm) 41: Proposed 17 No. Wind Turbines c.11km to the north northwest in the Blackwater Catchment (Scart Mountain Windfarm) No additional other projects are likely to cause	NO - 6, 8 & 13 Potentially YES - 34, 37, 39, 40 & 41	6, 8 & 13 exist and therefore part of baseline - SCOPED OUT . 34, 37 & 39 are potentially within the timeframe boundary, but due to the scale and nature of these developments, the separation distance to KWF Grid Connection, and the resulting dilution factor, any cumulative effects would be negligible - SCOPED OUT . 40 & 41 are in the same surface water body catchment - Blackwater (Munster) but due to the separation distance from KWF Grid Connection; the small scale and nature of KWF Grid Connection works and the resulting dilution factor; and the compact surface expression of the operational development, any cumulative effects would be negligible - SCOPED OUT

Scoping of other projects for each Environmental Factor Topic					
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the <u>Geographical Cumulative Study Area</u> ?	Are any of these other projects <u>also</u> located within the <u>Timeframe Cumulative Study Area</u> ?	Scoping Evaluation:
			cumulative impacts to Aquatic Habitats & Species.		
Land & Soils	Land Use	Land use: Boundary of construction works areas in general, and the individual landholdings where there is any potential to split parcels of land	NO - No other projects within the Geographical Study Area, and		
	Soil & Bedrock	Soils & Bedrock: Within the KWF Grid Connection construction works area boundary and immediate adjacent lands that adjoin the works area boundary	None of the other projects are likely to cause cumulative impacts to Land or Soils	n/a	n/a
Water	Local Surface Water Bodies	Local surface water bodies catchment divides as defined by the EPA mapping on www.catchments.ie	YES - 6: Piggery Facility,		6, 8 & 13 exist and therefore part of baseline - SCOPED OUT .
			8: Animal housing & slurry tank 13: Agricultural shed and slatted tank 34: Solar Farm, 63ha 37: Solar farm on 29ha site 39: Single wind turbine at	NO – 6, 8 & 13 Potentially YES – 34, 37, 39, 40 & 41	34, 37 & 39 are potentially within the timeframe boundary, but due to the scale and nature of these developments, the separation distance to KWF Grid Connection, and the resulting dilution factor, any cumulative

Appendix Z.1 Scoping of other projects and Activities for Cumulative Evaluation

Scoping of other projects for each Environmental Factor Topic					
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the Geographical Cumulative Study Area?	Are any of these other projects also located within the Timeframe Cumulative Study Area?	Scoping Evaluation:
Water			GSK Plant (131m overall tip height) 40: Proposed 17 No. Wind Turbines c.12.5km to the southwest in the Blackwater Catchment 41: Proposed 17 No. Wind Turbines c.11km to the north northwest in the Blackwater Catchment No additional other projects are likely to cause cumulative impacts to Water		effects would be negligible - SCOPED OUT. 40 & 41 are in the same surface water body catchment – Blackwater (Munster) but due to the separation distance from KWF Grid Connection; the small scale and nature of KWF Grid Connection and the resulting dilution factor, any cumulative effects would be negligible - SCOPED OUT
	Local Ground Water Bodies Local Water Supplies	Local GWBs catchment divides as defined by GSI/WFD within 300m of construction works areas. Local wells ad springs within 300m of construction works areas	NO - No other projects within the Geographical Study Area, and None of the other projects are likely to cause cumulative impacts to local groundwater bodies or local water supplies	n/a	n/a

Scoping of other projects for each Environmental Factor Topic					
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the <u>Geographical Cumulative Study Area</u> ?	Are any of these other projects <u>also located within the Timeframe Cumulative Study Area</u> ?	Scoping Evaluation:
Air	Air	<u>Construction Dust, Noise and Vibration:</u> Dust, Noise & Vibration: 700m Air Quality, Noise & Vibration: 700m from construction works, 50m from main transport routes <u>Operational Noise:</u> 800m from both the Woodhouse Substation and Consented KWF Substation <u>Operational EMF:</u> 200m from Woodhouse Substation, underground cabling, Woodhouse turbines, Knocknamona Windfarm Substation and Knocknamona turbines	YES - 13: Agricultural shed and slatted tank. None of the other projects are likely to cause cumulative impacts to Air	NO	13: Not within timeframe boundary, already constructed - SCOPED OUT
Climate	Climate	Irish state	n/a	n/a	n/a – the full Irish State is considered in the context of carbon emissions and climate change targets.
Material Assets	Public Roads	The local roads L6074 between Clogh Crossroads and the Woodhouse Substation entrance and the L60741 between the junction with the L6074 and the existing Woodhouse Windfarm entrance.	NO - No other projects within the Geographical Study Area, and None of the other projects are likely to cause cumulative impacts to	n/a	n/a

Appendix 2.1 Scoping of other projects and Activities for Cumulative Evaluations

Scoping of other projects for each Environmental Factor Topic					
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the Geographical Cumulative Study Area?	Are any of these other projects also located within the Timeframe Cumulative Study Area?	Scoping Evaluation:
			Material Assets		
Cultural Heritage	Recorded Legally Protected Sites	Construction Stage Effects; Within the footprint of the construction works area plus 500m radius surrounding the footprint of the construction works areas. Operational Stage Visual Effects: 4km zone around the additional plant in Woodhouse Substation	YES - 13: Agricultural shed and slatted tank		Not within timeframe boundary - already constructed and located within an existing farmyard complex, forms part of the baseline environment - SCOPED OUT.
			40: Proposed 17 No. Wind Turbines c.12.5km to the southwest (Lyrenacarriga Windfarm)		
			41: Proposed 17 No. Wind Turbines c.11km to the north northwest (Scart Mountain Windfarm)	Potentially YES – 40 & 41	40 & 41 being proposed windfarms within 15km but due to the separation distance from KWF Grid Connection; the small scale and nature of KWF Grid Connection works and the resulting dilution factor; and the compact surface expression of the operational development, any cumulative effects would be negligible – SCOPED OUT.
Landscape	Landscape Character & Visual Amenity	Construction stage cumulative effects: 1km corridor from construction works areas and activity locations within the site boundary Operational stage cumulative effects: 4km radius from the additional plant	YES -13: Agricultural shed and slatted tank None of the other projects are likely to cause cumulative impacts to Cultural Heritage	Potentially YES – 40 & 41	Not within timeframe boundary - already constructed and located within an existing farmyard complex, forms part of the baseline environment - SCOPED OUT.

Scoping of other projects for each Environmental Factor Topic				
Environmental Factor	Sensitive Aspect	Geographical Boundary of the Cumulative Study Area	Are any of the other projects located within the Geographical Cumulative Study Area?	Are any of these other projects also located within the Timeframe Cumulative Study Area?
		in Woodhouse Substation	Landscape 40: Proposed 17 No. Wind Turbines c.12.5km to the southwest (Lyrenacarriga Windfarm) 41: Proposed 17 No. Wind Turbines c.11km to the north northwest (Scart Mountain Windfarm)	40 & 41 being proposed windfarms within 15km but due to the separation distance from KWF Grid Connection; the small scale and nature of KWF Grid Connection works and the resulting dilution factor; and the compact surface expression of the operational development, any cumulative effects would be negligible – SCOPED OUT

Forty-four other projects are scoped for each of the Environmental Factor topics. The result of the scoping exercise is that all 44 No. other projects were scoped out for potential for cumulative effects.

A2.1.3 Scoping of activities in relation to the Environmental Factors

The local landuse activities at the KWF Grid Connection location are forestry and agriculture (predominately dairy and management of grassland pastures). It was evaluated by the competent experts that forestry and agricultural activities in the area within and surrounding the KWF Grid Connection site formed part of the baseline environment for Population & Human Health, Biodiversity, Land and Soils, Air, Climate, Material Assets, Cultural Heritage and Landscape, therefore forestry or agricultural activities were not scoped in for these topic chapters in the EIA Report.

In relation to Water, current agricultural and forestry landuse and associated activities are known pressures on downstream river waterbodies, groundwater bodies and downstream designated sites. Agricultural water quality impacts largely relate to nitrification (fertilizer/manure etc.) rather than sediment. Forestry related water quality impacts largely relate to acidification and eutrophication, in addition to sediment load during harvesting activities. The proposed KWF Grid Connection has potential to adversely affect downstream waterbodies through sedimentation and through contamination by fuels, oils or cementitious materials. No nitrification water quality impacts are anticipated with respect the KWF Grid Connection, in addition no forestry felling is required for the KWF Grid Connection development and therefore there is no potential for cumulative impacts to Water via nitrification, acidification or eutrophication sources. In relation to sediment related impacts, forestry felling will be carried out in accordance with best practice and felling license conditions. Best practice harvesting would include standard measures such as the use of sediment traps and other protective measures to protect water quality. When the size, scale and nature of KWF Grid Connection is considered cumulatively with potential forestry harvesting activities in the surrounding area, it is considered that with the implementation of best practice harvesting measures and the sensitive scheduling of KWF Grid Connection construction works, that significant cumulative sedimentation impacts are unlikely to occur. In relation to contamination by fuels and oils, while agricultural and forestry activities do involve the use of vehicles and machinery run on hydrocarbons, the volumes involved are negligible, farm and forestry machinery is generally in good working order, these activities will occur in multiple catchments, in the context of few flowpaths (watercourses and drains) within the landholdings and therefore cumulative impacts to river waterbodies from Oils, Fuels and Chemicals spillages is not likely. In relation to contamination by cementitious materials, agricultural and forestry activities are not expected to contribute to cumulative effects as the pouring of cement is not currently planned by any of the landowners involved in the project. Therefore, as significant cumulative impacts are not likely to occur, agricultural and forestry landuse activities are scoped out from further evaluation of cumulative impacts in the Water topic chapter in the EIA Report.

Other activities include residential, commercial, infrastructural, recreational or other development which may give rise to direct impacts on habitats or species (loss of habitat, disturbance to species); as well as activities which could have indirect impacts (e.g. activities which could affect water quality or hydrology which could in turn affect the status/health of populations of water dependant habitats or species). A search of the EIA Portal and Waterford County Council's online planning system in May 2023 did not list planned major developments in proximity to the proposed KWF Grid Connection, that had potential to contribute to significant cumulative effects.