

FW: ABP-315652-23 Annagh Wind Farm

Appeals2 <appeals@pleanala.ie>

Mon 28/08/2023 15:19

To: Rory Kelleedy <r.kelleedy@pleanala.ie>

📎 1 attachments (518 KB)

P23-004-Ltr-BC - Response to ABP re. discrepancies between soft copy and hard copy of EIAR.pdf;

From: Bord <bord@pleanala.ie>

Sent: Monday, August 28, 2023 1:01 PM

To: Appeals2 <appeals@pleanala.ie>

Subject: FW: ABP-315652-23 Annagh Wind Farm

From: Brian Cronin <brian.cronin@ftco.ie>

Sent: Monday, August 28, 2023 12:23 PM

To: Bord <bord@pleanala.ie>

Cc: Jim Hughes <jim.hughes@ftco.ie>

Subject: ABP-315652-23 Annagh Wind Farm

Good afternoon,

Please find attached letter, responding to a letter we received from The Board on 1 August 2023.

We have also provided a We Transfer link for the "corrected version of the soft copy" of Chapter 8 of the EIAR for the proposed development. This is for ease of reference, so that The Board now have the correct version of the EIAR in both hard copy and soft copy format.

Corrected version of the soft copy of Chapter 8 available here: <https://we.tl/t-aG9exVCqZs>

Please do not hesitate to contact me if you have any questions on the above.

Many thanks,

Brian



Brian Cronin
Senior Project Environmental Scientist

Fehily Timoney and Company
Core House, Pouladuff Road, Cork, T12 D773
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An Bord Pleanála
64, Marlborough Street
Dublin 1
D01 V902



28 August 2023

Our Ref: P23-004/Ltr/BC/

Re: ABP-315652-23 - Letter from An Bord Pleanála dated 1 August 2023

Dear Sir/Madam,

Fehily Timoney and Company (FT), Core House Pouladuff Road, Cork has been engaged by the applicant, Annagh Wind Farm Limited, to respond to An Bord Pleanála's letter dated 1 August 2023 in relation to certain information necessary for the purpose of enabling the Board to determine the appeal on the above noted ABP reference.

The Board informed the applicant that they had identified a number of discrepancies in the application documentation; notably that the hard copy of the EIAR may not correlate with the soft copy of the EIAR submitted with the planning application.

The Board specifically asked us to clarify three points of information so that the assessment of this case can continue:-

- "1. Please confirm which EIAR version is correct*
- 2. Please advise if any other versions were issued to the Local Authority or Prescribed Bodies, and*
- 3. Please confirm that there are no other discrepancies in the planning application documentation."*

FT has reviewed both the hard copy and electronic copy of the EIAR and we can confirm the following to address the three points above:

1. We can confirm that the hard copy version is the correct version of the EIAR.
2. No other versions were issued to the Local Authority or Prescribed Bodies.
3. We have reviewed both versions of the EIAR and can confirm that discrepancies are confined to Chapter 8, Biodiversity. A full list of the discrepancies are given in Appendix 1. Of these discrepancies, there are only two which we believe represent a material difference:
 - a) In section "8.6.3.4 Bats - Feathering of Blades", in the third paragraph of the sub-section "Cut-in Speeds/Curtailment": the soft copy version of the EIAR mentions that the increasing of cut-in speeds will apply "at turbines where surveillance shows high bat activity". The hard copy version corrects this to say that this mitigation measure will apply to all turbines.

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Company Secretary: Dave O'Regan

Registered in Ireland. Fehily Timoney & Company Ltd. Number 180497
Registered Office: Core House, Pouladuff Road, Cork, Ireland.
VAT Registration Number: IE6580497D





- b) In the same section, "8.6.3.4 - Bats - Feathering of Blades", in the sub-section "Post Construction Surveys": Paragraph 4 of the soft copy, referring to SCADA curtailment under 'Post Construction Surveys' constituted an 'escape clause' which would allow early cessation of post-construction bat surveys in the event that SCADA data indicated low levels of activity. This was determined to result in insufficiently robust mitigation during the final review of the EIAR, and as such this paragraph was removed from the final version of the report (the hard copy), resulting in an inflexible requirement for the full 3 years of post-construction bat monitoring to be completed regardless of SCADA.

We apologise for any inconvenience or confusion caused by the discrepancies between the two versions of the EIAR. We attach in our email the correct version of the soft copy.

If you should require any further information, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Cronin", is written over a horizontal line.

Brian Cronin

for and on behalf of **Fehily Timoney and Company**



APPENDIX 1

Tabulated list of differences between hard copy and soft copy

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
1	TOC	Tables up to 8.95	TOC	Tables up to 8.92	There are 3 additional tables in the hard copy version which were not included in the soft copy version. These are Table 8.1, Table 8.12 and Table 8.13 of the hard copy.
2	TOC	Plates up to 8.64	TOC	Plates up to 8.42	Both the hard copy and soft copy version contain the same plates. However, the TOC in the soft copy version had not been updated to account for all 64 plates. Error is confined to the TOC.
3	2	Line added to paragraph before (Background info.....) Table 8.1 Surveyor Biographies		No Table 8.1	This table, included in the hard copy and not in the soft copy, gives the biographies of the various authors/surveyors who contributed to the chapter.
4	6	2 Paragraphs added on: Ciaran Ryan (Kerry Ecological Services), and Dr. Karina Dingekerus (Giorria Environmental Services)	2	2 ¾ lines added on same here	These lines, included in the hard copy and not in the soft copy, give background information on Ecological Surveyors who worked on the project.
5	12	8.2.5.1 Habitats, Paragraph 3 – 'see Table 8-16'	8	8.2.5.1 Habitats, Paragraph 3 – 'Error...'	Refencing error – typographical.
6	17	Paragraph 1 – '...in line with Collins (2016)' added.	8	8.2.5.1 Habitats, Paragraph 3 – Error...	Four words of additional text, included in the hard copy and not in the soft copy, to clarify

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
7	25	Figure 8.3 – different	21	Figure 8.3 – different	that the methods used to categorise trees for bat PRFs are in line with the methods from Collins (2016). Hard Copy version shows Static detector locations for 2020 and 2021. Soft copy version only shows 2020 locations.
8	29	Hinterland Survey – Paragraph 1 added to	25	Hinterland Survey – Paragraph 1 shorter	This paragraph appears to explain broadly the same methodology in each version, but the Hard Copy version makes specific references e.g. Lewis et al. (2019).
9	36	Breeding Wader Surveys – changes made in both paragraphs.	31	Breeding Wader Surveys – slightly different in both paragraphs.	Hard copy version has amended text in first paragraph of this section and four additional paragraphs which give additional detail on the methods used in the Breeding Waders Surveys.
10	36	Table 8.12 – Target Species and Associated Suitable Breeding Habitat	31	No Table 8.12	Hard copy version has additional table accompanying the additional paragraphs (mentioned in item 9) on methods for Breeding Waders Surveys.
11	37	Table 8.13 – Count Units for Each Wading Species	31	No Table 8.13	Hard copy version has additional table accompanying the additional paragraphs on

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
12	37	Table 8.14: Breeding Waders Survey Details	31	Table 8.11: Breeding Waders Survey Details	methods for Breeding Waders Surveys. Table number is different.
13	38	Woodcock and Nightjar Surveys – Paragraph 2 addition	32	Woodcock and Nightjar Surveys	Hard copy version says “in the fields surrounding VP2”; soft copy version says “near VP2”.
14	42	Catchment-wide electro-fishing – ok	36	Catchment-wide electro-fishing – see first line of Paragraph 1 & 2 – Green	Different font style.
15			40	Error, reference not found in 40 (8.2.7 Avifauna Receptor Evaluation), 42 (8.28. Aquatic Receptor Evaluation), 48 (X 2), 49, 110, 116 (X 4) more throughout the doc.	Referencing errors – typographical.
16			46	Paragraph before Table 8.22 – Green	Different font style.
17	55	8.3.2.3 Sites of National Importance – Paragraph 3 – No NHAs and eight PNHAs more text added		8.3.2.3 Sites of National Importance – Paragraph 3 – No NHAs and seven PNHAs	The word “seven” in the soft copy version is a typo. The soft copy version captures all eight PNHAs in Table 8.26 and therefore all eight are considered in the impact assessment in this soft copy version. Typographical error only.

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
18	122	Plate 8.42 Bat Activity Survey Results (correct Plate order No.)	122	Plate - Bat Activity Survey Results - Plates – starting at Plate 8-1 again and continues in this order to Plate 8-21 on page 147	Referencing errors – typographical.
19	162	8.3.7.11 Indication of Bat Roosts present by Ecobat Analysis – Paragraph 1 – ok	162	8.3.7.11 Indication of Bat Roosts Present by Ecobat Analysis – Paragraph 1	Soft copy version skips onto next line before reaching the right-hand margin on the page. All text is exactly the same in each version, word-for-word.
20	166 - 167	8.3.8.3 Buzzard – See Paragraph 1, 2 and 3	166 - 167	8.3.8.3 Buzzard – See Paragraph 1, 2 and 3	Wording of the paragraphs here were re-written to be more understandable in the hard copy version. The content is the same, but the language is different. Other than the change in language, one minor difference in these paragraphs is that the soft copy mentions that 15 observations of Buzzards were made over the summer season, when in reality it was 14 observations. This error is corrected in the hard copy version of the report.
21	167	Winter Season 2019-20, 2020-21 – Paragraph 1, line 4 .. three of which were within the 500m	167	Winter Season 2019-20, 2020-21 – Paragraph 1, line 4 .. five of which were within the	Typically the hard copy version is a correction of the soft copy version. In this instance the typo

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
		buffer zone, five of which were inside/outside and one which was outside.'		500m buffer zone, two of which were inside/outside and one which was outside.'	is in the hard copy version, and the soft copy text is correct.
22	168	8.3.8.5 Kestrel – Summer Season 2019, 2020 - Paragraph 1 – text added. Paragraph 2 broken up into 2 paragraphs. Winter Season 2019-20, 2020-21 – See both paragraphs, text changes.	168	8.3.8.5 Kestrel – Summer Season 2019, 2020 – 3 paragraphs Winter Season 2019-20, 2020-21 – 3 paragraphs.	Changes in this section are associated with re-writing the text to make it more understandable. There is one minor error: The soft copy incorrectly says that "two of the birds were flying low". The hard copy version corrects this to "one of the birds was flying low".
23	168	8.3.8.6 Sparrowhawk – the following was added (outside site boundary)	168	8.3.8.6 Sparrowhawk -	The hard copy version of the report adds three words to clarify that the juvenile sparrowhawk calling from a nest was 'outside site boundary'.
24	169	Winter Season 2019-20, 2020-21 – Changes made in paragraph 2, line 2.	169	Winter Season 2019-20, 2020-21 – Paragraph 2	The hard copy version amended the end of this sentence to make it more understandable.
25	169	8.3.8.8 Black-headed Gull – Winter Season 2019-20, 2020-21 - Text changes in Paragraph 1 & 2	169	8.3.8.8 Black-headed Gull – Winter Season 2019-20, 2020-21 Paragraph 1 & 2	Changes in this section are associated with re-writing the text to make it more understandable. There is one minor error: The soft copy incorrectly says that the black-headed gull is a "red-listed species". The hard copy version

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
					corrects this to "amber-listed species".
26	170	8.3.8.9 Hen Harrier – Winter Season 2019-20, 2020-21 – Paragraph 2 text		8.3.8.9 Hen Harrier – Winter Season 2019-20, 2020-21 – Paragraph 2 text	Changes in this section are associated with re-writing the text to make it more understandable. However, there is one minor additional piece of information in the hard copy version: "Subsequent desk surveys throughout the winter season confirmed the site is not a habitual roosting location for Hen Harrier". This sentence essentially adds confidence to the findings, which are the same in both versions of the report.
27	170	8.3.8.11 Grey Heron Summer Season 2019, 2020 Paragraph 1 text added. Paragraph 2 text deleted (shorter paragraphs)		8.3.8.11 Grey Heron Summer Season 2019, 2020 – Paragraph 1 – 3	Changes in this section are associated with re-writing the text to make it more understandable. However, there is also some additional detail in the Hard Copy version about the flight lines of the observed herons, namely whether the flight lines were within or outside the buffer.

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
28	171	Winter Season 2019-20, 2020-21 – Paragraph 1 - ...'because they were either perched or on the ground during the VP' – added. Paragraph 2 – text added/changed.	171	Winter Season 2019-20, 2020-21	Two additional pieces of information in the hard copy version of the report – “...because they were either perched or on the ground during the VP” and the date of a recording is added. The soft copy incorrectly says that “Grey Heron were recorded 18 times...” The hard copy version corrects this to “17 times”.
29	171	8.3.8.12 Common Gull Winter Season 2019-20, 2020-21 – Paragraph 1 text added.	171	8.3.8.12 Common Gull Winter Season 2019-20, 2020-21 – Paragraph 1.	The word “field” in the soft copy is corrected to “improved agricultural grassland” in the hard copy.
30	171/172	8.3.8.13 Lesser Black-backed Gull – Summer Season 2019, 2020 – A sentence was added after Paragraph 1	171	8.3.8.13 Lesser Black-backed Gull	Additional sentence in the hard copy version adds “The individual was flying inside/outside the buffer zone”.
31	172	8.3.8.15 Mallard – Winter Season 2019-20, 2020-21 Paragraph 1 - ‘.... Was on 4 th November 2020 and...’ And ‘....from 15 th February 2021 ...’ (year added). Also, text added/changed.	172	8.3.8.15 Mallard – Winter Season 2019-20, 2020-21	The hard copy version of the report clarifies what year the observation was made.

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
32	172	8.3.16 – Goshawk - Winter Season 2019-20, 2020-21 Text added '....outside the 500m buffer...'		8.3.16 – Goshawk - Winter Season 2019-20, 2020-21	The soft copy simply refers to a "buffer" while the hard copy specifies the "500m buffer".
	201	8.3.9.2 Desktop Study – Paragraph 2 – Reference source not found			Refencing error – typographical.
33	261	Table 8.73 Indirect Construction Impacts on Avifauna - Common Gull, (Medium), Coot (Medium) missing from table.			Common Gull and Coot were assessed within Table 8.73 in the soft copy but not in the hard copy.
34	352	8.6.2.6 Mammals (excluding bats) – Badgers – Paragraph 4 text added/changed.	353	8.6.2.6 Mammals (excluding bats) – Badgers – Paragraph 4	Both versions of the report set out the requirements for dealing with badger setts within the footprint of the proposed infrastructure/felling areas. The hard copy version adds one sentence to the end of the paragraph to include the detail of the duration of hard-blocking of setts during felling operations.
35	359	8.6.2.8 Avifauna – Paragraph 3 text added/changed	360	8.6.2.8 Avifauna – Paragraph 3	Both versions of the report state that mitigation will be put in place if nesting birds are identified in trees which require felling. The hard copy version adds some examples of mitigation – "implementation of buffer zones and/or seasonal constraints; nest monitoring".

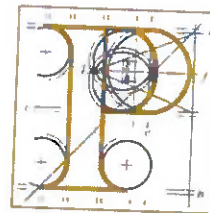
Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
36	360	8.6.2.9 Aquatic Ecology – water Quality Measures during the Construction Phase – Check Paragraph 2 Paragraph 3 - '.... in the following best practice guidance documents.' - practice added	361	8.6.2.9 Aquatic Ecology – water Quality Measures during the Construction Phase – Check Paragraph 2	Spacing between paragraphs in hard copy version, no spacing in soft copy version.
37	361	Mitigation measures for access tract construction – Paragraph 3 (Appendix 3.1) – added	362	Mitigation measures for access tract construction – Paragraph 3	Addition of a cross-reference in the hard copy version that doesn't appear in the soft copy version.
38	368	8.6.3.4 Bats – Feathering of Blades – Paragraph 3 text added. Paragraph 4 & Paragraph 5 text added/changed.	369	8.6.3.4 Bats – Feathering of Blades – Paragraph 3, Paragraph 4 & Paragraph 5.	Soft copy version, the third paragraph mentions that the increasing of cut-in speeds will apply "at turbines where surveillance shows high bat activity". The hard copy version corrects this to say that this mitigation measure will apply to all turbines.
39	369	Only 4 paragraphs in the Post Construction Surveys section.		5 paragraphs in the Post Construction Surveys section – Additional paragraph is paragraph 4 'If necessary, over this period ... (or equivalent) system.'	Paragraph 4 of the soft copy, referring to SCADA curtailment under 'Post Construction Surveys'. This was revised and updated in the hard copy.
40	382	8.7.2 Natural Heritage Areas or Proposed Natural Heritage Areas – Paragraph 4 – 'One further pNHA, St. Senan's with replant lands site.' text added/changed.		8.7.2 Natural Heritage Areas or Proposed Natural Heritage Areas – Paragraph 4 – 'One further pNHA, St. Senan's'	Hard copy version adds some text to clarify why no indirect effects are predicted for St. Senan's Lough: "...due to lack of hydrological and ecological

Item	Page	Hard Copy Version	Page	Soft Copy Version	Details
					connectivity with the replant lands site". Both versions of the report say that "no indirect effects are predicted".

Our Case Number: ABP-315652-23

Planning Authority Reference Number: 217246

Your Reference: Annagh Wind Farm Limited



An
Bord
Pleanála

Fehily Timoney & Company
Core House
Pouladuff Road
Cork
Co. Cork
T12 D773

Date: 01 August 2023

Re: Construction of 6 no. wind turbines, turbine foundations and crane pad hardstanding areas, new site tracks and associated drainage infrastructure and all associated infrastructure, services and site works. Application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement.
Annagh North, Coolcaum, Fiddane, Cooliney, Rathnacally, Farranshonikeen, Ardnageehy and Clashganniv, Co. Cork.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned appeal.

The Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal.

During assessment of the case, a number of discrepancies were identified in the application documentation; notably that the hard copy of the EIAR does not correlate with the soft copy EIAR which is available for public viewing on Cork County Council's planning website.

In particular, it is noted that the first 70 no. pages of Chapter 8 (Biodiversity) in both EIARs do not correlate. For example, 'Section 8.2 Methodology' in the hard copy version is presented on page no. 7 whilst 'Section 8.2 Methodology' in the soft copy version is presented on page no. 3, notwithstanding that the chapter has a total of 400 pages in both versions. It is noted that not all documents from the hard and soft copy have been compared.

In accordance with section 132 of the Planning and Development Act, 2000, (as amended), you are required to submit, on or before **28th August 2023**, the following information:

1. Please confirm which EIAR version is correct.

Teil
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Láithreán Gréasáin
Ríomhphost

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2. Please advise if any other versions were issued to the Local Authority or Prescribed Bodies, and

3. Please confirm that there are no other discrepancies in the planning application documentation.

If the information required is/are not received before the end of the specified period, the Board will dismiss or otherwise determine the appeal without further notice to you in accordance with section 133 of the 2000 Act, (as amended). Your submission in response to this notice must be received by the Board not later than **5.30 p.m. on the date specified above.**

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Rory Kelleedy
Executive Officer
Direct Line: 01-8737163

BP71 Registered Post

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