Appendix 1.3: Scoping Responses Received on The Project

Consultee Organisation	Response Received	Implications for the EIA/Design	EIAR Chapter/Section where comments have been addressed
Agriculture			
Department of Agriculture	**Response received 03rd January 2025:** *The following are the comments from this Division in relation to the proposed development:* *If the proposed development will involve the felling or removal of any trees, the developer must obtain a Felling License from this Department before trees are felled or removed. A Felling Licence application form can be obtained from the Department's website link here: gov.ie - Tree Felling Licences (www.gov.ie)* *A Felling Licence granted by the Minister for Agriculture, Food and the Marine provides authority under the Forestry Act 2014 to fell or otherwise remove a tree or trees and/or to thin a forest for silvicultural reasons. The Act prescribes the functions of the Minister and details the requirements, rights and obligations in relation to felling licences. The principal set of regulations giving further effect to the Forestry Act 2014 are the Forestry Regulations 2017 (S.I. No. 191 of 2017).* *The developer should take note of the contents of Felling and Reforestation Policy document which provide a consolidated source of information on the legal and regulatory framework relating to tree felling; gov.ie - Tree Felling Licences (www.gov.ie) As this development is within forest lands, particular attention should be paid to deforestation, turbulence felling and the requirement to afforest* *alternative lands.* *In order to ensure regulated forestry operations in Ireland accord with the principles of sustainable forest management (SFM), as well fulfilling the requirements of other relevant environmental protection laws, the Department (acting through its Forest Service division) must undertake particular consultations, and give certain matters full consideration during the assessment of individual Felling Licence applications. This includes consultation with relevant bodies, the application of various protocols and procedures (e.g. Forest Service Appropriate Assessment Procedure), and the requirement for applicants on occasion to provide further information (e.g. a Natura Impact Statement).*	All items considered during the design process.	Chapter 2, 6, 7, 8, 12, 13

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	Consequently, when the Forest Service is considering an application to fell trees, the following applies: *1. The interaction of these proposed works with the environment locally and more widely, in addition to potential direct and indirect impacts on designated sites and water, is assessed. Consultation with relevant environmental and planning authorities may be required where specific sensitivities arise (e.g. local authorities, National Parks & Wildlife Service, Inland Fisheries Ireland, and the National Monuments Service);* *2. Where a tree Felling Licence application is received, the Department will publish a notice of the application before making a decision on the matter. The notice shall state that any person may make a submission to the Department within 30 days from the date of thev notice. The notices are published online at: gov.ie - Felling Licence Applications (www.gov.ie)* *3. Third parties that make a submission or observation will be informed of the decision to grant or refuse the licence, and on request, details of the conditions attached to the licence, the main reasons and considerations on which the decision to grant or refuse the licence was based, and where conditions are attached to any licence, the reasons for the conditions. Both third parties and applicants will be also informed of their right to appeal any decision within 14 days to the Forestry Appeals Committee. Felling Licence decision are published on the Departments Forestry Licence Viewer 9FLV) link here:* *Forestry Licence Viewer (agriculture.gov.ie)* *It is important to note that when applying to a Local Authority, or An Bord Pleanàla, for planning permission where developments are:* *a) subject to an EIA procedure (including screening in the case of a sub-threshold development) and any resulting requirement to produce an EIAR; and/or* *b) subject to an Appropriate Assessment procedure (including screening) and any resulting requirement to a Natura Impact Statement (NIS); and* *c) the proposed development in its construction or operational phases, or any works ancillary thereto, would directly or indirectly involve the felling and replanting of trees, deforestation for the purposes of conversion to another type of land use, or replacement of broadleaf high forest by conifer species,*		

Consultee Organisation	Response Received	Implications for the EIA/Design	EIAR Chapter/Section where comments have been addressed
	1. that there is a requirement inter alia under the EIA Directive for an overall assessment of the effects of the project or the alteration thereof on the environment to be undertaken, including the direct and indirect environmental impact of the project; *And* *2. pursuant to Article 2(3) of the EIA Directive, the Department of Agriculture, Food and the Marine strongly recommends that, notwithstanding the fact that a parallel consent in the form of felling licence may also have to be applied for, any EIAR and/or NIS produced in connection with the application for planning permission to the Local Planning Authority or An Bord Pleanàla, should include an assessment of the impact of and measures, as appropriate, to prevent, mitigate or compensate for any significant adverse effects direct or indirect identified on the environment arising from such felling and replanting of trees, deforestation for the purposes of conversion to another type of land use, or replacement of broadleaf high forest by conifer species.* *3. Please note that there must be absolute spatial consistency between the felling licence areas submitted to DAFM (second authority) and all related planning documents submitted to the first authority in respect of the felling area(s).*		
Telecommunications			
Broadcasting Authority of Ireland	**Response received 06th December 2024:** *"Coimisiún na Meán does not perform an in-depth analysis of the effect of wind turbines or electrical sub stations on FM networks. However, we are not aware of any issues from existing windfarms or electrical sub stations into existing FM networks. Also, the proposed sub station is not located close to any existing or planned FM transmission sites."*	No Impact on the Design	Chapter 13
RTÉ	**Response received 06th December 2024:** *2rn have no fixed linking in the area, there is a risk of interference to broadcast services from our site at Mullaghanish to viewers to the southeast of the proposed windfarm.* *We would therefore ask that a protocol be signed between 2rn and the developer should the site go ahead.*	No Impact on the Design	Chapter 13

Consultee Organisation	Response Received	Implications for the EIA/Design	EIAR Chapter/Section where comments have been addressed
Tetra	**Response received 12th December 2024:** *We anticipate no impact from the development as proposed. Can you please ensure it is reviewed by eir.*	No Impact on the Design.	Chapter 13
Virgin Media Television	**Response received 06th December 2024:** *Hi Civils* *Please could we check the area highlighted (attached) for VMIE Services and respond to Sarah asap please.*	N/A	N/A
Aviation			
Cork Airport	Acknowledgement of Scoping Receipt (05/12/2024).	N/A	N/A
IAA	Scoping response received 06/12/2024. The main points were as follows: • Contact Kerry Airport, Cork Airport, and Bantry Aerodrome licensee Rowa Pharmaceuticals Limited to make them aware of the proposal and ensure appropriate screening from an aviation safety perspective. • Engage with AirNav Ireland to undertake a preliminary screening assessment to confirm that the proposed wind farm and the associated cranes that would be utilised during its construction would have no impact on instrument flight procedures, communication and navigation aids or other en route communication, navigation and surveillance equipment. • *"It is likely that the following general observations would be proffered by the Authority during a formal planning process: In the event of planning consent being granted, the applicant should be conditioned to contact the Irish Aviation Authority to:* *(1) agree an aeronautical obstacle warning light scheme for the wind farm development,* *(2) provide as-constructed coordinates in WGS84 format together with ground and blade tip height elevations at each wind turbine location and* *(3) notify the Authority of intention to commence crane operations with at least 30 days prior notification of their erection."*	All items considered during the design process.	Chapter 13

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Ecology			
Bat Conservation Ireland	Acknowledgement of Scoping Receipt (11/12/2024). *"Unfortunately, as Bat Conservation Ireland is a very small organisation, with limited resources, we do not have the capacity to get involved in planning issues.* *Please note that Bat Conservation Ireland is concerned that a request for our input/consultation/opinion/assistance on planning applications and reports, or objections/comments on same, can sometimes imply that we have been consulted for our opinion on planning matters when Bat Conservation Ireland does not, in fact, provide opinions or comments on developments. Therefore, please note that this response should not be construed as a consultation with Bat Conservation Ireland regarding any planning or development matter or proposal. In order to avoid misunderstandings, please do not use this terminology in your reports to describe this transaction."*	N/A	6
Soils and Water			
Geological Survey Ireland	Response received 16th December 2024: *Geological Survey Ireland is the national earth science agency and is a division of the Department of the Environment, Climate and Communications. We provide independent geological information and interpretation and gather various data for that purpose. Please see our website for data availability.* *With reference to your email received on the 09 December 2024, concerning the Request for Scoping Opinion for EIA for Derreenacrinnig West Wind Farm, Drimoleague, Co. Cork, we recommend using our various data sets when conducting the EIAR, SEA, planning and scoping processes for developments, plans and policies. For more detailed information on how to access this data please access 'Data and Maps' Data & Maps (gsi.ie) on our 'Geoscience for planning' webpage. Use of our data or maps should be attributed correctly (please refer to each individual dataset's metadata for correct attribution).*	All items considered during the design process and construction methodology.	Chapters 7, 8, 13 and 14

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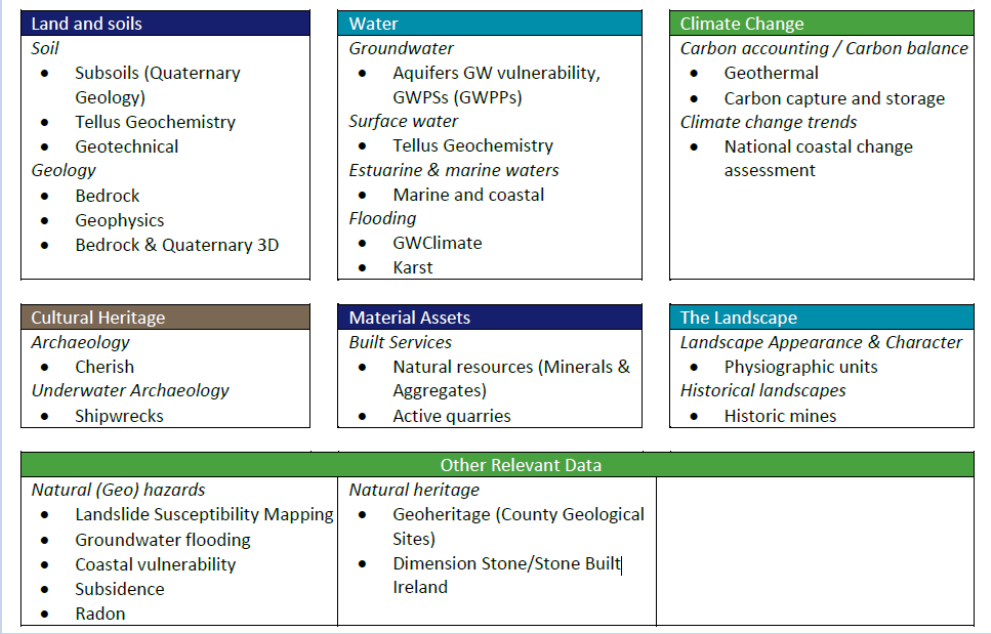
	For specific data available for Environmental Assessment and Planning topics please follow this link [Data by Environmental Assessment and Planning Topic (gsi.ie)], where you will find our data arranged by environmental assessment topic as illustrated below:		



Geoheritage

Geological Survey Ireland is in partnership with the National Parks and Wildlife Service (NPWS, Department of Housing, Local Government and Heritage), to identify and select important geological and geomorphological sites throughout the country for designation as geological NHAs (Natural Heritage Areas). This is addressed by the Geoheritage Programme of Geological Survey Ireland, under 16 different geological themes, in which the minimum number of scientifically significant sites that best represent the theme are rigorously selected by a panel of theme experts.

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	County Geological Sites (CGSs), as adopted under the National Heritage Plan, include additional sites that may also be of national importance, but which were not selected as the very best examples for NHA designation. All geological heritage sites identified by Geological Survey Ireland are categorised as CGS pending any further NHA designation by NPWS. CGSs are now routinely included in County Development Plans and in the GIS of planning departments, to ensure the recognition and appropriate protection of geological heritage within the planning system. CGSs can be viewed online under the Geological Heritage tab on the online Map Viewer. *The audit for Co. Cork was completed in 2024. The full report details can be found here.* ***Our records show that there is a CGS in the vicinity of the proposed wind farm development and grid connection.*** > ***Bantry Drumlins**, Co. Cork (GR 100562, 51921), under IGH theme: IGH 7 Quaternary. This field of subglacial bedforms, which are features formed under the base of an ice sheet, includes a small, discrete cluster of hill features occupying the wide coastal embayment which hosts the town of Bantry. The field covers an area of 15 by 5km and includes approximately 75 hills. Link to Site Report: CK018.* *With the current plan, there are no envisaged impacts on the integrity of current CGSs by the proposed development. However, if the proposed development plan is altered, please contact Clare Glanville (Clare.Glanville@gsi.ie) for further information and possible mitigation measures if applicable.* ***Other Comments*** *Should development go ahead, all other factors considered, Geological Survey Ireland would much appreciate a copy of reports detailing any site investigations carried out. The data would be redacted for confidentiality and added to Geological Survey Ireland's national database of site investigation boreholes, implemented to provide a better service to the civil engineering sector. Data can be sent to the Geological Mapping Unit, at mailto:GeologicalMappingInfo@gsi.ie.*		

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Uisce Eireann	**Acknowledgement of Scoping Receipt 06th December 2024.** *In order to have this matter investigated for you and for the appropriate actions to be taken, I have forwarded your query to our escalations department who would be of more assistance. The reference number for the information that I have passed on today is 0060459246, should you wish to keep this for your own records.* *In the event that we require any further information, a member of our escalations department will be in contact with you. Thank you for contacting Uisce Éireann.* **Response received 16th December 2024:** *Uisce Éireann has received notification of your Environmental Impact Assessment (EIA) scoping request in relation to the proposed Wind Farm Derreenacrinnig West Wind Farm, Drimoleague, Co. Cork.* *Pleased be advised that the proposed windfarm development is located directly upstream (c1.8km) of the Drimoleague abstraction and Water Treatment Plant as well as being upstream of the River Ilen (c.12.8km) abstraction point. Careful consideration on the potential impacts to water quality posed by the development on these public water sources will need to be considered along with the provision of appropriate monitoring/mitigation measures to be put in place.* *Please see attached, Uisce Éireann's scoping opinion in relation to Water Services. On receipt of the planning referral, Uisce Éireann will review the finalised Environmental Impact Assessment Report (EIAR) as part of the planning process.* *Queries relating to the terms and observations above should be directed to planning@water.ie* *At present, Uisce Éireann does not have the capacity to advise on the scoping of individual projects. However, in general the following aspects of Water Services should be considered in the scope of an EIA where relevant;*	No impact on the design	N/A

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	a) *Where the development proposal has the potential to impact an Uisce Éireann Drinking Water Source(s), the applicant shall provide details of measures to be taken to ensure that there will be no negative impact to Uisce Éireann's Drinking Water Source(s) during the construction and operational phases of the development. Hydrological / hydrogeological pathways between the applicant's site and receiving waters should be identified as part of the report.* b) *Where the development proposes the backfilling of materials, the applicant is required to include a waste sampling strategy to ensure the material is inert.* c) *Mitigations should be proposed for any potential negative impacts on any water source(s) which may be in proximity and included in the environmental management plan and incident response.* d) *Any and all potential impacts on the nearby reservoir as public water supply water source(s) are assessed, including any impact on hydrogeology and any groundwater/ surface water interactions.* e) *Impacts of the development on the capacity of water services (i.e do existing water services have the capacity to cater for the new development). This is confirmed by Uisce Éireann in the form of a Confirmation of Feasibility (COF). If a development requires a connection to either a public water supply or sewage collection system, the developer is advised to submit a Pre-Connection Enquiry (PCE) enquiry to Uisce Éireann to determine the feasibility of connection to the Uisce Éireann network. All pre-connection enquiry forms are available from https://www.water.ie/connections/connection-steps/.* f) *The applicant shall identify any upgrading of water services infrastructure that would be required to accommodate the proposed development.* g) *In relation to a development that would discharge trade effluent – any upstream treatment or attenuation of discharges required prior to discharging to an Uisce Éireann collection network.* h) *In relation to the management of surface water; the potential impact of surface water discharges to combined sewer networks and potential measures to minimise and or / stop surface waters from combined sewers.*		

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	i) Any physical impact on Uisce Éireann assets – reservoir, drinking water source, treatment works, pipes, pumping stations, discharges outfalls etc. including any relocation of assets. *j) When considering a development proposal, the applicant is advised to determine the location of public water services assets, possible connection points from the applicant's site / lands to the public network and any drinking water abstraction catchments to ensure these are included and fully assessed in any pre-planning proposals. Details, where known, can be obtained by emailing an Ordnance Survey map identifying the proposed location of the applicant's intended development to datarequests@water.ie* *k) Other indicators or methodologies for identifying infrastructure located within the applicant's lands are the presence of registered wayleave agreements, visible manholes, vent stacks, valve chambers, marker posts etc. within the proposed site.* *l) Any potential impacts on the assimilative capacity of receiving waters in relation to Uisce Éireann discharge outfalls including changes in dispersion / circulation characterises. Hydrological / hydrogeological pathways between the applicant's site and receiving waters should be identified within the report.* *m) Any potential impact on the contributing catchment of water sources either in terms of water abstraction for the development (and resultant potential impact on the capacity of the source) or the potential of the development to influence / present a risk to the quality of the water abstracted by Uisce Éireann for public supply should be identified within the report.* *n) Where a development proposes to connect to an Uisce Éireann network and that network either abstracts water from or discharges wastewater to a "protected"/ sensitive area, consideration as to whether the integrity of the site / conservation objectives of the site would be compromised should be identified within the report.* *o) Mitigation measures in relation to any of the above ensuring a zero risk to any Uisce Éireann drinking water sources (Surface and Ground water).*		

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	This is not an exhaustive list. ***Please note;*** *• Where connection(s) to the public network is required as part of the development proposal, applicants are advised to complete the Pre-Connection Enquiry process and have received a Confirmation of Feasibility letter from Uisce Éireann ahead of any planning application.* *• Uisce Éireann will not accept new surface water discharges to combined sewer networks.*		
Other			
Health Service Executive	**Acknowledgement of Scoping Receipt 05th December 2024.**	N/A	N/A
Department of Defence	**Acknowledgement of Scoping Receipt 06th December 2024.** **Response received 12th December 2024:** *I wish to advise at the outset that any determination in relation to a planning consent is solely a matter for the planning authorities and/or ABP, as appropriate. Therefore, the following observations are made on a non-prejudicial basis, and are not intended to be used to rely on for a prospective planning application, nor are these observations to be relied on in the event of any commercial transaction pertaining to such lands and they are not to be relied on in the event of any contract exchange pertaining to same.* *As a matter of practice, the Department of Defence does not provide observations or advice in the scoping process, except where the relevant parties have been directed by a planning authority to seek the Department's views.* *Having consulted with the Military authorities, the Department of Defence wishes to make the following observations:* • *The Minister for Defence is responsible for the regulation of military aviation, whereas the Irish Aviation Authority (IAA) is responsible for the safety regulation of civil aviation including aerodromes. The IAA does not have remit for military*	All items considered during the design process.	Chapter 13

Consultee Organisation	Response Received	Implications for the EIA/Design	EIAR Chapter/Section where comments have been addressed
	aviation or installations. Safeguarding of military flight operations and installations is intended to protect both current and future aircraft operations and also to take account of the security requirements associated with some of those operations. • *All turbines should be illuminated by Type C, Medium intensity, Fixed Red obstacle lighting with a minimum output of 2,000 candela to be visible in all directions of azimuth and to be operational H24/7 days a week.* • *Obstacle lighting should be incandescent or, if LED or other types are used, of a type visible to Night Vision equipment. Obstacle lighting used must emit light at the near Infra-Red (IR) range of the electromagnetic spectrum, specifically at or near 850 nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light* • *Any Irish Air Corps (IAC) requirements for are separate to Irish Aviation Authority (IAA) requirements.* *Nothing in the above observations shall be taken as a binding response by the Minister for Defence in the event that a planning application is made. The Minister reserves the right to comment on an actual planning application as and when it is submitted in accordance with the provisions of the planning regulatory code.* *We would appreciate if you could keep us informed on any progress relating to this proposed development, in particular if this development was to progress to the planning stage.*		
Transport Infrastructure Ireland (TII)	**Response received 23rd December 2024:** *TII will endeavour to consider and respond to planning applications referred to it, given its status and duties as a statutory consultee under the Planning Acts. The approach to be adopted by TII in making such submissions or comments will seek to uphold official policy and guidelines, as outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) and TII publications. Regard should also be had to other relevant guidance available at www.TII.ie.*	All items considered in the design of access to Site.	Chapter 11

Consultee Organisation	Response Received	Implications for the EIA/Design	EIAR Chapter/Section where comments have been addressed
	The issuing of this correspondence is provided as best practice guidance only and does not prejudice TII's statutory right to make any observations, requests for further information, objections or appeals, following the examination of any valid planning application referred. *With respect to EIAR Scoping issues, the recommendations indicated below provide only general guidance for the preparation of an EIAR, which may affect the national roads network.* *The project promoter should have regard, inter alia, to the following:* • *Consultations should be had with the relevant Local Authority/National Roads Design Office, with regard to the locations of existing and future national road schemes.* • *TII would be specifically concerned as to potential significant impacts the development would have on the national road network (and junctions with national roads), in the proximity of the proposed development, including the potential haul route and potential grid connections.* • *The designers are asked to consult TII Publications to determine whether a Road Safety Audit is required, including haul routes, temporary arrangements and grid connections.* • *It would be important that, where appropriate, subject to meeting the appropriate thresholds and criteria and having regard to best practice, a Traffic and Transport Assessment (TTA) be carried out in accordance with relevant guidelines, noting traffic volumes attending the site and traffic routes to/from the site, with reference to impacts on the national road network and junctions of lower category roads with national roads. In relation to national roads, TII's 'Traffic and Transport Assessment Guidelines' (2014) should be referred to in relation to proposed development, with potential impacts on the national road network. The scheme promoter is also advised to have regard to Section 2.2 of TII's TTA Guidelines, which addresses requirements for sub-threshold TTA. Any improvements required to facilitate development should be identified. It will be the responsibility of the developer to pay for the costs of any improvements to national roads to facilitate the private development proposed as TII will not be responsible for such costs.*		

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	• *In the interests of maintaining the safety and standard of the national road network, the EIAR should identify the methods/techniques proposed for any works traversing/in proximity to the national road network.* • *TII recommends that that applicant/developer should clearly identify haul routes proposed and fully assess the network to be traversed. It Where abnormal 'weight' loads are proposed, separate structure approvals/permits and other licences may be required in connection with the proposed haul route. All national road structures on the haul route through all the relevant County Council administrative areas should be checked by the applicant/developer to confirm their capacity to accommodate any abnormal 'weight' load proposed.* • *In addition, the haul route should be assessed to confirm capacity to accommodate abnormal 'length' loads and any temporary works required should be identified.* • *The national road network is managed by a combination of PPP Concessions, Motorway Maintenance and Renewal Contracts (MMaRC) and local road authorities in association with TII.* • *The applicant/developer should also consult with all PPP Companies, MMaRC Contractors and road authorities over which the haul route traverses to ascertain any operational requirements, including delivery timetabling, etc. to ensure that the strategic function of the national road network is safeguarded.* • *Where temporary works within any MMaRC Contract Boundary are required to facilitate the transport of turbine components to site, the applicant/developer shall contact thirdpartyworks@tii.ie in advance, as a works specific Deed of Indemnity will be needed by TII before the works can take place.* • *Additionally, any damage caused to the pavement on the existing national road arising from any temporary works due to the turning movement of abnormal loads (eg. tearing of the surface course, etc.) shall be rectified in accordance with TII Pavement Standards and details in this regard shall be agreed with the Road Authority prior to the commencement of any development on site.*		

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	• *Any grid connection and cable routing proposals should be developed to safeguard proposed road schemes as TII will not be responsible for costs associated with future relocation of cable routing where proposals are catered for in an area of a proposed national road scheme. In that regard, consideration should be given to routing options, use of existing crossings, depth of cable laying, etc. and consultation with the County Council national road project team.* *In the context of the existing national road network, in accordance with the National Planning Framework National Strategic Outcome no. 2 'Enhanced Regional Accessibility', there is a requirement to maintain the strategic capacity and safety of the network. This requirement is further reflected in the National Development Plan, the National Investment Framework for Transport in Ireland and also the existing Statutory Section 28 'Spatial Planning and National Roads Guidelines for Planning Authorities'.* *There is around 99,000km of roads in Ireland. The national road network, which caters for strategic inter-urban travel, consists of only approx. 5.4% of this. There is a critical requirement to ensure the strategic capacity and safety of this national road network is maintained and significant Government investment already made in the national road network is safeguarded.* *The provision of cabling along the national road network represents a number of significant implications for TII and road authorities in the management and maintenance of the strategic national road network and TII is of the opinion that grid connection cable routing should reflect the foregoing provisions of official policy, and therefore, avoid grid connection routing proposals along national roads.* • *Cable routing should avoid all impacts to existing TII infrastructure such as traffic counters, weather stations, etc. and works required to such infrastructure shall only be undertaken in consultation with and subject to the agreement of TII, any costs attributable shall be borne by the applicant/developer. The developer should also be aware that separate approvals may be required for works traversing the national road network.* • *Other consents or licences may be required from the road authority for any trenching or cabling proposals crossing the national road. The Authority requests referral of all*		

Consultee Organisation	Response Received	Implications for the EIA/Design	EIAR Chapter/Section where comments have been addressed
	proposals agreed and licensed between the road authority and the applicant which affect the national road network. • *The developer, in preparing EIAR, should have regard to TII Publications (formerly DMRB and the Manual of Contract Documents for Road Works).* *Notwithstanding any of the above, the developer should be aware that this list is non-exhaustive, thus site and development specific issues should be addressed in accordance with best practice.*		
Department of Housing, Local Government & Heritage/DAU (Development Applications Unit)	***Acknowledgement of Scoping Receipt 06th December 2024.*** ***Response received 23rd December 2024:*** *I refer to correspondence received in connection with the above.* *Outlined below are heritage-related observations/recommendations of the Department coordinated by the Development Applications Unit under the stated heading:* ***Built Heritage*** *The Department has reviewed the documentation submitted in relation to the above named request and has the following observations;* 1. *It is recommended that the applicants undertake pre-planning consultation with Cork County Councils Architectural Conservation Officers, Dr. Elena Turk and Ms. Emma Baume regarding their requirements for assessing any potential impacts on the architectural heritage that may arise from the proposed development. The Architectural Conservation Officers are contactable at 021-4285957 / elena.turk@corkcoco.ie / emma.baume@corkcoco.ie* 2. *In preparation of the EIA, the applicants shall have regard to 'Architectural Heritage Protection: Guidelines for Planning Authorities'1 as issued under Section 28 and 52 of the Planning and Development Act 2000 (as amended).* 3. *The National Inventory of the Architectural Heritage 2 is a useful online tool, which contains published surveys on the architectural heritage and historic landscapes for Ireland.*	All items considered during the design process and construction methodology.	Chapter 6 and 14

Consultee Organisation	Response Received	Implications for the EIA/Design	EIAR Chapter/Section where comments have been addressed
	4. *The relevant policy and development management objectives for built and cultural heritage are outlined in Chapter 16 of Cork County Council Development Plan 2022-20283. The Record of Protected Structures and Architectural Conservation Areas are included in Volume Two, Heritage and Amenity of Cork County Development Plan 2022-2028.* ***Nature Conservation*** *These observations are intended to assist you in relation to identifying potential impacts on European sites, other nature conservation sites, and biodiversity and environmental protection in general, in the context of the current proposal. Data collected and surveys carried out in connection with this proposed development may raise other issues that have not been considered here. The observations are not exhaustive and are made without prejudice to any recommendation that may be made by this Department in the future.* *All aspects of wind farm project, including both the overall turbine and grid connection proposals, need to be assessed together in terms of both EIA/EIS and NIS/AA process to avoid project splitting aspects of the project within the assessment process.* *The European Commission has indicated its concerns in relation to compliance of Irish practice in the area of wind farm developments and grid connections with the EIA Directive, as well as the Habitats Directives, which resulted in the Commission opening an EU Pilot Infringement case (8398/16/ENVI) on this matter.* *This is also important within the in combination effects and cumulative impacts sections of the assessments regarding the potential effects of the wind farm project. When carried out by the competent authority, the appropriate assessment cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on European sites.* *The Department notes that the location map provided is for an area of peatland. Assessment should include an assessment of the loss of underlying peat within the development site as a cumulative loss of peat overall and should be assessed in terms of a carbon benefit analysis versus restoration to peatland habitats (see also in project components section below).*		

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	White-tailed sea-eagle *The proposed wind-farm is within the range of the recently re-introduced white-tailed sea eagle, a species listed in Annex I of the EU Birds Directive (Council Directive 2009/147/EC). This species, which became extinct in Ireland over one hundred years ago, is now establishing itself in the wild after two phases of a reintroduction programme which released birds from Norway. This species is particularly susceptible to collision with wind turbine blades. In Norway, 39 white-tailed eagle deaths were recorded from such collisions at one large wind-farm (Smøla) between 2005-20104. Four deaths due to wind turbine collisions had been recorded in Ireland, representing 10% of total mortality between 2007 and 20145. A number of fatalities, including more recent, have been recorded in County Cork. Eagles, when soaring, may even be slightly attracted to fly within the rotor-swept zone of turbines, "possibly induced by the extra wind energy created by the turbulence.* *Collision and mortality risk must be fully assessed for the project and it should be borne in mind that assessment cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt. Dahl et al (2013) conclude, regarding management implications, that their results suggest that it will be difficult to employ mitigation measures to decrease the white-tailed eagle collision hazard. They therefore emphasize the importance of conducting thorough pre-construction studies to identify wind-power plant locations with low densities of species vulnerable to collision.* *The reintroduction programme is now at a very critical phase, where the production of sufficient wild-bred eagles over the next few years will determine the survival of the population, and success of the project. Studies of reintroduced and recolonizing white-tailed eagles have emphasised the importance of controlling mortality in this current early stage of the reintroduction programme:* *"Differences in demographic rates of wild-bred and released birds suggest that in future reintroduction programmes steps to maximise the success and output of the earliest breeding attempts would help ensure the most rapid shift to a population composed largely of wildbred birds, which should then have a higher rate of increase."* *In terms of increasing the risk of collision the siting of turbines on locations on ridges above valleys where eagles are likely to use rising air currents to obtain 'orographic lift' to gain altitude would be an additional potential concern. It is not clear if turbine siting will be proposed in an area of higher 'orographic lift'. it should be assessed as part of the overall*		

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	assessment whether models, such as that in Hanssen et al. (2020), are applicable at this wind-farm in detecting microsite susceptibility to generating 'orographic lift' which may attract eagles into the rotor-swept zones of these turbines. *The existing adjacent windfarm could add to the cumulative risk of collision and narrow a potential corridor of flight activity (directional flight, social behaviour, and soaring). This factor should also be considered during the collision and mortality risk assessment for the project.* *<u>Guidance on EIAR</u>* *You are advised to consult the European Commission's (2017) 'Environmental Impact Assessment: Guidance on the preparation of the Environmental Impact Assessment Report (Directive 2011/92/EU as amended by 2014/52/EU)'. Any surveys and assessments should be based on a full details of the overall project, noting all lands that will be required. For a detailed list of potential considerations, see the 'Review checklist', and specifically 'Section 1 – Description of the project', in this guidance. Note also that if compensatory afforestation is required on other lands, the likely significant effects of that integral element of the development should be assessed in the main project EIAR.* *In addition to guidance listed in Appendix 1, the following should be taken into account in planning and designing a windfarm and in completing the assessments. Please note the 2020 updates of the Guidance documents:* • *Guidance document on wind energy developments and EU nature legislation (European Commission, 2020)* • *Draft Revised Wind Energy Development Guidelines (DoHLGH, 2020), particularly the requirements in relation to assessing ground conditions/geology (section 5.3* • *Landslides in Ireland (GSI, 2006)* *<u>Project planning and design</u>* *It should be remembered that a key element of EIA is the avoidance or reduction of negative effects on the environment. EIA is an iterative process and the information gathered through assessments or surveys should be used to guide the planning and design of the windfarm so that sensitive ecological or hydrological areas are avoided, and negative impacts are minimised insofar as is possible. The size, layout and design of*		

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	proposed development should be informed by a constraints-type study and the compilation of an environmental constraints map that identifies and avoids, insofar as is possible and using appropriate separation distances, all nature conservation sites, other sensitive ecological and hydrological features, deep or intact peat deposits, and areas of wet and/or active bog, pool systems and flushes. *The National Biodiversity Action Plan 2017- 2021 aimed to conserve and restore Ireland's biodiversity. A key objective of the plan was to achieve; no net contribution to biodiversity loss arising from development projects occurring within the lifetime of the plan. Accordingly, the EIAR should outline how this project would avoid a net loss of biodiversity and include relevant mitigation and or compensatory measures where necessary.* *<u>Project components</u>* *In general, the EIAR should include sufficient project details so that the full nature and extent of the likely significant effects are clear and assessed fully in relation to, among other things, road design and construction methodology; site drainage details, including settlement ponds; temporary and permanent storage or disposal areas for peat and other materials or wastes arising; extraction sites/borrow pits; and any modifications to roads, bridges or culverts along the entire length of haul routes. Volumes of surplus material arising and of fill required should be calculated. Full assessment should also take place within the EIAR and NIS of the grid connection with all the above again applicable.* *The EIAR should give specific consideration to the mobilisation of silt and changes to the stability of soil. The proposed windfarm has the potential for significant changes in patterns of surface water flow and may desiccate underlying soils allowing pathways to open up resulting in subsurface water losses. It should be noted that in 2020 a number of major upland peatland (blanket bog) landslides occurred across Ireland, most notably on Shass Mountain near Drumkeeran in County Leitrim11 and Meenbog, near Ballybofey in County Donegal. If a Peat Stability Risk Assessment is required it must be considered in light of these occurrences with consideration of climate change predictions (e.g. rainfall level) in the hazard rating and should thoroughly assess risk with regard to change in weather patterns due to climate change such as more frequent and intense storms and rainfall events, increased likelihood and magnitude of river flooding, prolonged periods of dry conditions which may increase the likelihood of unstable peat.* *There are concerns regarding the potential loss and/or degradation of blanket bog, wet heath, dry heath, molinia meadow and other peatland habitats arising from the overall wind*		

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	farm proposal. A large area of potential peatland Annex I habitats under the EU Habitats Directive occurs both at the windfarm site itself and on the grid connection route. Such potential annexed habitats include European dry heaths (4030), wet heaths with Erica tetralix (4010), blanket bogs (7130) molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) (6410), Species-rich Nardus grasslands on siliceous substrates in mountain areas (6230) etc for which the Department has reporting obligations under Article 17 of the Directive to the European Commission on details of losses and degradation. Therefore the habitats on site should be assessed regarding classification and correspondence with the above habitat types. Effects on peatland habitats from the wind farm and grid connection project on these habitats could arise from the following project works and details • *Location of Wind Turbines, Foundations and Hardstand areas.* • *Location of On-site access roads.* • *On-site interconnecting electrical cabling location.* • *Substation location on the wind farm site.* • *Construction compound location.* • *Meteorological mast location.* • *Location of Borrow Pits and spoil management areas.* • *Turbine component haulage route.* • *Replacement land location for felled forestry.* • *Grid connection and underground cable route.* *Potential negative effects on peatland habitats could arise through direct excavation of peatland habitat, drainage effects on adjacent/nearby peatland habitat, habitat fragmentation, exposure of underlying peat, increased risk of erosion, opening up of areas of the habitats to new or increased exploitation or disturbance through the provision of new and upgraded roads, peat slippage, landscaping, side casting, drain installation, excavate storage, sediment disposal etc.* *No turbine locations, access points, grid routes, roads, drainage, borrow pit etc. detail is provided but from the map supplied most turbines appear likely to be within areas of such peatland habitat with potential annexed habitat links (see above). All are hydrologically connected to the aforementioned habitats. There are therefore potential negative effects from turbine locations themselves as well as access routes, borrow pits, grid route, substation, mast, storage areas etc.*		

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	Detailed consideration should be given to the potential amount of peat / soil excavated, stored, and disposed/recovered. A detailed plan for the safe storage, disposal and rehabilitation of excavated or disturbed peat /soil would have to form part of the EIAR. The spreading or recovery of excavated peat/soil on areas of intact bog, wet and revegetated areas of cutover bog or other habitats or vegetation of ecological value is unlikely to be acceptable. Excavated or exposed peat / soil should not pose any threat to surface waters and water quality. *A detailed site drainage map would be required and should show all existing watercourses, drainage ditches, flushes, lakes or ponds; new drainage ditches; all outfall points to watercourses or lakes; and all settlement ponds. The EIAR would have to demonstrate that the proposed development will not pose any threat to surface waters and associated species. Any impact on water table levels or groundwater flows may impact on wetland sites some distance away. The EIAR should assess cumulative impacts with other plans or projects, if applicable. Where negative impacts are identified suitable mitigation measures should be detailed as appropriate.* *The associated impacts of quarrying or extraction should be included among the considerations at the earliest stages of project planning and design, and should be assessed fully in the EIAR. Reinstatement or restoration plans would be required for any quarries or borrow pits on-site and should be included in the EIAR. As with any other part of the development, all borrow pits (existing or proposed) to be used in construction would have to be included within the application area for the proposed development.* *Any tree felling of forested sites should be included as an intrinsic element of the overall development, the impacts and implications of which should be assessed fully in the EIAR.* *The extent of tree felling should be mapped, and the future use and management of all cleared areas should be specified. The impacts of tree felling on wildlife, habitats and surfacewaters (e.g. water quality) should be assessed fully, including the risk of Phosphate mobilisation from peat soils as a result of tree clearance and ground disturbance.* *Tree felling is licensed and regulated by the Forest Service; any additional requirements in respect of this element of the proposed development, including any obligations to replant on other lands, should be made known at the planning application stage, and impacts on these other lands fully assessed as part of the EIAR. If restoration of planted areas is proposed as mitigation or compensation for negative ecological effects, the EIAR should*		

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	include a detailed plan to show the location, nature and area of habitat to be reinstated, and provide details of how such areas will be reinstated, managed and improved for habitats and/or species, together with proposals for monitoring and reporting. This plan should be prepared by a suitably qualified ecologist in consultation with other experts as appropriate and in terms of being adequate as mitigation/compensation there should be no reasonable scientific doubt as to the adequacy and effectiveness of any such proposal. *The likely impacts of grid connection, particularly for birds, sensitive habitats and surface waters, should be given full consideration at the EIA stage.* *Any improvement or reinforcement works required for access and transport anywhere along the proposed haul route(s) should be included in the EIAR and subjected to ecological impact assessment with the inclusion of mitigation measures, as appropriate. Any losses of biodiversity habitat associated with this proposed development (including access roads and cabling etc.) such as woodland, scrub, hedgerows and other habitats should be mitigated for. In addition, Annex I habitats which occur outside the Natura 2000 network are important in terms of biodiversity conservation. The presence of any Annex I habitats outside the network should be given due consideration as part of the consideration of biodiversity matters generally for the proposed development. The loss of Annex I habitats outside SACs should be avoided. It should be noted in this regard that the project site contains potential annexed habitat such as the peatland types listed above and in addition assessments of potential effects on the Lakes and rivers (including those proposed for crossing) occurring along the grid route should also evaluate its potential EU Annex I habitat status.* *You are advised that no disturbing or damaging site or ground investigations, or testing, should take place in an ecological site in advance of the main project consent without due consideration of the need for planning permission (for exempted development where there are restrictions on exemptions), or another consent.* *Impacts of lighting on-site should also be assessed noting that lighting of turbines and masts can increase collision risk.* *<u>Ecological Data and Surveys</u>* *The Department also highlights that along with the standard NPWS data requests which is recommended, other sources of habitat and species information beyond those already identified include (but are not be limited to): the National Biodiversity Data Centre*		

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	(www.biodiversityireland.ie), Inland Fisheries Ireland (www.fisheriesireland.ie), Birdwatch Ireland (www.birdwatchireland.ie), Irish Raptor Study Group, Golden Eagle Trust and Bat Conservation Ireland (www.batconservationIreland.org). Some guidance and reference documents are provided in the Appendix to this letter. *It is expected by this Department that best practice will be adhered to with regard to survey methodology and if necessary non Irish methodology adapted for the Irish situation, noting specific gaps in relation to species and age of the data outlined in some guidance documents. The EIAR should cover the whole project, including construction, operation, grid connection and, if applicable, restoration or decommissioning phases. Alternatives examined should also be included in the EIAR. Inland Fisheries Ireland should be consulted with regard to fish species. For information on Geological and Geomorphological sites, the Geological Survey of Ireland, should be consulted.* *Where ex-situ impacts are possible, survey work may be required, outside of the development sites. Such surveys should be carried out by suitably qualified persons at an appropriate time of the year, depending on the species being surveyed for. The EIAR should include the results of the surveys and detail the survey methodology and timing of such surveys including consistency in terms of timed vantage point surveys.* *Ornithology* *Surveys for all species should cover bird usage and facilitate assessment of potential collision risk, habitat loss, barrier effect and displacement for these species and should be based around the daily and seasonal activity patterns of the species being surveyed. Survey work should be up to date, cover year-round site use and should cover a minimum of two years to allow for an accurate determination of site usage. Specific Target species for this site include Annex I (Birds Directive) species such as White Tailed Sea Eagle, Merlin, Kingfisher and Peregrine Falcon, and red listed Birds of Conservation Concern (BoCCI) such as Kestrel, Snipe, Woodcock, Meadow Pipit and Red Grouse. In addition given the location of the site flight paths during the migratory period for wintering bird species need to be taken into account. Hinterland surveys should include breeding raptor surveys, surveys for nocturnal species and other species-specific surveys as appropriate.* *It should be considered in terms of assessment that Golden Plover are known to occur at the location of the project. Golden plover (Pluvialis apricaria) is a species listed on Annex I of the European Birds Directive and also listed on the Amber list of birds of Conservation Concern. Studies have highlighted turbine avoidance by wintering golden plover over*		

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	distances of 50–850 m with an average of 175m (but with turbine height positively correlated with displacement distance). Thus as well as direct habitat loss there is a far larger habitat loss to the species through displacement. *Potential significant effects on the aforementioned target species requiring assessment include collision effects, displacement effects, barrier effects, direct and indirect habitat loss and degradation, in combination effects, cumulative impact effects etc. In combination effects and cumulative impacts assessments must include those arising from the other wind farms in the population areas (as well as from the adjacent windfarms), with data required in terms of best scientific evidence of, for example, the area of displacement/foraging loss through these developments (or others). It should be noted that this point is also applicable in terms of semi-natural habitat loss.* *Of the Target species Kestrel, Red Grouse etc (for example) are known to have a high collision risk at windfarm projects whilst displacement effects on Snipe etc (for example) are known to be an issue also. As well as direct habitat loss there is a far larger potential habitat loss to species through displacement. For the Annex I bird species under the EU Birds Directive Article 4(4) of that Directive requires Member States to strive to avoid deterioration of habitats outside Special Protection Areas (SPAs).* *Vantage point surveys should be done in a manner that ensures sufficient data is collected to allow an assessment of the importance of all the flight paths into, out of and between sites and assess migratory movements. Consequently, the Department recommends that a visibility analysis of topography and vegetation is used in the selection of vantage points for ornithological surveys. Technological solutions should also be considered in conjunction with VPs surveys to ensure sufficient data is compiled for assessment.* *Results for species need to be referenced back to the overall populations and their dynamics as, in some cases even a small risk to a population of a species could be considered significant.* *When completing impact assessment for birds, assessment and monitoring results from nearby windfarm developments must be considered. Cumulative impact on birds from all windfarms in the area needs to be assessed and the data from surrounding sites needs to be considered in the assessment. Data would be required in terms of best scientific evidence of the area of displacement/foraging habitat loss through these developments (or others) in terms of overall habitat availability for the relevant species.*		

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	The Department highlights and emphasises that specific calculations of area of available habitat in the overall area would be required for some species. A quantitative measurement of the availability of habitat in the wider surroundings is required when considering cumulative loss of a specie's habitat as a consequence of other developments. It should also be noted that as individual EIAR's for other nearby windfarm projects based their conclusions on the basis of similar habitats being available in the wider area these conclusions would no longer be valid/up to date (regardless of whether they were correct at the time) due to the subsequent loss of such 'similar habitats' due to subsequent windfarm developments etc. *It should be noted that the above points regarding cumulative and in combination assessments and data requirements are relevant for many of the other aforementioned specific target species.* *Bats* *Bat roosts may be present in trees, buildings and bridges and therefore along the propose grid connection. Bat species are protected under the Wildlife Act, 1976 to 2018, and are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended). Therefore, damage/disturbance to any such roosts must be avoided in the first instance. While the Minister may grant a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011-2015, a licence can only be granted once a number of strict criteria have been met (see Regulation 54). An assessment of the impact of the proposed wind farm and grid connection on bat species should be carried out noting recent guidance available, "Bat and Onshore Wind Turbines: Survey, Assessment and Mitigation, 2019" published jointly by Scottish Natural Heritage and Bat Conservation Trust and other stakeholders. Any proposed bat friendly lighting should be proven to be effective and follow up-to-date guidance.* *Windfarms can have significant effects on bats with regard to 1) Collision mortality, barotrauma and other injuries (Operational Phase Impact), 2) Loss or damage to commuting and foraging habitat, 3) lighting issues and all of these potential issues should be addressed in the EIAR.*		

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	Watercourses and wetlands *Wetlands are important areas for biodiversity and ground and surface water quality should be protected during construction and operation of the proposed development. The EIAR should include a detailed assessment of the hydrological impacts on wetlands from the proposed development. The watercourses and wetlands along the grid route which may be impacted on should be surveyed for the presence of protected species and species listed on Annexes II and IV of the Habitats Directive. For example, these species could include Otter (Lutra lutra) which are protected under the Wildlife Acts and listed on Annex II and IV of the Habitats Directive, Salmon (Salmo salar), Lamprey (three species in Ireland) listed on Annex II of the Habitats Directive, Frogs (Rana temporaria), Dipper and Newts (Trituris vulgaris) protected under the Wildlife Acts and Kingfishers (Alcedo atthis) protected under the Wildlife Acts and listed on Annex I of the Birds Directive (Council Directive 79/409 EEC).* *Further to potential impacts on the species listed above, for example, one of the main threats identified in the threat response plan for otter is habitat destruction (see https://www.npws.ie/sites/default/files/publications/pdf/2009_Otter_TRP.pdf). A 10m riparian buffer on both banks of a waterway is considered to comprise part of the otter habitat. Therefore any proposed development should be located at least 10m away from a waterway and should consider movements between waterways and waterbodies by otters.* *Flood plains* *Flood plains, if present, should be identified in the EIAR and left undeveloped to allow for the protection of these valuable habitats and provide areas for flood water retention (green infrastructure). If applicable, the EIAR should take account of the guidelines for Planning Authorities entitled "The Planning System and Flood Risk Management" published by the Department of the Environment, Heritage and Local Government In November 2009.* *Hedgerows, Scrub, grasslands and related habitats* *Hedgerows and scrub should be maintained where possible, as they form wildlife corridors and provide areas for birds to nest in. Hedgerows provide a habitat for woodland flora, roosting places for bats and Badger setts may also be present. The EIAR should provide an estimate of the length/area of any hedgerow/scrub that will be removed. Where it is proposed that trees or hedgerows will be removed there should be suitable planting of native species in mitigation incorporated into the EIAR. Hedgerows, trees, scrub and uncultivated vegetation (including semi-natural habitats) should not be removed during the*		

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	nesting season (i.e. March 1st to August 31st), noting the protection afforded under the Wildlife Act 1976-2018. This will be a significant issue along the grid connection route as many such areas of habitat of biodiversity value occur along it. *It should be noted that a large area of good quality semi-natural habitats occurs within the supplied project area and this will be relevant in terms of potential semi-natural habitat loss and consequently net biodiversity loss issues. As well as the aforementioned annexed habitats wet grassland and acid grassland occurs on lower slopes and a number of areas of semi-natural woodland also occur in the identified area.* *Alien invasive species* *The EIAR should also address the issue of invasive alien plant and animal species such as Rhododendron ponticuum and Japanese Knotweed, and detail the methods required to ensure they are not accidentally introduced or spread during survey and or construction. Information on alien Invasive species In Ireland can be found at http://invasives.biodiversityireland.ie/ and at http://invasivespeciesireland.com/* *Impact assessment* *The impact of the proposed development on the flora/ fauna and habitats present should be assessed with particular regard to:* *Natura 2000 sites, i.e.:* • *Special Areas of Conservation (SAC) designated under the EC Habitats Directive (Council Directive 92/43/EEC)* • *and Special Protection Areas (SPA) designated under the EC Birds Directive (Council Directive 2009/147 EC),* *Other designated sites, or sites proposed for designation such as,* • *Natural Heritage Areas;* • *proposed Natural Heritage Areas;* • *Nature Reserves;* • *Refuges for Fauna or Flora designated under the Wildlife Acts 1976 to 2018;* • *species protected under the Wildlife Acts including protected flora; Protected species and natural habitats', as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations, 2008 including*		

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	• *Birds Directive - Annex I species and other regularly occurring migratory species, and their habitats (wherever they occur);* • *Habitats Directive - Annex I habitats, Annex II species and their habitats;* • *Annex IV species and their breeding sites and resting places (wherever they occur);* • *important bird areas such as those identified by Birdlife International, features of the landscape which are of major importance for wild flora and fauna, such as those with a "stepping stone" and ecological corridors function, as referenced in Article 10 of the Habitats Directive;* • *other habitats of ecological value in a national to local context (such as those identified as locally important biodiversity areas within Local Biodiversity Action Plans and County Development Plans);* • *Red data book species;* • *and biodiversity in general.* *<u>Construction Management Plans and Mitigation</u>* *Complete project details including Construction Management Plans (CMPs) need to be provided in order to allow an adequate EIAR and appropriate assessment to be undertaken. CMPS should contain sufficient detail to avoid any post construction doubt with regard to the implementation of mitigation measures, timings and roles and responsibilities for same. Any mitigation needs to be included in detail and if being relied upon to reach conclusions must be proved to be achievable and likely to be effective in any given scenario it is needed. Proof of effectiveness will be required with examples of where similar techniques have been employed previously.* *Applicants need to be able to demonstrate that CMPs and other such plans are adequate, all mitigation is included and effective and supported by scientific information and analysis and that they are feasible within the physical constraints of the site. The positions, locations and sizes of construction infrastructure and mitigation such as settlement ponds, disposal sites and construction compounds may significantly affect European and other designated sites, habitats and species in their own right and could have an effect for example on, drainage, water quality, habitat loss, and disturbance. If these are undetermined at time of the assessment all potential effects of the development on the site are not being considered. Construction work should not be allowed to impact on water quality and measures should be detailed in the EIAR to prevent sediment and/or fuel runoff from getting into watercourses which could adversely impact on aquatic species.*		

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	Inland Fisheries Ireland (IFI) should be consulted with regard to impacts on fish species and the applicant may find it useful to consult their publication entitled "Planning for watercourses in the urban environment" (2020) which can be downloaded from their web site. *If applicants are not in a position to state the exact location and details of cable routes at the time of application, then they need to consider the range of options (overhead and underground) that may be used within their assessment. Should the exact height and rotor diameter of the turbines not be known at EIAR stage then the assessment of impacts must be applicable to a variety of turbine heights and rotor diameters which could be used. This should be made clear in the EIAR.* *<u>Guidance on the Appropriate Assessment (AA)</u>* *Any potential barrier, disturbance, flight path and collision risks for SPA bird species must be assessed and addressed through the AA process.* *Screening for appropriate assessment should focus on the likely significant effects of the proposed development and related activities on European sites noting that impacts to sites via air and water may occur over large distances using the source-pathway-receptor model. Details of designated sites and species and conservation objectives can be found on http://www.npws.ie/ .* *Site-specific, as opposed to generic, conservation objectives are now available for many sites. Each conservation objective for a qualifying interest (QI) habitat or species is defined by a list of attributes and targets and is often supported by further documentation. Where these are not available for a site, an examination of the attributes that are used to define site specific conservation objectives for the same QIs in other sites can be usefully used to ensure the full ecological implications of a proposal for a site's conservation objective and its integrity are assessed. It is advised, as per the notes and guidelines in the site-specific conservation objectives that any reports quoting conservation objectives should give the version number and date, so that it can be ensured and established that the most up-to-date versions including map boundaries13 are used in the preparation of Natura Impact Statements and in undertaking appropriate assessments.* *In addition, the Article 12 and 17 reports under the Birds and Habitats Directives should be referenced https://www.npws.ie/publications. The Departmental guidance document on*		

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	Appropriate Assessment is available on the NPWS website at https://www.npws.ie/development-consultations and in EU Commission guidance entitled: • *"Wind energy developments and Natura 2000"* • *"Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC"* • *2018 Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" (updated June 2020)* *More recent CJEU and Irish case law has clarified some issues and should also be consulted. The NIS should present a robust and reasoned scientific assessment and analysis of the implications of the proposals for the relevant conservation objectives of relevant European sites. Best scientific knowledge in the field should be applied to the understanding of the likely effects, and to the assessment and analysis of the implications of the proposals for the conservation objectives and integrity of the sites. When carried out by the competent authority, the appropriate assessment cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on European sites. General advice on the preparation, content and scope of an NIS is included in Appendix A.* *<u>Cumulative and ex situ impacts</u>* *Cumulative impact from all windfarms in the area needs to be fully and comprehensively assessed and the data from surrounding sites needs to be considered in the assessment of impacts. Post construction monitoring results and data from nearby windfarms should be considered and their associated EIARs.* *Post construction monitoring* *This Department recognises the importance of pre and post construction monitoring, such as recommended in Drewitt et al. (2006), and Bat Conservation Ireland (2012). The applicant should not use any proposed post construction monitoring as mitigation to supplement inadequate information in the assessment. Please refer to Circular Letter PD 2/07 and NPWS 1/07 on this issue. This can be downloaded from the Department's website https://www.npws.ie/development-consultations .* *The EIAR process should identify any pre and post construction monitoring which would have to be carried out. The post construction monitoring would include bird and bat*		

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	strikes/fatalities including the impact on any such results of the removal of carcasses by scavengers. *Monitoring results should be made available to the competent authority and copied to this Department. An appropriate plan of action would have to be agreed at planning stage with the Planning Authority if the results in future show a significant mortality of birds and/or bat species. It is important to note that unless post decision consultation with NPWS is specifically stated as a condition of planning, NPWS has no post consent role. However, regional staff are available for liaison regarding any associated licencing requirements and or new information arising for specific species of concern.* *Licenses* *Where there are impacts on protected species and their habitats, resting or breeding places, licenses may be required under the Wildlife Act 1976-2018 or derogations under the EC (Birds and Natural Habitats) Regulations 2011, as amended.* *In particular, bats as outlined earlier and otters, are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended). A copy of Circular Letter NPWS 2/07 entitled "Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 – strict protection of certain species/applications for derogation licences" can be found on the Departmental web site at www.npws.ie/sites/default/files/general/circular-npws-02-07.pdf. It should be noted that the Regulations of 1997 have since been superseded by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended. Part 6 of those Regulations is now the relevant section dealing with the protection of flora and fauna. Reference to Regulation 23 in the circular letter should be taken to mean Regulation 51 in the current Regulations.* *In addition, the EIAR should take account of species protected under sections 21, 22 and 23 of the Wildlife Acts regarding impacts on other protected species or their resting or breeding places, such as on protected plants, frogs, badger setts or birds' nests and will also need to be cognisant of article 5 (d) of the Birds Directive. For that reason uncultivated vegetation, including hedges and trees, should not be removed during the nesting season (i.e. March 1st to August 31st). Standard badger and other mammal surveys should take place. In order to apply for any such licenses or derogations as mentioned above the results of a survey should be submitted to this Department. Such surveys are to be carried out by appropriately qualified person/s at an appropriate time of the year. Details of survey methodology should be provided. Should this survey work take place well before*		

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	construction commences, it is recommended that an additional ecological survey of the development site should take place immediately prior to construction to ensure no significant change in the findings of the baseline ecological survey has occurred. As outlined already, if there has been any significant change mitigation, this may require amendment and where a licence has expired, there will be a need for new licence applications for the protected species. ***Appendix 1*** *Notes on the preparation and content of an NIS* *The term 'NIS' is defined in legislation17. In general, an NIS, if required, should present the data, information and analysis necessary to reach a definitive determination as to 1) the implications of the plan or project, alone or in combination with other plans and projects, for a European site in view of its conservation objectives, and 2) whether there will be adverse effects on the integrity of a European site. The NIS should be underpinned by best scientific knowledge and objective information, as required in the case of screening for appropriate assessment, and by the precautionary principle.* *Based on the Department's experience of reviewing such reports, the following advice is offered in relation to the preparation and content of an NIS:* *1. An NIS is a scientific assessment that presents relevant evidence, data and analysis, and focuses on the implications of the plan or project, on its own and in combination with other plans and projects, for the conservation objectives of the relevant European site(s), taking the full scope of these objectives, whether generic or site specific, into account;* *2. Examination of the potential effects of the plan or project must be undertaken to identify what European sites, and which of their qualifying interests (SAC), special conservation interests (SPA) or conservation objectives, are potentially at risk. In combination effects must also be taken into account. This is required to determine a 'zone of influence' or 'zone of impact' for the project, if such a concept is used. The 15km distance in existing guidance is an indicative figure only and its application and validity should be examined and justified in each specific case on an ecological or other basis;* *3. The scientific basis on which sites and their conservation objectives are included or excluded from assessment and analysis should be presented and justified;* *4. The full area or extent of the likely effects of the plan or project should be determined and quantified. Where temporary damage and disturbance will occur, predicted timelines for recovery should be presented;* *5. The relevant environmental baseline and trends in European sites should be taken into account, bearing in mind changes and in combination effects which have occurred since site designation;*		

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	6. An NIS should be informed by any necessary surveys of habitats and species at the appropriate time(s) of year to identify, describe, evaluate and map their presence within the receiving environment. In all relevant cases, the scientific basis and justifications for categorising or not categorising habitats as Annex I habitats, or priority types, should be presented; *7. An NIS should be informed by any necessary hydrological, hydrogeological or geotechnical investigations to assess impacts on habitat structure and function;* *8. Where mitigation measures are required, full details should be included in the project description and drawings, with method statements provided, where necessary. It must be demonstrated that mitigation measures will be delivered in full, and at the appropriate time, at all post-consent stages, and that they will be effective in any specific location or set of conditions. The necessary analysis should be presented to demonstrate how the mitigation measures will avoid or remove the risks of adverse effects on the integrity of European sites that have been identified in an NIS so that the final analysis is undertaken in the context of the predicted residual effects;* *9. An NIS should contain, or clearly cross-reference, all the scientific data and analysis on which the assessment is based, and should contain clear and precise findings and conclusions as to the implications of the project, on its own and in combination with other plans and projects, for the conservation objectives and integrity of the relevant European site(s).*		
OPW (Office for Public Works)	**Response received 13th February 2025:** *If any new culverts or bridges (or modifications to any existing culverts or bridges) are required to cross watercourses as part of the development or on proposed or existing access roads to serve or access the development, you should be aware that these require consent from the Commissioners of Public Works. This is a requirement of Section 50 of the Arterial Drainage Act of 1945 as amended.* *I attach a copy of our brochure on obtaining Section 50 consent for your information. Further information on the process including copies of the appropriate application form and brochure are available on our website at https://www.gov.ie/en/publication/957aa7-consent-requirements-constructionalteration-of-watercourse-infrastru/* *Please note that, in the context of seeking consent under Section 50, the current required design standard for bridges or culverts is based on the flood with an annual exceedance*	N/A	N/A

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	probability of 1% (often referred to as the 100 year flood), increased by 20% to cater for the effects of Climate Change. Bridges or culverts are required to be able to convey this design flood without significantly altering the hydraulic characteristics of the watercourse – further details on this issue are available in the brochure and can be clarified depending on the circumstances of any particular proposed bridge or culvert. *You should be aware that a grant of Planning Permission by a planning authority for a development which contains bridges or culverts does not confer section 50 consent on the applicant, nor does it absolve the applicant from the requirement to obtain such consent from the Commissioners.* *With regard to the proposed Grid Connection Route which is indicated in your documentation, we note that this route crosses several watercourses. If the cable and ducting are to be buried in the road, as they cross bridges over the water courses, and there is no interference with the opening in the bridge spanning the watercourse, then there is no issue. On the other hand, if it is proposed to pass the cable in its ducting through the opening of any bridge or culvert, this would be considered to be a modification of a bridge and it would require the consent of the Commissioners under Section 50 as mentioned above. Similarly, if it is proposed to carry the cable in its ducting across watercourses on new support structures spanning the watercourses, these should be treated as if they are bridges, and the consent of the commissioners under Section 50 should be obtained. If the cable and ducting is to be buried under the natural bed of the watercourses being crossed, Section 50 would not apply, and we would recommend that the duct be buried a sufficient distance below the natural bed to allow for erosion and mobility of the stream bed.* *We would recommend that a flood risk assessment be carried out with regard to the proposed development and its construction. This should consider all sources, pathways and receptors of flood risk. This should be carried out in accordance with the principles set out in the guideline document "The Planning System and Flood Risk Management" as published by the Minister for the Environment, Heritage and Local Government and the Office of Public Works. Please be aware that this is a separate issue from the requirement to obtain Section 50 consent as mentioned above.*		

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	Include the following paragraph if the correspondence being dealt with relates to the preparation of an EIA. *In terms of the preparation of an EIA, the matters referred to above principally relate to the Hydrology Section, and the Risk of Flooding on a development such as this can impact on Landscape (e.g. landslides that have been reported in recent years), Infrastructure (roads and bridges) and people and their homes, among other things. The aim of the Section 50 process, and the Flood Risk Assessment which is recommended would be to mitigate any increased risk of flooding and the consequences of same, as arising from the proposed development.*		
Tetra Ireland	**Response received 12th December 2025** *We anticipate no impact from the development as proposed. Can you please ensure it is reviewed by eir.*	No impact on the design	N/A