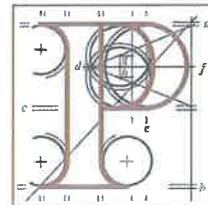


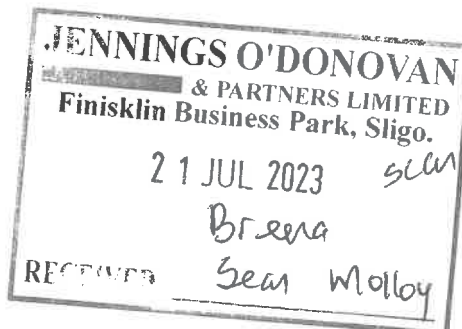
Our Case Number: ABP-314602-22

Your Reference: Gortyrahilly Wind Designated Activity Company



**An
Bord
Pleanála**

Jennings O'Donovan & Partners Ltd
C/O Breena Coyle
Finisklin Business Park
Sligo
Co. Sligo
F91 RHH9



Date: 20 July 2023

Re: Windfarm development of 14 no. turbines with 110kV electrical substation and all related site works and ancillary development.

The townlands of Cahernacaha, Gortnabinna, Derryfineen, Gortyrahilly, Rath West, Derree, Fuhiry, Derreenaculling and other townlands, Co. Cork and Derryreag, Cummeenavrick, Glashacormick, Clydaghroe and Cummeennabuddoge, Co. Kerry.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above mentioned proposed development which is before the Board for consideration.

Please be advised that the Board, in accordance with section 37(F)(1) of the Planning and Development Act 2000, as amended, hereby requires you to furnish the following further information in relation to the effects on the environment of the proposed development:

Letters of Consent

The Planning Statement and the Environmental Impact Assessment Report (EIAR) reference two residential buildings located 225m from T12. It is stated throughout the submitted documentation that should planning consent be given, these buildings will be in the control of the applicant and will not be inhabited for the operational period.

The applicant is requested to submit the following information:

- (a) Identify the exact location of those dwellings on the Site Layout Key plan (Drawing No. 6225-PL-100).
- (b) Confirm if these dwellings are located within the red and/or blue line of the proposed application.
- (c) Provide letters of consent, and/or any other relevant information from the existing landowners agreeing to the information in the application.

Impact on Blanket Bog

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Section 5.3.6.1 of the EIAR refers to the location of blanket bog on the southern half of the site with small pockets of active blanket bog throughout. It is noted that blanket bog has an Annex I designation while active blanket bog has priority status. The EIAR records a low representation of the priority habitat on site with an overall rating of local importance (higher value).

Having regard to the defined status of both blanket bog and active blanket bog in the EIAR it is considered the overall importance of this habitat may be considered greater than local. The applicant is required to provide exact details of the location of both the blanket bog and the active blanket bog, in conjunction with those areas which will be disturbed as part of this proposal.

Borrow Pits and Habitat Loss

Section 5.4.5.1 of the EIAR states that the effect of the loss of 28 ha of wet heath, which includes areas of dry heath, outcropping rock, and blanket bog (all Annex I listed habitats), is considered Significant and of Permanent duration. Section 5.4.5.2 further states that the proposed borrow pit to the north of T2 will involve the removal of 26.3 ha of wet heath dominated by *Molinia caerulea* and with low heather cover.

The Board has some concerns in relation to the figures submitted in Chapter 5 of the EIAR with regard the quantum of loss of wet heath. In the interest of clarity and to fully understand the impact on this habitat from both the turbine sites, borrow pits, substation's locations etc the applicant is requested to clarify the following:

- (a) Does the 28ha of wet heath include the 26.3ha for borrow pit A? If not, then the overall figure should be updated to address the same, if it is then Table 5.12 should be updated to include reference to borrow pits.
- (b) Does Table 5.12 include that habitat removal for the borrow pits? If not, then this table should be updated, along with relevant reference in the EIAR to the loss of habitats for the borrow pits.
- (c) If overall figure for removal of wet heath is greater the 28ha referenced through EIAR, please the habitat enhancement plan is sufficient to compensate for a greater proportion of habitat loss.

Habitat Map

Section 5.1 of the EIAR Figures includes a Habitat Map. Considering the additional information request above and the potential impact of the proposed development on Annex I habitats, the Board considers that the proposed development should be overlaid onto the Habitats Map. The applicant should note that the location of all works should be clearly illustrated on the map, including temporary and permanent works, i.e., grid connection, turbine location, construction compounds, borrow pits and delivery access.

In addition to the above, the applicant is required to clearly illustrate the area of Oak-birch-holly woodland (WN1), proposed to be removed, on the Habitats Map, along with the any works overlaid.

Habitats Enhancement Plan

Chapter 5 of the EIAR lists mitigation measures for the permanent loss of c. 40 ha of habitat on the site. A Habitat Enhancement Plan (HEP) is one such mitigation measure and includes the restoration of c. 9.5ha of bog and heath that has been degraded by afforestation. Appendix 5.5 includes details of the HEP where it is stated that works include tree cutting, pulling of seedlings and drain blocking.

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The applicant is requested to confirm if the 9.5ha for HEP includes the areas associated with T4 and the access road. In addition, the applicant should confirm if the actions included in Appendix 5.5 are sufficient to restore the current degraded area to a standard appropriate to mitigate against the habits which will be lost.

Temporary Stockpiles

Section 8.5.2.3 of the EIAR refers to the location of temporary stockpile areas as identified in the Construction Environmental Management Plan (CEMP) (Appendix 2.1). The Board notes that Appendix 2.1 does not include a plan illustrating those areas. The applicant is required to submit a plan clearly illustrating the location of all temporary stockpile areas.

Section 3.3.4 refers to mitigation for peat ground stability which states that *“Draining of stockpiled peat in a controlled manner is recommended”*. The Board notes that details of stockpile draining have not been submitted. The applicant should clarify if a) it is proposed to drain any stockpile and b) if so, the measures and process involved with draining these areas including any mitigation to ensure that surface water run-off associated with the peats does not give rise to sediment-laden run-off.

Chapter 9 states that silt fencing will be erected around the base of any temporary stockpile to protect surface waters and plastic sheeting will cover the top of any stockpile. The applicant is requested to clarify, having regard to the additional information request above, if these measures are sufficient to prevent a landslide event. In this regard, the applicant shall have regard to the topography of the site, the size of stockpile areas, and the proposed locations of any temporary stockpile.

Peat stability

During the scoping period the Department of Culture, Heritage and the Gaeltacht requested a thorough geotechnical stability risk and hydrogeological assessment in areas of relatively deep peat soil, not just for turbine foundations, but also for access roads, borrow pits, drains, etc. It was noted in this submission that there are a number of cases of peat slides during upland wind-farm construction, and the scientific investigations of the causes of these should be taken into account in the EIAR.

Table 13 of the Peat Stability and Geotechnical Assessment notes acceptable peat stability at all turbines, with the exception of minor isolated pockets of deeper peat at T1, T6, T7, T11, T12, T13, T14 and Borrow Pit B.

Appendix 8.1 of the EAIR includes a Peat/soil stability risk assessment. Appendix H of this assessment further illustrates areas where peat stability risk is moderate to high. This stability risk matrices and ratings records a high-risk rating (accounting for distance to sensitive receptors) at T2, T12 and T13 with moderate risk Factor of Safety for peat stability at other locations.

From the information in the EIAR (Chapter 8 and Appendix 8.1) and the proposed location of turbines on steep inclines where there are pockets of deep peat, the Board considers that the submitted information does not definitely conclude no potential for impact on the hydrology and drainage on the site.

The Board notes that Section 8.5.2.5.4 of the EIAR states that peat stability monitoring programme will be undertaken in line with The Scottish Government (2017) “Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Developments” Energy Consents Unit Scottish Government, whilst the Peat Stability and Geotechnical Assessment was undertaken in line with

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this guidance. This best practice guidance states that where the risk level for a zone is medium to high, avoidance or specification of mitigation measures would normally be the only measure by which the project can be considered.

Having regard to the above and to allow the Board to fully understand the impact on peat stability, the applicant is requested to submit site specific information for those areas considered at risk and/or with pockets of deep peat. The information submitted shall be presented in Chapter 8 of the EIAR in tabular format and include for T1, T2, T6, T7, T11, T12, T13, T14 and Borrow Pit B:

- (a) Peat depth (including all areas over 2m).
- (b) Peat Stability (including Factor of Safety for pockets of deeper peat).
- (c) Alteration of Table 17 (Appendix 8.1) to include specific mitigation measures proposed for those areas with potential for localised stability issues.
- (d) Details of all practices in place to ensure that any areas identified as having high stability risk per the GSI Landslide Susceptibility model will be avoided during construction.
- (e) Any further site investigations required as per recommendation 4 in Section 6 of the Peat Stability and Geotechnical Assessment.
- (f) Any site-specific mitigation measures proposed having regard to the location of each turbine and the Factor of Safety.
- (g) A breakdown of the risk ranking and suggested actions for each of the above locations, with specific reference to Table 5.4 of the Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Developments.

The applicant shall also confirm if the proposed access roads or construction traffic will be in areas as having high stability risk per the GSI Landslide Susceptibility or as ranked in the Peat stability assessment.

Irish Water

The submission received from Uisce Éireann (Irish Water) has raised concerns in relation to the information contained in the EIAR, in particular Chapter 9. The applicant is requested to submit a response to those issues raised in this submission (as summarised below).

- (a) Provide details of any the assimilative capacity in the receiving waters, based on the 95%ile flow statistic, that may be impacted by the proposed development.
- (b) Provide details of any baseline data for organic carbon (dissolved, particulate, or total) all of which have the capacity to impact the treatability of raw drinking water. In addition, include evidence to ensure the Board is satisfied that any dissolved organic carbon (DOC) will not have an adverse effect on drinking water.
- (c) Provide an assessment of the proposed development in relation to the potential impact on the operational treatment of any treatment systems and the implications it may have for Trihalomethanes (THMs).
- (d) Provide details of the potential for a pollution episode during the construction phase which may deliver high organic matter and the implications for the operation of any water treatment infrastructure,

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- (e) Outline and assess the implications on water treatment having regard to dissolved organic carbon (DOC) and particulate organic carbon (POC) losses.

Avian Species

The Board received a submission from the Department of Housing, Local Government and Heritage (DHLGH) in relation to the impact of the proposed development on several species listed in Annex I of the EU Birds Directive. The DHLGH recommended that further information be sought on, *inter alia*,

- (a) The impact on breeding meirliúin (Merlin),
- (b) Impact on wintering feadóóg shlëbhe,
- (c) Impact on iolar mara (White Tailed Eagle) (removal of sheep carcasses and location of T1, T2, T7, T10 and T12 on steep inclines),
- (d) Impact on scrëachóg reilige (Barn Owl) and its emission from chapter 7 of the EIAR,
- (e) Impact on the cearc fhraoigh (Red Grouse),
- (f) Impact on ialtóg leisler (Leisler's Bat),
- (g) Summary of the ecological mitigations.

It is also noted that concerns have been raised in relation to the impact of Avian Species by the Ecology Section of Cork County Council, *inter alia*,

- (a) Impact on the Golden Plover and Whooper Swan,
- (b) Cumulative impact of birds redirecting towards the proposed development due to other wind farm locations,
- (c) The additional impact on the iolar mara (White-Sea Eagle) population having regard to avian flu,

The applicant shall submit a detailed response to both the DHLGH submission and the Cork County Council submission in relation to the potential impact on the above Avian species.

Noise and Vibration

The submission received from the Environment Section of Cork County Council has requested clarification on information contained in Chapter 11 in relation to noise and vibration assessment. In this regard the applicant is requested to submit the following information:

- (a) The number and distance of all noise sensitive receptors within 500m, 1,000m, 1,500m and 2,000m for the turbines. The information should be presented in tabular format.
- (b) Confirmation that those dwellings on Fig 11.1 (H1, H2, H4, H21 and H37) are the most representative noise monitoring locations. Submit a rationale why the use of any noise sensitive locations to the north and west where not considered appropriate. Any additional information should be quantified and illustrated on a map suitably scaled.

Supporting Information

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Having regard to this further information request, the applicant is requested to provide a summary of all amendments to the EIAR, NIS and other supporting information. It is requested that all changes are clearly identified for the purpose of third-party involvement.

The further information referred to above should be received by the Board within 6 weeks from the date of this notice (i.e. no later than 5.30 p.m. on the 31st August 2023).

In this regard, please submit 3 hard copies and one electronic copy of the above information.

Please note that following its examination of any information lodged in response to this request for additional information, the Board will then decide whether or not to invoke its powers under section 37(F)(2) of the Planning and Development Act 2000, as amended, requiring you to publish notice of the furnishing of any additional information and to allow for inspection or purchase of same and the making of further written submissions in relation to same to the Board.

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

Yours faithfully,

AP EM
Ashling Doherty
Executive Officer
Direct Line: 01-8737160

PA11

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