

APPENDIX 2.5

NPWS Consultation



Our Ref: G Pre00244/2021

Your Ref: P20-211 Wind Farm

(Please quote in all related correspondence)

2 November 2021

Fehily Timoney and Company
J5 Plaza
North Park Business Park
North Road
Dublin 11

Via email: littletonwindfarm@ftco.ie

Pre Planning: Bord na Móna Powergen Ltd intend to apply for planning permission for a renewable energy development referred to as the Littleton Wind Farm; East County Tipperary, near the town of Littleton

A chara

I refer to initial letter received 17th September 2021 in connection with the above pre-planning consultation.

Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings

Nature Conservation

The Department notes the detailed scoping document provided which sets out the key issues to be considered in the EIAR. As an initial response to your consultation, you are advised to consult the 'Planning' section of the NPWS website - <https://www.npws.ie/development-consultations> - as this contains text/advice on consulting NPWS in relation to 'development applications', data and information sources, and the basic elements of environmental assessments that may be required.

The following scoping comments are made in the context of this Department's role in relation to nature conservation. The 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.

The proposed development site consists of peatland and there are many factors to consider in the siting of large scale wind farm development onto peatland and cutaway/cutover peatland to ensure the objectives of the [Habitats Directives 92/42/EEC](#), the [Birds Directive 2009/147/EC](#), the [National Biodiversity Action Plan 2015-2021](#) and the [Biodiversity Climate Change Sectoral Adaptation Plan 2019](#) can be achieved. Questions to consider are:

- Are there existing proposals for rehabilitation including rewetting of the site and will this be compatible with a wind farm development?
- The Department notes that a scoping request was previously submitted relating to this area for the establishment of native woodland. How would the current proposal interact with that proposal?
- Are there existing habitats and species of high biodiversity value and will these be lost due to the wind farm development?
- Does the site have potential strategic ecological value if managed for wildlife which cannot be delivered if developed for wind energy?
- Will development at the site pose significant anthropogenic disturbance to wildlife?
- What is the most appropriate use of the site to ensure reduced carbon emissions? (E.g. wind farm development, rehabilitation/rewetting or 'do nothing scenario'?). The Department notes that rewetting is the established way to significantly reduce carbon emissions from peatland, if the wind farm is constructed how would this impact attempts to reduce carbon emissions through rewetting?
- How will the lands around the wind farm be managed and will this lead to likely significant environmental consequences? (E.g. increase in wildlife activity at the site leading to increase collision strike risks, increase in anthropogenic disturbance due to amenity access etc.)
- What are the drainage requirements at the site and will this lead to water quality issues?
- What are the long term plans for the rehabilitation of the peatlands following decommissioning of the wind farm?
- The area near Liathmore Churches adjoining the Longford Pass area is known to be used by a significant flock of the Annex I bird species Whooper Swan. How would the development impact on this species?

The EIAR should take account of Objective 1 of the National Biodiversity Action Plan which is to mainstream biodiversity into decision-making across all sectors and Action 1.1.3 is that



“all public authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure”. In this context this Department would suggest that any loss of habitat if it is to proceed should be mitigated for by the provision or enhancement of habitat elsewhere. The EIAR should also consider Article 10 of the EU Habitats Directive insofar as it relates to features which function as stepping stones for wild species in the landscape.

Please find below some general scoping comments for EIAR, appropriate assessment screening and appropriate assessment/NIS, and for licensing requirements which may assist.

Guidance on EIAR

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.

The following should also be taken into account in planning and designing a wind farm 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)¹.

Project planning and design

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 wind farm so that sensitive ecological or hydrological areas are avoided, and negative impacts are minimised insofar as is possible. The size, layout and design of the 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

¹ Creighton, R. (ed.). 2006. *Landslides in Ireland: A Report of the Irish Landslide Working Group*. Geological Survey of Ireland, Dublin.



using appropriate separation distances, all nature conservation sites, other sensitive ecological and hydrological features, deep or intact peat deposits, and areas of wet and/or active bog, pool systems and flushes.

The National Biodiversity Action Plan 2017- 2021 aims to conserve and restore Ireland's biodiversity. A key objectives of the plan is to achieve; no net contribution to biodiversity loss arising from development projects occurring within the lifetime of the plan. Accordingly, the EIAR should outline how this project will avoid a net loss of biodiversity and include relevant mitigation and or compensatory measures where necessary.

Project components

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. Due consideration should also be given to the grid connection.

The Department notes that the location map indicates the site may include areas of peatland and areas under coniferous forest cover. The EIAR should give specific consideration to the mobilisation of silt and changes to the stability of peat. The proposed windfarm has the potential for significant changes in patterns of surface water flow and may desiccate the peat allowing pathways to open up resulting in subsurface water losses. Detailed consideration should be given to the amount of peat to be excavated, stored, and disposed/recovered. A detailed plan for the safe storage, disposal and rehabilitation of excavated or disturbed peat should form part of the EIAR. The spreading or recovery of excavated peat on areas of intact bog, wet and re-vegetated areas of cutover bog or other habitats or vegetation of ecological value is unlikely to be acceptable. Excavated or exposed peat should not pose any threat to surface waters and water quality. Any proposals to combine peat disposal with habitat restoration or rehabilitation measures will require a detailed plan to show the location, nature and area of lands in question, 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 hydrologists and other experts as appropriate.

A detailed site drainage map will 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 must demonstrate that the proposed wind farm development will not pose any threat to surface waters and associated species (e.g. Salmon). 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. 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 will 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 should 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 surface waters (e.g. water quality) should be assessed fully, including the risk of Phosphate mobilisation from peat soils as a result of tree clearance and ground disturbance.

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 assessed as part of the EIAR as appropriate. If restoration of planted areas is proposed as mitigation or compensation for negative ecological effects, the EIAR should include a detailed plan to show the location, nature and area of habitat to be reinstated, and provide details of how such areas will be reinstated, managed and improved for habitats and/or species, together with proposals for monitoring and reporting. This plan should be prepared by a suitably qualified ecologist in consultation with other experts as appropriate. Consideration should be given within this context of no net loss to biodiversity and with that opportunities for establishment of native woodland as replacement planting rather than coniferous planting.

The likely impacts of grid connection, particularly for birds, sensitive habitats and surface waters, should be given due 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 1 habitats which occur outside the Natura 2000 network are important in terms of biodiversity conservation. The presence of any Annex I habitats outside the network should be given due consideration as part of the consideration of biodiversity matters generally for the proposed development. The loss of Annex 1 habitats outside SACs should be avoided wherever possible.



Impacts of lighting on-site should also be assessed noting that lighting of turbines and masts can increase collision risk².

Alternative options for the site should also be included in the EIAR and this should include the opportunities for habitat restoration, and to manage the site as a carbon sink through restoration and rehabilitation. This aligns with the National Peatlands Strategy 2015 to 2025 and is notable with respect to carbon accounting. The projected carbon accounts for habitat restoration should be considered against the carbon accounting for the proposed wind farm. It should also be noted that habitat restoration would not only contribute to carbon sequestration but is also important in terms of flood management, water quality and for biodiversity in general.

Ecological Data and Surveys

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 (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).

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 and, if applicable, restoration or decommissioning phases. Inland Fisheries Ireland should be consulted with regard to fish species, if applicable. 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 cover year-round site use and should cover a minimum of two years to allow for an accurate determination of site usage. Target species for this site include Annex I (Birds Directive) species and Birds of Conservation Concern (BoCCI) such as Hen

² Douse, A (2020) "The Effect of Aviation Obstruction Lighting on Birds at Wind Turbines, Communication Towers and Other Structures", NatureScot Information Note. Version 1.1



Harrier, Merlin, and Red Grouse. Hinterland surveys should include breeding raptor surveys, including roost watches, surveys for nocturnal species and other species-specific surveys as appropriate.

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 wind farms must be considered. Cumulative impact on birds from all wind farms in the area needs to be assessed and the data from surrounding sites needs to be considered in the assessment.

Bats

Bat roosts may be present in trees, buildings and bridges. Bat species are protected under the Wildlife Act, 1976 to 2018, and are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended). Therefore, damage/disturbance to any such roosts must be avoided in the first instance. While the Minister may grant a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011-2015, a licence can only be granted once a number of strict criteria have been met (see Regulation 54). An assessment of the impact of the proposed wind farm on bat species should be carried out noting recent guidance available, “*Bat and Onshore Wind Turbines: Survey, Assessment and Mitigation, 2019*” published jointly by Scottish Natural Heritage and Bat Conservation Trust and other stakeholders.

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. Any watercourse or wetland which may be impacted on should be surveyed for the presence of protected species and species listed on Annexes II and IV of the Habitats Directive. For example, these species could include Otter (*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), White-clawed Crayfish (*Austropotamobius pallipes*) listed on Annex II of the Habitats Directive, Frogs (*Rana*



temporaria) 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).

Hedgerows, Scrub 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 peatland habitats) should not be removed during the nesting season (i.e. March 1st to August 31st), noting the protection afforded under the Wildlife Act 1976-2018.

Marsh Fritillary

Marsh fritillary surveys should be carried out as per standard Marsh Fritillary Larval Web Survey methodology.

Alien invasive species

The EIAR should also address the issue of invasive alien plant and animal species such as *Rhododendron ponticum* 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:

- Special Areas of Conservation (SAC) designated under the EC Habitats Directive (Council Directive 92/43/EEC)
- Special Protection Areas (SPA) designated under the EC Birds Directive (Council Directive 2009/147 EC);
- proposed Natural Heritage Areas;
- 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

- 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;
- Biodiversity in general.

Construction Management Plans and Mitigation

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.



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.

The Department draws your attention to the recent High Court decision with respect to the High Court judicial review *Sweetman V An Bord Pleanála* (2021) IEHC 390 and the appropriate detail of project description required for an EIA.

Guidance on the Appropriate Assessment (AA):

In order to carry out the Appropriate Assessment screening, and/or prepare a Natura Impact Statement (NIS), information about the relevant European sites including their conservation objectives will need to be collected.

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/>.

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 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"³
- "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"⁴;
- 2018 Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC"⁵ (updated June 2020)

More recent CJEU and Irish case law has clarified some issues and should also be consulted.

³ https://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf

⁴ http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_asses_en.pdf

⁵ https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN_art_6_guide_jun_2019.pdf



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.

Cumulative and ex situ impacts

A rule of thumb often used is to include all European sites within a distance of 15km. It should be noted however that this will not always be appropriate. In some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA more than 15 kilometres away.

Other relevant Local Authorities should be consulted to determine if there are any projects or plans which, in combination with this proposed development, could impact on any European sites.

As noted already assessment and monitoring results from nearby wind farms should be considered. Cumulative impact from all wind farms in the area needs to be assessed and the data from surrounding sites needs to be considered in the assessment of impacts.

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 should be carried out. The post construction monitoring should include bird and bat strikes/fatalities including the impact on any such results of the removal of carcasses by scavengers. Monitoring results should be made available to the competent authority and copied to this Department. An appropriate plan of action needs 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.



Note: any significant change to mitigation may require amendment and where a licence has expired; there will be a need for new licence applications for protected species.

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 if there are any impacts on other protected species or their resting or breeding places, such as on protected plants, badger setts or birds' nests. The EIAR 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).

In order to apply for any such licenses or derogations as mentioned above the results of a survey should be submitted to the National Parks and Wildlife Service of this Department. Such surveys are to be carried out by appropriately qualified person/s at an appropriate time of the year. Details of survey methodology should be provided. Should this survey work take place well before construction commences, it is recommended that an additional ecological survey of the development site should take place immediately prior to construction to ensure no significant change in the findings of the baseline ecological survey has occurred. As outlined already, if there has been any significant change mitigation, this may require amendment and where a licence has expired, there will be a need for new licence applications for the protected species.



The above observations/recommendations are based on the papers submitted to this Department on a pre-planning basis and are made without prejudice to any observations that the Minister may make in the context of any consultation arising on foot of any development application referred to the Minister, by the planning authority/ies, in the role as statutory consultee under the Planning and Development Act, 2000, as amended.

You are requested to send further communications to the Development Applications Unit (DAU) at manager.dau@housing.gov.ie.

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Diarmuid Buttiner', written over a circular stamp or seal.

Diarmuid Buttiner
Development Applications Unit
Administration

MEETING MINUTES: Littleton NPWS Technical Consultation

Location: Microsoft Teams Meeting

Date: 12/02/2026 14:00 – 15:00

Attendees	Initials
Ben O'Dwyer (FT)	BOD
Trevor Byrne (FT)	TB
Rita Mansfield (FT)	RM
Laura Burke (SSE)	LB
Helen Burman-Roy (SSE)	HBR
Caroline Donnolly (SSE)	CD
Muriel Ennis (BnM)	ME
Chris Cullen (BnM)	CC
Julie O'Sullivan (BnM)	JOS
Eoin Connolly (DAU)	EC
Kathryn Freeman (NPWS)	KF
Apologies	
Conor Auld (FT)	CA

No.	Note	Action, Note or Initials of Owner/All
1.0	Introduction	
1.1	Introductions between attendees.	Note
2.0	TDR	
2.1	3 nodes with tree trimming or activity	Note
3.0	Curlew	
3.1	EC asked for the applicant to consider impact on <i>local</i> population on Curlew. NPWS asked FT to contextualise that Collision Risk.	Note

	EC noted known breeding pair in the area. NPWS receptive to inclusion of measures such as habitat management, predator management to help offset any potential curlew collision fatalities. Noted we can't use any existing wader management as mitigation/offset measures – needs to be new/unique, implemented specifically for the WF project. FT agreed to follow NPWS advice on Curlew population dynamics. Agreed management measures for this breeding pair incl. predator control is worth pursuing if we can demonstrate it reduces mortality. Reasonable that those works can demonstrate it offset Collision Mortality would be better than habitat management.	
4.0	Monitoring proposal Curlew and Hen Harrier	
4.1	Request robust Curlew and Hen Harrier on-going monitoring protocol in addition to mortality / carcass searches due to the changing site usage. Mentioned automated AI driven bird detection systems which can shut down turbines when risk of bird strike is detected, but also noted their deployment in Ireland may still be a few years off, and also that their most effective use may be to prevent bird collisions in areas where large raptors regularly soar and circle. Have looked at this before when researching collision mitigation, think there are some European providers now as well, may be in use in Greece already. Machine learning – would be better than turning off for the breeding season. Could be used across all projects. Task for ACP for their EIA. Can facilitate cameras / infrared to be put on site. Contextualise the timing of collision risk – fledgling is more susceptible than adults to this.	Note Note Note
5.0	Amenity Trails	
5.1	Noted that operational mitigation for the amenity trails will possibly need to include closure of the trails during breeding. Dependent on location of breeding sites, and as such would have to be informed by monitoring. Monitoring the effects of the amenity trails will also be required to check what other effects they may have, and to confirm the effectiveness of any barriers, screening fencing etc. installed. EC mentioned we would need to identify desire lines, paths of desire where people could potentially stray from the amenity trails with potential effects on wader/waterbird areas. This would need to be looked at during the planning stage, but behaviour of recreational users would also need to be monitored to allow adaptive responses during operation.	Note Note Note
6.0	Ecological Enhancement	
6.1	Main northern Peat Deposition Area (PDA) in Littleton Bog will be managed as an ecological enhancement. Only one PDA would be enhanced and the decommissioning can potentially use reinstatement material from non-enhanced PDA's.	Note

7.0	Raised Bog	
7.1	Noted that use of Acrotelm capacity model might help to confirm whether the area of raised bog near the proposed northern access track is capable of regeneration (and therefore Annex I 7120), but FT may have enough data from field surveys to assess this without use of the Acrotelm model anyway.	Note
8.0	AOB	
8.1	NPWS survey data is scarce or not recently uploaded; only has a view of 2023 data on a map. NPWS encouraged FT to refresh our data request to NPWS in case more recent data is available.	Note

Development Applications Unit
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90

By email:
manager.dau@npws.gov.ie
manager.dau@housing.gov.ie

Our Ref: P20-211/Let001/BOD

22 November 2023

RE: Consultation Request - Littleton Wind Farm, Co. Tipperary

Dear Sir / Madam,

Fehily Timoney and Company are acting on behalf of our client, Bord Na Móna, in relation to a proposed wind farm development at Littleton, Co. Tipperary.

We previously received a response to a pre-planning scoping document issued in the early stages of the project (response **G Pre00244/2021** dated 2 November 2021).

We are following up with more detailed project information and information on ecological surveys completed/ongoing to check if there are any further nature conservation observations in light of current project information. Any further feedback received will inform the EIAR and AA/NIS, which are currently in preparation.

The proposal includes the following:

- A wind farm consisting 11 no. wind turbines with a blade tip height of 190 m, a hub height of 108 m and a rotor diameter of 164 m.
- Construction of turbine foundations and crane pad hardstanding areas including associated drainage infrastructure;
- Construction of new permanent site tracks and associated drainage infrastructure;
- Upgrading of existing tracks and associated drainage infrastructure;
- Upgrade of existing site entrances for construction and operational access;
- An on-site borrow pit and associated ancillary drainage;
- Temporary construction site compounds and associated ancillary infrastructure including parking;
- 1 no. permanent meteorological mast(s) to a height of 100 m above ground level.
- 1 no. onsite 110kV electrical substation to Eirgrid specifications.
- Tree felling to facilitate construction and operation of the proposed development.
- High Voltage (110kV) electrical cabling within public roads to facilitate a proposed connection to the national transmission grid network at Ballyragget, Co. Kilkenny.

- Installation of medium voltage underground electrical and communication cabling connecting the wind turbines to the proposed on-site substation and associated ancillary works;
- Temporary accommodation works to facilitate the delivery of wind turbine components.
- A recreational amenity in the form of walking trails within the wind farm site making use of existing and proposed tracks and associated car parking facilities.
- Biodiversity enhancements within the wind farm site.
- All related site works and ancillary development including landscaping and drainage;
- A 35 year operational life from the date of commissioning of the entire wind farm is being sought.

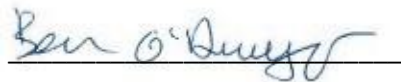
Please find attached a figure illustrating the location of the wind farm, the turbine layout, and European sites in proximity to the proposed development. Ecological surveys are on-going at the site and include:

- Habitat surveys
- Invasive species surveys
- Mammal surveys
- Bat surveys
- Ornithological surveys
- Aquatic surveys
- Marsh fritillary surveys

FT will be preparing the Biodiversity and Ornithology chapters of the EIAR and the Natura Impact Statement for the development.

Please do not hesitate to contact me if you have further queries. We would welcome any comments or observations you may have regarding the proposed development or if you would like to meet to discuss the development in more detail, this can be arranged.

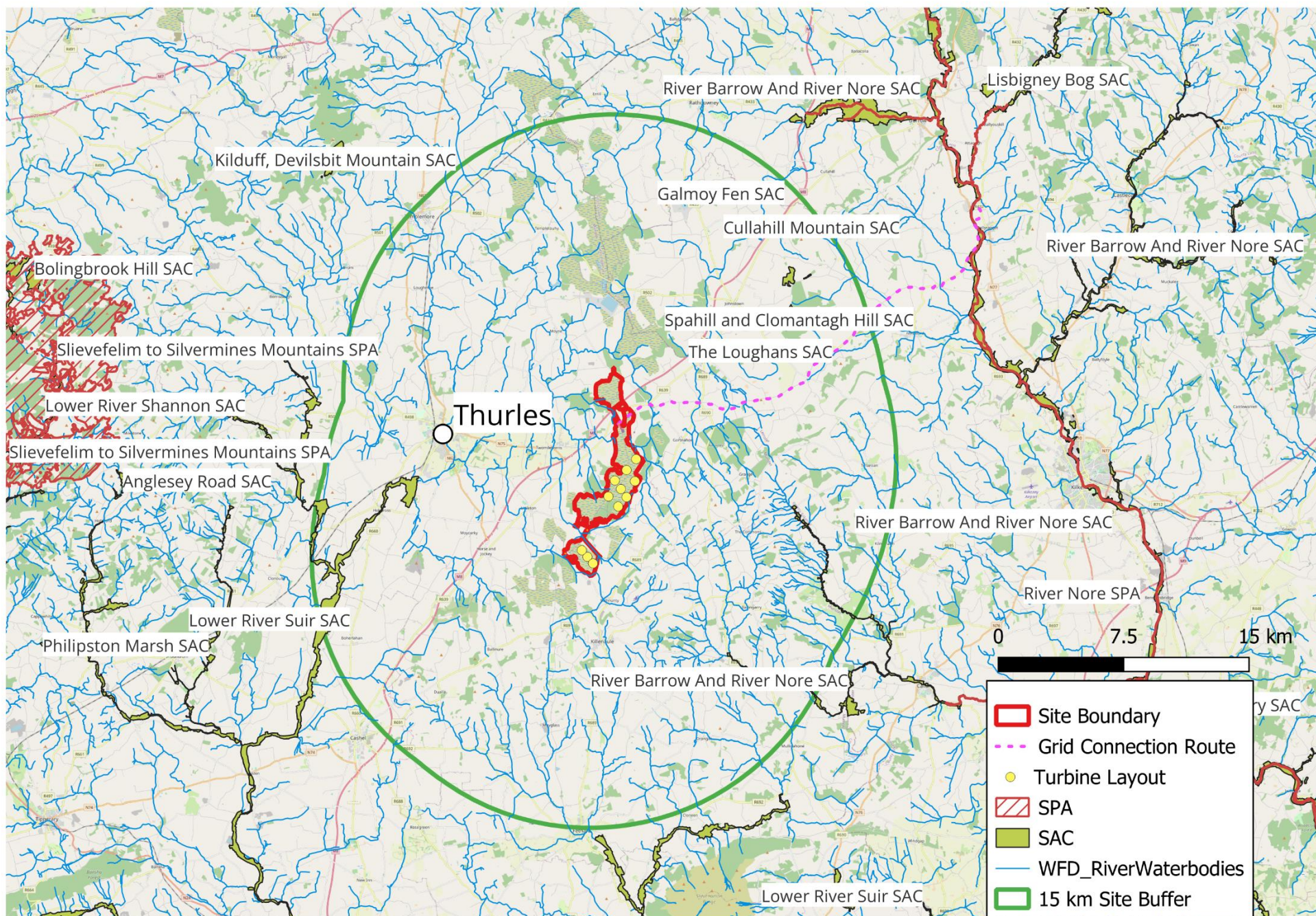
Yours faithfully,



Ben O'Dwyer BSc.

Senior Project Ecologist

for and on behalf of Fehily Timoney and Company



Development Applications Unit
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90
By email:

manager.dau@npws.gov.ie
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DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE

Our Ref: P20-211-FT-XX-XX-LT-PL-0002

15 December 2025

Re: Proposed Wind Farm - Littleton Wind Farm, Co. Tipperary

Fehily Timoney and Company are acting on behalf of our client, Littleton Wind Farm DAC (part of a 50:50 joint venture between BnM and SSE Renewables), in relation to a proposed wind farm development at Littleton, Co. Tipperary.

We previously received a response to a pre-planning EIA scoping document issued in the early stages of the project (response G Pre00244/2021 dated 2 November 2021) (see Appendix 1), and subsequently produced an updated Scoping Document for consultation detailing an updated design and full survey suite on 22 November 2023. The response to this updated consultation request (received 22 November 2023) directed back to the original response G Pre00244/2021, noting that the Department was not in a position to make further comments at that point. A further scoping request was issued on 8 May 2025, with no response received.

Notwithstanding the detailed response contained within G Pre00244/2021 and subsequent referral to the original submission, we would welcome an opportunity to meet with the NPWS to discuss the project and present how the design has evolved, surveys taken to date and proposed biodiversity enhancements. We are intending to submit the application to An Coimisiún Pleanála in early March 2026, so if a meeting could be facilitated in January 2026 at the latest this would be much appreciated.

The project description includes the following:

- A 10-year permission and a 35-year operational life from the date of commissioning of a Proposed Wind Farm;
- Construction of 11 no. wind turbines with a blade tip height of 200 m, a hub height of 119 m and a rotor diameter of 162 m;
- Construction of permanent turbine foundations and crane pad hard standing and assembly areas including associated drainage infrastructure;
- Construction of 15.44 km of new internal access tracks and associated drainage infrastructure;
- Upgrading of 2.95 km existing tracks and associated drainage infrastructure;
- Creation of 3 no. new site accesses (2 no. on the Local Road L4114 and 1 no. on the Regional Road R639) to serve as construction and operation accesses to the Proposed Wind Farm Site;
- Upgrading of 3 no. existing site entrances (1 no. on the L2201 and 2 no. on the Local Road L4153) to serve as construction and operation accesses to the Proposed Wind Farm Site;

- Installation of new pipe and box culverts within the wind farm site where proposed infrastructure crosses existing drains;
- All associated drainage and sediment control including interceptor drains, cross drains, sediment ponds and swales;
- Development of 1 no. on-site construction borrow pit and associated ancillary drainage;
- 5 no. temporary construction site compounds and associated ancillary infrastructure including parking; 1 no. temporary security cabins .
- Erection of 1 no. permanent meteorological mast to a height of 120 m above ground level;
- Construction of 1 no. permanent onsite 110 kV electrical substation to EirGrid specifications, including an associated compound and ancillary infrastructure comprising:
 - Control buildings, equipment storage and welfare facilities;
 - Electrical infrastructure;
 - EV Parking and charging;
 - Wastewater holding tank;
 - Rainwater harvesting tank;
- Telecommunications tower to a height of 36m and associated fencing, foundation and hard-standing area
 - Lightning masts and lighting poles
 - Security fencing and stock proof fencing.
- Installation of medium voltage underground electrical and communication cabling connecting the wind turbines to the proposed on-site substation and associated ancillary works;
- All associated infrastructure, services and site works including excavation, earthworks, peat and spoil management;
- Creation of dedicated peat and spoil deposition areas and berms for the management of peat and spoil within the Site;
- Vegetation clearance to facilitate construction and operation of the proposed development;
- Temporary accommodation works along the Proposed Turbine Delivery Route to facilitate turbine component deliveries;
- Construction of 3.95 km of a new recreational amenity in the form of walking/cycling trails within the Wind Farm Site and existing and proposed associated car parks;
- Biodiversity enhancements measures within the Proposed Biodiversity Enhancement and Management Plan all of which are contained within the Wind Farm Site.

Whilst consent is not being sought for the proposed grid connection route to facilitate a connection to the national transmission grid network at Ballyragget, Co. Kilkenny, it is assessed as part of the EIAR.

A full suite of ecological surveys have been completed, encompassing the below surveys which align with the survey scope detailed in G Pre00244/2021:

- Habitat & botanical surveys
- Invasive species survey
- Mammal surveys
- Bat surveys
- Ornithological surveys
- Aquatic ecology surveys
- Otter survey
- Marsh fritillary survey
- General Ecological walkover survey

FT will be preparing the Biodiversity and Ornithology chapters of the EIAR, the Biodiversity Enhancement and Management Plan and the Natura Impact Statement for the development. It is the client's intention that we will be lodging this application to ACP in early March 2026.

Please do not hesitate to contact us at if you have further queries. We would welcome the opportunity to meet to present the proposed development in more detail in January 2026, ahead of finalising the EIAR and submitting the planning application to An Coimisiún Pleanála.

Please see figures illustrating the location of the proposed wind farm and grid connection route in Appendix 2.

Yours sincerely,



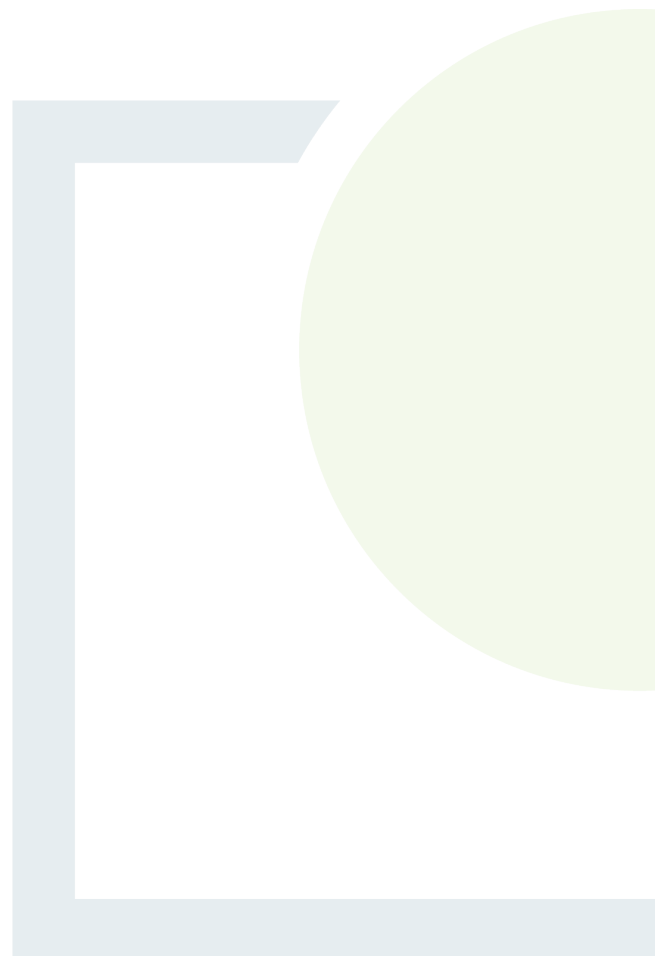
Conor Auld
for and on behalf of Fehily Timoney and Company



DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE

APPENDIX 1

Previous Correspondence





Our Ref: G Pre00244/2021

Your Ref: P20-211 Wind Farm

(Please quote in all related correspondence)

2 November 2021

Fehily Timoney and Company
J5 Plaza
North Park Business Park
North Road
Dublin 11

Via email: littletonwindfarm@ftco.ie

Pre Planning: Bord na Móna Powergen Ltd intend to apply for planning permission for a renewable energy development referred to as the Littleton Wind Farm; East County Tipperary, near the town of Littleton

A chara

I refer to initial letter received 17th September 2021 in connection with the above pre-planning consultation.

Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings

Nature Conservation

The Department notes the detailed scoping document provided which sets out the key issues to be considered in the EIAR. As an initial response to your consultation, you are advised to consult the 'Planning' section of the NPWS website - <https://www.npws.ie/development-consultations> - as this contains text/advice on consulting NPWS in relation to 'development applications', data and information sources, and the basic elements of environmental assessments that may be required.

The following scoping comments are made in the context of this Department's role in relation to nature conservation. The 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.

The proposed development site consists of peatland and there are many factors to consider in the siting of large scale wind farm development onto peatland and cutaway/cutover peatland to ensure the objectives of the [Habitats Directives 92/42/EEC](#), the [Birds Directive 2009/147/EC](#), the [National Biodiversity Action Plan 2015-2021](#) and the [Biodiversity Climate Change Sectoral Adaptation Plan 2019](#) can be achieved. Questions to consider are:

- Are there existing proposals for rehabilitation including rewetting of the site and will this be compatible with a wind farm development?
- The Department notes that a scoping request was previously submitted relating to this area for the establishment of native woodland. How would the current proposal interact with that proposal?
- Are there existing habitats and species of high biodiversity value and will these be lost due to the wind farm development?
- Does the site have potential strategic ecological value if managed for wildlife which cannot be delivered if developed for wind energy?
- Will development at the site pose significant anthropogenic disturbance to wildlife?
- What is the most appropriate use of the site to ensure reduced carbon emissions? (E.g. wind farm development, rehabilitation/rewetting or 'do nothing scenario'?). The Department notes that rewetting is the established way to significantly reduce carbon emissions from peatland, if the wind farm is constructed how would this impact attempts to reduce carbon emissions through rewetting?
- How will the lands around the wind farm be managed and will this lead to likely significant environmental consequences? (E.g. increase in wildlife activity at the site leading to increase collision strike risks, increase in anthropogenic disturbance due to amenity access etc.)
- What are the drainage requirements at the site and will this lead to water quality issues?
- What are the long term plans for the rehabilitation of the peatlands following decommissioning of the wind farm?
- The area near Liathmore Churches adjoining the Longford Pass area is known to be used by a significant flock of the Annex I bird species Whooper Swan. How would the development impact on this species?

The EIAR should take account of Objective 1 of the National Biodiversity Action Plan which is to mainstream biodiversity into decision-making across all sectors and Action 1.1.3 is that



“all public authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure”. In this context this Department would suggest that any loss of habitat if it is to proceed should be mitigated for by the provision or enhancement of habitat elsewhere. The EIAR should also consider Article 10 of the EU Habitats Directive insofar as it relates to features which function as stepping stones for wild species in the landscape.

Please find below some general scoping comments for EIAR, appropriate assessment screening and appropriate assessment/NIS, and for licensing requirements which may assist.

Guidance on EIAR

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.

The following should also be taken into account in planning and designing a wind farm 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)¹.

Project planning and design

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 wind farm so that sensitive ecological or hydrological areas are avoided, and negative impacts are minimised insofar as is possible. The size, layout and design of the 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

¹ Creighton, R. (ed.). 2006. *Landslides in Ireland: A Report of the Irish Landslide Working Group*. Geological Survey of Ireland, Dublin.



using appropriate separation distances, all nature conservation sites, other sensitive ecological and hydrological features, deep or intact peat deposits, and areas of wet and/or active bog, pool systems and flushes.

The National Biodiversity Action Plan 2017- 2021 aims to conserve and restore Ireland's biodiversity. A key objectives of the plan is to achieve; no net contribution to biodiversity loss arising from development projects occurring within the lifetime of the plan. Accordingly, the EIAR should outline how this project will avoid a net loss of biodiversity and include relevant mitigation and or compensatory measures where necessary.

Project components

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. Due consideration should also be given to the grid connection.

The Department notes that the location map indicates the site may include areas of peatland and areas under coniferous forest cover. The EIAR should give specific consideration to the mobilisation of silt and changes to the stability of peat. The proposed windfarm has the potential for significant changes in patterns of surface water flow and may desiccate the peat allowing pathways to open up resulting in subsurface water losses. Detailed consideration should be given to the amount of peat to be excavated, stored, and disposed/recovered. A detailed plan for the safe storage, disposal and rehabilitation of excavated or disturbed peat should form part of the EIAR. The spreading or recovery of excavated peat on areas of intact bog, wet and re-vegetated areas of cutover bog or other habitats or vegetation of ecological value is unlikely to be acceptable. Excavated or exposed peat should not pose any threat to surface waters and water quality. Any proposals to combine peat disposal with habitat restoration or rehabilitation measures will require a detailed plan to show the location, nature and area of lands in question, 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 hydrologists and other experts as appropriate.

A detailed site drainage map will 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 must demonstrate that the proposed wind farm development will not pose any threat to surface waters and associated species (e.g. Salmon). 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. 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 will 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 should 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 surface waters (e.g. water quality) should be assessed fully, including the risk of Phosphate mobilisation from peat soils as a result of tree clearance and ground disturbance.

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 assessed as part of the EIAR as appropriate. If restoration of planted areas is proposed as mitigation or compensation for negative ecological effects, the EIAR should include a detailed plan to show the location, nature and area of habitat to be reinstated, and provide details of how such areas will be reinstated, managed and improved for habitats and/or species, together with proposals for monitoring and reporting. This plan should be prepared by a suitably qualified ecologist in consultation with other experts as appropriate. Consideration should be given within this context of no net loss to biodiversity and with that opportunities for establishment of native woodland as replacement planting rather than coniferous planting.

The likely impacts of grid connection, particularly for birds, sensitive habitats and surface waters, should be given due 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 1 habitats which occur outside the Natura 2000 network are important in terms of biodiversity conservation. The presence of any Annex I habitats outside the network should be given due consideration as part of the consideration of biodiversity matters generally for the proposed development. The loss of Annex 1 habitats outside SACs should be avoided wherever possible.



Impacts of lighting on-site should also be assessed noting that lighting of turbines and masts can increase collision risk².

Alternative options for the site should also be included in the EIAR and this should include the opportunities for habitat restoration, and to manage the site as a carbon sink through restoration and rehabilitation. This aligns with the National Peatlands Strategy 2015 to 2025 and is notable with respect to carbon accounting. The projected carbon accounts for habitat restoration should be considered against the carbon accounting for the proposed wind farm. It should also be noted that habitat restoration would not only contribute to carbon sequestration but is also important in terms of flood management, water quality and for biodiversity in general.

Ecological Data and Surveys

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 (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).

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 and, if applicable, restoration or decommissioning phases. Inland Fisheries Ireland should be consulted with regard to fish species, if applicable. 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 cover year-round site use and should cover a minimum of two years to allow for an accurate determination of site usage. Target species for this site include Annex I (Birds Directive) species and Birds of Conservation Concern (BoCCI) such as Hen

² Douse, A (2020) "The Effect of Aviation Obstruction Lighting on Birds at Wind Turbines, Communication Towers and Other Structures", NatureScot Information Note. Version 1.1



Harrier, Merlin, and Red Grouse. Hinterland surveys should include breeding raptor surveys, including roost watches, surveys for nocturnal species and other species-specific surveys as appropriate.

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 wind farms must be considered. Cumulative impact on birds from all wind farms in the area needs to be assessed and the data from surrounding sites needs to be considered in the assessment.

Bats

Bat roosts may be present in trees, buildings and bridges. Bat species are protected under the Wildlife Act, 1976 to 2018, and are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended). Therefore, damage/disturbance to any such roosts must be avoided in the first instance. While the Minister may grant a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011-2015, a licence can only be granted once a number of strict criteria have been met (see Regulation 54). An assessment of the impact of the proposed wind farm on bat species should be carried out noting recent guidance available, “*Bat and Onshore Wind Turbines: Survey, Assessment and Mitigation, 2019*” published jointly by Scottish Natural Heritage and Bat Conservation Trust and other stakeholders.

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. Any watercourse or wetland which may be impacted on should be surveyed for the presence of protected species and species listed on Annexes II and IV of the Habitats Directive. For example, these species could include Otter (*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), White-clawed Crayfish (*Austropotamobius pallipes*) listed on Annex II of the Habitats Directive, Frogs (*Rana*



temporaria) 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).

Hedgerows, Scrub 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 peatland habitats) should not be removed during the nesting season (i.e. March 1st to August 31st), noting the protection afforded under the Wildlife Act 1976-2018.

Marsh Fritillary

Marsh fritillary surveys should be carried out as per standard Marsh Fritillary Larval Web Survey methodology.

Alien invasive species

The EIAR should also address the issue of invasive alien plant and animal species such as *Rhododendron ponticum* 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:

- Special Areas of Conservation (SAC) designated under the EC Habitats Directive (Council Directive 92/43/EEC)
- Special Protection Areas (SPA) designated under the EC Birds Directive (Council Directive 2009/147 EC);
- proposed Natural Heritage Areas;
- 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

- 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;
- Biodiversity in general.

Construction Management Plans and Mitigation

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.



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.

The Department draws your attention to the recent High Court decision with respect to the High Court judicial review *Sweetman V An Bord Pleanála* (2021) IEHC 390 and the appropriate detail of project description required for an EIA.

Guidance on the Appropriate Assessment (AA):

In order to carry out the Appropriate Assessment screening, and/or prepare a Natura Impact Statement (NIS), information about the relevant European sites including their conservation objectives will need to be collected.

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/>.

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 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"*³
- *"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"*⁴;
- 2018 Commission notice *"Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC"*⁵ (updated June 2020)

More recent CJEU and Irish case law has clarified some issues and should also be consulted.

³ https://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf

⁴ https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_asses_en.pdf

⁵ https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN_art_6_guide_jun_2019.pdf



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.

Cumulative and ex situ impacts

A rule of thumb often used is to include all European sites within a distance of 15km. It should be noted however that this will not always be appropriate. In some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA more than 15 kilometres away.

Other relevant Local Authorities should be consulted to determine if there are any projects or plans which, in combination with this proposed development, could impact on any European sites.

As noted already assessment and monitoring results from nearby wind farms should be considered. Cumulative impact from all wind farms in the area needs to be assessed and the data from surrounding sites needs to be considered in the assessment of impacts.

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 should be carried out. The post construction monitoring should include bird and bat strikes/fatalities including the impact on any such results of the removal of carcasses by scavengers. Monitoring results should be made available to the competent authority and copied to this Department. An appropriate plan of action needs 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.



Note: any significant change to mitigation may require amendment and where a licence has expired; there will be a need for new licence applications for protected species.

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 if there are any impacts on other protected species or their resting or breeding places, such as on protected plants, badger setts or birds’ nests. The EIAR 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).

In order to apply for any such licenses or derogations as mentioned above the results of a survey should be submitted to the National Parks and Wildlife Service of this Department. Such surveys are to be carried out by appropriately qualified person/s at an appropriate time of the year. Details of survey methodology should be provided. Should this survey work take place well before construction commences, it is recommended that an additional ecological survey of the development site should take place immediately prior to construction to ensure no significant change in the findings of the baseline ecological survey has occurred. As outlined already, if there has been any significant change mitigation, this may require amendment and where a licence has expired, there will be a need for new licence applications for the protected species.



The above observations/recommendations are based on the papers submitted to this Department on a pre-planning basis and are made without prejudice to any observations that the Minister may make in the context of any consultation arising on foot of any development application referred to the Minister, by the planning authority/ies, in the role as statutory consultee under the Planning and Development Act, 2000, as amended.

You are requested to send further communications to the Development Applications Unit (DAU) at manager.dau@housing.gov.ie.

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Diarmuid Buttimer', written over a circular stamp or seal.

Diarmuid Buttimer
Development Applications Unit
Administration

Development Applications Unit
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90

By email:
manager.dau@npws.gov.ie
manager.dau@housing.gov.ie

Our Ref: P20-211/Let001/BOD

22 November 2023

RE: Consultation Request - Littleton Wind Farm, Co. Tipperary

Dear Sir / Madam,

Fehily Timoney and Company are acting on behalf of our client, Bord Na Móna, in relation to a proposed wind farm development at Littleton, Co. Tipperary.

We previously received a response to a pre-planning scoping document issued in the early stages of the project (response **G Pre00244/2021** dated 2 November 2021).

We are following up with more detailed project information and information on ecological surveys completed/ongoing to check if there are any further nature conservation observations in light of current project information. Any further feedback received will inform the EIAR and AA/NIS, which are currently in preparation.

The proposal includes the following:

- A wind farm consisting 11 no. wind turbines with a blade tip height of 190 m, a hub height of 108 m and a rotor diameter of 164 m.
- Construction of turbine foundations and crane pad hardstanding areas including associated drainage infrastructure;
- Construction of new permanent site tracks and associated drainage infrastructure;
- Upgrading of existing tracks and associated drainage infrastructure;
- Upgrade of existing site entrances for construction and operational access;
- An on-site borrow pit and associated ancillary drainage;
- Temporary construction site compounds and associated ancillary infrastructure including parking;
- 1 no. permanent meteorological mast(s) to a height of 100 m above ground level.
- 1 no. onsite 110kV electrical substation to Eirgrid specifications.
- Tree felling to facilitate construction and operation of the proposed development.
- High Voltage (110kV) electrical cabling within public roads to facilitate a proposed connection to the national transmission grid network at Ballyragget, Co. Kilkenny.

- Installation of medium voltage underground electrical and communication cabling connecting the wind turbines to the proposed on-site substation and associated ancillary works;
- Temporary accommodation works to facilitate the delivery of wind turbine components.
- A recreational amenity in the form of walking trails within the wind farm site making use of existing and proposed tracks and associated car parking facilities.
- Biodiversity enhancements within the wind farm site.
- All related site works and ancillary development including landscaping and drainage;
- A 35 year operational life from the date of commissioning of the entire wind farm is being sought.

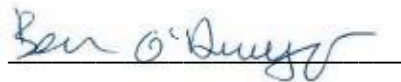
Please find attached a figure illustrating the location of the wind farm, the turbine layout, and European sites in proximity to the proposed development. Ecological surveys are on-going at the site and include:

- Habitat surveys
- Invasive species surveys
- Mammal surveys
- Bat surveys
- Ornithological surveys
- Aquatic surveys
- Marsh fritillary surveys

FT will be preparing the Biodiversity and Ornithology chapters of the EIAR and the Natura Impact Statement for the development.

Please do not hesitate to contact me if you have further queries. We would welcome any comments or observations you may have regarding the proposed development or if you would like to meet to discuss the development in more detail, this can be arranged.

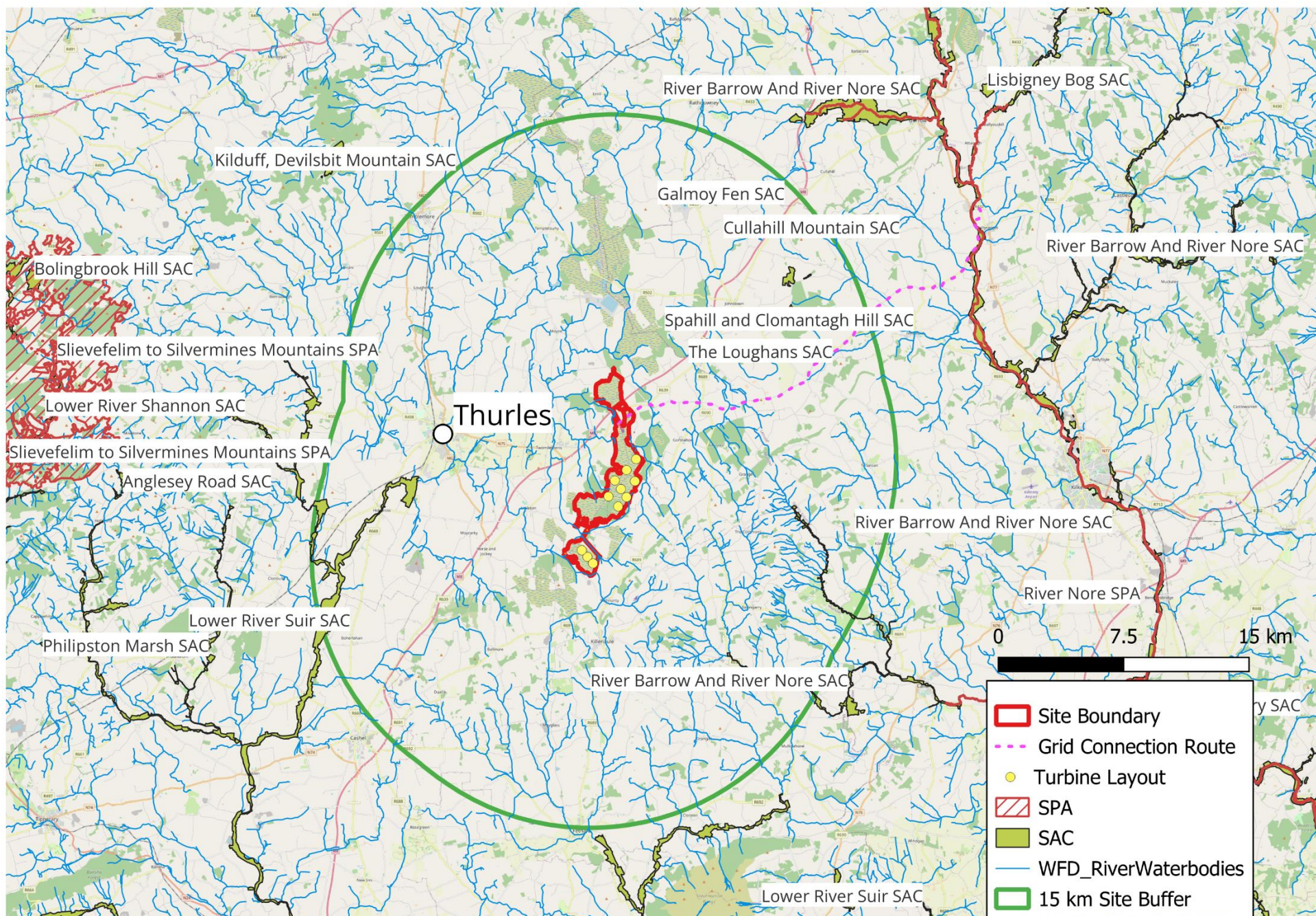
Yours faithfully,



Ben O'Dwyer BSc.

Senior Project Ecologist

for and on behalf of Fehily Timoney and Company

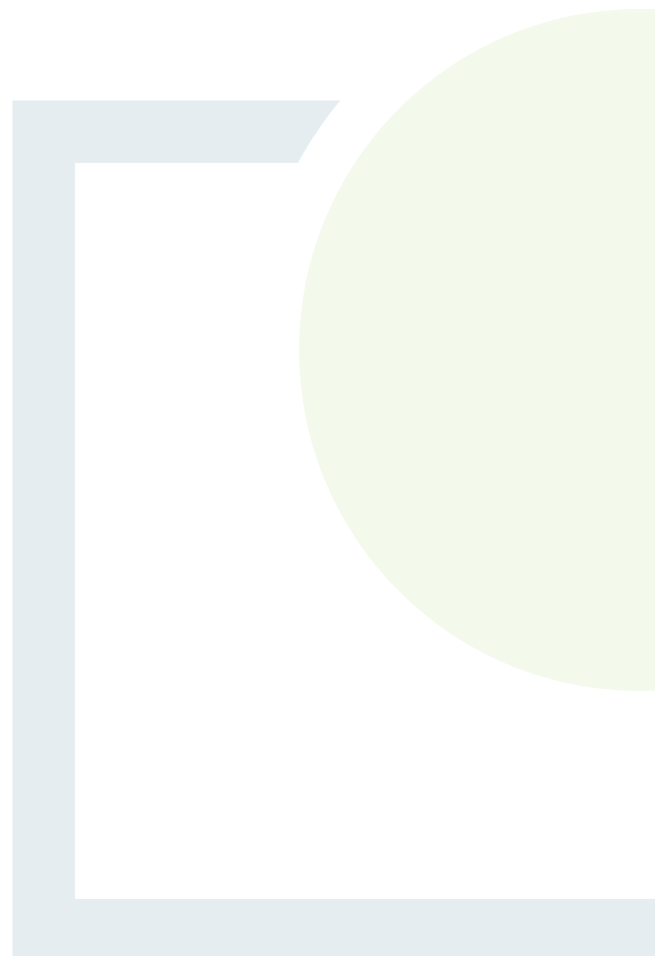


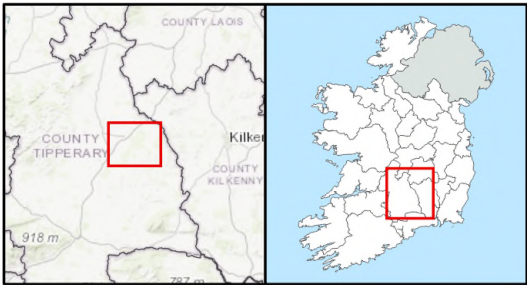
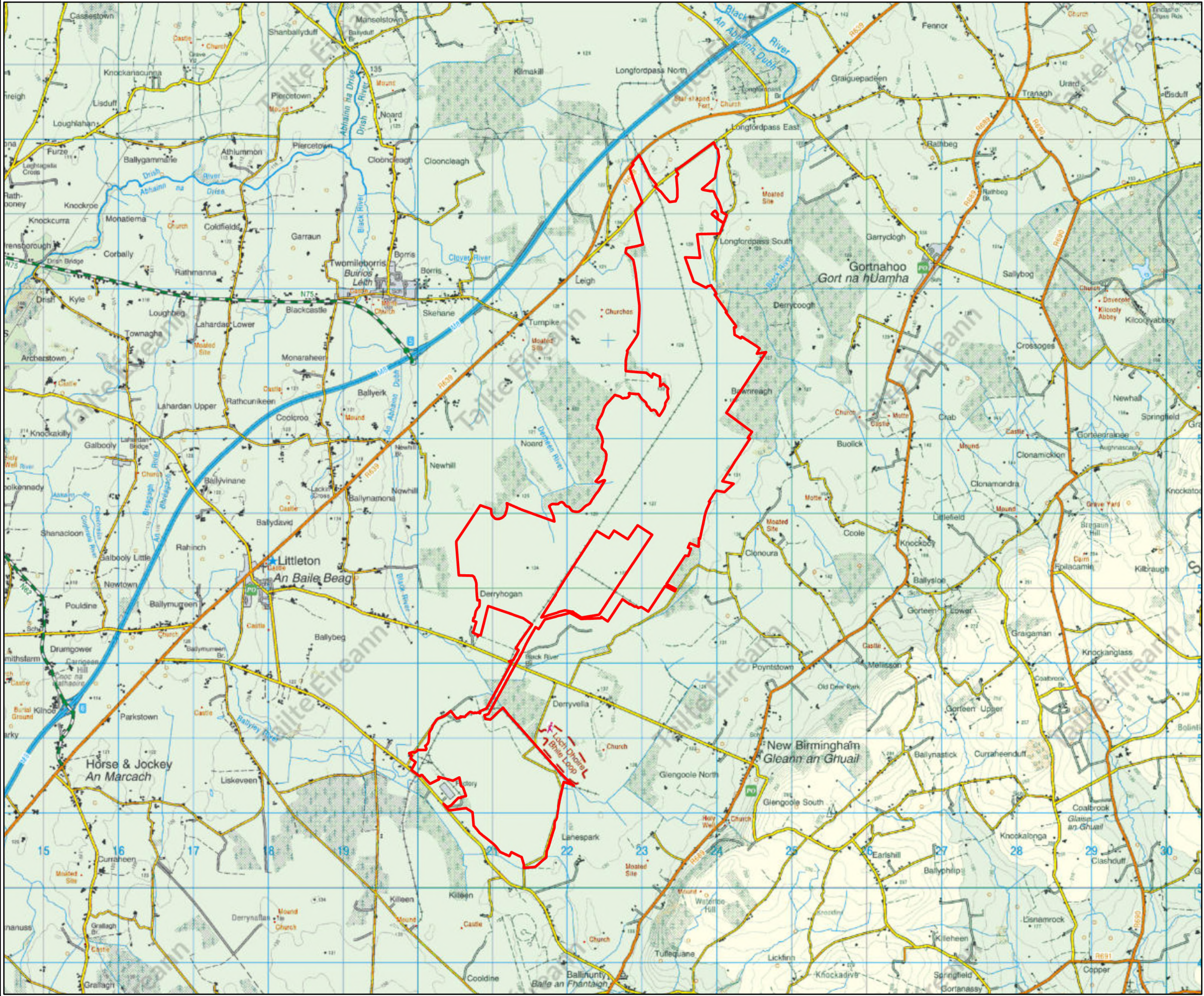


DESIGNING AND DELIVERING
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APPENDIX 2

Development Site Boundary &
Grid Connection

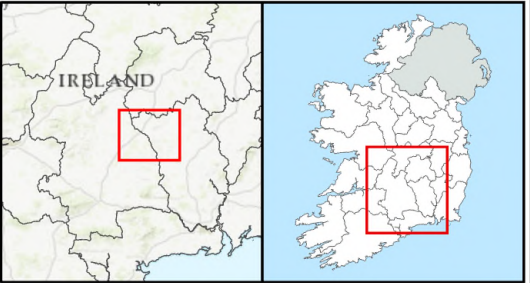
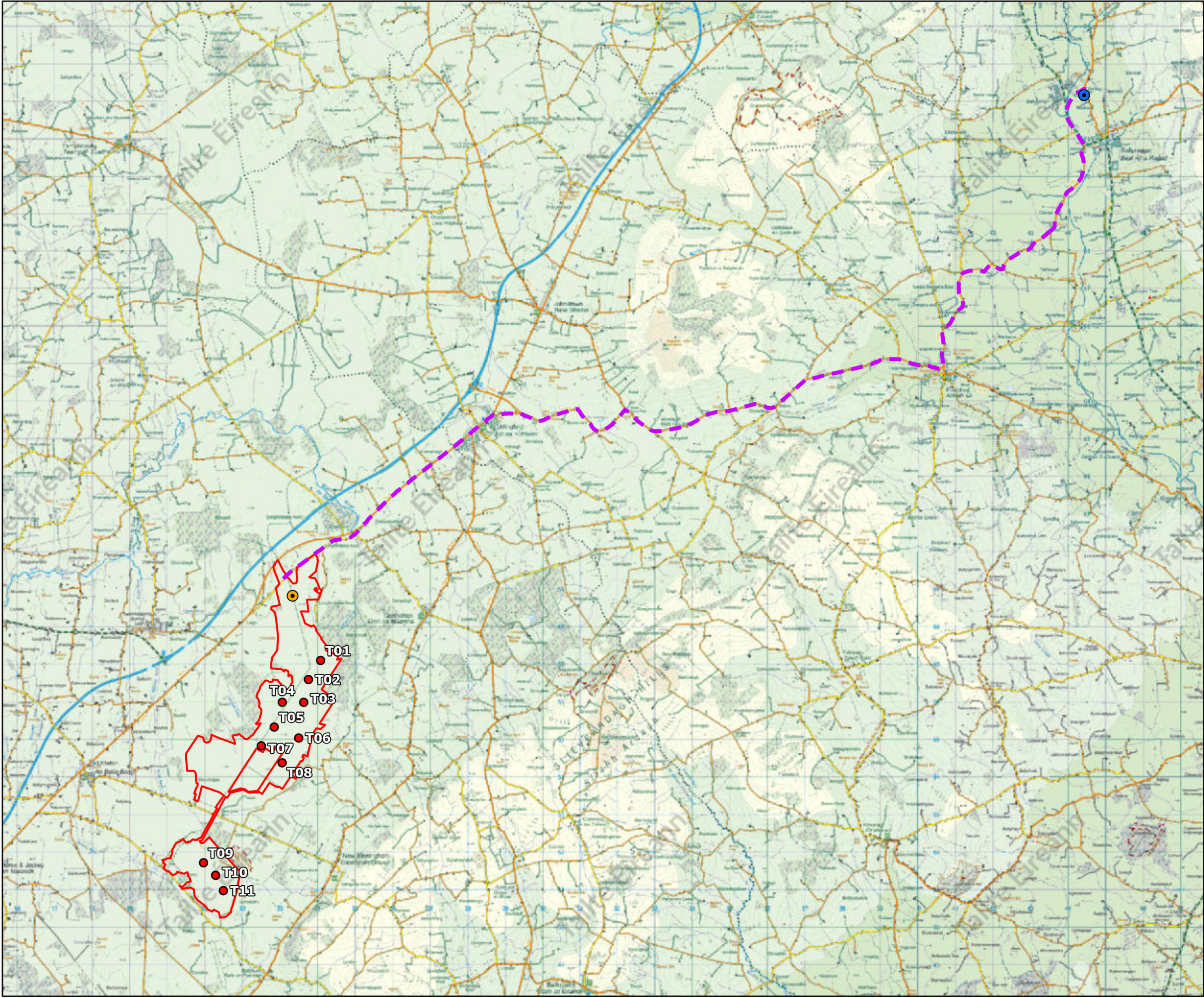




Legend

Site Boundary

TITLE:		Site Location	
PROJECT:		Littleton Wind Farm	
FIGURE NO:		1.1	
CLIENT:		Littleton Wind Farm DAC	
SCALE:	1:50,000	REVISION:	0
DATE:	19/11/2025	PAGE SIZE:	A3



- Legend**
- Site Boundary
 - Grid Connection Route
 - Ballyragget 38kV Substation
 - Onsite Substation
 - Turbine Locations

TITLE:		Grid Connection Route	
PROJECT:		Littleton Windfarm	
FIGURE NO:		4.3	
CLIENT:		Littleton Wind Farm DAC	
SCALE:	1:100,000	REVISION:	0
DATE:	27/11/2025	PAGE SIZE:	A3

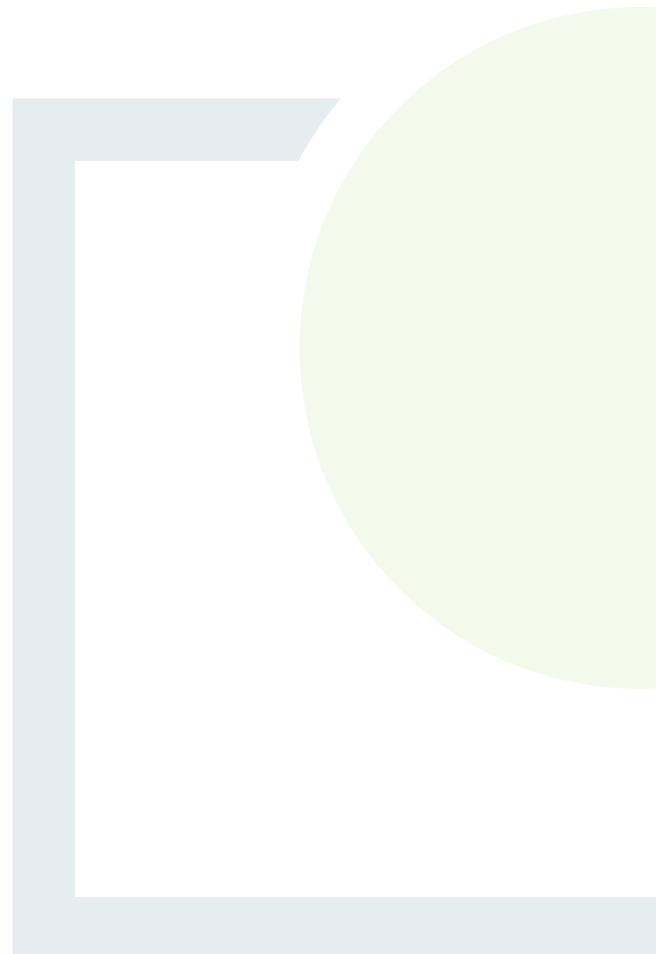


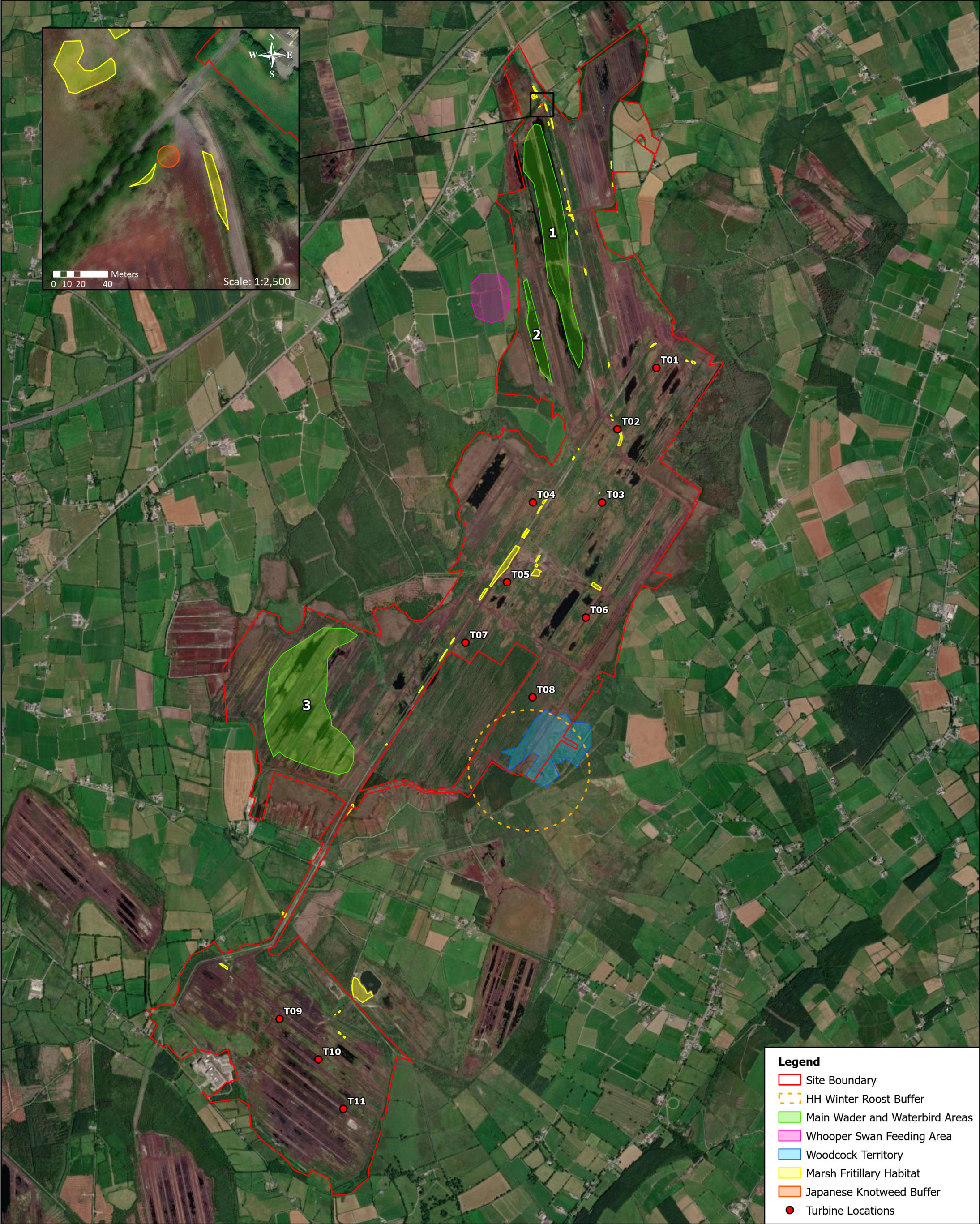


DESIGNING AND DELIVERING
A SUSTAINABLE FUTURE

APPENDIX 3

Key Ecological Receptors





TITLE:	Key Ecological Receptors		FIGURE NO:		INFO	
			CLIENT:		Littleton Wind Farm DAC	
PROJECT:	Littleton Wind Farm		SCALE:		1:28,000	REVISION: 0
			DATE:		12/12/2025	PAGE SIZE: A3

Cork | Dublin | Carlow
www.fehilytimoney.ie

Area 1	Area 2	Area 3
<i>Breeding Season</i>		
Curlew	Mallard	Black-headed Gull
Kingfisher	Moorhen	Curlew
Lapwing	Snipe	Grey Heron
Mallard	Teal	Greylag Goose
Snipe	-	Lapwing
Teal	-	Little Grebe
-	-	Mallard
-	-	Shoveler
-	-	Snipe
-	-	Moorhen
-	-	Teal
-	-	Wigeon
<i>Winter</i>		
-	Whooper Swan Roost	-