Responses to the comments raised in the letter of the Estonian Ministry of Climate No. 6-3/23/4047-23, dated with 18.11.2024.

1. The Ministry of Regional Affairs and Agriculture provided the following comments on the EIA report:

1.1. The summary of the EIA report (Estonian version, pages 12 and 65) mistakenly refers to the planned project as a nuclear power plant. As the project actually involves the development of a wind farm, it is necessary to correct the text accordingly.

The translation mistakes are corrected and updated summary of the EIA report is attached to the response.

1.2. The comprehensive spatial plan of Mulgi Municipality stipulates that the construction of wind farms is not allowed in areas of scenic value identified in the municipality's planning document. As the valid comprehensive spatial plan was established before the Viljandi county plan 2030+ (established by the order of the Minister of Public Administration on April 6, 2018, number 1.1-4/75), the county plan may address issues not resolved in the previously established comprehensive spatial plan. It is important to note that the valuable landscape of Penuja and the core area of a green network is located near the "Lode" wind farm study area. Please consider the conditions outlined in the county plan for the preservation of valuable landscapes and the green network.

The Lode wind farm is planned exclusively within Latvian territory and is not located in areas of scenic value identified in the Mulgi municipality's planning document. Information regarding the valuable landscape of Penuja and the core area of the green network, which are located near the "Lode" wind farm study area, will be considered, and, if necessary, the EIA report will be amended. The valuable landscape of Penuja has already been taken into account in the landscape assessment; please refer to the Estonian landscape expert opinion in Annex 9 of the EIA report.

The proposed activity is not planned within Estonian territory and therefore does not have a direct impact on the ecological corridor. In accordance with the Viljandi County Plan 2030+, the green network creates a synergy between nature and the living environment and plays an important role in shaping urban space and preserving natural values. Green corridors are public spaces for recreation and leisure. The impact on recreational and leisure infrastructure has been assessed in Section 4.14. of the EIA Report.

1.3. The EIA report (English version, page 153) states that in Estonia, minimum distance requirements between wind farms and residential areas are not set at national level, but instead, these distances are set by local authorities in their building regulations. Actually, construction regulations are no longer drafted in Estonia, and the distances between wind farms and residential areas are generally determined in planning documents. Although the current Viljandy county plan and the comprehensive spatial plan do not specify the required distance between wind farms and residential areas, it should be noted that the comprehensive spatial plan for the entire territory of Mulgi Municipality is in its final stages of processing. Even though according to Estonian laws, spatial planning documents must be based solely on valid legal acts, including the current comprehensive spatial plan, the Supreme Court of Estonia has previously supported considering the draft comprehensive spatial plan as a relevant document to avoid contradictory behaviour in public administration (Supreme Court decision of March

20, 2014, case number 3-3-1-87-13). This approach aligns with the principle of sufficient information derived from the Planning Act in Estonia, which states that the organiser of planning activities must take into account not only valid plans, but also other relevant documents and information affecting spatial development. The explanatory memorandum of the draft comprehensive spatial plan for Mulgi municipality stipulates the following conditions for planning wind farms:

When planning wind turbines and wind farms, it must be considered that a wind turbine must not be located closer to publicly used roads (regardless of their function, type, class, and permitted speed) than 1.5 times (H+D). In the formula, H represents the height of the turbine mast and D represents the diameter of the rotor or blade. For publicly used roads with low usage (less than 100 cars per day), it may be allowed to place wind turbines closer to the road based on a justified risk analysis and with the consent of the owner of the road, but not closer than the total height of the turbine (H + 0.5D).

None of the WTGs are located closer than 800 m to public or private roads, which is significantly farther than 1.5 times (H+D).

1.4. The EIA report (English version, page 216) provides recommended distances from various objects. Given that the safety distances are derived from different methods, there are some inconsistencies. For example, the distance from national main roads is set at 252 meters, while the distance from state and municipal roads is 311 meters. Considering that national main roads are the most heavily trafficked, should the safety distance from them not be greater than that from municipal roads?

The minimum distance of 252 m to national main roads has been determined according to the Belgian risk assessment guidelines and cannot be reduced through mitigation measures or solutions. Meanwhile, the recommended minimum distance of 311 m to all road categories is based on the potential ice throw distance, which can be reduced to a distance equal to the blade length (rotor radius) if anti-icing or de-icing measures are implemented.

1.5. According to the EIA report (English version, page 249), the installer or owner of the wind farm must pay annual compensation to the local community for the inconvenience caused by the wind farm. Considering the planned location of the “Lode” wind farm and the fact that there are Estonian households within a 2-kilometer radius of the project, will those households and Mulgi Municipality also receive annual compensation? If so, how will this compensation be administered?

The procedure for administering the payment must be resolved and defined at the intergovernmental level. The project developer is not responsible for the administration of the payment.

1.6. The EIA report does not indicate whether and how the directly affected areas, including Mulgi Municipality, the neighbouring areas, and residents within the impact zone, have been involved in the EIA process.

The EIA report will be supplemented with information on the initial transboundary EIA consultations and the public consultation of the EIA report in the transboundary context.

1.7. Figure 3.1.1. in the EIA report (English version, page 24) indicates an 800-meter buffer around residential and public buildings in Lode Municipality. The figure should include residential buildings located in Estonian territory as well.

The EIA report will be updated to include additional information regarding the 800 m distance around residential and public buildings in Estonian territory.

1.8. The EIA report (English version, page 37) describes the transportation required during the construction of the wind farm. Considering that the turbine parts are will be transported from the port of Paldiski, the EIA report should also address the extent of transportation that will pass through Estonia.

This transportation route is mentioned as one of the possible options, and at this stage, it is not known to which port the wind power stations will be delivered. It is equally possible that deliveries will take place from one of the ports in Latvia. During the coordination of the transportation route, technical regulations will be requested from the relevant competent authority of the respective country, and the transportation route will be planned in accordance with the specified technical requirements.

1.9. Figure 4.6.17. in the EIA report (English version, page 166) shows the existing and planned wind farm as large rectangles. This representation does not provide an accurate overview of the actual size of the planned areas.

Figure 4.6.17 aims to provide information on existing and planned wind farms in the vicinity of the Lode wind farm to assess cumulative impacts on the landscape. The level of detail of the information is presented according to publicly available data on these wind farms or designated planning areas for wind farm development.

2. The Estonian Environmental Board provided the following comments on the EIA report:

2.1. On 27 July 2024, after birdlife studies of the EIA were conducted, the nesting site (KLO3003009) of the lesser spotted eagle (*Clanga pomarina*) was discovered. As this nesting site is not addressed in the EIA, the impacts on this nesting site should also be evaluated.

This information will be included in the updated EIA report.

2.2. The EIA report (English version, page 137) claims that the impact on the lesser spotted eagle nesting sites KLO3001938 and KLO3002473 is minimal, because the potential feeding areas in Latvia are smaller and of poorer quality than the potential feeding areas in Estonia. The conclusion is mainly based on two claims, which cannot be agreed upon for the following reasons:

The actual width of the forest separating the eagle nests in Estonia from the potential feeding areas in Latvia is, at certain points, less than 1 kilometer (not 1,5 kilometers, as stated in the EIA report). Therefore, the isolating effect of the forest is significantly smaller than stated in the EIA report.

Distances are measured based on the latest available information and may vary. In some locations, the distance is approximately 1 km, which, in the bird expert's opinion, is still sufficient if the WTG is equipped with a bird detection and automatic shutdown system.

2.3. The EIA report claims that the potential feeding areas in Latvia are relatively small agricultural lands that are not attractive to lesser spotted eagles. Considering the habitat use of the lesser spotted eagle, the areas are still sufficiently large for feeding, and due to the alternations of crops, they can be suitable in different years.

It has already been noted in the comment that the suitability of agricultural land can vary from year to year depending on the type of crop being cultivated. Therefore, such areas cannot be considered as reliably guaranteed feeding grounds. Accordingly, this factor has been taken into account in the assessment.

2.4. The description of the methodology for bird studies included in the EIA report is very general. We kindly ask that Latvia provides Estonia with the Annex 7 of the EIA report (bird study), which might clarify some details about the scope of the bird studies. Considering the high density of lesser spotted eagles in the area, it is important to maintain each feeding area, and as wind the planned turbine generator number L_06 could significantly affect the habitat use of the eagles, we advise reconsidering the construction of it.

The expert opinion is attached as an annex. WTG L_06 will be equipped with a bird detection and automatic shutdown system to mitigate the risk of collisions.

2.5. The EIA report (English version, page 137) states: "*In addition, in the Utilitase Saarde wind farm, about 20 km away, two of the nine WTGs are closer than 1 km (580 and 730 m) and one turbine is 1,240 m from a nest of the lesser spotted eagle.*" While this statement is accurate, it is important to note that the post-construction monitoring of the lesser spotted eagles in the Saarde wind farm area is still ongoing and has not yet provided conclusive evidence that the wind farm is safe for them. Therefore, this solution should not be replicated in other similar projects without further verification.

The Lode Wind Park is also planned to undergo bird monitoring during both the pre-construction and operational phases.

2.6. The EIA report (English version, page 70) proposes automatically stopping the wind turbines (if necessary) to mitigate the flicker effect. However, ensuring this measure is highly challenging. As the flicker effect will occur in Estonia while the control is managed in Latvia, it is necessary to clarify in the EIA report how the practical implementation of this proposal would work to prevent disturbances in Estonia.

The EIA Report includes proposed measures to mitigate the impact of flicker. The supervision and control mechanisms for the wind park must be agreed upon at an intergovernmental level, which falls outside the scope of the project developer's responsibility.

2.7. On figures 4.12.1. and 4.12.2. (English version, pages 217 and 218) and on figure 27 (Estonian version, page 68), it is shown that the safety distances of the outermost turbines extend into Estonian territory. Why has the placement of the turbines not been adjusted to ensure that the safety distances remain within Latvian territory?

As transboundary impacts are anticipated, a transboundary EIA procedure is being conducted. Additionally, measures for risk mitigation are described in Sections 4.12 and 4.13 of the EIA Report and its summary.

3. Estonian Agriculture and Food Board stated that the EIA report should informatively indicate the connection of the “Lode” wind farm area with the land improvement systems and their artificial recipients. Additionally, it is advisable to add to the EIA report that any potential technical solutions that might affect the functioning of the artificial recipients which serve a common purpose for both countries, will be addressed in parallel with the construction site preparation and the project for access roads and sites.

This requirement is already addressed in Section 3.5.4 of the EIA Report.

4. Estonian Health Board noted that the EIA report (English version, pages 48–49) is based on the limit values set for Category II (educational institutions, healthcare and social welfare institutions, and resindential and green areas) in the Estonian Minister of Environment’s Regulation number 71 of December 21, 2016 (60 dB during the day, 45 dB at night). However, the Health Board advised following stricter requirements for the assessment of noise from the planned wind farm, specifically the target values for industrial noise (50 dB during the day, 40 dB at night) in Category II areas.

In the EIA Report, Section 4.1. will be revised to include an evaluation aligned with the environmental noise target values.