



An
Bord
Pleanála

Inspector's Addendum Report ABP-303592-19

Development	A 10 year permission for the construction of a windfarm comprising 24 x wind turbines, 1 x 110kV substation and all related works.
Location	Derryadd Windfarm at Lanesborough, Co. Longford
Planning Authority	Longford County Council
Applicant(s)	Bord na Mona Powergen Ltd.
Type of Application	Strategic Infrastructure Development
Board Request	Further information
Inspector	Karla Mc Bride

This report should be read in conjunction with the Inspectors Report ABP-303592-19 06 dated 06th September 2019.

1.0 Introduction

1.1. The Board noted the following matters in relation to the application: -

1. The application was submitted and the oral hearing conducted before the publication of the Climate Action Plan on 17th June 2019;
2. The concerns raised in relation to the future implementation of a cutaway bog rehabilitation plan under Integrated Pollution Control Licence No.504, and matters related to peatland restoration and carbon sequestration;
3. The overall site area (1908ha), the footprint of the windfarm (51.8ha) and the proposed use of the existing drainage network within the overall site; and
4. The content of the Climate Action Plan (renewable energy & better management of peatlands) and the scale of the overall lands relative to the windfarm footprint.

1.2. The applicant was requested the applicant to submit Further Information (24/09/2019) in relation to the following items:

4 (a) The compatibility of the windfarm project with the totality of relevant provisions set out in the Climate Action Plan 2019, relating to the harnessing of renewable and to the better management of peatlands and soils.

4 (b) The complementarity (or otherwise) of the future use of all or part of the application site area which, falls outside the permanent windfarm footprint, for peatlands restoration/rehabilitation, including the potential for carbon sequestration, alongside the operational (including drainage) requirements of the proposed windfarm project.

1.3. The applicant responded to this request (18/11/2019) and the response is summarised in section 2.0 below. The Board requested the applicant to publicise the response as Significant Additional Information (09/12/2019) and the submissions received by the Board are summarised in section 3.0 below.

2.0 Applicant's Response to FI Request

2.1. The applicant's response to the Board's request for Further Information under Section 37(F)(1)(a) is summarised below:

Items 1 & 2: Noted and acknowledged.

Item 3: Windfarm project will utilise the existing main drains and settlement ponds and does not require the use of site/field drains as per Appendix 8.4 (Surface Water Management Plan – Existing Site Drainage Pattern) and Section 8.3.1.3 of the EIAR.

Item 4 (a) compatibility with the totality of relevant provisions in the Climate Action Plan 2019 (renewable energy):

The windfarm is compatible with, and key to the totality of relevant provisions in the Climate Action Plan (CAP) relating to the harnessing of renewable energy and it will directly contribute to:

- Reduction in greenhouse gas emissions by utilisation of least cost technology.
- Input of renewable energy (c.240,000MWh/year) to the national grid.
- The commitment that 70% of our electricity needs will come from renewable sources by 2030, adding 12GW of renewable energy.
- Meeting our Renewable Energy production targets by 2030 & 2040.
- Meeting the specific objectives for onshore wind capacity by 2025 & 2030.
- Provision of grid connection infrastructure to support the renewable energy output from the windfarm.
- Provision of battery storage in parallel with energy production.

Item 4 (a) compatibility with the totality of relevant provisions in the Climate Action Plan (better management of peatlands & soils):

It is noted that peatlands cover 21% of our land area, they represent 64% of total soil organic carbon stock and Bord na Mona controls c.7% of the peatlands. A total of 8 relevant CAP measures are identified and assessed in relation to the windfarm project, as presented in Table 2.1 of the FI response report and summarised below.

- Restore/rewet all raised bogs (SACs & NHAs) within 3 cycle of the National Raised Bog SAC Management Plan 2017-2022, in order to halt & reduce peat oxidation & carbon loss:
 - No SACs or NHAs within the site except for Lough Bawn pNHA in the SE corner of Lough Bannow bog, no direct impacts predicted.
 - The re-wetting of a buffer zone around this pNHA has been completed.
 - Existing buffer will be maintained to avoid significant indirect impacts.
 - Drains around T22 will manage localised surface water, they are outside the buffer zone with no impacts on the pNHA predicted.
 - Table 6.20 of the EIAR deals with infrastructure within the site.

- Undertake further research to assess the potential to sequester, store & reduce emission of carbon through the management, restoration & rehabilitation of peatlands as per the National Peat Strategy:
 - BnM has been activity supported in this endeavour.
 - Details of several research publications attached.

- Realise the emissions reduction potential of at least 40,000ha of grasslands on drained organic soils, yielding up to an additional 0.44Mt in sequestered CO₂ annually between 2021& 2030.
 - No significant areas of grasslands on drained organic soils within footprint of windfarm project, therefore not applicable.

- Upgrade land-use & habitat mapping systems to establish the baseline condition of wetlands & inform best practice guidelines for wet land management, including degraded sites & peatlands currently under extraction:
 - BnM has carried out habitat mapping since 2010 & the latest version was used to inform the preparation of the windfarm project.

- Create additional incentives to adopt carbon-positive, post-production management options on BnM lands:
 - This is a matter for policy makers.

- Windfarm is a carbon-positive, post-production management option on BnM lands following the cessation of peat extraction.
- Ensure robust reporting & accounting of the emissions impact to meet relevant international reporting requirements (under the National Land Cover & Habitat Mapping Programme):
 - BnM already comply with all existing statutory & international reporting requirements and will require with any future requirements.
- Develop further measures to help rehabilitate exploited & degraded peatlands, taking account of regional variations:
 - The proposed Rehabilitation Plans (Appendix A) are site specific and propose the most up to date and proven measures to rehabilitate the cutover & cutaway bog at the windfarm.
- Strengthen policies to improve hedgerow management & renewal, extend LA county bases hedgerow surveys nationwide ...commission a study to quantify the climate mitigation & adaption potential of hedgerows by 2021:
 - Relates to application of existing/future polices and is not site specific.
 - Windfarm project will have no significant impact on hedgerows.

This section of the FI response report also noted that:

- BnM currently supports a research project to measure peat & carbon fluxes.
- The CAP measures were previously contained in the National Peatlands Strategy which recognises the importance of wind energy and the connection between cutover bogs & renewable energy projects.
- Integration of amenity & nature with windfarm project accords with the NPS.
- NPS states that the restoration or rehabilitation of cutover bogs can be compatible with wind energy installations.

Item 4 (b) complementarity of the future use of the site for peatlands restoration/rehabilitation (including carbon sequestration), alongside the operational (including drainage) requirements of the windfarm:

Restoration/rehabilitation:

- Condition 10 of the IPC Licence for the Mountdillion group of bogs requires the development of rehabilitation plans, but this cannot be achieved until production has ceased when final peat depths can be established.
- Appendix A contains draft rehabilitation plans for Derryarogue, Derryadd & Lough Bannow bogs which cover most of the windfarm lands.
- These plans deal with rehab measures in tandem with the construction & operation of the windfarm, the main criteria (site stabilisation & the mitigation of silt run-off) are not affected by the windfarm development.
- The re-wetting of cutaway bog strategy targets the maintenance of water levels close to the peat surface and avoids creating large open water bodies.
- Maintenance of water levels across the site will accelerate the re-vegetation process and thus environmental stabilisation & rehabilitation, this will require the use of existing drains (which will be blocked), pumps & settlement ponds.
- Many drains will be blocked by the windfarm project and this combined with the peat berms (from construction) will assist in rewetting adjacent areas.
- This relationship is illustrated in Drg. Nos. 10325-2006 to 2012 & the windfarm design allows for the maintenance of the required key drainage infrastructure that facilitates the maintenance of the water level & site re-wetting.
- Pumping during operational & rehab works will focus on the removal of excess surface water while maintaining levels close to the cutaway surface.
- The rehab plans recognise that surface topography is varied and that it would not be possible to re-wet all areas within the bogs which will result in the formation of dry woodland or drier habitats in such areas.
- Windfarm construction & operation will prevent the rehab of the area beneath the development footprint which would give rise to the creation of varied future habitats as illustrated Appendix B (BNM-PG-DD-01).
- Table 2.2 outlines the future predicted habitats post rehab and concludes that the windfarm impact on these habitats would be minimal & not significant.

- The rehab plans also address the potential for a positive impact on carbon emissions of fluxes from bogs after re-wetting and the creation of “soggy wetland conditions”, as the rewetting of industrial cutaway peatlands will impede carbon emissions and can sometimes result in carbon sinks.
- This is influenced by the balance between topography, rate & type of habitat development, water levels & the release of carbon from the remaining peat.

Carbon sequestration:

- The estimated reduction in potential carbon sequestration arising as a result of the windfarm footprint is outlined in Table 2.3 and summarised below.
- The rehab plans indicate that the maintenance of main drains, pumps & settlement ponds is key to the management of water levels and the development of the windfarm will have no effect on this.
- New windfarm drainage infrastructure may have a localised impact of water levels, future habitats & the level of potential carbon sequestration.
- A 25m buffer was applied to the infrastructure (Appendix B - BNM-PG-DD-01), which increased the area of potential impact from 51.8ha to c.194.4ha, whilst the total footprint including the temporary borrow pits increased the area of potential impact from 69.2ha to c.211.8ha.
- The potential sequestered Carbon over the 30 year period (tCO₂) would range from 7,925 for the windfarm infrastructure to 24,254 including the 25m buffer.
- The total Carbon offset due to the operation of the windfarm over the same period (tCO₂) would be 2, 570,066 for both the infrastructure & 25m buffer.
- The % reduction in offset due to the construction of the windfarm would range from 0.3% for the windfarm infrastructure to 0.9% including the 25m buffer.
- The windfarm will have a significantly net positive impact on CO₂ offset which far outweighs the potential loss of carbon sequestration due to its construction & operation, and there will be no impact on sequestration outside 25m buffer.

2.2. The applicant also submitted the unsolicited further information in relation to updated breeding bird surveys for Merlin which is contained in Appendix C. It examined c. 2,900ha of potentially suitable breeding habitat inside & within 2km of the site on 2 separate survey periods and no evidence of breeding Merlin was recorded and no

individuals were noted. The report concludes that breeding Merlin are unlikely to be a significant receptor with no adverse impacts predicted on this species.

3.0 Submissions

3.1. A total of 11 submissions were received from Observers following the publication of the Further Information response. Any new concerns raised by the Observers, which were not already highlighted in their original submissions, are summarised below.

Inland Fisheries Ireland:

- Specific consultations required with IFI in relation to the bog Rehab Plans.
- Prevention of peat silt pollution in watercourses & monitoring of water quality during rehab works, management of peat stocks (to prevent wind blow & runoff) and restoration of watercourses required.
- Management of peat silt removal from channels & watercourses along with instream enhancement works to encourage reversion back to a natural state.
- Detailed drawings required in relation to proposed interactions between bog land drainage & construction site drainage proposed in Rehab plans

Dept. of Culture, Heritage & the Gaeltacht:

- No further comments in relation to SFI submission.

Transport Infrastructure Ireland:

- No further comments in relation to SFI submission.

Irish Aviation Authority:

- No further comments in relation to SFI submission.

BirdWatch Ireland:

Rehab Plans:

- Proposed bog rehab works within the Rehab Plans are a precondition of the existing IPC licence and the works are not targeted at improving the status of Lough Bannow Bog pNHA or Lough Bawn Bog pNHA.

- The actions for Lough Bannow pNHA are an inadequate form of mitigation, peat extraction will continue & the impacts (including cumulative) of this have not been assessed in the NIS.
- Given the importance of the area for birds and concerns about the quality of the bird surveys, continue to recommend that permission be refused.

Merlin Breeding Bird Survey:

- SNH Guidelines, 2014 recommend that a minimum of 36 hours survey per VP, per season, between sunrise and sunset, over 2 years and within a 2km radius of breeding & roost sites.
- Timing of the survey (season) covered less time than recommended & may have missed early failed nesting attempts.
- Timing of the survey (daily) took place at sub-optimal times and few surveys took place before 10am & after 4pm (as per SNH Guidelines).
- Failure to carry out a 2-year survey to cover 2 breeding seasons.
- Lack of clarity on the adequacy of VP surveys & methodology, no details of the location & number of VPs and timing & duration VP watches (non-compliance with SNH Guidelines).
- Survey concluded that a 2nd year of surveys was not required given the lack of sightings during the 1st year & considering the habitats on site, and Merlin was not considered to be a sensitive ecological receptor.
- Disagree with this conclusion as there is evidence that Merlin uses the site during the winter & breeding seasons, and the Lough Bannow Bog Rehab Plan confirms the presence of Merlin & Curlew in the vicinity.
- In the absence of a full breeding survey it cannot be concluded that the surrounding habitats are not of importance to Merlin.
- Continue to recommend refusal of permission until completion of a breeding Merlin survey that complies with SNH Guidelines 2014.

Other matters:

- No further comments in relation to the SFI & unsolicited FI submissions.

- Continue to raise concerns in relation to the quality & adequacy of the Bird Surveys for several species and the collision & disturbance risks to birds.

No to Derryadd Windfarm Community Group:

- Non-compliance with Climate Action Plan by virtue of non-compliance with National Peatlands Strategy (which is referenced in the Plan) and the NPS states that Ireland has legal obligations to protect peatlands.
- Wind energy generation is sporadic which could affect carbon sequestration versus the carbon capture capacity of the wilderness park.
- The River Shannon SAC Whooper swans frequent the site for feeding & nesting and are at risk of collision with turbines, and the Royal Canal NHA runs close to the site and several bird species and Otter are at risk.
- Bog restoration and the windfarm project are incompatible with adverse impacts on biodiversity & wildlife.
- Extremely difficult to maintain the water levels in cutover & flooded bogs that are occupied by windfarms, with a serious risk of flooding anticipated.
- Windfarm infrastructure will prevent carbon sequestration beneath it.
- Inadequate breeding bird survey for Merlin.

Draft Rehab Plan - Derryarogue Bog

- No ongoing consultations with local communities.
- No clear view of drainage after completion of the windfarm & current water pumping by BnM has flooded farmlands.
- Successful works at another bog land are not relevant as the environmental circumstances area not the same.
- No active management of bog required therefore few employment opportunities versus wilderness plan.
- No reference to Peregrine falcon or other wildlife in Rehab Plan.

Draft Rehab Plan – Lough Bannow Bog:

- Ecologically diverse area that includes Merlin & Curlew.

- Inadequate consultations & ecological surveys, many species (including birds, bats, butterflies & mammals) not recorded and out of season surveys.

Other matters:

- No further comments in relation to the SFI & unsolicited FI submissions.
- Continue to raise concerns in relation to noise impacts, storm events, stray voltage and inadequate bird surveys & impact assessment.
- Attachments include: - photographs; EU Commissioner's letter in relation to Climate Action & the Longford Peat Lands; research paper on the wind turbines & badgers; and recent court judgements (C-164/17 & C-461/17).

Andrew Kiely:

- No evaluation of the amount of carbon emitted by BnM activities over the past 60 years which should be set against the calculated saving from wind energy.
- No further comments in relation to the SFI submission.
- Other concerns relate to the need for a visual impact assessment of past industrial mining of the bog lands, and contravention of a planning condition which required the removal of the wind mast by 2019 at Lough Bannow Bog.

Jim McCausland & Dominic McGrath:

- Request for FI and applicant's response was deeply & fundamentally flawed.
- BnM has not demonstrated sufficient legal title and without legal capacity cannot render the development compatible with the Climate Action Plan 2019.
- Application is for a 10 year permission which implies that the project is temporary, and it cannot have a permanent footprint as stated by the Board.
- No assessment of indirect impacts on the overall lands.
- The assertion that it is not possible to develop final plans for bog areas that are still in peat production as the final depths are not known raises scientific doubt with respect to the EIS & NIS.
- The EIS & NIS should also carry out a before and after flood risk assessment for the lands proposed to be flooded when the drains are blocked.

- Inadequate breeding bird survey for Merlin.
- Blocking drains & flooding areas will not automatically create a bog, especially if the pH of water is neutral and not mildly acidic as required for bog formation.
- The concrete in the project would cause less carbon sequestration which would be contrary to the Climate Action Plan.

Michael Keating & Others:

- No further comments in relation to the SFI submission.

John Kiernan:

- No further comments in relation to the SFI submission.

Eamon Donlon (new party):

- Adverse effect of wind turbines on birds.
- Peat extraction to accommodate turbines & infrastructure works will give rise to flooding in the surrounding area.
- Loss of carbon soakage capacity, the creation of a wilderness park would be a better use of the lands in terms of biodiversity and carbon sequestration.
- Several turbines located within 750m of houses and an animal sanctuary with adverse noise & infrasound impacts anticipated for both people and animals.

4.0 Further Assessment

The following issues will be assessed:

1. Compliance with Board FI request
2. Unsolicited Further Information
3. New Observer
4. EIA & AA

4.1. Compliance with Board FI request

The Board requested the applicant to have regard to 4 items of concern in relation to the Climate Action Plan 2019, peatland management and carbon sequestration, and to provide Further Information in relation to 2 of these items [4 (a) & (b)] as set out in section 1.2 above and reiterated below. The applicant's response is summarised in section 2.1 above and the Observers submissions are summarised in section 2.2.

Item 4 (a) The compatibility of the windfarm project with the totality of relevant provisions set out in the Climate Action Plan 2019, relating to the harnessing of renewable energy and to the better management of peatlands and soils.

The Climate Action Plan 2019 seeks to realise a 30% reduction in greenhouse gas emissions and increase reliance on renewables from 30% to 70% thereby adding 12GW of renewable energy capacity by 2030 whilst phasing out fossil fuels. Section 7 deals with Electricity and it states that that up to 8.2GW of the renewable energy target (70% & 12GW) could be met by on-shore wind capacity. The proposed windfarm development would contribute to the achievement of this target.

Section 11 of the Plan deals with Agriculture, Forestry and Land Use which it identifies as a source of carbon emissions and as having the potential to sequester carbon. Subsection 11.3 identifies a range of measures to deliver targets for a reduction in greenhouse gas emissions and 6 deals with the Better Management of Peatlands and Soils. Subsection 11.3.6 states that peatlands cover 21% of our land area and that they represent 64% of our total soil organic carbon stock, which equates to the largest carbon store in the Irish landscape. It states that this store is vulnerable to drainage for forestry, grazing and extraction and it sets out several

measures to manage this carbon sink, and the most relevant to the proposed development are set out below.

- **Measure:** Restore/rewet all raised bogs designated as SACs and NHAs within 3 cycles of the National Raised Bog SAC Management Plan 2017-2022. Such restoration measures and hydrological management of our protected peatlands will halt and reduce peat oxidation and carbon loss.
 - This Plan identifies the importance of undrained raised bogs as a carbon store, it notes that 53 raised bog sites have been designated as SACs, and it sets out a series of protection and restoration measures which could enhance their carbon sequestration capacity in the future. The proposed windfarm (51.8ha) would be located within a c.1908ha cutover bog that has been industrially extracted for decades. Except for a small section of pNHA in the SE corner, which has already been re-wet and a buffer provided, the overall lands are not designated as a SAC or NHA and the provisions of the National Raised Bog SAC Management Plan do not apply.
- **Measure:** Undertake further research to assess the potential to sequester, store and reduce emissions of carbon through the management, restoration and rehabilitation of peatlands as outlined in the National Peatlands Strategy.
 - This document sets out a national strategy for the sustainable management of peatlands and section 5.3 deals with Peatlands and Climate Change. It describes the role of natural undrained peatlands as carbon stores and it references the EPA report Carbon Reserve -The Potential of Restored Irish Peatlands for Carbon Uptake and Storage in terms of how peatland management might be used to enhance carbon sequestration and reduce emissions. It provides advice in relation to the management of non-designated peatlands to halt carbon loss and recommends restoration measures to stabilise eroding surfaces, re-establish peatland vegetation and encourage waterlogged conditions to enable peat formation. The applicant's confirmed that Bord na Mona has been active in carrying out research in this area and details have been provided in relation to several research projects.

- Principle P21 of the NPS states that consideration will be given to how best cutaway bogs can contribute to a low carbon economy through their use as sites for renewable energy. The proposed windfarm development would comply with this Principle.
- **Measures:** The remaining measures identified in subsection 11.3.6 are concerned with policy and research and are not project or site specific.

Item 4 (b) The complementarity (or otherwise) of the future use of all or part of the application site area which, falls outside the permanent windfarm footprint, for peatlands restoration/rehabilitation, including the potential for carbon sequestration, alongside the operational (including drainage) requirements of the proposed windfarm project.

- Section 5.3 of the National Peatlands Strategy deals with Peatlands and Climate Change, it describes the role of natural undrained peatlands as carbon stores and it references the EPA report Carbon Reserve -The Potential of Restored Irish Peatlands for Carbon Uptake and Storage 2007-2013. This report notes that industrial cutaway peatlands are highly degraded ecosystems that release significant quantities of CO₂ to the atmosphere annually. Both documents describe how peatland management might be used to enhance carbon sequestration and reduce emissions.
- As previously stated, the windfarm site (51.8ha) and overall lands comprise a substantial area of peatland (c.1908ha) that has been industrially extracted for decades, and as such a huge and unquantifiable amount of stored CO₂ has already been released into the atmosphere. Although the remaining peatland resource has the potential to act as a carbon store, its ability to sequester CO₂ has been adversely affected by site drainage (as the peat needs to be wet in order to function effectively as a store). Its ability to absorb CO₂ from the atmosphere has also been curtailed by the removal of vegetation, the absence of which affects the ability of the bog to regenerate.
- Until recently, and since 2000, industrial peat extraction required an Integrated Pollution Control Licence from the EPA. Condition 10 of the IPC Licence for this group of bogs required the development of rehabilitation plans

and Appendix A of the applicant's response submission contains draft rehabilitation plans for Derryarogue, Derryadd & Lough Bannow bogs, which cover most of the windfarm lands. The applicant states that the details cannot be finalised until production has ceased when final peat depths can be established, however it is likely that extraction probably ceased in late 2019, shortly before the FI response was submitted to the Board.

- By way of explanation, there are several applications currently before the Board from Bord na Mona for Leave to apply for Substitute Consent [under Section 177C(2)(b)] for peat extraction at several of its Midland bog complexes. This relates to a judgement of Mr Justice Simons on 20th September 2019 which ruled that planning permission is required for ongoing commercial peat extraction over 30 ha, and that substitute consent is required for historic peat extraction activities. On foot of this decision, Bord na Mona states that it has now ceased all its peat harvesting activities.
- Notwithstanding this anomaly, I am satisfied that the Draft Rehabilitation Plans provide a useful indication of how the bogs could be rehabilitated and restored using the measures outlined, in tandem with the windfarm project. However, it is noted that the success or otherwise of the Draft Plans would be influenced by a variety of factors including the balance between topography, rate and type of habitat development (including species type), local microclimate and the maintenance of optimal water levels across the site. It is acknowledged that it might not be possible to re-wet the entire peatland area because of changes of site levels in-combination with the need to avoid the creation of open water bodies and to avoid flooding adjacent areas. It is also noted that the re-vegetation works (including their ongoing monitoring) could be substantially more labour intensive than alluded to in the Draft Plans. However, in the event that the Board is minded to grant planning permission, it may wish attach a condition to require the preparation of further detailed rehabilitation and restoration plans for the peatlands lands, for submission of the planning authority for written agreement before development commences. Such plans should provide for the re-vegetation and ongoing monitoring of the bog's regeneration.

- As previously stated, the proposed windfarm development would contribute to the achievement of the renewable energy target for on-shore wind contained in the Climate Action Plan 2019, and it would comply with Principle 21 of the National Peatlands Strategy 2015 in relation to the reuse of cutaway bogs for renewable energy projects. The proposed development would comprise 24 turbines which would generate and contribute c.240,000MWh to the national grid per year over a 30 year period, and the operational windfarm would have a total Carbon (tCO₂) of c.2, 570,066 tonnes over its lifetime.
- Provided that the degraded peatlands are rehabilitated and restored successfully, the remaining organic soil resource would continue to sequester carbon. Any spatial loss of this storage capacity as a result of the construction of the turbines and windfarm infrastructure (and associated buffers or elevation section) would be minuscule when compared to the anticipated carbon offset against the operational windfarm.

Conclusion:

Having regard to the foregoing and taking account of the concerns raised by the Prescribed Bodies and Observers (which did not raise any new relevant issues), I am satisfied that the applicant has provided a robust response to the Board's request for Further Information.

4.2. Unsolicited Further Information

The contents of the applicant's unsolicited Further Information in relation to the Breeding Merlin Survey are noted, as are the concerns raised by the Observers (including BirdWatch Ireland and Jim McCausland & Dominic McGrath) in relation to the quality of the survey, non-compliance with the SNH Guidelines 2014 for such surveys, and the veracity of the conclusions reached. The Observers also raised concerns in relation to the difficulties associated with detecting breeding Merlin which would in turn justify the need for a 2-year survey.

The SNH Guidelines 2014 recommend that the survey should take place within a 2km radius of breeding and roost sites and comprise a minimum of 36 hours survey per Vantage Point (VP), per season, between sunrise and sunset, over 2 years. The applicant's survey, which took place over one year, did not fully adhere to these

Guidelines, and it is noted that not all of the VP surveys took place entirely within the recommended survey season or between sunrise and sunset.

Notwithstanding this non-compliance and based on the information submitted with the planning application and unsolicited Further Information, I am satisfied that Merlin is unlikely to breed within the site of the proposed development, although it is possible that suitable nesting and foraging habitats lie within the overall lands. If the Board is minded to grant planning permission for the proposed development, then this concern could be addressed by way of a planning condition which would require a pre-construction survey of the site. If a nest is encountered during this survey, all works in the vicinity should cease until the nest has been vacated at the end of the breeding season, and an appropriate buffer should be provided around the nest to avoid both direct and indirect disturbance during the construction and operational phases of the windfarm project.

4.3. New Observer

The concerns raised by the new observer are noted, however these issues have already been addressed by the Inspector in his report dated 06th September 2019.

4.4. EIA and AA

The applicant's response to the Board's request for Further information, the unsolicited Further Information, and the response submissions received from the Prescribed Bodies and Observers are noted. I am satisfied that the information submitted would not give rise to any changes to the conclusions reached by the Inspector in respect of the EIA and AA in his report dated 06th September 2019.

5.0 Recommendation

Having regard to the foregoing, I am satisfied that there is adequate information before the Board to enable it to continue with its deliberations in relation to the proposed windfarm development.

Karla Mc Bride

Senior Planning Inspector

05th March 2020