An Bord Pleanála

Inspector's Report

ADDENDUM

FILE REFERENCE:	PL05E.244417
Location:	Clogheravaddy, Meenagranoge and Meenachan, Donegal PO, Co. Donegal
Proposed Development:	Wind energy project, 7 wind turbines, new internal access tracks, upgrade existing tracks, underground cabling, electrical substation.
APPLICATION DETAILS:	
Applicant:	Clogheravaddy Wind Farm Limited
Planning Authority:	Donegal County Council
P.A. Reference:	14/51305
P.A. Decision:	Refuse Permission
APPEAL DETAILS:	
Appeal Type:	First Party against Refusal
Observer:	Joseph Brennan
INSPECTOR:	Sarah Moran
Date of Site Inspection:	26th and 27th April 2015

NOTE: This addendum is to be read in conjunction with the original Inspector's Report on file dated 9th June 2015.

1.0 SECTION 132 REQUEST

1.1 The Board issued a notice under section 132 of the Planning and Development Act 2000 (as amended) on 16th October 2015, which stated the following:

The Board is not satisfied based on the information submitted that the conclusions of the NIS regarding avi-fauna impacts which are based on the findings of bird surveys carried out at the site in 2011 and 2014, as detailed in the EIS and has concluded that the survey data is deficient with regard to best practice.

The Board has particular concerns with regard to potential impacts on Lough Nillan SPA, located 0.5m north west of the site. According to the site synopsis, the site comprises an extensive complex of blanket bog, wet heath, lakes, rivers and streams and supports an excellent range of bird species typical of peatland habitats. Both the Golden Plover and the GWF goose have been noted at the subject site and the Whooper Swan has been noted in the vicinity. The Board has concluded that the survey information available does not provide a full picture of local commuting and breeding patterns for these species.

The applicant was required to submit the following information on or before April 15th 2016:

The applicant is invited to demonstrate by way of further adequate survey information that the proposed development will not have adverse impacts on the Red Grouse, Golden Plover, Whooper Swan and Greenland White-Fronted Goose species, or impacts on Lough Nillan Bog SPA, located 0.5 km from the development site, as the Golden Plover and White-Fronted Geese are listed as special conservation interests for this site.

2.0 APPLICANT'S RESPONSE TO SECTION 132 REQUEST

2.1 The applicant submitted a response to the Board on 9th November 2015. The response comprises a document prepared by the applicant's agent, Tom Philips + Associates Town Planning Consultants. It includes general points relating to the overall timeframe of the proposed development, as well as an additional report on bird survey data, which covers the particular bird species referred to in the section 132 notice and impacts on the Lough Nillan Bog SPA. Each of these issues may be considered separately as follows. The applicant submitted an additional comment on the timeframe of the appeal on 2nd December 2015, which is also summarised below.

2.2 Issues Relating to the Timeframe of the Appeal

2.2.1 The following general points are made in relation to the timeframe for the Board's consideration of the appeal:

- The first party appeal was lodged on 9th February 2015. A decision was originally due to be made on 8th June 2015. The applicant was notified on 8th June 2015 that the Board intended to decide the appeal before 18th July 2015. A further letter dated 20th July 2015 outlined that the Board would not be in a position to determine the appeal by 18th July as previously indicated. The

further information letter was issued on 16th October 2015, a full 8 months after the lodgement of the appeal.

- The submission highlights the commercial implications for the proposed development due to the delayed determination of this appeal. The government Renewable Energy Feed in Tariff (REFIT 2) scheme was introduced to encourage the development of new renewable generation for onshore wind, hydroelectric, biomass and landfill gas in order to contribute towards Ireland's 2020 renewable energy target. The deadline for submissions of applications for REFIT is 31st December 2015, however projects must be in receipt of a full planning permission before 31st December 2015 in order to be eligible for REFIT 2 support. There is concern that the proposed development could not be realised in the event that the applicant is unable to submit such a REFIT 2 application.
- The applicant wishes to bring the Board's attention to the fact that there have already been significant costs incurred to date in relation to payments made to ESB for a grid connection from the proposed scheme to the 110 kV substation at Binbane. A further payment is due to the ESB on 4th December 2015. Details of this payment are submitted in support of this statement. This point is made to stress the importance of a prompt decision on the subject appeal.

2.2.2 The additional submission of 2nd December 2015 includes the following main points:

- The applicant submits a 'Clarification Notice' issued by the DECNR, which states that the Department will accept REFIT applications from schemes which have applied for a planning permission that is currently under consideration but awaiting final determination, subject to the submission of satisfactory documentation, and/or schemes which have applied for a grid connection offer/agreement from ESB networks or EirGrid.

2.3 Additional Bird Survey Data

2.3.1 The response includes a document entitled *Clogheravaddy Wind Farm Response to Request for Further Information: Winter Bird Survey 2014-2015* prepared by Ecology Ireland wildlife consultants. This presents the results of winter bird surveys carried out at the development site during the period October 2014 to March 2015. It was prepared to supplement the previous avian surveys carried out during 2010-2011 and 2014 as submitted in the EIS. The report presents the following supplementary information on the usage of the site and the surrounding lands by key bird species:

- Flightline observation tables and flightline maps based on monthly Vantage Point (VP surveys)
- Details of surveys carried out at lakes within a 6 km hinterland of the site.

Section 4 of the report provides analysis of the findings with regard to the bird species mentioned in the section 132 notice, i.e. GWF Goose, Whooper Swan, Golden Plover and Red Grouse. Section 5, the concluding section of the report, presents a review of scientific literature on the potential impacts of wind farm development on bird species of conservation importance.

3.0 OBSERVER SUBMISSION

3.1 The observer Joseph Brennan has made an additional submission in relation to the further information submitted, to supplement his previous submissions on file. The following main points from same are noted.

3.2 General Comments

- The applicant's response is inadequate as it does not address issues highlighted in the Board's request for further information.
- Concerns regarding the applicant's comments on the timeframe of the appeal. Issues raised regarding the REFIT 2 scheme are commercial and ancillary to the planning application.
- It is submitted that the fact that the applicant carried out additional bird survey work in winter 2014-2015, before the application was submitted to the planning authority, confirms that the applicant was aware that the information provided in the application was deficient and therefore the application was premature. The initial application was inadequate and the subsequent delays have been caused by this inadequacy. The Observer objects to the 'twin track' approach of submitting an application and simultaneously preparing additional information. The applicant should have waited until a complete set of survey information was available to submit the application.
- There is still no adequate breeding bird survey.

3.3 GWF Geese

- The overall survey information does not adequately address the risks to migratory GWF geese, an Annex I species. It is submitted that the NPWS Ranger has noted GWF geese at Lough Tamur, within the Lough Nillan Bog SPA since 2013, also that there is a resident flock of the species in the area, which is separate from the Sheskinmore flock. Lough Tamur is therefore not just used for foraging purposes by GWF geese. The NPWS ranger had observed GWF flocks at Lough Tamur simultaneously to the resident flock at Sheskinmore. See table below.
- It is submitted that carrying out VP surveys on consecutive days does not meet the requirements of the Scottish Natural Heritage guidance for two surveys per month. The bird survey data submitted is deficient overall.
- The proposed wind energy development is a serious threat to an Annex I species which is 'holding its own' in Donegal.
- The further information response does not give adequate consideration to possible GWF migratory routes, VPs should have been carried out at specific 'time windows' for migratory movements. GWF geese in Donegal migrate to internationally recognised habitats such as the Wexford slob lands.
- The request for further information gave the applicant up to 15th April 2016 to conduct additional bird surveys, however the applicant did not avail of this additional time. There is an emphasis on commercial issues at the expense of protection of the SPA.

3.4 Golden Plover

- The submission notes the additional Golden Plover sightings at the development site.
- It is likely that the 90 Golden Plover observed at the site on 19th March 2015 were feeding on the bog at the time, indicating a good food supply as this is an above average flock size on upland terrain. The time spent by the birds circling over the site is attributed to disturbance caused by the observer at the VP point.
- It is submitted that maps 3.4 and 3.5 indicate that there was a consistent presence of feeding Golden Plover from the end of January to mid March 2015.
- The additional survey data does not include the breeding season, i.e. April to June, which is the best time for all best practice breeding wader bird surveys.
- It is inadequate to suggest that the development site is unsuitable for Golden Plover as most upland habitats vegetation and insectivorous availability are constantly changing.

3.5 Red Grouse

- The Observer manages a Red Grouse sanctuary, Cró na mBraonáin, on Achla Mountain between Fintown and Glenties, Co. Donegal, north of the development site. It is submitted that this sanctuary may be a few 'stepping stone sites' away from the development site.
- No breeding survey was carried out for Red Grouse.
- The additional 2014-2015 data submitted includes observances of Red Grouse at Lough Nillan SPA. The previous presence of a breeding pair as noted in earlier 2014 surveys is also noted. The observer submits that it is very significant that a breeding pair are recorded at the development site, also that 5/6 males heard calling in adjacent territories are unlikely to all be single.
- The habitat type between the development site and the protected sites in the area is unbroken, there is ecological connectivity between the appeal site and designated conservation sites.

3.6 Additional Documentation NPWS Ranger

- A copy of an email by Emer Magee, NPWS Ranger SW Donegal, dated 8th December 2015, is submitted in support of the Observer's comments.
- This states that there were several sightings of GWF geese at Tamur Lough during 2013-2015. A table listing the sightings is submitted, which is reproduced here:

Date	Location	Number	Notes
07/11/2013	Sheskinmore Lough	22	Including 5 juveniles
07/11/2013	Tamur Lough	22	No juveniles
20/11/2013	Sheskinmore Lough	21	And 1 Barnacle Goose
21/11/2013	Tamur Lough	22	
29/10/2015	Tamur Lough	14	Including 4 juveniles
04/11/2015	Sheskinmore Lough	10	All adults, feeding on dry grassland, moved onto lough.
06/11/2015	Tamur Lough	31	Feeding on wet grassland, including 4 juveniles

06/11/2015	Sheskinmore Lough	12	Feeding on marsh south side of Lough. All adults.
18/11/2015	Sheskinmore Lough	24	Poor visibility. All flew up and landed at Mullyvea.

- The Ranger noted GWF geese at Tamur Lough and Sheskinmore Lough on the same day in November 2013 and is certain from this count that there are 2 separate flocks. She concluded that the Tamur Lough birds must be feeding at other locations in the vicinity that have not been identified. Photographs of this record are submitted.

4.0 ASSESSMENT

4.1 Introduction

4.1.1 The applicant's concerns regarding the timeframe of the appeal are noted. It is proposed to assess the submitted response with regard to the following topics:

- Adequacy of Additional Bird Survey Data
- Additional Assessment of Ornithological Impacts
- Additional Assessment of Impacts on Lough Nillan Bog SPA
- Conclusion and recommendation

4.2 Adequacy of Additional Bird Survey Data

4.2.1 It is proposed to review the bird survey data submitted with the original appeal for the sake of clarity. The existing and additional bird survey data may be considered separately as follows.

4.2.2 <u>Existing Bird Survey Data</u>

I note that the EIS and NIS on file, as submitted with the original planning application (ref. 14/51305), are based on the following bird survey data (section 6.2.2 and appendices of the EIS, also detailed in section 1.2 of the applicant's response to the section 132 notice):

1. Bird surveys carried out at the site by Scott Cawley Environmental Consultants during 2010-2011:
   - Monthly Vantage Point (VP) watches carried out at 2 fixed locations from October 2010 to September 2011. 24 no. surveys in total with 6 hours coverage per month at each location. Surveys were scheduled to record crepuscular movements of key species. Dates and times of the surveys are provided in the EIS appendices.
   - Upland breeding bird survey carried out from April to June 2011 (3 visits) using a standard upland breeding bird technique.
   - The 2010-2011 field surveys included checks of all lake habitats in the hinterland of the site for waterbirds, particularly the red-throated diver.

2. Surveys carried out by Ecology Ireland in 2014:
   - Breeding season VP survey carried out with 2 simultaneous VPs at the northern and southern ends of the development site (EIS Fig. 6.1, response

submission Fig. 1.2), carried out on 17th April 2014, 28th May, 25th June 2014, 23rd July 2014, i.e. 4 occasions in total.

- Early (16th and 30th April 2014) and late (23rd and 30th July 2014) season hinterland surveys of areas within 6 km of the site boundary carried out over 4 days. All local lakes and nearby areas designated for the protection of breeding and/or wintering birds were visited during the hinterland surveys. The survey area includes part of the Lough Nillan Bog SPA and SAC.
- 2 breeding bird survey transects, 1 km in length were surveyed on 17th April 2014, 28th May 2014, 25th June 2014 (Fig. 6.3 of EIS, response submission Fig. 1.4).
- A tape-lure playback for Red Grouse was carried out under licence from the NPWS between 13.00 and 15.30 on March 6th 2014 at the cutaway bog in the northern part of the development site (EIS Fig. 6.4, response submission Fig. 1.5).
- An intensive walkover study was carried out on 30th April 2014, 28th May 2014, 25th June 2014, 23rd July 2014 to survey for breeding Merlin and wading bird species. Intensive searches were carried out adjacent to the development site.

An EIS Addendum dated February 2015, relating to potential impacts associated with the proposed grid connection, was submitted with the grounds of appeal. This document does not present any additional bird survey data. An NIS addendum is included as Appendix I of the EIS. Likewise, no additional bird survey data is presented.

4.2.3 Additional Bird Survey Data Submitted with Response

The submitted winter bird survey report is based on surveys carried out at the development site by Ecology Ireland Wildlife Consultants Ltd. during the period October 2014 to March 2015. The additional data comprises the results of Vantage Point (VP) surveys, lake surveys and 'casual bird records' during this period. Each may be considered separately as follows.

VP Surveys:
Dawn and dusk VP surveys were simultaneously carried out at locations VP1 and VP2 (same as previous surveys) on the following dates (detailed in Appendix 1 of the response submission): 30th October 2014 (dusk), 31st October 2014 (dawn), 20th November 2014 (dawn and dusk), 22nd December 2014 (dawn and dusk), 26th January 2015 (dusk), 27th January 2015 (dawn), 23rd February 2015 (dawn and dusk), 19th March 2015 (dusk), 20th March 2015 (dawn). Each survey lasted 3 hours, i.e. a total of 36 hours of survey time at each location. The VP surveys were carried out to record the target species, i.e. Red Grouse, Golden Plover, Whooper Swan and Greenland White-fronted (GWF) Goose. The resultant data is presented as flightline observation tables.

Lake Surveys:
The following lakes in the hinterland of the development site, i.e. within a radius of 6 km, were surveyed during the 2014-2015 winter period (Fig. 2.1 of the bird survey document):

Lake	Distance from Site
Tullinlough	c. 290m
Black Lough	0.9 km
Tamur Lough	1.5km
Lough Nammafin	2km
Drumagraa Lough	3 km
Small unnamed lake to west of subject site	3.4 km
Camlargy Lake	3.7 km
Croagh Lake	4.2 km
Lough Nillan	4.4 km
Drumrone Lough	4.5 km

As per Table 3.2 of the Winter Bird Survey Report, surveys were carried out on 30th October 2014, 20th November 2014, 22nd December 2014, 27th January 2015, 23rd February 2015 and 19th March 2015.

Casual Bird Records:
Additional bird species recorded during the VP surveys and in walking to and from the VP locations were recorded as 'casual bird records'.

4.2.4 Assessment

The totality of bird survey data may be considered with regard to the Scottish Natural Heritage (SNH) guidance document '*Recommended bird survey methods to inform impact assessment of onshore wind* farms' (May 2014), as set out in section 8.6.5 of the original Inspector's Report on file and as referred to in the submitted Winter Bird Survey Report.

With regard to the duration of the survey period, the SNH guidance generally recommends that bird survey work is carried out over a 2 year timeframe, particularly for larger or more sensitive developments, in order to allow for variation in bird use between years. The development site has a sensitive upland location 0.5 km from an SPA. The submitted survey data relates to the periods October 2010 to September 2011 (12 months), April to July 2014 (4 months) and October 2014 to March 2015 (6 months). While it is somewhat shorter than ideal, it does cover most times of the year in two separate years. In addition, the VP surveys, breeding bird surveys and hinterland surveys were all carried out in separate years. The overall duration of the surveys is therefore considered acceptable.

With regard to the extent of the survey work, it is noted that the VP surveys were limited to the development site and its immediate surrounds only. However, surveys were carried out at lake habitats in the hinterland of the site during the period 2010 to 2011, April to July 2014 and October to March 2015. This is important considering the nearby location of the Lough Nillan SPA, 0.5 km to the northwest of the development site. The overall extent of the survey work is therefore considered acceptable.

With regard to the nature of the survey work, it is noted that not all of the VP surveys were carried out at various times of the day across the calendar year. However, it is also noted that additional surveys were carried out for specific

species, i.e. Red Grouse and that additional breeding bird surveys were carried out in 2 separate years. The nature of the survey work is therefore considered acceptable overall.

To conclude, it is considered that although the total bird survey data submitted still has some shortcomings with regard to international best practice, it is adequate for the purposes of this assessment. The NPWS comment on the original PA file is also noted in this regard.

4.3 Additional Assessment of Ornithological Impacts

4.3.1 Potential impacts on the specific species mentioned in the section 132 notice may be considered separately as follows, along with impacts on other species included in the survey data on file.

4.3.2 Red Grouse

The following observances of Red Grouse were noted at the site or in the vicinity during the VP surveys of October 2014 to March 2015:

Date and Time	No. of birds	Location / Other Info
31/10/2014 Dawn	Not specified	Red Grouse heard calling to the north west of VP2 outside the development site boundary. Red Grouse also heard calling east of VP1
20/11/2014 Dawn	5	4 separate calling males recorded off-site to the west of the development site boundary. A single male bird observed close to VP1 in the northern part of the development site during the same period.
22/12/2014 Dawn	4	At least 2 Red Grouse heard calling from the north of the development site and a further 2 were heard calling from the west of the site towards Black Lough.
Dusk	1	A single male was heard calling from an area alongside the existing trackway to the north of the conifer plantation on-site.
26/01/2015 Dusk	1	One bird observed moving a short distance to the west of VP1 in the northern part of the site.

Section 3.3 of the Winter Bird Survey Report notes that there were casual observances of Red Grouse on 5 of the 6 winter months surveyed. The report notes that Red Grouse has suffered a major decline in breeding population in Ireland over recent decades.

Figures 3.1, 3.2 and 3.3 of the Winter Bird Survey Report indicate the locations where Red Grouse were observed during the VP surveys. These are generally associated with open areas of bog. There was only one observance close to the location of the proposed turbines, i.e. observance no. 15, when a Red Grouse was heard calling from close to turbine no. 5, the northern most turbine within the scheme. The analysis provided in section 4 of the report notes that there are

consistent records of activity of Red Grouse on the northern section of the site where a breeding pair was recorded in 2014. It is submitted that there were no calling Red Grouse recorded in the southern portion of the site during the 2014-2015 survey period although up to 4 separate calling males were simultaneously recorded interacting on lands outside of the site boundary to the west of the existing access track. The report also comments that the northern part of the development site has already been impacted by development as it is crossed by a 110 kV overhead line and there is ongoing peat harvesting and sheep grazing in the area.

Section 5 of the Winter Bird Survey Report notes that there is good evidence to suggest that Red Grouse numbers are not scientifically impacted by wind farm development other than short term construction disturbance. It cites several studies that are relevant in this regard.

To conclude, the above findings are consistent with those of the previous bird survey results submitted in the EIS. It appears that Red Grouse are active at and around the site (see section 8.6.5 of the Inspector's Report). This point is also made by an expert on this species in the third party comment above. However, it is accepted that Red Grouse activity generally appears to be associated with the areas of open bog in the northern part of the site and to the east and west of this area, i.e. away from the proposed turbines. As per the Inspector's Report on file, this ground dwelling species generally nests on the ground and flies near ground level and away from the rotor swept area. Potential impacts therefore relate to direct disturbance during construction and to fragmentation of habitat. The findings of bird survey work at other wind energy development sites found that Red Grouse are thinly distributed across suitable open bog and heath habitats, but will not be affected by developments sited within forestry. On this basis, I am satisfied that the proposed development is unlikely to have significant adverse impacts on Red Grouse in the area, subject to the implementation of satisfactory mitigation measures.

4.3.3 Golden Plover

The following observances of Golden Plover were noted at the site or in the vicinity during the VP surveys of October 2014 to March 2015:

Date and Time	**No. of birds**	**Location / Other Info**
27/01/2015 Dawn	2	2 Golden Plover were observed circling near VP1 from 5-50m above ground level (AGL). Golden Plover later heard but not seen above VP2.
19/03/2015 Dusk	Up to 90	A flock of up to 90 individuals was observed during the dusk VP survey. The mobile flock rose from the bog close to VP1 and circled and broke into sub-flocks which remained in the air for a prolonged period of nearly 30 minutes. Spent 28 minutes at >150m AGL.
20/03/2015 Dawn	5	Several sightings during the same survey period: • 5 Golden Plover seen flying from the direction of Tulinlough towards VP1. Landed beside track

	20 40 18	north of VP1. Birds initially at >50m AGL but quickly dropped towards the ground. • 20 seen in flight during the same survey period, dropped onto bog close to location where earlier flock landed. • c. 40 rose from bog and flew south to a height of >100m AGL. • 18 arrived from northeast of site and landed on rough grassland north of the access track. These sightings were principally associated with birds moving to and from an area of open, sparsely populated bog to the north of VP1.

Table 3.3. of the Winter Bird Survey Report, which records casual sightings during the winter lakes survey, notes that Golden Plover were recorded during the January and March surveys, however no further details are provided.

Figures 3.4 and 3.5 of the Winter Bird Survey Report indicate the Golden Plover flightlines observed during the VP surveys of January and March 2015. It is clear that the birds were active throughout the site during the March 2015 survey, including the area where the proposed turbines are located. The analysis in section 4 of the report comments that the species is highly mobile and they are especially fluid in terms of flock dynamics towards the end of the winter period. Wintering Golden Plover are primarily Icelandic bred individuals and recent evidence confirms that the wintering numbers of Golden Plover in Ireland are relatively stable with some minor increases in the wintering distribution throughout the country. This population is distinct from the small numbers of that breed at a number of upland areas, largely in the north west of the country and winters in northwest Europe. The report concludes that the Golden Plover occurring at Clogheravaddy towards the latter part of the winter period 2015 were exhibiting the dynamic and loose aggregation of wintering flocks in the period immediately prior to migration to the northern breeding grounds, i.e. wintering Golden Plover rather than locally breeding birds. It notes that the Lough Nillan Bog SPA is designated for the conservation of breeding Golden Plover, 17 pairs of which were reported as breeding at the site in 2002 in the last reporting cycle. It is submitted that the SPA is not designated because of its importance for wintering Golden Plover and the occurrence of wintering Golden Plover in the wider area is not the focus of the conservation objective. The development site is of no appreciable value to breeding Golden Plover and does not contain optimal foraging habitats for the species. It is unlikely that the site is near a major flyway for the species given the relatively small numbers observed.

Section 5 of the Winter Bird Survey Report notes several studies which indicate that windfarms do not result in any significant decline in Golden Plover numbers. A review of 22 studies suggests that Golden Plover will approach wind turbines to an average distance of 175m in the non-breeding season meaning that the potential displacement zone is relatively small. It is submitted that in the context of the development site, this notional displacement zone contains a high proportion of habitats of no value to breeding or wintering Golden Plover. This point is contested by the Observer, who states it is inadequate to suggest that the

development site is unsuitable for Golden Plover as most upland habitats vegetation and insectivorous availability are constantly changing.

The results of previous bird surveys as presented in section 6.3 of the EIS, did not note any large flocks of Golden Plover at the development site or in the immediate vicinity. The Observer comments regarding a lack of breeding bird surveys are noted. However the bird survey information provided with the original EIS included the results of breeding bird surveys carried out at the site during the period April to June 2011, also VP surveys carried out at the development site during this period. In addition, there was a breeding season VP survey at the development site during the period April to July 2014, as well as breeding bird transect surveys in April, May and June 2014. I am therefore satisfied that the survey findings are likely to be reasonably representative of Golden Plover activity in the area. Neither the EIS nor the additional bird survey report present any consideration of collision risks for the species. It is reasonable that no collision risk model was carried out in the EIS as the species was not observed during VP surveys. The comments in the Winter Bird Survey Report regarding wintering Golden Plover are noted. They are consistent with the dates when the recorded observances took place and with the overall lack of observances of the bird at this location.

The Bird Watch Ireland website notes that Golden Plover visit Ireland in summer from France and Iberia and in winter from Iceland. Some possibly remain year-round but most are in Ireland between October and February. Wintering birds are regularly found in large, densely-packed flocks, and in a variety of habitats, both coastal and inland. Their distribution is widespread in Ireland. Golden Plover breed in heather moors, blanket bogs & acidic grasslands, their distribution is limited to the uplands of northwest counties in Ireland. Given that the observed flocks were noted on 2 consecutive days only, it would appear that while Golden Plover are present in the general area, there is not a coherent picture of activity at the development site or in its immediate vicinity.

I conclude the following with regard to the totality of information available:

- The development site and its immediate vicinity are probably occasionally used by wintering Golden Plover. Potential impacts on these birds would generally relate to collision risk, along with the indirect impacts of habitat fragmentation and disturbance. Given the small number of observances over a 2 year period, the development site would not appear to be located on any major migratory flight paths. Potential impacts on wintering Golden Plover are minimal with regard to the low level of usage of the site by the species.
- With regard to the lack of observances, it is considered unlikely that the development site or its immediate vicinity are used by the breeding Golden Plover that are a qualifying interest of the Lough Nillan Bog SPA. Adverse impacts on breeding Golden Plover are therefore unlikely.

4.3.4 Whooper Swan

The following observances of Whooper Swan were noted at the site or in the vicinity during the VP surveys and the hinterland lake surveys of October 2014 to March 2015:

Date and Time	No. of birds	Location / Other Info
30/10/2014	4	4 Whooper Swans (3 adults and 1 young) observed during lake survey at Tullinlough 4 Whooper Swans (2 adults and 2 young) observed at Drumgraa Lough.
31/10/2014 Dawn	5 4	VP survey. 5 no. birds moving between the 2 small lakes at Tullinlough (2 adults and 3 juveniles). The same 5 birds were observed moving a short distance back to the eastern lakes at Tullinlough. 4 birds flew over the lake and dropped onto lake.
20/11/2014 12.30-13.40	4	4 adult birds observed in lake survey of Lough Tamur
22/12/2014	8	8 Whooper Swans observed at Lough Tamur
27/01/2015	3	3 Whooper Swans (adults) at Tullinlough

Table 3.3, which records casual observances, notes that Whooper Swan were recorded during the October survey period but does not provide any further details.

The Winter Bird Survey Report submits that that the overall observances of Whooper Swan were very low in the context of a wintering population in Ireland believed to be well in excess of 15,000 birds. Figure 3.1 of the report indicates the Whooper Swan flightlines observed, which are in an open area to the east of the development site and close to the Tullinlough lakes at that location. The analysis provided in section 4 of the report also notes that the hinterland lake survey found a peak cumulative count of 8 individual birds in the monthly lake surveys and concludes that "… *the hinterland does not support any flock of appreciable size*". I note that the above survey results all relate to lakes in the area, which provide suitable habitat for this species, however there are no observances of flightlines over the development site. This is consistent with the data presented in the EIS, which does not note any incidence of Whooper Swan at the development site.

Potential impacts on Whooper Swan relate to collision as well as the indirect impacts of habitat fragmentation and disturbance. The EIS does not present any assessment of collision risk, however, as with the Golden Plover, this is reasonable given the lack of observances of the species. The Bird Watch Ireland website notes that Whooper Swan are a winter visitor to wetlands throughout Ireland from October to April. They feed on aquatic vegetation, grasslands and stubble and winter on lowland open farmland around inland wetlands. The population occurring in Ireland breeds in Iceland. With regard to the above noted observances, it would appear that wintering Whooper Swan use the lakes in the area as feeding sites. Although the conifer forest and cutaway bog of the development site are not suitable foraging habitat for the species, the wetland area on the western side of the site could be used as a feeding site. However, given that the survey data presented does not include any records of the species at the development site, there is no consistent evidence of same. There seems to be a trend in the wind energy development EIS results that wintering birds are seen in open areas, but have not been seen overflying the areas of conifer forestry in which various wind energy developments have been proposed. In addition, there is no evidence of a flight path, flyway or commuting corridor for the species in the immediate vicinity

of the development site. Whooper Swan could be moving between the noted feeding sites at Tullinlough lakes, Tamur Lough and Drumgraa Lough, however these are all located to the north and east of the development site and away from the proposed turbines. On this basis, with regard to the available information, it is considered that potential adverse impacts on Whooper Swan are unlikely.

4.3.5 Greenland White-Fronted (GWF) Goose

There were no observances of GWF geese during the VP surveys or the lake surveys in the period October 2015 to April 2015. In addition, the information provided on casual observances during the winter survey period of October 2014-April 2015 does not record any findings of GWF goose. The analysis provided in section 4 of the Winter Bird Survey Report comments that the only observation of GWF geese at the development site, as noted in the original EIS, was a single small flock (6 birds) that flew across the site on 21st November 2010. The nearest historical feeding site is at Tamur Lough within Lough Nillan Bog SPA, c. 1 km to the north west of the site boundary and over 1.5 km from any of the proposed turbine locations. Having regard to the assessment of potential impacts in section 8.6.7 of the Inspector's Report on file, I note that the development site is not known to be used by GWF geese. The EIS does not calculate collision risk, however there are not enough recorded observances at the site to do so. The proximity to Lough Nillan Bog SPA is noted. The additional observances by the local NPWS ranger, as submitted by the Observer and summarised above are noted. It would appear that there are separate flocks of GWF geese present at Tamur Lough (within Lough Nillan Bog SPA) and Sheskinmore Lough (within Sheskinmore Lough SPA), see enclosed map. However, the EIS concludes that the development site does not appear to be a regular foraging site or commuting route for the species and, with regard to the overall lack of observances of the species at the site, this point is accepted. It note that Tamur Lough and Sheskinmore Lough are both to the north west of the development site. On this basis, with regard to the available information, it is considered that potential adverse impacts on Greenland White-fronted Geese are unlikely.

4.3.6 Other Avian Species

The following observances of target species of conservation concern (as listed in the section 6.3 of the EIS on file) were noted at the site or in the vicinity during the winter bird survey of October 2014 to March 2015:

Kestrel:
Amber Listed BoCCI. A raptor species that breeds throughout the country. Associated with open habitats including coasts, moor land, farmland, wetlands, roadside verges and town parks.1 Kestrel foraging on-site, flew over forestry at 20 m AGL during dusk VP survey of 30th October 2014. A Kestrel was recorded foraging over cutaway bog in the northern portion of the site during the dusk VP survey of 26th January 2015. There is also a record of casual observances in October 2014 and January 2015 (Table 3.3 of Winter Bird Survey Report). Figures 3.1 and 3.4 of the report indicate the flightlines observed at the development site, which were in the northern part of the site and not in the area where the proposed turbines are located.

Snipe:
Amber listed BoCCI. A waterbird which forages across a variety of wetland and damp habitats. Snipe recorded in flight, calling as it headed east during the dawn VP survey of 31st October 2014. A Snipe was flushed from the bog just east of VP1 but outside of the development site boundary during the dusk VP survey of 20th November 2014. Snipe heard a short distance to the east of VP1 outside the development site during the dusk VP survey of 19th March 2015. Figures 3.1, 3.2 and 3.5 of the winter bird survey report indicate the Snipe flightlines and observances, which are associated with an area of open bog to the north of the proposed turbines.

The following observances of other species of conservation concern not listed as target species in the EIS were noted.

Little Grebe:
Amber listed BoCCI. Little Grebe were observed during a survey of Lough Nammafin on 20th November 2014 and at the same location on 27th January 2015.

Cormorant:
Amber listed BoCCI. A Cormorant was observed during a survey of Lough Tamur on 19th March 2015. There is also a record of a casual observance in January 2015 (Table 3.3 of winter bird survey report).

Mute Swan:
Amber listed BoCCI. A Mute Swan was observed during a survey of Lough Tamur on 23rd February 2015.

Hen Harrier:
Amber listed BoCCI. A single ringtail (i.e. juvenile/female) Hen Harrier was observed near the access track from Ardara Road c. 1 km southwest of the development site. The bird was foraging over young conifer plantation.

To conclude, while the above findings are listed for the sake of completeness, the above species are not listed as being of particular concern in the section 132 notice issued by the Board and they are not qualifying interests of the Lough Nillan Bog SPA. I note that the EIS does not state particular concerns about any of the above species.

4.3.7 Conclusion

The total available bird survey data is now sufficient to enable an assessment of potential ornithological impacts, albeit with some shortcomings. With regard to the information available, I am satisfied that the proposed development is unlikely to have significant adverse impacts on the species listed in the section 132 notice, i.e. Red Grouse, Golden Plover, Whooper Swan or Greenland White-fronted Goose.

4.4 Additional Assessment of Impacts on Lough Nillan SPA

4.4.1 The Lough Nillan Bog SPA (Site code 004110) is an extensive complex of blanket bog, wet heath, lakes, rivers and streams located to the north west of the

development site. There is a general conservation objective to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA, i.e. Merlin, Golden Plover, White-fronted Goose and Dunlin.

4.4.2 The SPA has one of the largest known concentrations of breeding Golden Plover in the country – a survey in 2002 recorded 17 nesting pairs. As discussed above, it is submitted that the Golden Plover occurring at Clogheravaddy exhibited characteristics of wintering birds prior to migration. The report comments that the SPA is not designated for its importance to wintering Golden Plover and the occurrence of same in the wider area is not the focus of the conservation objective. It is submitted that the development site is of no appreciable value to breeding Golden Plover and does not contain optimal foraging habitat for the species, also that the site is unlikely to be located near a major flyway for the species due to the relatively small numbers recorded at it during the various surveys. These points are accepted and the above assessment concludes that the proposed development is unlikely to have any significant adverse impacts on Golden Plover.

4.4.3 The SPA provides one of only 2 known bogland feeding areas used by the Sheskinmore Lough Greenland White-fronted Goose flock. The site is of significance as it is one of the few traditional bog sites in the region that is still used by the species. Having regard to the assessment of potential impacts in section 8.6.7 of the Inspector's Report on file, also the above assessment, I note that the development site is not known to be used by GWF geese. As noted above, the available survey data includes only one observance of this species. It is considered that potential adverse impacts on GWF Geese are unlikely, therefore the consequent issue of associated impacts on the SPA does not arise.

4.4.4 The SPA has a nationally important population of Red Grouse, however the conservation of this species is not a specific qualifying interest of the Natura site. As per the above assessment, the proposed development is considered unlikely to have any significant adverse impacts on this species. I also note that there are no records of Merlin or Dunlin at the development site or in the vicinity. A male Merlin was observed at Croagh on 30th July 2014, however this location is several km to the southwest of the development site. To conclude, having regard to the totality of the available bird survey data and to the submitted EIS and NIS, it is considered that the proposed development would not have any significant adverse impacts on the integrity of the Lough Nillan Bog SPA with regard to its conservation objectives.

5.0 CONCLUSION

5.1 It is considered that the additional information submitted by the applicant on 9th November 2015 addresses the issues raised in the section 132 notice issued by the Board on 16th October 2015. The applicant has submitted the results of additional bird surveys carried out at the site such that the available bird survey data is adequate in extent, duration and quality to enable a full assessment of potential ornithological impacts. Having regard to the total available information, I am satisfied that, subject to the implementation of satisfactory mitigation measures, the proposed development would not have significant adverse impacts on the bird species named in the section 132 request, i.e. Red Grouse, Golden

Plover, Whooper Swan and Greenland White-fronted Goose. In addition, I am satisfied that the development would not have significant adverse impacts on the Lough Nillan Bog SPA, with regard to the site's conservation objectives.

6.0 RECOMMENDATION

6.1 Having considered the contents of the application including the Environmental Impact Assessment and the Natura Impact Statement, the decision of the planning authority, the planning history of the site, the provisions of the Donegal County Development Plan 2012-2018, the provisions of the *Guidelines for Planning Authorities in Wind Farm Development and Wind Energy Development* (2006), the grounds of appeal and the responses thereto, the observations made to the Board and the applicant's response to the section 132 notice issued by the Board as submitted on 9th November 2015, I recommend that permission be **granted** for the reasons and considerations set out hereunder:

REASONS AND CONSIDERATIONS

Having regard to –

(a) the European and national policies to increase the proportion of energy that is generated from renewable sources including wind set out in the Renewable Energy Directive 2009/28/EC and the National Renewable Energy Action Plan which sets a target that 40% of the electricity generated in Ireland would be from renewable sources by 2020,

(b) the Guidelines for Planning Authorities on Wind Energy Development issued by the Department of the Environment, Heritage and Local Government in June, 2006 and the limits set therein for noise and shadow flicker,

(c) the provisions of the Donegal County Development Plan 2012-2018,

(d) the character of the landscape and the topography surrounding the site,

(e) the distance to dwellings and other sensitive receptors from the proposed development,

(f) the separation of the site of the proposed development from sites designated as part of the Natura 2000 network and the nature of the connections between them

(g) the Environmental Impact Statement submitted by the applicant,

(h) the Natura Impact Statement submitted by the applicant,

(i) the further information submitted by the applicant on 9th November 2015 and

(j) the submissions made in the course of the planning application and appeal,

It is considered that subject to compliance with the conditions set out below, the proposed development would not have a significant adverse impact on the landscape or on the visual, residential or tourism amenities of the area, would not give rise to any significant

impacts on the natural heritage of the area or affect the integrity of any European site or any protected species, and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would not have a direct impact on archaeological remains or protected structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

After carrying out a screening exercise in relation to the potential for impacts on nearby Natura 2000 sites and, having regard to the nature and scale of the proposed development, the nature of the receiving environment, the Natura Impact Statement submitted with the application and the submissions on file in relation to ecological matters, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site.

After carrying out an environmental impact assessment of the proposed development, it is considered that it would be compatible with the character of the area in which it would stand and so would not have a significant adverse impact on the landscape. Subject to compliance with the conditions set out below it would not give rise to a nuisance arising from noise or shadow flicker, nor would it be likely to have significant negative effects on flora and fauna, soil, water or air. It would be likely to have a positive effect in relation to climate, but the scale of that effect is not readily quantifiable and would not be significant in itself. The proposed development would not be likely to have significant adverse impacts on material assets including roads and houses.

The proposed development would, therefore, be in keeping with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority on 5th November 2014, as amended by those submitted with the grounds of appeal on 3rd February 2015 and as clarified in the further information submitted to the Board on the 9th November 2015, except as may otherwise be required in order to comply with the following conditions. In particular the mitigation measures identified in the Environmental Impact Assessment and Natura Impact Statement shall be implemented in full by the developer. Where the conditions below require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

   Reason: Having regard to the nature of the development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. The date of commissioning of the wind farm shall be notified to, and established in writing with, the planning authority before any commercial use of the development is brought about. This permission shall be for a period of 25 years from the said date of commissioning of the wind farm. The wind turbines and related ancillary structures shall be removed at the end of this period of 25 years unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the planning authority to review its operation in the light of the circumstances then prevailing.

4. Prior to commencement of development, a detailed environmental, health and safety management plan for the construction stage shall be submitted, generally in accordance with the Environmental Impact Statement and the submissions made in accordance with the planning application and with the appeal, for the written agreement of the planning authority.

The environmental, health and safety management plan shall incorporate the following:

(a) A detailed construction programme, developed in consultation with the Department of Arts, Heritage and the Gaeltacht.
(b) Detailed method statements for construction, including a method statement for the excavation of rock; blasting is not permitted without a prior grant of planning permission.
(c) A detailed health and safety plan.
(d) A detailed peat management and restoration plan, in accordance with the submissions made in the Environmental Impact Statement, to be prepared by a suitably qualified geotechnical engineer or equivalent professional, with experience of geotechnical management to the satisfaction of the planning authority; this plan shall also provide for appropriate geotechnical supervision of all excavation works and all rock/peat placement works.
(e) A site drainage management plan, in accordance with the submissions made in the Environmental Impact Statement, incorporating a detailed silt management plan and pollution prevention plan, and including appropriately-sized silt traps and/or settlement ponds as required, to be prepared by a suitably qualified drainage engineer or equivalent professional, with experience of drainage design in upland peat environments to the satisfaction of the planning authority.
(f) A programme for the ongoing monitoring of water quality during the construction period.
(g) A construction waste management plan, prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006; the plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.
(h) An emergency response plan.

The environmental, health and safety management plan shall be subject to ongoing independent audit (all costs of which shall be borne by the developer) to the written approval of the planning authority.

Reason: In the interest of health and safety, protection of the environment and sustainable waste management.

5. Prior the commencement of the operation of the authorised windfarm, the developer shall inform the planning authority of the name and address of the person who shall occupy the site as its operator and who shall be responsible for the subsequent decommissioning of the windfarm and compliance with the various other conditions set out herein. The operator shall inform the planning authority if there is any change in these details and provide the name and address of any new operator at least 3 months before the latter person assumes responsibility for the windfarm. There shall only be a single operator of the entire authorised windfarm at any one time.

Reason: To facilitate the enforcement of the various conditions of this permission that pertain to the operation and decommissioning of the authorised development.

6. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority a plan for the decommissioning of the authorised windfarm and the reinstatement of the site which shall provide for the removal of the turbines, towers, meteorological monitoring masts and all plant and equipment and the reinstatement of the turbine bases and hard standing areas, as well as a time frame for the completion of such works which shall not be greater than 12 months from the cessation of the operation of the windfarm.

Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site in accordance with the details agreed under this condition. The developer shall also enter into an agreement empowering the planning authority to apply such security or part thereof to secure the necessary reinstatement of the site at the end of the period during which the operation windfarm is authorised or before that time if the operation of the windfarm has ceased for at least 12 months and the planning authority does not consider it reasonably likely to resume. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

The operator of the windfarm may, at any time more than 12 months before the cessation of the operation of the windfarm, submit a revised decommissioning plan for the authorised windfarm. However it shall not become the operative plan for the purposes of this condition until the planning authority has certified that it is acceptable and that adequate financial security has been lodged to ensure its implementation.

Reason: To ensure the satisfactory reinstatement of the site and to prevent an accumulation of obsolete functional structures in the interests of orderly development.

7. The mitigation measures identified in the Environmental Impact Statement and the Natura Impact Statement and other particulars submitted with the planning application shall be implemented in full by the developer and by the operator of the authorised windfarm, except as may otherwise be required in order to comply with the other conditions of this permission. The developer shall appoint a person with appropriate ecological and construction expertise as Environmental Manager to ensure that the mitigation measures identified in the above documents are implemented in full during construction.

   Reason: In the interest of clarity and to protect the environment during the construction and operational phases of development.

8. Monitoring of the construction phase shall be carried out by a suitably qualified person to ensure that all environmental mitigation measures contained in the documentation which accompanied the planning application are fully implemented. A designated member of the company's staff shall liaise with the planning authority or member of the public in the event of complaints or queries in relation to environmental emissions. Details of the name and contact details and the relationship to the operator of this person shall be available at all times to the planning authority on request whether requested in writing or by a member staff of the planning authority at the site.

   Reason: To safeguard the amenities of the area.

9. The developer shall review usage by birds of the wind farm site and document bird casualties through an annual monitoring programme, which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This programme shall be developed in consultation with the Department of the Environment, Heritage and Local Government, and shall cover the entire period of the operation of the wind farm.

   Reason: To ensure appropriate monitoring of the impact of the development on the fauna of the area.

10. Noise levels emanating from the authorised development following commissioning, when measured externally at noise-sensitive locations, shall not exceed the greater of 45dB(A)L90, 10 min or 5dB(A) above background levels between the hours of 0700 and 2300, or 43dB(A)L90, 10 min between 2300 and 0700. All noise measurements shall be made in accordance with I.S.O. Recommendations R1996/1 and 2 "Acoustics – Description and measurement of Environmental Noise".

The noise mitigation measures described in the Environmental Impact Statement shall be implemented in full. Prior to the commencement of the export of electricity from the proposed windfarm, the developer shall submit certification from a suitably qualified person who was not previously engaged in the construction of the windfarm that the equipment necessary to implement those measures has been properly installed and is functional

Prior to the commencement of development, the developer shall agree a noise compliance monitoring programme for the operational wind farm with the planning authority. The operator shall maintain and make available for inspection by members of the public a register in relation of complaints made about noise. The operator shall submit to the planning authority a yearly compliance report on noise emissions from the development. This report shall include, but not be limited to, noise surveys undertaken at noise receptors, methodology for noise monitoring, and a list of complaints and remedial measures taken. The report shall be prepared by a suitably qualified noise specialist.

Reason: In the interest of residential amenity.

11. Shadow flicker arising from the proposed development shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

The measures to mitigate the impact of shadow flicker described in the Environmental Impact Statement shall be implemented to ensure that any turbines which might cause an exceedance of this limit are stilled. Prior to the commencement of the export of electricity from the proposed windfarm, the developer shall submit certification from a suitably qualified person who was not previously engaged in the construction of the windfarm that the equipment necessary to implement those measures has been properly installed and is functional.

The operator shall submit to the planning authority a yearly compliance report on shadow flicker arising from the development. This report shall include the results of monitoring, a list of complaints and remedial measures taken. The report shall be prepared by a suitably qualified person.

Reason: In the interest of residential amenity.

12. The construction of the development shall not give rise to emissions of dust that exceed 350mg/m2/day, or emissions of noise that result in recorded levels at the facades of houses above 65dB(A)LAeq 1hour. The hours of work shall normally be restricted to between 0700 and 1900 Monday to Saturday and not at all on Sundays or public holidays, unless the prior written agreement of the planning authority has been obtained. Prior to the commencement of construction activities the developer shall agree, in writing, with the planning authority a plan to control such emissions for the duration of the construction works. The plan shall include details of the method and locations dust monitoring, measures to be implemented to reduce emissions and actions to be taken in the event of complaints.

Reason: In the interest of environmental protection and orderly development.

13. Prior to the commencement of development, the following details shall be submitted to and agreed in writing with the planning authority –

(i) a Transport Management Plan, including details of the road network/haulage routes and the vehicle types to be used to transport materials and parts on and off site,
(ii) a condition survey of the roads and bridges along the haul routes to be carried out at the developer's expense by a qualified engineer both before and after construction of the wind farm development. This survey shall include a schedule of required works to enable the haul routes and, in particular, regional and local roads in to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development.
(iii) detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority.
(iv) detailed arrangements for temporary traffic arrangements/controls on roads.
(v) a programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.

The Transport Management Plan shall include drawings at a scale of no less than 1:500 of all works that are required to facilitate the construction of the proposed development.

All works arising from the aforementioned arrangements shall be completed at the developer's expense, within 12 months of the cessation of each road's use as a haul route for the proposed development.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

14. During construction stage the developer shall employ a suitably qualified and experienced geotechnical engineer to monitor the stability of all existing slopes adjacent to the works and all temporary slopes created by the works. Should any land slippage occur during the course of the works the developer shall immediately inform the planning authority and provide details on how further slippage shall be prevented and necessary measures to remediate the site.

Reason: In the interest of environmental protection and orderly development.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist in the vicinity of Eanybeg Bridge. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. Cables within the site shall be laid underground. The wind turbines shall be geared to ensure that the blades rotate in the same direction.

Reason: In the interest of visual amenity.

17. In the event that the proposed development causes interference with telecommunications signals in the area effective measures shall be implemented to minimise such interference. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority prior to commissioning of the turbines, and following consultation with the relevant authorities.

Reason: In the interest of orderly planning and residential amenity.

18. Prior to the commencement of development, the developer shall lodge with the planning authority, a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer

Reason: In the interest of road safety and the proper planning and sustainable development of the area.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details

of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Sarah Moran,
Senior Planning Inspector,
14th December 2015