An Bord Pleanála

Inspector's Report

ABP-309906-21

Development	Construction of a 38kv electricity substation; and the installation of approximately 22km of 38kV electricity cables from proposed substation to existing substation.
Location	North County Monaghan extending in a north west to south east line, across the townlands listed at section 2 of this report.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	18562
Applicants	Coolberrin Windfarm Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	An Taisce
Observers	Wild Ireland Defence CLG
Date of Site Inspection	1st October 2021
Inspector	Dolores McCague

1.0 Board Direction

1.1.1. I refer to my previous reports of 22nd October 2021 and 12 May 2022 and to the Board's direction of the 18th October 2022 to include an assessment of the submissions received and a recommendation on foot of that assessment.

2.0 Assessment of the Submissions Received

2.1.1. The applicant's submission states that the proposed grid connection route has been designed to avoid areas of highest Curlew activity and that the entire route will be built at least 270m from any known historical or current Curlew breeding areas. The submission states that within the background of the already cluttered landscape, mitigation proposed and the drumlin landscape present, a 100m buffer is suitable to mitigate operational phase impacts.

2.1.2. The applicant's submission states that a 100m buffer is considered suitable based on a 1976 study where lower densities of breeding waders was recorded in grassland within 100m of power lines. A reference is given to a study of the effects of high voltage overhead power lines (OHL: 110 kV, 220 kV and 380 kV) on the nesting behaviour of birds breeding on meadowland in nine areas located between the Elbe and Weser rivers in northern Germany. The study was mainly of lapwing although great curlew and sky lark were also mapped. The abstract for the study states that there was no evidence of any adverse effects attributable to electrical or magnetic fields. It notes that the meadow lark displayed a significant preference for areas more than 100 m away from the power line, but no such effect was noted in the case of the curlew.

2.1.3. The applicant's submission includes a map (figure 6, copy attached to this report) in which the proposed grid connection line is shown together with dotted lines 100m either side, indicating the buffer area. This buffer contrasts with that depicted in the further information response to the planning authority (figure 1, copy attached to this report), where a 500m distance either side of the line is indicated as '500m Buffer Curlew Nest Attempts 2018'. The Board should note that the map attached to the applicant's submission (figure 6) identifies an 'unconfirmed nest site' to the east of

the line approximately 100m from the line. Elsewhere in the application documentation other buffer distances including a 250m buffer are referred to.

2.1.4. I accept that there is limited evidence for establishing a buffer distance from nesting sites or suitable breeding habitat, however, in my opinion, the reason given for the proposed 100m buffer distance is not convincing. The findings of the study referenced are not, in my opinion, applicable to this landscape, or the proposed project.

2.1.5. This is a rural area with a low density of settlement. I do not accept the contention that it is a cluttered landscape.

2.1.6. The applicant's submission refers to the Curlew Conservation Programme and the Annual Reports of 2017 to 2021. The Board should note that the Curlew Conservation Programme Annual Report of 2022 has since been published.

2.1.7. As stated in the first inspector's report this is one of only nine areas in Ireland where breeding Curlew is subject to the focused attention of a Curlew Action Team. Each Annual Report of the Conservation Programme, reports on the effort made in each of the nine geographical areas and the outcomes for the year.

2.1.8. The applicant's submission, referring to the Annual Reports, states that habitat loss, disturbance, predation and also the age of the few birds returning to the area are the issues of relevance to breeding failure. In the Annual Reports and the report 'Action for Curlew in Ireland, Recommendations of The Curlew Task Force, May 2019', referred to in the first inspector's report, predation is particularly highlighted as a primary cause of breeding failure.

2.1.9. Controlling selected predators such as fox, mink, grey crow and magpie, primarily within 1km of nest sites, and fencing in of nests to exclude ground predators, are the main measures taken by the Task Force to reduce predation risk. It is acknowledged that fencing in of nest sites offers no protection against avian predators (e.g. corvids, gulls) and also that when chicks are mobile and move beyond the fence, the risk of predation increases.

2.1.10. The NPWS during the application to Monaghan County Council, expressed concerns regarding of the lack of a broader understanding of the long-term use of the wider area by Curlew; and the potential for groundworks to create tracks which would

facilitate carnivorous mammals, which concerns I share. It is also of concern that poles would facilitate increased predation by corvids by providing good vantage points over breeding areas. In relation to the latter, in response to the Board's correspondence, the applicant has proposed perch deterrents at locations to be reviewed and selected by the onsite ecologist and implemented prior to the first breeding season of the operational phase and that if other areas are utilised for breeding additional locations of perch deterrents may be considered appropriate during the lifetime of the development. Such perch deterrents should be provided during the construction phase rather than the operational phase.

2.1.11. As stated by the applicant the historic nest sites are located near the northern 20% of the grid route, where it runs south from the proposed substation.

2.1.12. Route selection is mentioned in the EIA, Annex 2 'Ecological Impact Assessment', section 5 'Potential Impacts', where it is stated that active Curlew nests were identified in the study area and the route was redesigned to maximise the separation distance to the Curlew nests. The accompanying Ecological Feature Maps and Bird Nest Map in Appendix 2 to the Annex identify potential Curlew breeding habitat, through which the route runs, and failed and active nest sites close to the route.

2.1.13. Running south rather than east or north, the route traverses an area of national importance for Curlew. Based on the number of Curlew nest sites referred to in the Conservation Programme Annual Reports and the number identified in the study area along the northern section of the route, all of the Curlew nest sites are within the study area.

2.1.14. As stated by the applicant, the route has been 'redesigned to maximise the separation distance to the Curlew nests'[1], and the 'locations of recent nesting and activity locations have been avoided, insofar as practical'[2]. There is little evidence that avoidance of impact on Curlew was part of the route selection process.

2.1.15. I note again that Curlew is not a qualifying interest species of the SPA and therefore it is not an obligation, under the Habitats Directive, that the Board be confident as to the absence of adverse effects on the species.

[1] EIA, Annex 2 pages 31/32

[2] Further Information response Ecofact report page 7

2.1.16. I also note that the downward trajectory in the population of Curlew would be likely to continue in the absence of positive measures to support breeding Curlew, such as are currently being employed, regardless of the Board's decision to grant or refuse permission for the proposed development.

2.1.17. Notwithstanding the foregoing, and the undeniably positive impacts, for renewable energy production, of the associated windfarm project, I remain of the view that any negative impact on Curlew, arising from the proposed development, in the context of its current critically low population level, would be unacceptable.

2.1.18. I note that various proposed mitigation measures have been put forward, which I would recommend that the Board attach by condition, if minded to grant permission.

2.1.19. I remain of the view that permission should be refused for the reason previously stated.

Planning Inspector
11 January 2023