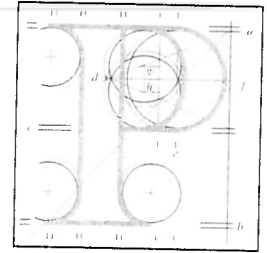


Our Ref: PL 03.239378
P.A.Reg.Ref: 11/360
Your Ref: McMahon Finn Wind Acq. Ltd.

An Bord Pleanála



Inis Environmental Services.
Edenvale,
Ennis,
Co. Clare.

13th February 2013

Appeal **Re:** Construct six turbine wind farm.
Coor West, Shanavogh, Co. Clare.

Dear Sir/Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned appeal.

The Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal.

The Board might consider that the proposed development would be acceptable in general principle, but has serious concerns regarding the following:

1. Notwithstanding the location of the subject site outside of any area designated to protect Hen Harriers, it might be considered that there is conflicting evidence on file in relation to the significance of the proposed wind farm site in relation to Hen Harriers. The Board might, therefore, not be satisfied that the proposed development might not have an unacceptable impact on a species listed for protection in Annex 1 of the EU Birds Directive.
2. Having regard to:
 - (a) the absence of an appropriate preliminary civil engineering design, including drainage design drawings for the proposed wind farm,
 - (b) the proximity of turbines 4, 5 and 6 to a watercourse, the proximity of turbine 2 to drainage ditches, and the extent of excavation required to facilitate turbine construction,

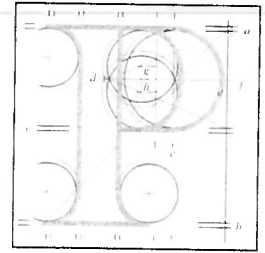
- (c) the proximity of borrow pits 2 and 3 to a watercourse, and
- (d) the stone identified on site, which might not be of adequate quality for use as site track construction material, in the context of the heavy loads of construction site traffic and the requirement for the minimisation of silt generated during construction,

the Board might consider that the construction of the proposed development would give rise to an unacceptable risk of water pollution.

3. Having regard to the proximity of the permitted Slieve Callan Wind Farm to houses to the north of the subject site, the Board might not be satisfied that the cumulative impact of noise or shadow flicker has been adequately addressed. The proposed development might, therefore, seriously injure the residential amenities of property in the vicinity.

In addressing these concerns and in accordance with section 132 of the Planning and Development Act 2000, you are required to submit on or before **13th August, 2013** the following:

- (i) A Conservation and Habitat Enhancement Plan for Hen Harriers prepared, following consultation with the National Parks and Wildlife Service, by an appropriately qualified ornithologist with experience in the preparation of such plans. This Plan should provide for habitat creation/restoration and its ongoing management on appropriately chosen lands to provide a benefit for Hen Harriers and to mitigate against possible impacts on this species as a result of the proposed development. The overall proposal should be prepared in the light of a cumulative impact assessment in relation to development such as neighbouring forestry and the permitted wind farm in the vicinity, and should result in a net gain of habitat value for Hen Harriers arising from the proposed development over the lifetime of the wind farm.
- (ii)
 - (a) A revised wind farm layout, including the omission of borrow pits, and revised locations for turbines 2, 4, 5 and 6 at a minimum of 50m from streams or other watercourses.
 - (b) A preliminary drainage design, prepared by a Chartered drainage engineer with experience in the construction stage design of surface water drainage systems for wind farms. This preliminary design should keep overland flow separate from site track drainage to minimise the requirement for settling/attenuation ponds.
 - (c) A preliminary construction stage environmental management plan.



- (iii) A revised cumulative noise and shadow flicker assessment. The assessment of daily shadow flicker calculations should not incorporate any reduction due to sunshine/cloud conditions (unlike the annual calculations).

Furthermore, the Board requires the applicant to provide the following additional information:

- (iv) Long section drawings showing the suitability of site tracks with regard to vertical gradient. A revised site track should be submitted, prepared by an appropriately qualified and experienced civil engineer, to reduce steep gradients where required, such that wind farm tracks broadly follow contours rather than crossing them where practicable, and also having regard to geotechnical considerations/peat conditions, in the interest of visual amenity and the control of water pollution. It may be of benefit to make use of existing site tracks where suitable.
- (v) A map showing the location of the potential grid connection for the wind farm.
- (vi) The main elements of the EIS that may require updating as a result of these changes.
- (vii) A Stage Two Natura Impact Statement.

Any information submitted as a result of this notice may be circulated to the parties and the the National Parks and Wildlife Service for comment, and/or may require re-advertisement.

If the information required is not received before the end of the specified period, the Board will dismiss or otherwise determine the appeal without further notice to you in accordance with section 133 of the 2000 Act. Your submission in response to this notice must be received by the Board not later than **5.30 p.m. on the date specified above.**

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,


 Mary Tucker
 Executive Officer
 Direct Line: 01-8737135

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Registered Post

