

Board Direction

Ref: PL03.239378

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 25th January 2013.

The Board decided to defer consideration of this case and to issue a Section 132 notice to the applicant regarding the following:

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 Harrier. 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, the applicant is invited to provide the following:

- (i) A Conservation and Habitat Enhancement Plan for Hen Harrier 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 Harrier 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 Harrier 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).

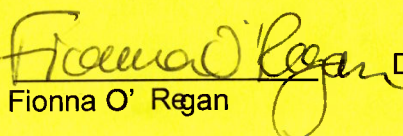
Furthermore, the Board requests the applicant to provide the following additional information

- (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.

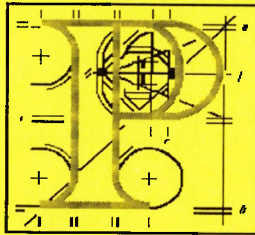
Any information submitted as a result of this notice may be circulated to the parties and to NPWS for comment, and/or may require re-advertisement.

(Allow six months)

Board Member:


Fionna O'Regan

Date: 7th February 2013



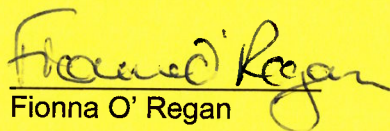
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The submissions on this file and the Inspector's report were considered at a Board meeting held on 17th January 2013.

The Board decided to defer this case for consideration at a further Board meeting.

Board Member:


Fionna O' Regan

Date: 25th January 2013