

An
Bord
Pleanála

Memorandum

ABP-309770-21

Request for Further Information

To: Brendan Wyse, Assistant Director of Planning
From: Mairead Kenny, SPI
Re: ABP-309770-21 – Construction of 15 wind turbines, grid connection and all related site development works
Date: 13 April 2022

The background in the above case includes:

- An application for a development of 13 no. turbines at this site under ABP-300686-18. Permission was granted on 26 March 2019. Judicial review proceedings are ongoing.
- A referral case which requested a determination relating to peat harvesting activities at part of the site of the proposed development under ABP-310547-21. The Board determined on 24 January 2022 that the activity is development and is not exempted development.
- Applications to the EPA for licences for peat harvesting, none of which appear to have been authorised.

The proposed development is similar to the previously permitted wind farm at this site with addition of two turbines and the grid connection.

Following a review of the application documentation including the Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS) and the observations received by the Board and having obtained input from the Board's

ecologist Dr Maeve Flynn, I am of the opinion that further information is required as set out below.

1.0 Particulars and Documentation

- 1.1. It is noted that the development description as set out in the statutory notices refers to a maximum tip height of 175 metres. It noted that within this size envelope various configurations of hub height, rotor diameter and ground to blade tip height may be used and that the make and model of the turbine will be dictated by a competitive tender process. It is noted that a hub height of 100.5m is used as the basis of the noise assessment and that the landscape chapter references a maximum rotor diameter of up to 155m and that there is no similar reference in the biodiversity and ornithology or biodiversity chapters or in the NIS.
- 1.2. To enable the Board to determine the application please confirm the nature and extent of the development for which permission is sought, by reference to plans and particulars which describe the works to which the application relates, in compliance with the relevant provisions of the Planning and Development Regulations 2001 as amended.
- 1.3. If the development for which permission is sought incorporates a range of options, please indicate clearly in the application documentation the detail of all such options and confirm that each option has been fully assessed within the application documentation including within the Environmental Impact Assessment Report and Natura Impact Statement.
- 1.4. The applicant is requested to verify that all three information formats (the hard copy presented with the application, the USB copy presented with the application and on the website sources) contain the same information and structure. Where necessary please revise the application documentation to ensure consistency in presentation and content.
- 1.5. You are requested to update the planning history and to include an outline of applications to the EPA for licences relating to peat harvesting at adjoining lands. You are also invited to provide any available information / updates on the future of

peat harvesting activities or bog rehabilitation on lands adjacent the proposed wind farm site and within the blue line.

- 1.6. Having regard to the Board's decision under ABP-310547-21 you are requested to comment on the validity of the application for CWF as it relates to development within that site boundary. You are invited to consider an amendment to the application and / or to make any revisions to the application documentation which you may consider necessary following the Board's decision.

2.0 Natura Impact Statement

- 2.1. Clarification is required in relation to the appendices associated with the NIS as there is a lack of consistency between the information submitted under the different formats. In addition, the applicant is requested to consider whether all application documents relevant to the assessment of special conservation interests and related mitigation and monitoring should be attached as appendices to the NIS.
- 2.2. Observations made by the Department of Housing, Local Government and Heritage on nature conservation identify gaps in the survey information and assessments presented in the Screening for appropriate assessment and the Natura Impact Statement (NIS). You are requested to address all points made by the Department in their submission as part of a revised screening report and NIS.
- 2.3. In particular, the Board seeks clarity on the extent of coverage of the site during bird surveys conducted between 2015 and 2020 noting also the gap in viewshed of the vantage points utilised. Further scientific justification is required in relation to the absence of bird migratory routes over the site or the crossing of the site by birds moving between SPA sites as outlined by the Department. In line with the Department's submission, you are requested to re-consider the screening exercise and the exclusion of Special Conservation Interest (SCI) species including Greenland White-fronted geese.
- 2.4. The scientific information provided as part of an NIS to inform Appropriate Assessment and as part of the EIAR should be based on up-to-date ecological reports and data. You are requested to give careful consideration to which, if any surveys need to be updated based on CIEEM (2019) Advice note on the lifespan of

ecological reports and surveys¹ and taking account of the concerns raised by the Department. Survey data and analysis should be updated with any ongoing survey data that may have been collected since 2020.

- 2.5. The assessment should include consideration of in combination effects with ongoing peat harvesting and any future rehabilitation plans during the operation lifespan of the proposed development. The potential for any peatland habitat rehabilitation to provide enhanced habitats for wintering and breeding birds within the sites should be considered. Updated aquatic survey for some parameters at least may be required to address the request for a detailed assessment of the water quality parameters required for the River Inny and Lough Derravarragh SPA in order to assess in combination effects of peat harvesting with the proposed development.

3.0 Biodiversity (EIAR)

- 3.1. Observations made by the Department Housing, Local Government and Heritage on nature conservation identify gaps in the survey information and assessments presented in the Biodiversity chapter of the EIAR. You are requested to address all points made by the Department in their submission as part of the request for further information.
- 3.2. In particular the Board seeks further information on the impacts on bird species in terms of the concerns raised by the Department. As outlined, this may require consideration of additional survey and analysis.

4.0 Soils and Geology and Interactions with Peat Harvesting

- 4.1. In section 8.3.2.1 of the EIAR it is stated that the recorded peat depth at T12 is given as 12.5m – from the 2020 rotary core boreholes while the peat depth within 50m is 4.5m based on table 8-4. You are requested to justify the location of the turbine in very deep peat and at a location where the slope angle is 3 degrees and to consider whether there is a more suitable alternative.

¹ <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

4.2. The comments of the Department Housing, Local Government and Heritage on nature conservation raise a number of issues including the following which are considered of particular relevance to soils and geology and hydrology:

- The effectiveness of the existing mitigation measures used by peat harvesting operation and proposed for CWF in terms of the protection of European sites,
- The potential for impacts on Garriskil Bog and Scragh Bog as a result of the effects of drainage works.
- The need to identify the location of all mitigation measures involved in the construction phase drainage management.
- Clarification relating to the nature of foundations.
- The need to avoid uncertainty relating to the mitigation measures including in the context of the NIS.
- The nature of the site rehabilitation and the effects of decommissioning.
- Recent cases of peat slippage which are stated to have occurred on lands with very low slopes and the need to revise the peat stability assessment.

You are requested to address these observations.

4.3. The EIAR is stated to set out the coordination between the peat harvesting activities should they continue and the proposed development in terms of the drainage system. The detailed drawings provided in appendix 9 – 3 of the proposed drainage system are noted. You are requested to demonstrate sufficient control over the existing drainage associated with the peat harvesting activities and to clarify that the proposed drainage plan can be effectively implemented, regardless of whether or not peat harvesting is taking place and the associated drainage system being maintained.

4.4. It is considered that more detailed information should be provided relating to water quality monitoring proposals specified in section 9.4.1.1 of the EIAR. In particular the suite of parameters to be monitored and the limits to be met should be specified.

4.5. You are requested to clarify the layout and management arrangements for the operational phase drainage structure.

- 4.6. It is noted that the heading of section 8.5.1.2 of the EIAR includes reference to the alteration of peat/soil geochemistry. Please clarify how this topic is assessed under that heading or if it is addressed elsewhere in the submitted documentation.

5.0 Access

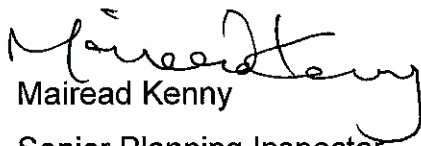
- 5.1. You are requested to clarify whether there would be any restrictions on public access to the wind farm site in the operational period and to describe any proposals to facilitate use of the site by the public including integration with planned and existing recreation routes. The comments in Chapter 5 including section 5.9.5.2 are noted.


6.0 Submissions and Observations

- 6.1. Please provide a comprehensive response to the matters raised in the submissions and observations received by the Board from members of the public and prescribed bodies and to the matters raised in the report received from Wicklow County Council including the recommended planning conditions.
- 6.2. In responding to submissions and observations you are requested to supplement your response with additional photomontage or drawings as required. This may include further details with respect to proposals for cultural heritage mitigation.

Please advise the applicant of requirements relating to revised notices using the standard wording.

I recommend that a period of 3 months is allowed for the response to this request.


Mairead Kenny
Senior Planning Inspector
13 April 2022


14 Apr. 2022