28/09 14:30

S. 37

File With Cork mc Louaghlin

SECTION 131 FORM

Appeal NO: ABP 310788-21 ☐ Defer Re O/H

TO:SEO

Having considered the contents of the submission ~~dated~~/ received 20/9/21

from Kilkenny County Council I recommend that section 131 of the Planning and Development Act, 2000 ~~be~~/not be invoked at this stage for the following reason(s):. No new material issues raised

E.O.: Declan Kelly Date: 24/09/2021

To EO: _____

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____ Date: _____

S.A.O: _____ Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____ Date: _____

AA: _____ Date: _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 310788-21

M Sutton

Please treat correspondence received on 20/9/21 as follows:

1- Update database with new agent for Applicant/Appellant _____

2- Acknowledge with BP 23 ☐

3- Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____
2. Keep Envelope: ☐
3. Keep Copy of Board's letter ☐

Amendments/Comments

Response to BP 70A

4- Attach to file

(a) R/S ☐ (d) Screening ☐

(b) GIS Processing ☐ (e) Inspectorate ☐

(c) Processing ☐

RETURN TO EO ☑

Ais Reilly

	Plans Date Stamped ☐ Date Stamped Filled in ☐
EO: A. Daly	AA:
Date: 23/9/21	Date: 23/09/21

Comhairle Contae Liatroma
Leitrim County Council

Áras an Chontae
Cora Droma Rúisc
Contae Liatroma
N41 PF67

Áras an Chontae
Carrick on Shannon
Co. Leitrim
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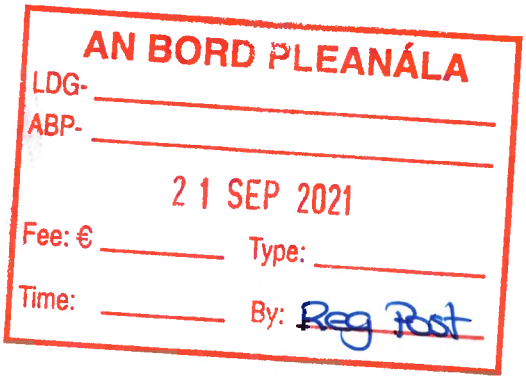
Follow us on



This matter is being dealt with by: Bernard Greene **071 9620005** **Ext.** 504

20th September 2021 **PL20/251 Sligo** **ABP-310788-21**

REGISTERED POST



An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

RE: Correspondence from An Bord Pleanála - Collite CGA Sligo County Council PL20/251 & An Bord Pleanála ref. ABP-310788-21

A Chairde,

The Planning Authority acknowledges receipt of your correspondence dated 23rd August 2021 requesting the making of a submission or observation with regard to an appeal lodged to a proposed development granted planning permission by Sligo County Council Planning Register Ref. No. PL20/251 / An Bord Pleanála ref. ABP-310788-21.

No copy of the appeal submission was included with the correspondence which was forwarded by your office to the Planning Authority, so it is difficult to make an informed submission in the absence of same.

Nonetheless, both Leitrim and Sligo County Councils liaised informally (by telephone) with one another in the consideration of aspects of the proposed development which straddles our respective administrative boundaries. Each Planning Authority was aware of the intended decision being taken by the other, initially to request the submission of Further Information and then to recommend the granting of planning permission. Leitrim County Council did not make a formal submission to Sligo County Council at any stage with regard the planning application for the element of the overall project submitted to their Planning Authority. The submitted Environmental Impact Assessment Report and Natura Impact Statement related to the entire project with the planning application drawings clearly distinguishing between the respective administrative areas. A joint meeting was held between both Planning Authorities

with officials from the National Parks and Wildlife Department and advisors to the appli can following the issuing of our respective requests for Further Information. A copy of the minutes of this meeting are attached for your information.

Leitrim County Council had regard to the potential impact on the project on Co. Sligo, to sensitive receptors contained therein and to the policy framework contained in the current Sligo County Development Plan. This is clear from an examination of the respective planning reports prepared by the assigned case planners.

There are obvious differences in the conditions which the respective Planning Authorities attached to their grants of planning permission which would require a degree of consistency to be decided on by the Board in the event of a grant of planning permission being forthcoming.

Leitrim County Council have nothing further to add other than we have no objection to any aspect of the proposed development contained in Co. Sligo.

Yours faithfully,

Finbarr Heaney

pp **Administrative Officer**
Planning Department
MS/EK

Encls.

ABP-310788-21

PLANNING DEPARTMENT
LEITRIM COUNTY COUNCIL

Minutes of Meeting - 13 Jan 2021

Re: proposed Croagh Wind Farm., Co. Leitrim and Co. Sligo

Leitrim County Council (LCC) Planning Ref. 20/120
Sligo County Council (SCC) Planning Ref. 20/251

Attendees

Vivienne Egan (VE)- LCC (Chair)
Barry Ward (BW) - SCC
Jimmy Green (JG) – MKO
Eoin McCarthy (EMC) – MKO
Pat Roberts (PR) – MKO
David McNicholas (DM) - MKO
Padraig Cregg (PC) – MKO
Emmet McLaughlin (EML) – Coillte
Sinead O'Malley (SOM) – Coillte
Cameron Clotworthy (CC) – NPWS
Dr. Shane Regan (SR) – NPWS
Dr. Sinéad Cummins (SC) - NPWS
Tim Roderick (TR) - NPWS

The purpose of the meeting

Discussion and clarification, if necessary, of the observations issued to the local authorities which were now part of the Requests for Further Information from both LCC and SCC

Introduction

All attendees introduced their position within their organisation and in relation to the Croagh Wind Farm application.

VE, as chair of the meeting, set out the purpose of the meeting stating that it was for discussion and clarification, as necessary, of the observations issued to the local authorities, by the DoHLGH, which were now part of the Requests for Further Information (RFI) from both Leitrim County Council (LCC) and Sligo County Council (SCC). VE noted that the meeting was being held to ensure clarity and would be without prejudice in relation to any final decisions that would be made by the Local Authorities.

CC outlined that the DoHLGH do not normally partake in consultation with applicants once an application is lodged, however, Sligo CoCo advised applicant to consult, to clarify points from the DoHLGH reports which informed the RFI and that any comments/observations made in relation to MKO's approach to responding to the FI points, listed in Appendix A of the agenda, would be without prejudice to any formal observations made by the DoHLGH on any future further information responses.

VE provided a summary as to the current status of the applications. Both are at RFI stage (Since 22nd September 2020) with responses from the applicant due by the 30th March 2021 and this deadline could be extended by 3 months upon request by the applicant, if necessary.

Further Information Items in relation to Nature Conservation (Natura Impact Statement)

- Leitrim County Council (LCC) FI Request Items 4 to 6
- Sligo County Council (SCC) FI Request Items 1 (a) to (c)

DM outlined MKO's approach to responding to LCC FI Points 4 to 6 (which also covered SCC FI Points 1(a) to 1(c)):

- **LCC FI Item 4:**
  DM will include reference to Article 12 and 17 reports under the Birds and Habitats Directives and include a species status assessment for relevant Species of Conservation Interest (SCI) in the AA Screening Assessment.

  CC noted this and added that it needed to be clear in the AA Screening that SCIs for Lough Arrow that are not referenced in McGuinness et al., 2015 had been considered.

  CC reiterated that limitations of SNH Guidance on assessing connectivity between SPAs in terms of species foraging ranges during breeding and wintering seasons should be acknowledged in the AASR.

- **LCC FI Item 5:**
  DM will undertake an assessment of effects on the SCI species for the Cummeen Strand SPA, as a result of potential deterioration of their habitat, in the Natura Impact Statement (NIS) by drawing on the Ornithology chapter of the EIAR.

  CC noted this.

- **LCC FI Item 6:**
  DM will ensure that the NIS includes the most up to date assessment of the likelihood of a large-scale silt/peat mobilisation and include appropriate mitigation to prevent adverse impacts on European sites downstream. The NIS currently refers to and includes the Water chapter of the EIAR and the Peat Stability Assessment Report. Any updates to these assessments will be brought into the NIS.

  SR noted this and also mentioned the recent report, commissioned by a working group led by LCC, on the Drumkeeran peat slide and that this should be referenced and considered in any updated assessment[1].

  TR added that any investigations in relation to the recent peat slide event at Meenbog Wind Farm should be considered.

Further Information Items relating to Habitat Loss

- Leitrim County Council (LCC) FI Request Item 9 & 10
- Sligo County Council (SCC) FI Request Items 4 (a) to (e)

- **LCC FI Item 9:**
  DM provided a summary of the proposals that were included within the Peatland Enhancement and Habitat Enhancement Management Plan to ensure no net loss of biodiversity due to the construction of the proposed development.

  CC queried whether the restoration of blanket bog had been considered and that the suitability of certain native tree species for planting along the amenity routes should be assessed in context of benefits of restoring these to peatland habitats rather than native tree planting. DM clarified that the restoration of blanket bog was proposed and that only local native species would be planted. Such planting of native

[1] https://www.npws.ie/sites/default/files/publications/pdf/shass-mountain-landslide-report-october-2020.pdf

species would only occur at locations which have already been subject to conifer plantation or alongside site access tracks/paths.

- **LCC Item 10:**
  DM clarified that the areas included in Table 6-13 were hectares and that the omission of the reference to such would be corrected.

  CC queried whether the loss of underlying peat within the development site as a cumulative loss of peat overall had been assessed in terms of a carbon benefit analysis versus restoration to peatland habitats. EM confirmed that this had been taken into account in the Carbon Loss and Savings calculation presented in Chapter 10 of the EIAR.

Further Information Items in relation to Biodiversity/Ecology

- Leitrim County Council (LCC) FI Request Items 7, 8 & 62
- Sligo County Council (SCC) FI Request Items 3, & 7

- **LCC FI Item 8:**
  DM outlined that the assessment of any hydrological connection between the site and the Carrane Hill Bog NHA followed the assessment included in the Water chapter of the EIAR. DM also pointed to the fact that the Arigna River provided a hydrological buffer between the site and the NHA, as per the Water chapter of the EIAR.

  SR requested clarification on the hydrological connectivity between Carrane Hill and the Site. SR also requested clarification that the construction of the development (specifically T8 and T9) would not dewater the NHA and thus cause cracking of the peat.
  TR noted the previous peat slide event on the neighbouring wind farm and requested that this be considered in the assessment.

- **LCC FI Item 62:**
  DM clarified that the bat survey effort undertaken was to the most up to date published best practice and the assessment was robust. The suggested 30-day survey period for static detectors was not considered as the research behind it had not been published as industry best practice (as yet).

  CC noted that the bat report was detailed but required more detail on specific mitigation proposed in year 1 due to the high levels of bat activity recorded therefore highlighted need to consider curtailment from Year 1 of operation. CC reiterated that the 30-day survey period, while it is new research, would provide more data than current bat survey methodological guidance for determining the level of curtailment required.

DM noted this and confirmed that the mitigation proposals would be clarified and that the 30-day survey period could be considered for the static detection surveys during Year 1 of operation.

Further Information Items in relation to Birds

- Leitrim County Council (LCC) FI Request Items 60 & 61
- Sligo County Council (SCC) FI Request Items 6 (a) to (d)

- **LCC FI Item 60:**
  (i)PC qualified that the MKOs VP survey effort was in accordance with industry best practice as s h[illegible]n in Table 7-2 of the EIAR

  SC referenced Appendix 7-2 of the EIAR queried why VP survey durations of only 1 hour were carried out in March and April 2019 when this was a key period for activity such as sky dancing by hen harrier. PC to investigate and clarify.

  (ii)PC clarified that locations of calls were not usually provided if the individual bird is not seen, however, a map of the general location of the Curlew call would be provided as part of the response.

  CC queried whether follow up surveys had been conducted to determine the exact location. PC confirmed that there had and that it was likely a prospecting male Curlew that had moved on since call was heard.

  JG indicated that the map would be marked CONFIDENTIAL.

  (iii)PC confirmed that incorrect labelling would be investigated, and all relevant maps will be resubmitted. PC confirmed that winter survey transect routes are included on separate maps in the EIAR for clarity, however, the transect routes will be added to Figure 7.8.12 and resubmitted.

- **LCC FI Item 61:**
  Whooper Swan
  PC outlined that the proposed development site showed no evidence of usage by Whooper Swan and due to its upland and forested nature was not of value to this species. PC also pointed out that due to there only being 4 observations during spring/autumn of whooper swans flying over the site across2 years of surveys that it was not indicative of a regularly used migratory route.

  CC noted this and asked for more information in relation to how far from the site were the birds observed and how long did surveyors have sight of the birds at VPs.

  Golden Plover
  PC outlined that there were repeat visits by surveyors to locations where calling Golden Plover during the breeding season and no other breeding activity was recorded. PC confirmed that a revised assessment to deal with the issues raised in the FI item will be carried out.

  CC accepted the approach and also requested clarification of the timing and methodology employed during the repeat visits to be included in response.

  Hen Harrier
  PC explained MKOs rationale for the statement on Page 7-51 of the EIAR and outlined that the only area where hen harrier were recorded on repeat visits during the comprehensive breeding season surveys were south of the proposed development site* and that 5 of the 7 observations were in August which was considered outside the core breeding season for hen harrier. * Special Note on draft minutes added by SC: Clarification required on distance south of site. Records were understood to be within buffer zone of development?
  SC questioned that August was not outside of the hen harrier's core breeding season[2] and that there is an evidence base (Irish research)[3] that chicks can still be in the nest late into the season. SC indicated that the National Survey provides evidence to suggest that there is a possible breeding pair in the area and requested more clarification on MKOs rationale excluding the observations in August.

[2] Recommended bird survey methods to inform impact assessment of onshore wind farms, SNH 2017 Version2
[3] e.g. O'Donoghue et al. 2010; Irwin et al. 2011

PC noted that the level of survey effort i.e. number of field visits carried out for the wind farm application went far beyond that of the National Survey and confirmed that MKO will undertake and assessment of the potential effects of the proposed development on a possible breeding pair, as requested and would provide additional mitigation if necessary.

- **SCC Item 6(d)(v):**

  PC outlined that MKO had looked at all available pre-application data provided in EIS/EIARs for other wind farms in the ZOI in relation to the cumulative effects of collision mortality. Any available operational phase survey data would now also be considered in an updated cumulative collision risk assessment.

  CC noted this and reiterated the Department's recommendation towards recent research published on collision risk mitigation (May et al., 2020) for specific bird species. While acknowledging the limitations of this study, i.e. small sample size.

AOB N/A

Vivienne Egan
Senior Executive Planner
Leitrim County Council

Barry Ward
Executive Planner
Sligo County Council

Sorcha Skelly

From: Finbarr Keaney <fkeaney@leitrimcoco.ie>
Sent: Monday 20 September 2021 09:22
To: Appeals2
Cc: Eileen Keenehan
Subject: Correspondence from An Bord Pleanála - Collite CGA Sligo County Council PL20/251 & An Bord Pleanála ref. ABP-310788-21
Attachments: Response Leitrim County Council - re ABP-310788-21.pdf

A Chairde,

Please find attached our response in this matter. A hard copy has also issued by post.

Kind regards,
Finbarr

Finbarr Keaney
Staff Officer
Planning
Leitrim County Council
Carrick on Shannon
Co. Leitrim

Phone: 071-9620005 Ext. 504
Email: fkeaney@leitrimcoco.ie

Comhairle Contae Liatroma
Leitrim County Council

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Follow us on

This matter is being dealt with by: Bernard Greene **071 9620005** **Ext.** 504

20th September 2021 **PL20/251 Sligo** **ABP-310788-21**

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Planning Department
MS/EK

Encls.

PLANNING DEPARTMENT
LEITRIM COUNTY COUNCIL

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  PC explained MKOs rationale for the statement on Page 7-51 of the EIAR and outlined that the only area where hen harrier were recorded on repeat visits during the comprehensive breeding season surveys were south of the proposed development site* and that 5 of the 7 observations were in August which was considered outside the core breeding season for hen harrier. * Special Note on draft minutes added by SC: Clarification required on distance south of site. Records were understood to be within buffer zone of development?
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---

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[3] e.g. O'Donoghue et al. 2010; Irwin et al. 2011

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- **SCC Item 6(d)(v):**

  PC outlined that MKO had looked at all available pre-application data provided in EIS/EIARs for other wind farms in the ZOI in relation to the cumulative effects of collision mortality. Any available operational phase survey data would now also be considered in an updated cumulative collision risk assessment.

  CC noted this and reiterated the Department's recommendation towards recent research published on collision risk mitigation (May et al., 2020) for specific bird species. While acknowledging the limitations of this study, i.e. small sample size.

AOB N/A

Vivienne Egan

Vivienne Egan
Senior Executive Planner
Leitrim County Council

Barry Ward.

Barry Ward
Executive Planner
Sligo County Council