

Addendum 5

LA01/2019/0890/F

1.0 **Update**

- 1.1 A further two objections have been received referring to natural heritage issues. The substantive issues are as follows:
- The Habitats Regulation Assessment (HRA) is flawed as the Appropriate Assessment relies on post planning consents including a final CEMP, decommissioning CEMP and discharge consent.
 - Reference is made to European Court of Justice (ECJ) rulings on the need for definitive, updated data for Habitats Regulation Assessment and for this to precede approval.
 - There is a conflict between the position of NIEA and Shared Environmental Services (SES) on the location of development relative to watercourses.
 - There is uncertainty regarding water management measures.
 - The Appropriate Assessment incorrectly ruled out potential impacts to mobile avian features.
 - Cumulative assessment with other wind farms is required on collision risk modelling for Whooper Swans and Greyling Goose. Effect on their flight corridors needs considered.
 - Absence of transfrontier (i.e. UK/ Ireland border) assessment through the Environmental Statement on the migration of Whooper Swans and transboundary consultation (i.e. with Ireland) not carried out.
 - Absence of cumulative assessment on the displacement of Meadow Pipit and Snipe.
 - Cumulative assessment is required on discharge consents for windfarms on the River Roe and its Tributaries SAC.
 - There is conflict between the position of NIEA and SES on the presence of salmon in watercourses.
 - Inadequate consideration on bat populations including cumulative assessment with other wind farms.

- Absence of consideration of flooding in more frequent extreme event and climate change scenarios.
- Absence of consideration of cumulative effect of loss of bog habitat.
- Lack of assessment of introduction of toxic chemicals on site including the extensive use of concrete and steel.
- Need to consider proposal with the overhead grid connections including transfrontier (i.e. UK/ Ireland border) impacts.
- Micro-siting of turbines of up to 50m could result in the proposal being close to watercourses.
- Habitat improvement cannot be considered as a compensatory measure in Stage 2 Appropriate Assessment.
- Monitoring cannot be considered as mitigation.
- A full drainage plan is required with exact location of settlement lagoons and discharge points etc. required.
- Absence of cumulative assessment on impact on salmon populations.
- In perpetuity assessment has been considered by SES to avoid appropriate assessment of decommissioning of the proposed windfarm.

2.0 Consideration

- 2.1 Further plans are required to show the location of the proposed drainage infrastructure including settlement lagoons and discharge points. Such drainage infrastructure is operational development and requires planning permission.
- 2.2 Shared Environmental Services (SES) is content that post planning consents can be used as mitigation measures for the purposes of Stage 2 Appropriate Assessment. Regarding the CEMPs, this is on the basis that mitigation and control measures can be used along Pollution Prevention Guidelines. This position is not considered inconsistent with the referenced ECJ rulings.
- 2.3 The Stage 2 Appropriate Assessment by SES considered both the decommissioning of the existing windfarm comprising 10 turbines (Condition 26 as set out in Addendum 4 refers) and the decommissioning of the proposed windfarm comprising 7 turbines (Condition 3 as set out in Addendum 4 refers). These mitigation conditions allow for no adverse effect on site integrity.

- 2.4 Most of the other issues raised have not been subject to specific assessment. Further consultation is required with the DAERA NIEA as the statutory nature conservation body on many of these issues. Consultation is required with DfI Rivers regarding the drainage infrastructure details. In addition, further consultation is required with Shared Environmental Services (SES) regarding issues relevant to the Habitats Regulation Assessment.
- 2.5 Subject to further consideration, further environmental information may be required i.e. an addendum to the Environmental Statement. Subject to the consultation responses, “transfrontier” EIA consultation may be required with Ireland.
- 2.6 To allow submission of further plans, re-consultation and further assessment to take place, it is recommended that the application is deferred and returned to the Planning Committee when this process is complete.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree to **defer the application** to allow submission of amended plans, re-consultation and further assessment to take place. This recommendation supersedes that set out in Paragraph 1.1 of the Planning Committee report.