

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Pigeon Top Wind Farm - EIAR Scoping Consultation
Date: 10 May 2021 09:46:00
Attachments: [CB29608_Pigeon_Top_Windfarm_amendments - scoping_May 2021.doc](#)
[image004.png](#)
[image002.png](#)

[REDACTED],

Please find attached response from [REDACTED].

Thanks

[REDACTED]

From: [REDACTED]
Sent: 10 May 2021 08:43
To: DAERA BCSGeneral <BCSGeneral@daera-ni.gov.uk>
Subject: RE: Pigeon Top Wind Farm - EIAR Scoping Consultation

Hi [REDACTED]

I am attaching a consultation response for Pigeon Top Windfarm. This contains minor amendments to our planning response of February 2021 to take into account the proposal to increase the maximum height of turbines. Our conclusions are unchanged, however. Could you please copy this to CDP.

Many thanks

[REDACTED]

[REDACTED]
Ornithologist
Biodiversity & Conservation Science
Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast
BT7 2JA

DAERA Signature Strip New 2020 Green



From: DAERA BCSGeneral
Sent: 07 May 2021 13:07
To: [REDACTED]
[REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: FW: Pigeon Top Wind Farm - EIAR Scoping Consultation

[REDACTED]

For your attention.

Thanks

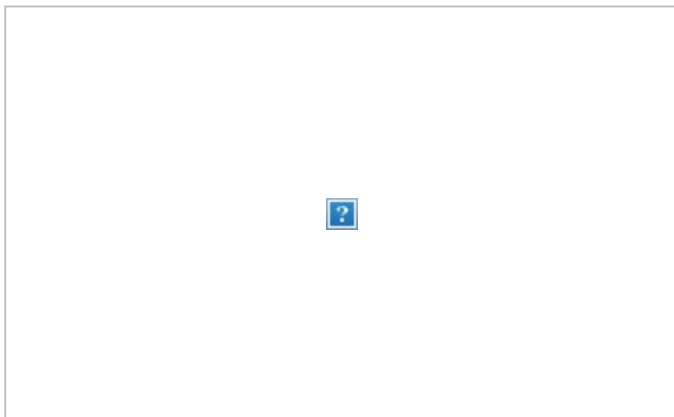
[REDACTED]

From: DAERA NIEA CDP
Sent: 05 May 2021 15:46
To: DAERA BCSGeneral <BCSGeneral@daera-ni.gov.uk>
Cc: [REDACTED]
Subject: FW: Pigeon Top Wind Farm - EIAR Scoping Consultation

Hello,

I'm not sure if BCS-Orni have already had sight on this one. I am reviewing an EIAR Scoping Consultation in relation to proposed amendments to the consented Pigeon Top Wind Farm (K/2009/0081/F and K/2011/0592/F).

The closest Designated sites to the proposal site (approximate centre point - 235,286 369,285) are over 2km away and do not contain Ornithological features. However, from the Risk BOP Species layer on Arc, Hen Harrier appear to be classified as probable within the proposal area and confirmed 1.3km West of the proposal area.



I have attached the Consultation and location maps. Could you please advise if Ornithology have any comments to make, due to the nature of the proposal and the likelihood of ornithological species traversing the site?

Many thanks,

[REDACTED]

From: DAERA Planning Response Team

Sent: 30 April 2021 15:29

To: DAERA NIEA Plan <NIEAPlan@daera-ni.gov.uk>; DAERA CDP Planning Consultations <CDP.PlanningConsultations@daera-ni.gov.uk>; DAERA WMUplanningconsultations <WMUPlanningConsultations@daera-ni.gov.uk>; DAERA NIEA Land and Groundwater Team <LGWinfo@daera-ni.gov.uk>; DAERA Angling Correspondence <anglingcorrespondence@daera-ni.gov.uk>; DAERA Marine Information Requests <Marine.InfoRequests@daera-ni.gov.uk>; DWI <dwi@daera-ni.gov.uk>

Subject: FW: Pigeon Top Wind Farm - EIAR Scoping Consultation

Good Afternoon All,

The e-mail below refers.

This Wind Farm development is at the pre-planning stage and the Agent is seeking advice on the content that must be included in an EIAR. PRT will co-ordinate our response. Can we have your comments/nil returns by **COP Thursday 27th April** and ask that these are saved into AE1-20-7336.

Thank You,



Planning Response Team

Environment, Marine & Fisheries Group

DAERA

Klondyke Building | Cromac Avenue | Gasworks Business Park | Malone Lower | Ormeau Road | Belfast | BT7 2JA

W: www.daera-ni.gov.uk | E: planningresponse.team@daera-ni.gov.uk

T: 028 90569604

DAERA Signature Strip New 2020 Green



From: 

Sent: 29 April 2021 18:19

To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>

Subject: Pigeon Top Wind Farm - EIAR Scoping Consultation

Dear Sir or Madam,

On behalf of our client, Pigeon Top Wind Limited, Canavan Associates are conducting a Pre-planning EIAR scoping exercise with a range of prescribed bodies to re-consult in relation to proposed amendments to the consented Pigeon Top Wind Farm (K/2009/0081/F and K/2011/0592/F).

Changes will include:

- Alteration to the turbine dimensions, and also an increase in turbine tip height from 126

meters to 142.5 metres.

- Slight relocations of T1, T4 and T5 within the previously approved turbine micro-siting areas,
- Slight amendment of previously approved access track routes and hardstand design
- Proposal of a new 80m met mast.
- Proposal to change the wind farm operational period from 25 years to 35 years, from the date of which the wind farm is connected to the electricity grid.

We previously consulted your organisation in October 2020, with regard to proposals to amend the approved Pigeon Top Wind Farm retaining the approved turbine tip height of 126m. The current consultation exercise relates to an amended proposal to increase the turbine tip height from 126m to 142.5m.

At this pre-planning stage, we are seeking advice from relevant parties on information and considerations that must be included in the EIAR.

I have attached the following for your information:

- o Correspondence which introduces and describes the project.
- o Figure C1: Site Location (Scale 1:50,000 @ A3)
- o Figure C2: Site Layout (Scale 1:12,500 @ A3)

Please note that details are remain draft format and may be subject to review and revision in advance of formal planning application submission.

We welcome any comments or advice you may have.

Kind regards,

[Redacted Signature]

Direct Dial: [Redacted]

Office : + 44 (0) 28 71371700

Email: [Redacted]

Web: <http://www.canavanassociates.com>

Internal Memo

From: [REDACTED]

Your Ref: CB29608

Tel: [REDACTED]

Our Ref:

Date: 10/05/2021

cc:

To: Development Management Team

Proposed amendments to a consented windfarm, access and infrastructure at Pigeon Top, Cornavarrow Road, Dooish, Drumquin, Co. Fermanagh by Pigeon Top Wind. (Planning Ref: LA10/2020/1198/DETEIA; Grid Refs: 235383, 370579; IH354706)

NOTES ON SCOPING

- The proposed development site is located within rough pasture and upland heath, including cut-over bog. Other habitats in the surrounding area include semi-improved grassland and coniferous plantation. The site is adjacent to the operational Cornavarrow (Pollanalaght) windfarm (K/2006/1368/F).
- It is proposed to alter the dimensions of the turbines at this site from a maximum height of 126m to 142.5m. Small adjustments will also be made to the locations of turbines T1, T4 and T5 within approved micro-siting areas. The relocation of these turbines will avoid impacts on peat bog and Marsh Fritillary habitats. The route of the access track will be slightly amended and a meteorological mast (height 80m) will be added.
- Bird surveys undertaken prior to 2009 to support the original application for this project recorded the presence of Hen Harrier (Wildlife Order: Schedule 1; Amber-listed species of conservation concern in Ireland), Golden Plover (Red-listed), Curlew (Red-listed) and Snipe (Amber-listed) at or in the vicinity of this site. Nesting by Hen Harrier between the two proposed turbine arrays was considered a possibility at that time. Golden Plover occurred only on passage and there was no evidence of breeding by Curlew in proximity to the site.
- At the time of the 2016 National Census of the species, the closest Hen Harrier nest to the proposed development was located at a distance of approximately 4.5km and no nesting had occurred closer to the windfarm by 2018. Tracking studies within Ireland indicate that the foraging range of harriers using this nest site could extend within the windfarm boundary. The development could

therefore potentially present a risk of habitat loss (through avoidance) or collision to this species, either in isolation or in combination with neighbouring windfarms. Additional observations of Hen Harriers were also recorded within 1.5km of the site during fieldwork for the 2007-11 Bird Atlas. Kestrel (Amber-listed) was recorded within 2.5km in 2011. A Peregrine (Wildlife Order: Schedule 1) nest site within 4km of the development site was occupied during the 2014 National Census of this species. No information on raptor distribution in the local area subsequent to 2016, other than for Hen Harrier, is currently available.

- The development site may support breeding Snipe. CS has no recent records of significant breeding sites for other wader species within a distance where disturbance by construction work or operating turbines would be likely. Curlew (Red-listed) and Lapwing (Amber-listed) have, however, nested in the past in tetrads adjacent to the site boundary. Apparently suitable habitat for Curlew remains within the site and buffer zone and the presence of this species cannot be ruled out.
- Potential habitat for Red Grouse (Red-listed) occurs within the development site itself but the 2004 survey of this species in Northern Ireland (Allen *et al* 2004) found evidence no evidence of the its presence within the corresponding 1km grid square. Signs of grouse were found in the wider area, within 2km of the site.
- The site is not close to a known foraging/roosting area for large numbers of waterfowl but it may be occasionally crossed by migratory species, particularly Whooper Swans (Wildlife Order: Schedule 1; Amber-listed) in transit between Lough Foyle and the Lough Erne basin during the period October to April.
- The development site and buffer zone will also hold a range of additional bird species typical of upland heath and grassland and forest edge which is likely to include species of conservation concern.
- BCS notes that collection of new baseline environmental data is planned and recommends that a full range of bird surveys is carried out at this site according to SNH guidelines <https://www.nature.scot/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms> . This should include the following:
 - Transect-based surveys of breeding and wintering birds within a radius of 500m of the turbine perimeter (suitable habitat up to 800m for Curlew). A minimum of four visits should be made per breeding season (March – July). Results should be tabulated and mapped.
 - A search of suitable habitat in the surrounding area for breeding raptors to a distance of 2km from the site boundary.
 - A programme of vantage point watches for flight activity of raptors and other large species during the breeding season and winter (October – March). This should cover the windfarm site and a buffer zone extending 500m from the turbine perimeter and meteorological mast. A minimum of 36 hours of observation should be conducted from each vantage point in each season. Flight lines of target species should be mapped.
 - Collision risk estimates should be calculated using standard methods (SNH 2000a, b) with appropriate avoidance rates for **all raptors** and large-bodied species for which there are sufficient data. Estimates should

be produced for all potential combinations of turbine dimensions being considered.

- The impact on bird populations of the proposed development on bird populations should be assessed in combination with the neighbouring Cornavarrow (Pollanalaght) Windfarm and all consented and planned windfarms within a 15km radius.
- As this development has previously been consented and structural amendments to turbines are within the consented maximum height, BCS is content to accept data from a single 12-month period covering both breeding and non-breeding seasons.

References:

Allen, D., Mellon, C. & Mawhinney, K. (2004) The status of Red Grouse in Northern Ireland 2004. Report to the Environment and Heritage Service by Allen & Mellon Environmental Ltd., Belfast.

Scottish Natural Heritage (2000) *Guidance: Windfarms and Birds: Calculating a theoretical collision risk assuming no avoiding action*

<https://www.nature.scot/wind-farm-impacts-birds-calculating-theoretical-collision-risk-assuming-no-avoiding-action>

Scottish Natural Heritage (2018) *Wind farm impacts on birds – Calculating the probability of collision* <https://www.nature.scot/wind-farm-impacts-birds-calculating-probability-collision>

Scottish Natural Heritage (2017) *Guidance: Recommended bird survey methods to inform impact assessment of onshore wind farms*. March 2017. Version 2.

<https://www.nature.scot/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms>

From: [DAERA BCSGeneral](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Pigeon Top Wind Farm - EIAR Scoping Consultation
Date: 07 May 2021 13:06:00
Attachments: [202020 Fig C1 15-01-2021 - draft.pdf](#)
[202020 Fig C2 15-01-2021 HL02 - draft.pdf](#)
[Planning daera-ni.pdf](#)
[image001.png](#)

[REDACTED],

For your attention.

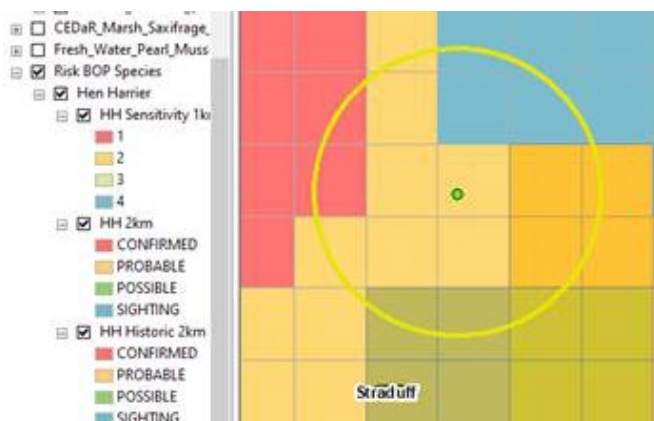
Thanks

From: DAERA NIEA CDP
Sent: 05 May 2021 15:46
To: DAERA BCSGeneral <BCSGeneral@daera-ni.gov.uk>
Cc: [REDACTED]
Subject: FW: Pigeon Top Wind Farm - EIAR Scoping Consultation

Hello,

I'm not sure if BCS-Orni have already had sight on this one. I am reviewing an EIAR Scoping Consultation in relation to proposed amendments to the consented Pigeon Top Wind Farm (K/2009/0081/F and K/2011/0592/F).

The closest Designated sites to the proposal site (approximate centre point - 235,286 369,285) are over 2km away and do not contain Ornithological features. However, from the Risk BOP Species layer on Arc, Hen Harrier appear to be classified as probable within the proposal area and confirmed 1.3km West of the proposal area.



I have attached the Consultation and location maps. Could you please advise if Ornithology have any comments to make, due to the nature of the proposal and the likelihood of ornithological species traversing the site?

Many thanks,

[REDACTED]

From: DAERA Planning Response Team
Sent: 30 April 2021 15:29
To: DAERA NIEA Plan <NIEAPlan@daera-ni.gov.uk>; DAERA CDP Planning Consultations <CDP.PlanningConsultations@daera-ni.gov.uk>; DAERA WMUplanningconsultations <WMUPlanningConsultations@daera-ni.gov.uk>; DAERA NIEA Land and Groundwater Team <LGWinfo@daera-ni.gov.uk>; DAERA Angling Correspondence <anglingcorrespondence@daera-ni.gov.uk>; DAERA Marine Information Requests <Marine.InfoRequests@daera-ni.gov.uk>; DWI <dwi@daera-ni.gov.uk>
Subject: FW: Pigeon Top Wind Farm - EIAR Scoping Consultation

Good Afternoon All,

The e-mail below refers.

This Wind Farm development is at the pre-planning stage and the Agent is seeking advice on the content that must be included in an EIAR. PRT will co-ordinate our response. Can we have your comments/nil returns by **COP Thursday 27th April** and ask that these are saved into AE1-20-7336.

Thank You,

[REDACTED]
Planning Response Team
Environment, Marine & Fisheries Group
DAERA
Klondyke Building | Cromac Avenue | Gasworks Business Park | Malone Lower | Ormeau Road | Belfast | BT7 2JA
W: www.daera-ni.gov.uk | E: planningresponse.team@daera-ni.gov.uk
T: 028 90569604



From: [REDACTED] <[\[REDACTED\]@canavanassociates.com](mailto:[REDACTED]@canavanassociates.com)>
Sent: 29 April 2021 18:19
To: DAERA Planning Response Team <PlanningResponse.Team@daera-ni.gov.uk>
Subject: Pigeon Top Wind Farm - EIAR Scoping Consultation

Dear Sir or Madam,

On behalf of our client, Pigeon Top Wind Limited, Canavan Associates are conducting a Pre-planning EIAR scoping exercise with a range of prescribed bodies to re-consult in relation to proposed amendments to the consented Pigeon Top Wind Farm (K/2009/0081/F and K/2011/0592/F).

Changes will include:

- Alteration to the turbine dimensions, and also an increase in turbine tip height from 126 meters to 142.5 metres.
- Slight relocations of T1, T4 and T5 within the previously approved turbine micro-siting areas,
- Slight amendment of previously approved access track routes and hardstand design
- Proposal of a new 80m met mast.
- Proposal to change the wind farm operational period from 25 years to 35 years, from the date of which the wind farm is connected to the electricity grid.

We previously consulted your organisation in October 2020, with regard to proposals to amend the approved Pigeon Top Wind Farm retaining the approved turbine tip height of 126m. The current consultation exercise relates to an amended proposal to increase the turbine tip height from 126m to 142.5m.

At this pre-planning stage, we are seeking advice from relevant parties on information and considerations that must be included in the EIAR.

I have attached the following for your information:

- o Correspondence which introduces and describes the project.
- o Figure C1: Site Location (Scale 1:50,000 @ A3)
- o Figure C2: Site Layout (Scale 1:12,500 @ A3)

Please note that details are remain draft format and may be subject to review and revision in advance of formal planning application submission.

We welcome any comments or advice you may have.

Kind regards,

██████████

Direct Dial: +██████████
Office : + 44 (0) 28 71371700

Email: ██████████@canavanassociates.com
Web: <http://www.canavanassociates.com>



Consultant Chartered Town Planners, Architects and Environmental Consultants

23 Prince's Street, Derry/Londonderry, N. Ireland, BT48 7EY

Phone: (028) 71 37 1700

Fax. (028) 71 37 2187

info@canavanassociates.com

www.canavanassociates.com

Delivery by email to planningresponse.team@daera-ni.gov.uk

Date: 29th April 2020

Our Ref.: 202020-142.5

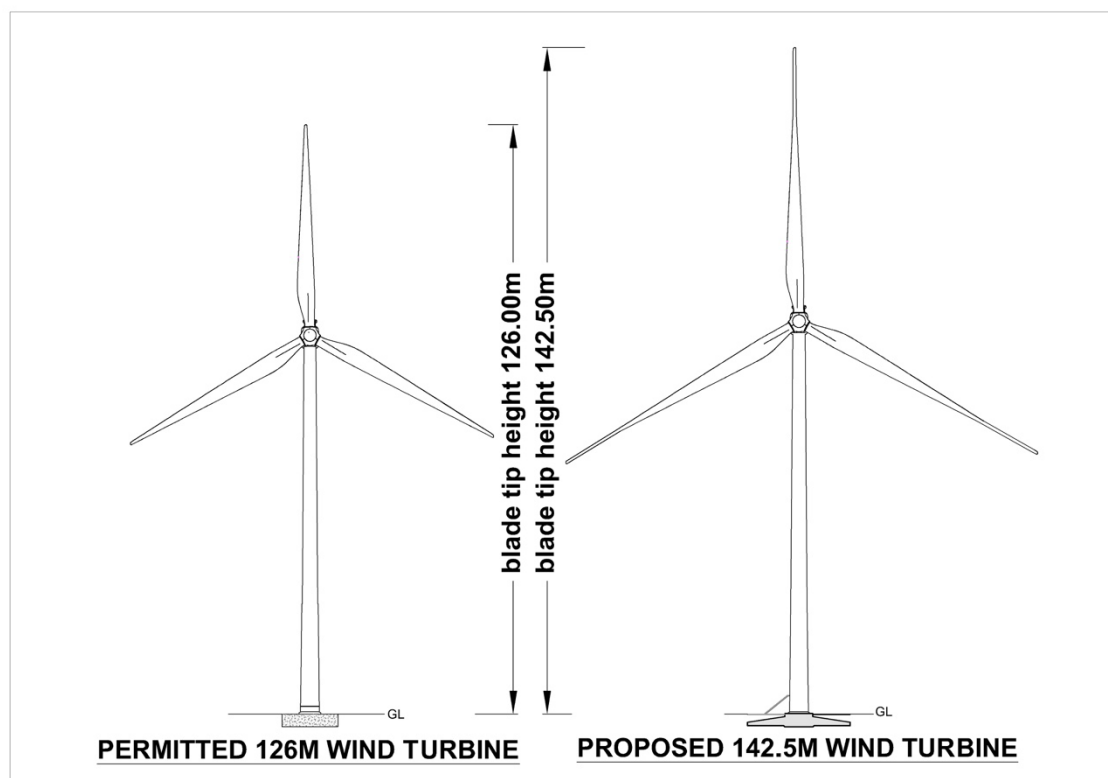
RE: Pre- Planning EIA scoping consultation request in relation to the proposed amendment to the consented Pigeon Top Wind Farm (Planning permission references: K/2009/0081/F and K/2011/0592/F), is proposed to change the wind turbine dimensions, and also turbine tip height to 142.5 metres. The proposal also includes slight amendments of the previously approved access track routes and hardstand design and a new 80 metres high wind measurement mast. The proposal also includes change in the wind farm operational period from 25 years to 35 years, from the date of which the wind farm is connected to the electricity grid. (Note final wording of development description may vary slightly)

Dear Sir or Madam,

Canavan Associates Ltd are the agent acting on behalf of the Applicant, Pigeon Top Wind Farm Ltd, in relation to the above proposed amendments to the approved Pigeon Top Wind Farm. This 9 turbine wind farm will be located on land approx. 1800m NE of 26 Cornavarrow Road, Dooish, Drumquin, Omagh, County Tyrone, BT78 4RN.

The location of the development is illustrated on attached Figure C1. The proposed development remains within the landholding area of the consented Pigeon Top Wind Farm (K/2009/0081/F and K/2011/0592/F). The approximate centre point coordinate of the site is Irish Grid Ref. 213500, 348578.

We previously consulted your organisation in October 2020, with regard to proposals to amend the design of the approved Pigeon Top Wind Farm development, but retain the approved turbine tip height of 126m. The current consultation exercise relates to an amended proposal to change the design of the approved Pigeon Top Wind Farm development, and increase the turbine tip height from 126m to 142.5m. The following image allows comparison of the approved and proposed turbines.



The layout of the proposed development is illustrated on attached Figure C2. The proposed turbine and met. mast location coordinates and dimensions will be as follows:

Turbine No.	ING Coordinates		BNG Coordinates		Min. Hub Height (m)	Max. Blade diameter (m)	Max. Blade Tip Height (m)
	Easting	Northing	Easting	Northing			
T1	235502	369466	47817	533345	84	117	142.5
T2	235708	369668	48040	533529	84	117	142.5
T3	235907	369874	48256	533718	84	117	142.5
T4	236132	370059	48496	533883	84	117	142.5
T5	234386	371607	46887	535576	84	117	142.5
T6	234682	371543	47176	535487	84	117	142.5
T7	234983	371549	47477	535467	84	117	142.5
T8	235270	371482	47758	535376	84	117	142.5
T9	235545	371396	48025	535267	84	117	142.5
Met. Mast	235214	369280	47514	533184	80	n/a	n/a

The proposed alterations in turbine geometry will allow consideration of potential alternative turbine models, including the Enercon E115 and the Vestas V117, for installation at the site. It is proposed to increase the turbine blade tip height from the approved 126m to a maximum of 142.5m.

Each of the 9 proposed turbines will have a generational capacity of up to 4.2MW. Therefore, if approved, the total wind farm capacity is estimated to be up to 37.8MW. This greater capacity, of potentially up to 15.3MW over and above the approved Pigeon Top Wind Farm development, improves the contribution this facility can make to renewable energy generation within Northern Ireland.

- The proposal includes slight relocations of turbines T1, T4 and T5, within the previously approved turbine micro-siting areas. These changes are included to avoid impacts to peat bog habitat at T4, newly identified valued marsh frittillary habitat zones at T1, and at T5, to avoid blade over-sail of the Public Road at Rolsons Lane.
- The positioning of wind farm access tracks and hardstands have been optimised to minimise the associated development footprint, to respond to the findings of further detailed surveys at the site, and to improve engineering design and project buildability. Changes include:
 - Slight amendments to the previously approved access track routes.
 - An increase in the size and variation of hardstand design, to accommodate alternative turbine models currently under consideration for installation at the site.
- Installation of a new 80m met mast will be proposed. This will be located between the planning approved Pigeon Top 110kV Substation (Planning reference: LA10/2020/0339/F) and the location of T1. This new structure will measure wind speed and direction at the site.
- An extension of wind farm operational period is also proposed, from the approved 25 years to 35 years. This requires an alteration to the planning conditions 8 of PAC decision 2009/A0265 (K/2009/0081/F); and 18 of K/2011/0592/F. This amendment would be to acknowledge improvements in turbine technology which results in longer mechanical lifecycles for wind

turbine machinery. The reliability and durability of wind turbine machinery has improved to an extent where manufacturers are increasing the certified design lifespan, allowing the wind farm to generate renewable energy for a longer period.

This development is at the pre-application stage. Discussions have been ongoing with planning representatives at Fermanagh and Omagh District Council in accordance with the provisions of Pre-Application Discussion (PAD). Consultation has been conducted with members of the public and elected representatives in accordance with the details outlined in the PAN Notice (LA10/2021/0415/PAN).

Environmental Impact Assessment survey work and assessment continues at this site, to fully assess the potential impacts of the application. New Environmental studies and expert assessments conducted in association with this EIA planning application will include:

- Bird, Bat, Habitat, Fisheries and Aquatic Ecology surveys and assessments;
- Revised Habitat Management Plan and Habitat Regulations Assessment;
- Noise and Shadow Flicker Impact Assessment;
- Assessment of peat depth and ground stability;
- Water and Drainage Impact Assessment;
- Access considerations; and
- Landscape and Visual Impact Assessment, with Viewshed Reference Point visuals (VRP) and Zone of Theoretical Visibility Mapping (ZTV).

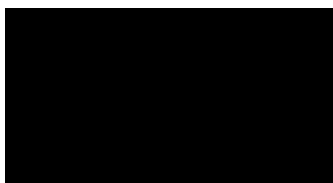
The assessments will consider the potential cumulative impact of the wind farm with other developments in the vicinity. The development design will respond to expert advice, recommendations and any requirement for mitigation. This comprehensive Environmental Impact Assessment information will be submitted to Fermanagh and Omagh District Council with the planning application.

At this pre-planning stage, we request the details of any information your agency or company feels is relevant, and should be covered in the ongoing Environmental Impact Assessment of this proposal. We ask that you respond at your earliest convenience, and by the 28th of May 2021.

We look forward to receiving your response and any advice your organisation may have. Please feel free to contact Canavan Associates for further information or clarification on any of this information. Our contact details are provided below, and in the header above.

Fermanagh and Omagh District Council Planning Authority may also contact you for comment on the application once this is submitted for planning consideration.

Yours Sincerely,

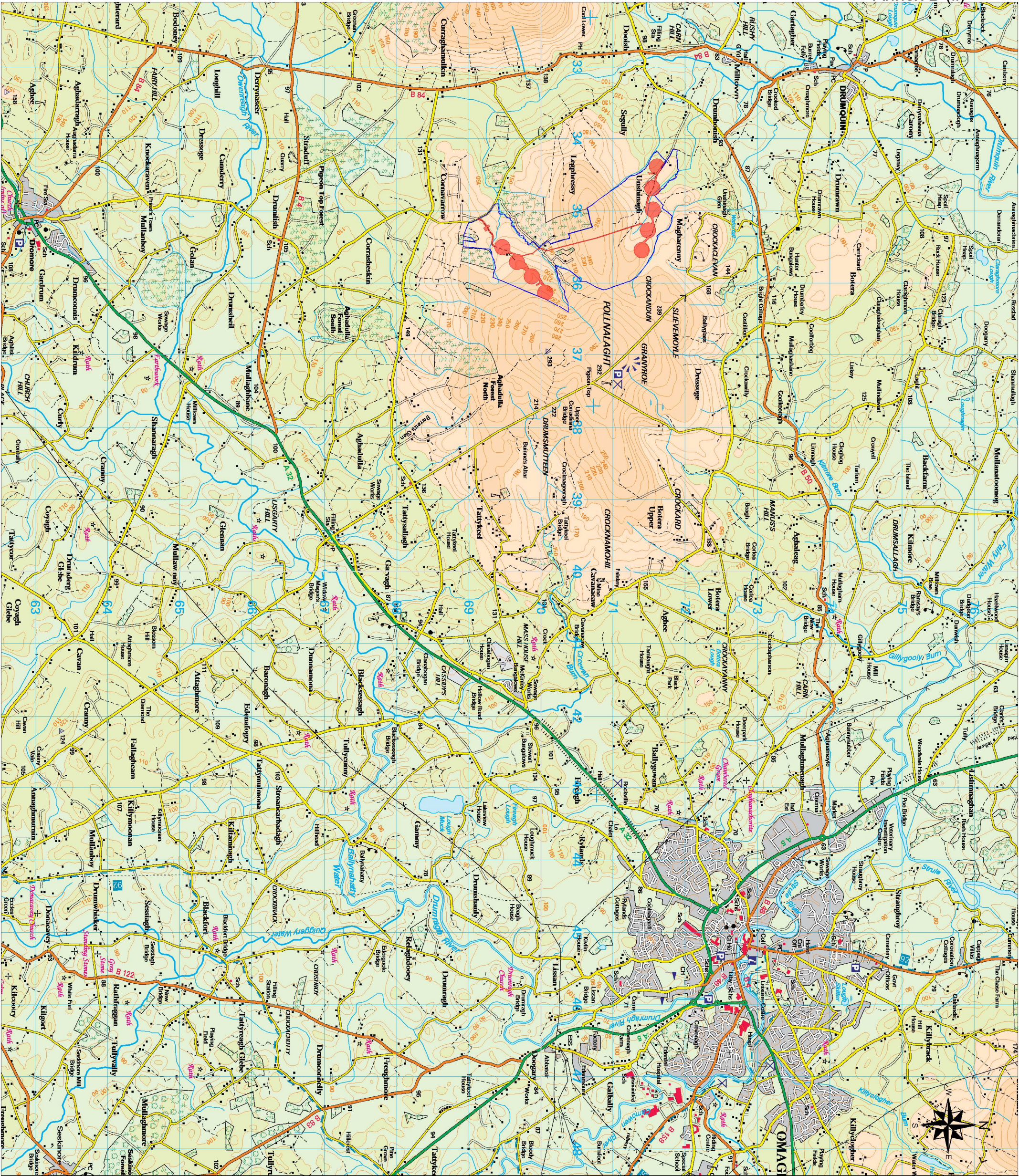


Canavan Associates Ltd.

[canavanassociates.com](http://www.canavanassociates.com)

[Tel: 028 71 371700 / 0044 28 71 371700](tel:02871371700)

ENCL. Figure C1: Site Location (Scale 1:50,000 @ A3)
Figure C2: Site Layout (Scale 1:12,500 @ A3)



PROPOSED AMENDMENT TO
THE APPROVED PIGEON TOP
WIND FARM, COUNTY TYRONE

Legend

Landholding Boundary

Proposed Site Boundary/Area

draft - for purpose of EIA scoping

Site Location Map
Figure C1

Scale: 1:50,000	Date: Feb 2021
Wind Turbine Layout Ref: 15-01-2021	
Drawing Ref: 202020 Fig C1 15-01-2021.dwg	



From: [DAERA BCSGeneral](#)
To: [DAERA NIEA Plan](#)
Subject: Inter-Unit Consultation Response - CB30610 - LA10/2021/0916/F
Date: 07 September 2021 18:05:00
Attachments: [CB30610 Pigeon Top Windfarm, amendments EIA Sep 2021.docx](#)
[image001.png](#)

■

Please find attached inter-unit consultation response for your attention.

Thanks

■

From: ■
Sent: 07 September 2021 16:24
To: DAERA BCSGeneral <BCSGeneral@daera-ni.gov.uk>
Subject: RE: Inter-Unit Consultation - CB30610 - LA10/2021/0916/F

Hi ■

I am attaching a consultation response for CB30610. Could you please file this and send a copy to the Planning Team.

Many thanks

■

■
Ornithologist
Biodiversity & Conservation Science
Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast
BT7 2JA



From: DAERA BCSGeneral
Sent: 09 August 2021 13:23
To: ■
Subject: Inter-Unit Consultation - CB30610 - LA10/2021/0916/F
Importance: High

■

Please find attached inter-unit consultation for your attention.

Thanks

Roisin

From: DAERA NIEA Plan
Sent: 09 August 2021 13:13
To: DAERA BCSGeneral <BCSGeneral@daera-ni.gov.uk>
Cc: DAERA NIEA Plan <NIEAPlan@daera-ni.gov.uk>
Subject: CB30610 LA10/2021/0916/F
Importance: High

■

Pl see attached consultation for the attention of ■ – within a Hen Harrier consultation zone.

Pigeon Top WF & previous files 16591 & 18645 refer.

Thanks

■

Internal Memo

From: [REDACTED]

Your Ref: CB30610

Tel:

Our Ref:

Date: 07/09/2021

cc:

To: Development Management Team

*Proposed amendments to consented windfarm comprising 9 turbines and associated infrastructure and access at Pigeon Top, Cornavarrow Road, Dooish, Drumquin, Co. Fermanagh by Pigeon Top Wind.
(Planning ref: LA/10/2021/0916/F; Grid Refs: 234625, 370759; IH346708)*

NOTES ON THE POTENTIAL IMPACT ON LOCAL BIRD POPULATIONS

- An environmental statement has been received for the proposed amendment to consented Pigeon Top windfarm (K/2009/0081/F and K/2011/0592/F) comprising 9 wind turbines and associated infrastructure.
- It is proposed to alter the height of the turbines at this site from 126m to 142.5m. The route of the access track will be slightly amended and a meteorological mast (height 80m) will be installed. Small adjustments will be made to the locations of T1, T4 and T5 within approved micro-siting areas. These minor relocations will avoid impacts on peat bog and Marsh Fritillary habitats. The operational period of the windfarm will be extended from 25 to 35 years.
- Habitat within the proposed development site consists predominantly of rough pasture and upland heath, including cut-over bog. Other habitats in the surrounding area include semi-improved grassland and coniferous plantation. The site is adjacent to the operational Cornavarrow (Pollanalaght) windfarm (K/2006/1368/F).
- The developer has carried out a range of surveys, details of which are included in the ornithological chapter of the environment statement. Surveys were conducted pre-2009 for the initial application. The current bird surveys were conducted between May 2020 and March 2021.
- Four breeding bird surveys were conducted between May and August 2020 following Brown and Shepherd (1993) methodology, which included the site

boundary and a 500m buffer. BCS has some concerns regarding the relatively late commencement of breeding bird surveys in May, rather than in March or April. This may have resulted in some nesting attempts which failed early being missed. We do, however, acknowledge the difficulties associated with restrictions associated with the Covid-19 pandemic faced by biological surveyors in general during Spring 2020 and note also that the bird community recorded is very similar to that found during previous surveys at this site and the overlapping survey area for the Cornavarrow Windfarm.

- Using the same methodology, three winter bird surveys were conducted during December to February 2020/21.
- 36 hours of vantage point surveys of flight activity was completed at 3 locations during both the breeding and wintering season. Target species included Hen Harrier, Peregrine, Merlin, all breeding waders and all wildfowl. Secondary species included all raptor species, all notable non-passerines and any large flocks of any species.
- A single Snipe territory was recorded near turbine T9 and at least 3 Snipe territories are located within the wider survey area. The T9 territory is within the zone of potential susceptibility (400m radius) to displacement effects for Snipe (Pearce-Higgins *et al* 2009, 2012). It should be noted, however, that this area has remained occupied despite the proximity of two turbines within the operational Cornavarrow windfarm. Despite this apparent habituation, it is important that habitat enhancement measures which are outlined in the Snipe Habitat Management Plan (SHMP), are implemented to assist in retaining the species on site and encouraging increased breeding density.
- No Curlew were recorded within the survey area during these surveys, the original surveys or those carried out in association with the Cornavarrow Windfarm.
- It is likely that small number of Red Grouse breed within the survey area, with evidence of occupation being found in the form of droppings within the site boundaries near turbine T4. Research suggests that although Red Grouse may be displaced by construction activity at windfarm sites, the species will return during the operational phase (Pearce-Higgins *et al* 2012). Mitigation measures may be employed to minimise the impact of construction, such as pre-construction, such as undertaking construction work outside of the breeding season or, as outlined in the environmental statement, pre-construction vegetation management and monitoring of Grouse activity during construction. Provided appropriate mitigation measures are implemented, CS is satisfied that it is unlikely that the project would have a significant adverse impact on the local Red Grouse population in the medium to long term.
- A total of 43 species were recorded during breeding bird surveys, of which 28 were considered to be probable or confirmed breeders within the survey area. This included three Red-listed species of conservation concern in Ireland (Meadow pipit, Red Grouse and Snipe). Breeding densities were low for most species. All remain relatively widespread in suitable habitat throughout Northern Ireland and it is therefore considered unlikely that the proposed amendments to

this project would have a significant adverse impact upon any of the above at the regional population level.

- Winter bird surveys recorded a total of 37 bird species. This included 4 Red-listed species (Meadow Pipit, Red Grouse, Kestrel and Snipe) and 8 Amber-listed species (Herring Gull, Goldcrest, Hen Harrier, Lesser Black-backed Gull, Linnet, Skylark, Starling and Whooper Swan.)
- No nests of raptor species were recorded within the survey area. Peregrine (4 flights), Buzzard (10 flights), Kestrel (6 flights), Merlin (1 flight) and Hen Harrier (2 flights) were all observed within the survey area. Merlin, Peregrine and Hen Harrier were infrequently observed within the windfarm site itself.
- Buzzard and Kestrel were the most frequently observed species during vantage point watches. During the 2020 breeding survey period, 10 flights of Buzzard were observed totalling 593 seconds of flight activity, while there were 6 flights of Kestrel totalling 951 seconds of flight activity.
- Observation rates for Hen Harrier, Peregrine and Merlin are insufficient to allow collision risk estimation, therefore collision risk is unlikely to be significant for these species. The collision risk assessment for Buzzards using vantage point observations from the recent survey period indicates a collision risk of one bird every 5 to 6 years. The collision risk estimate for is low and the population is unlikely to be affected by the proposed amendments. The collision risk estimation for Kestrel is a collision risk of one bird every 1.8 years. This species has recently been added to the Red list of Birds of Conservation Concern in Ireland on the basis of a 53% decline in breeding bird numbers over 25 years (Gilbert *et al.* 2021). Given that the annual survival rate for Kestrels is estimated by the BTO at 69% (adult) and 32% (first year) (<https://app.bto.org/birdfacts/results/bob3040.htm>), the predicted collision rate at this site would not result in a significant increase in annual mortality for a Northern Ireland population estimated at 1,000 pairs (Woodward *et al* 2020). No overall estimate of collision mortality for Kestrel has been included in the cumulative impact assessment in combination with the three neighbouring operational or consented windfarms (Cornavarrow, Clunahill, and Curraghmulkin/Dooish) but no formal collision risk estimates were submitted for the species from any of these projects as its frequency of occurrence was considered low at all three sites at the time of the original surveys.
- The development site is not known to be close to an established flyway for large numbers of migratory waterfowl and there are no major foraging/roost sites for these species in the vicinity. It is therefore unlikely that the turbines would present a significant collision risk these species.
- We recommend that, should approval be granted, the mitigation measures listed in Section 9 of the Environmental Statement are implemented. In particular the following steps to minimise threats to breeding birds and to maintain the availability of nest sites should be conditions of consent:
 - Any unavoidable vegetation removal should be carried out outside of the breeding bird season, which runs from 1st of March to 31st of August.
 - The site should be checked for nesting activity (particularly for Red Grouse and Snipe) prior to and during any construction work within the

- breeding season and construction work should be supervised by a suitably qualified ornithologist with the ability to halt works should there be risk to active nests.
- A Snipe Habitat Management Plan has been produced (EIA Appendix 9: Section 9.6). The plan includes; predator control, removal of fallen livestock, sward management by light grazing, control of rush and scrub and blocking of drains to raise the water table. These measures will improve the habitat for waders and also for moorland passerines, particularly Meadow Pipit and Skylark. CS would wish to see this plan implemented in its entirety.
 - Mitigation for potential displacement of Red Grouse has also been proposed (EIA Appendix 9: Section 9.6) in the form of habitat management based on grazing restrictions and cutting to produce a mosaic of various growth stages of heather within an area of approximately 50ha. These measures should be fully implemented.
 - Any guy wires or cables should be clearly marked using bird deflectors or streamers to reduce the risk of bird collision.
 - All works should remain within the access and construction footprint shown in the original drawings.
- A full bird monitoring programme should be carried out, as proposed in EIA Appendix 9: Section 9.8, in the construction year (Year 1) and in years 2, 3, 4, 5, 10 and 15 of operation and should include both walk-over and vantage point surveys, breeding raptor surveys within a 2km radius of the site and regular carcass searches. Carcass searches should be carried out monthly during survey periods within turbine bases and a 200m radius around them. The carcass search programme should be preceded by carcass removal trials to assess the impact on results of scavenging by predators.

References:

Brown, A. F. and Shepherd, K. B. (1993) A method for censusing upland breeding waders, *Bird Study*, 40: 3, 189 -195

Gilbert, G., Stanbury, A. & Lewis, L. (2021). Birds of Conservation Concern in Ireland 2020-2026. *Irish Birds* 43: 1-22.

Pearce-Higgins, J.W., Stephen, L., Langston, R.H.W., Bainbridge, I.P. & Bullman, R. (2009) The distribution of breeding birds around upland wind farms *Journal of Applied Ecology* 46: 1323-1331.

Pearce-Higgins, J.W., Stephen, L., Douse, A. & Langston, R.H.W. (2012) Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 49: 386-394.

Woodward, I., Aebischer, N., Burnell, D., Eaton, M., Frost, T., Hall, C., Stroud, D.A. & Noble, D. (2020). Population estimates of birds in Great Britain and the United Kingdom. *British Birds* 113: 69–104.

Internal Memo

From: [REDACTED]

Your Ref: CB33040-3

Date: 17/07/2025

To: Development Management Team

*Proposal details: Partial discharge request of condition 7, year 3 (2023) ornithological monitoring at Cornavarrow windfarm, Drumquin, Co Tyrone
(Planning Ref: LA10/2023/1302/DC, Grid Refs: 235881 370464)*

NIEA NED has considered the impacts of the proposal and on the basis of the information provided is not content that the submitted plans are compliant with condition 7 of K/2006/1368/F.

NOTES ON POST CONSTRUCTION YEAR 3 BIRD MONITORING REPORT

- As outlined in our previous response, July 2024, clarification was sought in relation to which condition the ornithological monitoring report submitted is in relation to. This clarification outlined that ornithological monitoring is part of condition 7, not condition 6 as outlined in the consultation letter.
- The developer has submitted a post-construction compliance monitoring Year 3 bird monitoring report for the discharge of condition 7 of K/2006/1368/F (appeal 2009/A0268). Condition 7 states that *"a habitat management plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including Hen Harrier breeding attempts within a 2km radius of the appeal site."* Section 8 of the habitat management plan details the ornithological monitoring plan for the operational phase of the windfarm and monitoring shall take place in years 1, 3, 5 and 10.
- The Year 3 monitoring report includes VP and transect surveys during the 2023 breeding season. NIEA NED is satisfied with the survey work completed. However, we note that the monitoring methodology outlined within the approved Habitat Management plan (HMP) for the operational phase of windfarm also included wider area searches 2km for breeding raptors, particularly Hen Harrier and carcass searches. The current monitoring report does not include details of assessment for these surveys.
- Following a comparison of the 2023 breeding season results with the year 1 monitoring results in 2019, results show that breeding territories of Meadow Pipit and Skylark appear to have increased within the site. Across the remaining species recorded, numbers appear to be largely consistent between the 2 years.

- As outlined in our previous response, July 2024, we were not satisfied with the monitoring report provided as detailed information on bird numbers and flight activity observed, including maps was not included. The 2023 report compares species territories between the 2 years. Without this 2019 information it is difficult to fully assess the impact of the development on the local bird populations and trends.
- We also note delay in submitting the report, which we would have expected to be provided by mid-2024.
- NIEA NED is satisfied with the surveys conducted at Cornavarrow Windfarm, but without the full monitoring methodology being completed as outlined in the approved HMP we are not content that the condition has been fully met. We would request that the Year 5 surveys in 2025, include both wider area searches and carcass searches.

References:

Woodrow APEM Group (2024) Cornavarrow windfarm: Post construction compliance monitoring year 3 bird monitoring report.

Evidence

In [July 2024](#) we responded to a report on year one post construction bird monitoring (2019/2020).

Post construction ornithology monitoring surveys were completed by Nelson ecology in 2019 which was operational year 1. In 2021, during operational year 3 no report was produced or submitted. Considering the absence of survey findings in a report for operational year 3 in the time that has passed since the surveys, surveys undertaken in 2023, operational year 5, will serve as operational year 3. Surveys and reports for 2023 were carried out by Woodrow.

Condition 7 of K/2006/1368/F (appeal 2009/A0268) states that *“a habitat management plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen Harrier breeding attempts within a 2km radius of the appeal site.”* Section 8 of the habitat management plan details the ornithological monitoring plan for the operational phase of the windfarm and monitoring shall take place in years 1, 3, 5 and 10. This references surveys only during the breeding season and includes vantage point and transect surveys. In addition a wider buffer area of 2 km turn in the site will be searched to identify breeding raptor activity, particularly hen Harriers. Carcass searches will be undertaken also.

Note: No wider area raptor searches were conducted. No carcass searches were conducted.

Breeding bird surveys:

- 3 visits covering the windfarm sites and 500 m turbine buffer were carried out in 2023.
- A total of 43 bird species were recorded during the surveys. 3 were red listed species (Meadow pipit, Snipe and red grouse). Meadow pipit was the most abundant breeding species recorded. Red grouse was recorded on 2 occasions in the centre of the wind farm site in the vicinity of turbine 4. A single Snipe was recorded in August and due to the time of the year it was considered to be a non-breeding bird.
- A total of 11 Amber listed species were recorded (Goldcrest, hen Harrier, house sparrow, Lesser Black backed Gull, Linnet, Skylark, spotted flycatcher, Starling, swallow, Willow Warbler and wheatear). Skylark, Goldcrest, Willow Warbler were observed displaying breeding/territorial behaviour.

Vantage point watches:

- 4 VPs were used during the 2023 breeding season.
- A total of 8 species were recorded flying through the 500 m turbine buffer during the 2023 breeding season.

Table 2: VP watch hours carried out during the 2023 breeding season

Breeding season 2023	VP 1	VP 2	VP 3	VP 4
May	4.5	3	3	1.5
June	3	3	6	6
July	21	21	15	15
August	9	9	12	12
Total	37.5	36	36	34.5

VP4 only had 34.5 hours during the breeding season. There is no explanation within the report for this. It says above table 2 in the report that “for each VP a minimum of 36 hours of observation was collected during the 2023 breeding season, defined as April-August.” Also, 2 of the vantage points are located within the 500m buffer area (VP3 and VP4). No explanation for this either. But they were not surveyed during the same times.



Legend
 500m turbine buffer
 VPs
 Turbine locations

0 5 10 km



Woodrow APFM Group,
 Upper Offices,
 Ballisodare Centre,
 Station Road, Ballisodare,
 Co Sligo, PS11 9E04, Ireland.



Table 4: Species flight time, number of flights and the maximum number of individuals recorded at any one time within the 500 m turbine buffer during the 2023 breeding season

Species	Latin name	No. flights	Max. No. individuals	Flight seconds			
				Height Band A: 0-20m	Height Band B: 20-150m	Height Band C: > 150m	Total
Buzzard	<i>Buteo buteo</i>	31	2	415	3,065	1,185	4,665
Grey Heron	<i>Ardea cinerea</i>	2	1	0	390	0	390
Hen harrier	<i>Circus cyaneus</i>	5	1	600	0	0	600
Kestrel	<i>Falco tinnunculus</i>	13	1	915	650	0	1,565
Lesser black-backed gull	<i>Larus fuscus</i>	6	17	35	466	5,245	5,746
Merlin	<i>Falco columbarius</i>	1	1	20	0	0	20
Peregrine	<i>Falco peregrinus</i>	4	1	0	260	0	260
Sparrowhawk	<i>Accipiter nisus</i>	14	1	125	780	0	905

Band Height B is within the Collision risk Zone.

- Hen Harrier were recorded 5 times during the VP surveys. Activity comprised of hunting and commuting individuals and there was no indication of breeding activity within the site.
- Kestrel was recorded on 13 occasions regularly hunting within the site. Activity recorded did not indicate breeding within the site.
- Merlin was only recorded once in the north section of the wind farm site in proximity to VP3.
- Peregrine were recorded 4 times.
- Sparrowhawk was recorded on 14 occasions and breeding behaviour was documented at 4 locations along VP surveys.
- Overall the results for 2023 are comparable to previous monitoring years, especially for key breeding species of this habitat type, including meadow pipit, Skylark and Willow Warbler. Raptor species such as hen Harrier, Kestrel, buzzard and sparrowhawk were documented in previous 2019 surveys and were recorded during 2023. One additional raptor species was recorded during 2023 breeding season, Peregrine.
- A total of 43 species were recorded in all surveys during the 2023 breeding season, which is similar to the 42 species recorded the 2019 breeding season.

Species name	BTO code	Max No. Individuals per visit		
		Breeding season 2023	Breeding season 2019	BOCCI 2020-2026
Kestrel	K	0	2	Red
Meadow pipit	MP	573	22	Red
Red grouse	RG	1	2	Red
Snipe	SN	1	6	Red
Goldcrest	GC	3	4	Amber

Hen harrier	HH	2	1	Amber
House sparrow	HS	3	0	Amber
Lesser black-backed gull	LB	1	6	Amber
Linnet	LI	12	10	Amber
Mallard	MA	0	2	Amber
Skylark	S	73	4	Amber
Spotted flycatcher	SF	1	0	Amber
Starling	SG	40	23	Amber
Swallow	SL	64	17	Amber
Wheatear	W	1	6	Amber
Willow warbler	WW	8	12	Amber
Blackbird	B	2	6	Green
Blackcap	BC	1	0	Green
Blue tit	BT	4	6	Green
Bullfinch	BF	5	0	Green
Buzzard	BZ	2	2	Green
Chaffinch	CH	14	12	Green
Coal tit	CT	3	5	Green
Crossbill	CR	0	8	Green
Cuckoo	CK	1	0	Green
Dunnock	D	2	6	Green
Goldfinch	GO	13	11	Green
Grasshopper warbler	GH	1	0	Green
Great Tit	GT	0	4	Green
Grey heron	H	0	1	Green
Hooded (grey) crow	HC	7	18	Green
Jackdaw	JD	2	23	Green
Jay	J	0	6	Green
Lesser redpoll	LR	34	8	Green
Long-tailed tit	LT	9	0	Green
Magpie	MG	4	8	Green
Mistle thrush	M	4	4	Green
Pheasant	PH	0	2	Green
Pied wagtail	PW	1	6	Green
Raven	RN	11	6	Green
Reed bunting	RB	20	4	Green
Robin	R	5	6	Green
Rook	RO	0	11	Green
Sedge warbler	SW	7	0	Green
Siskin	SK	7	4	Green
Song thrush	ST	2	2	Green
Sparrowhawk	SH	1	1	Green
Stonechat	SC	27	4	Green
Whitethroat	WH	1	0	Green

Woodpigeon	WP	10	5	Green
Wren	WR	35	5	Green

Internal Memo

From: [REDACTED]

Your Ref: CB34984

Date: 26/07/2024

To: Development Management Team

*Proposal details: Application to Discharge condition 7 (Ornithological Monitoring - Bird Breeding Survey Year 3 (2023) - Partial Discharge) of K/2006/1368/F (appeal 2009/A0268).
(Planning Ref: LA10/2024/0521/DC Grid Refs: 236500 370500)*

Biodiversity and Wildlife (BDW), Ornithology has considered the impacts of the proposal and on the basis of the information provided is not content that the monitoring carried out at the site to date is compliant with Planning Condition 7 of K/2006/1368/F (appeal 2009/A0268) and requests that further information requested below is provided.

NOTES ON THE IMPACT ON LOCAL BIRD POPULATIONS

- The developer has submitted a Post Construction Year 3 Bird monitoring report addressing the requirements of condition 7 of planning reference K/2006/1368/F (appeal 2009/A0268). This states:

“A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.”

- BDW, Ornithology note that no report was submitted for year 3 (2021). It is acknowledged that surveys have been undertaken in year 5 (2023) and a monitoring report submitted to serve as year 3 monitoring.
- The monitoring report does not include details or results of assessment for the collision monitoring carcass searches as per *Section 8.2 Operation Phase Monitoring* of the Habitat Management Plan.
- It is noted within the Summary in Section 4.2 that some species appear to have increased on site with others remaining consistent throughout the years during the breeding season where surveys have been conducted.

- BDW, Ornithology note that we were not satisfied that the Year 1 Operational 2019/20, Ornithological Monitoring Report was compliant with Condition 7 of K/2006/1368/F, in our previous response to LA10/2023/1302/DC.
- Therefore, before we can be satisfied that the monitoring reports are compliant with condition 7, BDW Ornithology request that the monitoring report includes the full results and maps for both the wintering and breeding seasons is provided for year 1 and year 3 and the inclusion of collision monitoring carcass search results.

References:

Doherty Environmental (2015) Habitat Management Plan (HMP)

Woodrow APEM Group (2024). Cornavarrow Wind Farm: Post-construction compliance monitoring Year 3 bird monitoring report. Woodrow APEM Report P00011701. Energia, Date, 16/05/2024, Final

Not to go on the planning portal

Evidence

Cornavarrow Wind Farm – Post-construction compliance monitoring Year 5
May 2024



1. INTRODUCTION

Cornavarrow Wind Farm comprises 12 operational wind turbines. The wind farm site is located in the townlands of Coolkeeragh, Corradinna, Dressoge, Legphressy, Magharenn, Segully, Tattykeel, and Unshinagh, approximately 6 km west of Omagh in Co. Tyrone (Grid Reference E 236,500 N 370,500).

Surveys were carried out to adhere to conditions of planning conditions detailed in the grant of planning permission document which includes "Ornithological monitoring shall be carried out at the preconstruction phase, during construction and in years 1, 3, 5 and 10 and 25 of operation".

Post-construction compliance ornithology monitoring surveys at the site were completed by Nelson Ecology Ltd. in 2019 which was operational Year 1 (Nelson Ecology Ltd., 2019). In 2021, during operational Year 3, no report was produced or submitted to NIEA for ornithological monitoring surveys. Considering the absence of survey findings and a report for operational Year 3 and the time that has passed since these surveys, surveys undertaken in 2023, operational Year 5, will serve as operational Year 3.

This report provides the results of breeding bird surveys conducted in 2023, considered here to be operational Year 3 as outlined above and forms part of the planning compliance for post-construction bird monitoring surveys.

2. METHODOLOGY

2.1. Breeding bird walkovers

Three site visits covered the wind farm site and 500 m turbine buffer, following an adapted Brown and Shepherd (1993) for upland breeding waders. During these surveys, all other bird species encountered were recorded, along with behaviour to indicate breeding status. The records were coded by breeding/territorial (circled) and other (not circled) activity in the maps, which have been included in the result section. Details for survey effort and weather conditions during breeding walkovers are provided in Table 1.

Table 1: Walkover surveys effort and weather conditions during the 2023 breeding season

Visit	Date	Start time	Duration	Wind force ¹	Wind direction	Cloud cover (oktas) ²	Temperature (°C)	Precipitation
1	21/06/2023	14:00	4.0	3	W	5/8	18	Light showers
1	23/06/2023	12:30	1.5	4	S	7/8	18	Light showers
2	11/07/2023	11:15	3.0	3	NW	5/8	16	Occasional showers

¹ The Beaufort Scale was devised by Admiral Sir Francis Beaufort in 1805/06. It is a way of estimating the wind strength according to the appearance of the sea (or on land, largely by the response of trees). <https://www.met.ie/forecasts/marine-inland-isles/beaufort-scale>

² Oktas is a measurement unit of clouds amount. <https://windy.app/blog/okta-cloud-cover.html>

Content with survey methodology **except** there seems to be no Winter surveys or carcass searches.

Breeding bird surveys

3 red listed species recorded Meadow Pipit 248 observations 131 showing breeding behaviour, Red Grouse record twice around T4 and Common Snipe recorded once in August and considered not to be a breeding bird.

11 amber listed species including goldcrest, skylark, willow warbler showing breeding behaviour Swallows, spotted flycatcher, wheatear, linnet, lesser black-backed gull and

starling observed either foraging or flying over the site. 2 Hen Harrier were also recorded during walkover surveys.

VP's

8 species recorded flythrough the 500m across the site including Buzzard, Hen Harrier, Kestrel, Merlin, Peregrine, Sparrowhawk, Grey Heron and Lesser Black-backed Gull recorded at various seconds within height band B (Collision risk zone) throughout the season.

Comparison between survey years

Species	2019	2023
Kestrel	2	0
Meadow Pipit	22	573
Red Grouse	2	1
Snipe	6	1
Hen Harrier	1	2

Cornavarrow Wind Farm – Post-construction compliance monitoring Year 5
May 2024



Species name	Latin name	BTO code	Max No. Individuals per visit		BOCCI 2020-2026
			Breeding season 2023	Breeding season 2019	
Whitethroat	<i>Sylvia communis</i>	WH	1	0	Green
Woodpigeon	<i>Columba palumbus</i>	WP	10	5	Green
Wren	<i>Troglodytes troglodytes</i>	WR	35	5	Green

4.2. Summary

This report provides the results of breeding bird surveys conducted in 2023, considered here to be operational Year 3 as outlined above and forms part of the planning compliance for post-construction bird monitoring surveys.

Overall, following a comparison of the 2023 breeding season survey results with previous surveys in monitoring Year 1, results show that breeding territories of meadow pipit and skylark appear to have increased within the site. Across the remaining species recorded, numbers appear to be largely consistent between monitoring years with additional common species being recorded in 2023. Surveys will be repeated in 2025 for monitoring Year 5.

5. REFERENCES

- Bibby, C.J., Burgess, N.D., Hill, D.A. and Mustoe, S.H. (2000) Bird Census Techniques, 2nd ed. Academic Press, London.
- Brown, A.F. and Shepherd, K.B. (1993) A method for censusing upland breeding waders. Bird Study, 40: 198 – 195
- Doherty, 2015
- Gilbert, G., Stanbury, A. and Lewis, L. (2021) Birds of Conservation Concern in Ireland 4: 2020–2026. Irish Birds, 43: 1–22.
- Nelson Ecology Ltd. (2019) Cornavarrow Windfarm Year 1 Operational - 2019/20. Ornithological Monitoring Report.
- Scottish Natural Heritage, now NatureScot - SNH (2017) Recommended Bird Survey Methods to Inform Impact Assessment of Onshore Wind Farms. SNH Guidance Note (Version 2: March 2017 update).

Internal Memo

From: [REDACTED]

Your Ref: CB33040-2

Date: 10/07/2024

To: Development Management Team

Proposal details: Partial discharge request of conditions 6, year 1 (2019/2020) ornithological monitoring at Cornavarrow windfarm, Drumquin, Co Tyrone (Planning Ref: LA10/2023/1302/DC, Grid Refs: 235881 370464)

Biodiversity and Wildlife (BDW), Ornithology has considered the impacts of the proposal and on the basis of the information provided is not content that the submitted plans are compliant with condition 7 of K/2006/1368/F and requests that the further information requested below is provided.

NOTES ON POST CONSTRUCTION BIRD MONITORING

- Clarification was sought in relation to which condition the ornithological monitoring report submitted is in relation to. The applicant has responded stating that the ornithological monitoring is part of condition 7 of K/2006/1368/F (appeal 2009/A0268). This states that *"a habitat management plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen Harrier breeding attempts within a 2km radius of the appeal site."* Section 8 of the habitat management plan details the ornithological monitoring plan for the operational phase of the windfarm and monitoring shall take place in years 1, 3, 5 and 10.
- We are therefore content to assess this monitoring report against condition 7 of K/2006/1368/F (appeal 2009/A0268).
- The developer has submitted a post-construction bird monitoring report for the period March 2019 to February 2020 (Year 1 of operation).
- BDW Ornithology is not satisfied with the report and finds it difficult to be satisfied with the assessment made within the report without seeing detailed information on bird numbers and flight activity observed, including maps.
- There is also an inconsistency with the buffer zone used for the surveys as 200m is mentioned in the methodology section of the report, while 500m is mentioned in the results section.

- The monitoring methodology outlined within the approved Habitat Management Plan (HMP) for the operational phase of the windfarm included transect surveys, vantage point watches, wider area searches to 2km for breeding raptors, particularly Hen Harrier and carcass searches. The monitoring report does not include details of assessment for the wider area searches or carcass searches.
- We also note substantial delay in submitting the report, which we would have expected to be provided at the end of 2020 and to-date there has been no additional monitoring reports provided and by this stage we would have expected to have received the year 3 monitoring report.
- Therefore, before we can be satisfied that the monitoring reports are compliant with condition 7, BDW Ornithology request that more detailed monitoring report including the full results and maps for both the wintering and breeding seasons is provided for year 1 and year 3.

References:

Cornavarrow windfarm, Year 1 Operational 2019/20, Ornithological Monitoring Report

Note to file for CB33040-2 LA10/2023/1302/DC

CM AE2-23-17635

Initial assessment

-1 notes (in blue)

Project Summary

Application is for partial discharge of condition 6 Year 1 (2019/2020) Ornithological Monitoring for K/2006/1368/F (2009/A0268).

Reason for Consultation: Please see Cornavarrow Ornithological Report Year 1 2019/2020 of K/2006/1368/F.

“Ornithological monitoring shall be carried out in years 1 (year of construction) 3,5,10,15 and 20 The reports shall be submitted to the Department within 6 months of each monitoring year.”

The above condition is stated on the letter accompanying the request to the PA however, it's not actually listed as a condition on the Appeal Decision notice. Condition 7 for a HMP was to include a method for ornithological monitoring including hen harrier breeding attempts. Condition 6 is regarding visibility splays. A different condition again is listed in stated in the bird report. Require clarification on the condition this consultation is in reference too before response can be made.

Documents submitted: Year 1 Operational – 2019/20 Ornithological Monitoring Report. No documents on NIPP.

Considerations

Ornithology Team are not satisfied with the report submitted:

- BDU Ornithology is not satisfied with the report and finds it difficult to be satisfied with the assessment made in the report without seeing detailed information on bird numbers and flight activity observed, including maps. There is also an inconsistency with the buffer zone used for the surveys as 200m is mentioned in the methodology section of the report, while 500m is mentioned in the results section. Also, the monitoring outlined within the approved Habitat Management Plan (HMP) for the operational phase of the windfarm included transect surveys, vantage point watches, wider area searches to 2km for breeding raptors, particularly Hen Harrier and carcass searches. The monitoring report does not include details of assessment for the wider area searches or carcass searches.
- We also note substantial delay in submitting the report, which we would have expected to be provided at the end of 2020.

Recommendations

Clarification on the condition the consultation is in relation to sought from the planner via PRT 25/04/23. No reply as of 04/05/23 so response issued. PRT informed.

Potential response once clarification received but depends on what condition the consultation is in relation to: Highlight that based on the information provided NED cannot recommend that the applicant is currently compliant with the condition.

-2 notes:

Reason for consultation: Please see clarification on condition to be discharged from agent as requested.

Documents submitted: Email from [REDACTED] dated 19/02/2024.

Considerations

Clarification email states:

Condition 7 of K/2006/1368/F - Appeal 2009/A0268

“A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.”

Cornavarrow Habitat Management Plan - 8 Methodology for Ornithological Monitoring - 8.2 OperationPhase Monitoring

During the operational phase monitoring will take place in years 1, 3, 5, and 10.

Condition 7:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

IUC response:

Not content. Further info requested.

“Therefore, before we can be satisfied that the monitoring reports are compliant with condition 7, BDW Ornithology request that more detailed monitoring report including the full results and maps for both the wintering and breeding seasons is provided for year 1 and year 3.”

Recommendations

NED are not content that the monitoring carried out is compliant with condition 7 and request further information is submitted.

[REDACTED]

MEMO

To: [REDACTED]

From: [REDACTED]

Date: 21/08/24

Re: CB34984 LA10/2024/0521/DC

Description of proposal: partial discharge of condition 7-ornithology monitoring report year 3. Fermanagh and omagh LDP. 236181/371580 Cornavarrow wind farm

Condition 7- a habitat management plan shall be submitted to agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

Ornithology team response to year 3- the submitted report contains surveys that were done in year 5, no year 3 monitoring was completed. Report does not include any details or results of collision carcass searches as outlined in section 8.2 of the HMP. Were not satisfied with year 1 (LA10/2023/1302/DC). Cannot be satisfied unless full results and maps for wintering and breeding season for years 1 and 3 are provided including carcass searches.

Ornithology team response to year 1- not satisfied as no detailed info on bird numbers and flight activity or maps included. Inconsistency with buffer zones used, 200m or 500m used. Didn't include wider searches up to 2km or carcass searches. Noted delay in sending report. Requested more detail in report.

NED response to year 1 dated 16th August 2024- nothing further to add to ornithology team's response

Year 3 report- dated 16/05/24, completed by Woodrow APEM group

- Have skipped year 3 surveying, year 5 report will serve as the year 3, bird's team asking for this but it doesn't exist so does that mean they haven't complied with condition?
- No winter dates were surveyed

Decision based on the info submitted: not content-advice from team, this is supposed to be for year 3 monitoring but have submitted year 5 surveys, cannot assess what has not been provided.

Note to file for CB33091-2 LA10/2023/1314/DC

CM AE2-23-20883

Initial Assessment

Project Summary

Application is for partial discharge of condition 7 – Year 3 (2021) HMP monitoring – K/2006/1368/F. The condition stated on the letter from [REDACTED] submitted with the application states condition 7 as “*There shall be monitoring of the Habitat Management Plan in years 1, 3, 5, 10, 15 and 20 after construction. The reports shall be submitted to the Department within 6 months of each monitoring year*”.

Condition 7 of Appeal Decision notice 2009/A0268 states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

The HMP references the condition from the Appeal Decision notice, although only the first sentence and not the part in relation to ornithological monitoring. NED highlighted in -1 response that we assumed the condition this applies to is condition 7 of K/2006/1368/F (2009/A0268) and had assessed it against such.

Reason for Consultation: Please see email submitted by agent (uploaded on the Planning Register) in response to your consultation response, to discharge the condition.

Documents submitted: Email correspondence from [REDACTED] dated 19/02/2024.

NED response to -1 considered the applicant is not fully compliant with Condition 7 of K/2006/1368/F due to the issues in relation to dipwell monitoring, the reseeded grassland areas and management of Marsh Fritillary habitats, no bird monitoring and recommended that further information is provided to address these issues.

Related Planning Applications

NOTE: Cornavarrow is sometimes referred to as Pollnalaght. Site Boundaries/ habitat management areas and planning refs are all the same. Pigeon Top is the other case assessed at appeal at the same time as this one. Cornavarrow is in two sections with Pigeon Top wind farm in between them.

LA10/2016/1254/F- vary condition 5 of K/2006/1368/F, construction during BBS.

LA10/2019/1214/DC - NED response 30 August 2020. Ecological Compliance Report (Construction Period) submitted in relation to Condition 7. The Ecological Compliance Report (Construction Period) October 2019 (ECR) has been submitted in relation to Section 9.7 of the agreed HMP: this section of the HMP required the Ecological Clerk of Works (ECoW) to produce a final report documenting the environmental and ecological effects of

the construction period. 38 monitoring quadrats, enhancement measures for waders implemented, highlights NED previously made recommendations that existing hedgerows/treelines should be managed rather than new ones planted so as not to give raptor vantage points for waders and welcomed the adoption of this recommendation. NED content with CMP and HMP requirements being implemented during construction period but would expect to see bird monitoring for construction period in near future.

LA10/2021/0080/DC – Discharge of condition 7 Year 1 post construction HMP monitoring. NED response states this is for compliance of condition 7 of LA10/2016/1254/F, although application letter says it's for K/2006/1368/F which is correct.

LA10/2015/0331/DC – DC for final HMP.

Considerations

Summary of info provided by [REDACTED]

I [REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

- Monitoring:

Monitoring has been carried out Year 5 (2023) in order to: Measure water levels in dipwells in both summer and winter, assess wader scrapes to ensure that they continue to provide suitable feeding habitat for waders such as snipe.

I [REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

Considerations:

[REDACTED]

No bird monitoring has been submitted for year 3. Orni team had concerns with bird monitoring carried out for year 1. Refer to NED's response to 33040-2 LA10/2023/1302/DC.

I have assessed the information submitted against the outstanding issues highlighted in our previous response. Information is still required in relation to dipwell monitoring, the re-seeded grassland area, bird monitoring and tree/hedgerow cutting. These issues haven't been appropriately addressed in the year 5 monitoring report either. There are also several other issues that are being addressed as part of the year 5 consultation. We cannot recommend the applicant is compliant with condition 7 until these outstanding issues have been resolved.

Recommendations

Not currently content the applicant is compliant with condition 7 due to the outstanding issues discussed above. Further information required.

Note that year 5 HMP monitoring has been submitted under LA10/2024/0070/DC and it should also be referred to.

Note that NED's response to 33040-2 LA10/2023/1302/DC should be referred to.



Note to file for CB33091-1 LA10/2023/1314/DC

CM AE2-23-20883

Initial assessment

Project Summary

Application is for partial discharge of condition 7 – Year 3 (2021) HMP monitoring – K/2006/1368/F. The condition stated on the letter from [REDACTED] submitted with the application states condition 7 as “*There shall be monitoring of the Habitat Management Plan in years 1, 3, 5, 10, 15 and 20 after construction. The reports shall be submitted to the Department within 6 months of each monitoring year*”.

Condition 7 of Appeal Decision notice 2009/A0268 states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

The HMP references the condition from the Appeal Decision notice, although only the first sentence and not the part in relation to ornithological monitoring.

Reason for Consultation

NED please see Year 3 (2021) HMP Monitoring Report saved in CM to partially discharge Condition 7 of K/2006/1368/F.

Documents submitted

Cornavarrow Wind Farm, Pollnalaght, Co. Tyrone, Habitat Management Plan, Post Construction Ecological Compliance Report Year 3 (2021) ([REDACTED], November 2022).

NOTE: No documents are available on NIPP.

Related Planning Applications

NOTE: Cornavarrow is sometimes referred to as Pollnalaght. Site Boundaries/ habitat management areas and planning refs are all the same. Pigeon Top is the other case assessed at appeal at the same time as this one. Cornavarrow is in two sections with Pigeon Top wind farm in between them.

LA10/2016/1254/F- vary condition 5 of K/2006/1368/F, construction during BBS.

LA10/2019/1214/DC - NED response 30 August 2020. Ecological Compliance Report (Construction Period) submitted in relation to Condition 7. The Ecological Compliance Report (Construction Period) October 2019 (ECR) has been submitted in relation to Section 9.7 of the agreed HMP: this section of the HMP required the Ecological Clerk of Works

(ECoW) to produce a final report documenting the environmental and ecological effects of the construction period. 38 monitoring quadrats, enhancement measures for waders implemented, highlights NED previously made recommendations that existing hedgerows/treelines should be managed rather than new ones planted so as not to give raptor vantage points for waders and welcomed the adoption of this recommendation. NED content with CMP and HMP requirements being implemented during construction period but would expect to see bird monitoring for construction period in near future.

LA10/2021/0080/DC – Discharge of condition 7 Year 1 post construction HMP monitoring. NED response states this is for compliance of condition 7 of LA10/2016/1254/F, although application letter says it's for K/2006/1368/F which is correct.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Notes on Year 3 monitoring report

[REDACTED]

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[REDACTED]

[REDACTED]

HMP includes an objective “monitor the site for sensitive bird species throughout the construction phase and years 1, 3, 5 & 10 of the operation phase”. Part of Condition 7 states *“The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.”* No details of any bird monitoring have been included within the Year 3 report. Therefore, applicant currently not compliant with condition 7. Highlight this.

Year 3 monitoring was carried out in 2021 but this was only submitted to the planning authority in Dec 2022 and to NED in 2023. Section 6.2 of the HMP states *“monitoring and reporting of the ongoing habitat management shall be completed in years 1, 3, 5, 10, 15 and 20 following construction. These reports shall include summaries of the monitoring within and between these periods. All monitoring reports shall be submitted to the NIEA and the Fermanagh and Omagh District Council.....All monitoring reports will be provided to the NIEA and the Fermanagh and Omagh District Council within 6 months of the completion of the respective monitoring”*. Condition wording doesn’t provide a timeframe for report submission but does state that the agreed HMP must be implemented. Highlight that NED would have expected to see the monitoring report sooner.

Recommendations

Not currently content that the applicant is compliant with condition 7. Highlight reasons above.

[REDACTED]

[REDACTED]

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File number	CB33091-3
Planning Ref	LA10/2023/1314/DC
Planning Authority	Fermanagh and Omagh District Council
Applicant	██████████
Proposal	Partial discharge of condition 7 – Year 3 (2021) HMP Monitoring of K/2006/1368/F (2009/A0268)
Location	
Grid Ref	235875 370483
CM Ref	██████████ ██████████
Response Due	28/04/2025

Site Visit	n/a
Date of Report	01/05/2025
Case officer	██████████

Reason for Consultation

Please see Email and Letter from Agent, both uploaded to the Planning Portal and dated 04/09/2024 to discharge the condition.

Case History

Related Planning Applications

NOTE: Cornavarrow is sometimes referred to as Pollnalaght. Site Boundaries/ habitat management areas and planning refs are all the same. Pigeon Top is the other case assessed at appeal at the same time as this one. Cornavarrow is in two sections with Pigeon Top wind farm in between them.

LA10/2015/0331/DC – DC for final HMP.

LA10/2016/1254/F- vary condition 5 of K/2006/1368/F, construction during BBS.

LA10/2019/1214/DC - NED response 30 August 2020. Ecological Compliance Report (Construction Period) submitted in relation to Condition 7. The Ecological Compliance Report (Construction Period) October 2019 (ECR) has been submitted in relation to Section 9.7 of the agreed HMP: this section of the HMP required the Ecological Clerk of Works (ECoW) to produce a final report documenting the environmental and ecological effects of the construction period. 38 monitoring quadrats, enhancement measures for waders

implemented, highlights NED previously made recommendations that existing hedgerows/treelines should be managed rather than new ones planted so as not to give raptor vantage points for waders and welcomed the adoption of this recommendation. NED content with CMP and HMP requirements being implemented during construction period but would expect to see bird monitoring for construction period in near future.

LA10/2021/0080/DC – Discharge of condition 7 Year 1 post construction HMP monitoring. NED response states this is for compliance of condition 7 of LA10/2016/1254/F, although application letter says it's for K/2006/1368/F which is correct.

LA10/2023/1314/DC CB33091 This application. Yr 3 HMP monitoring. Last response -2 issued 19/08/24. NED not content re HMP or birds. -3 consultation now in.

LA10/2023/1302/DC – CB33040-2 partial discharge of condition 6 – year 1 orni monitoring. Bird monitoring is required under condition 7 and has been assessed as such. NED not content and requested further info. No further info submitted. Open consultation on PP.

LA10/2024/0070/DC CB34458 – Year 5 HMP monitoring last response -2 20/09/24 NED not content re habitat or bird monitoring and requested further info. -3 consultation with NED.

LA10/2024/0521/DC – year 3 orni monitoring under condition 7. NED not content. Response issued 10/09/24. No documents on PP. Consultation open on PP. No new information submitted to NED.

Information submitted

Letter from [REDACTED] dated 9th April 2025

Report from [REDACTED]

Relevant condition

Condition 7 of Appeal Decision notice 2009/A0268 states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

Considerations

The report submitted is to address NEDs issued raised in response to this application and LA10/2024/0070/DC (year 5 HMP monitoring). There is a consultation in for LA10/2024/0070/DC too.

Summary of Info submitted.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NED previous response dated 19/08/2024 main issues:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Treelines and hedgerows

It is a requirement of the HMP to maintain treelines and hedgerows at 1.5m to reduce the risk of predation on breeding waders by removing vantage points. Year 1 monitoring suggested no hedgerow management had taken place. The year 3 monitoring reported that no signs of hedgerow cutting was evident during monitoring and recommended that hedgerows in the vicinity of T10 and T12 were cut back to a height of 1.5m during winter 2022/2023.

[REDACTED] have stated in their email that this will be undertaken in February 2024. NED requests that an update is provided now to ensure that cutting back of hedgerows has been carried out.

Content with update provided. Photos appear to show hedgerow cutting has taken place.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Bird monitoring

The HMP includes an objective to “monitor the site for sensitive bird species throughout the construction phase and years 1, 3, 5 & 10 of the operation phase”. No details of any bird

monitoring carried out in year 3 have been submitted. NED requests this information is submitted. NED's response to the consultation for LA10/2023/1302/DC should also be taken into consideration.

No information on bird monitoring has been submitted with this consultation. Refer to other responses below. NED cannot recommend discharge of condition 7 in relation to bird monitoring as outstanding concerns have not been addressed.

No further information has been submitted under LA10/2023/1302/DC. NEDs last response to LA10/2024/0070/DC dated 20/09/24 assessed the bird monitoring report submitted as year 5. No details on carcass searches provided. NED highlighted not content with year 1 and no report for year 3 so cannot recommend discharge of condition 7 with regards to bird monitoring.

A report for year 3 monitoring was submitted under LA10/2024/0521/DC. NED highlighted this was carried out in year 5 so no year 3 monitoring completed. No details of carcass searches provided. Highlighted not satisfied with year 1 monitoring. "NED cannot be satisfied that the report is compliant with condition 7 due to the outstanding issues from Year 1 and considering no monitoring was carried out in Year 3, NED cannot recommend discharge of the condition. As mentioned above, NED request the Planning Authority investigate this breach of condition immediately". Response issued 10/09/24.

[REDACTED]

Recommendations

Requested information on [REDACTED] bird monitoring still outstanding. Not content applicant compliant with Condition 7.

To: [REDACTED]

From: [REDACTED]

Date: 07/08/24

Re: CB34458-2 LA10/2024/0070/DC

Description of proposal: DC for Cornavarrow wind farm HMP condition

[illegible]

Letter from [REDACTED] dated 26/07/24

-
- | Species | Percentage Cut Back |
|--------------|---------------------|
| Redpoll | 100% |
| Brambling | 40% |
| Goldfinch | 85% |
| Chaffinch | 95% |
| Fieldfare | 15% |
| Song Sparrow | 90% |
| Meadow Pipit | 100% |
| Robin | 85% |
| Robin | 100% |
| Robin | 95% |
- Hedgerows were cut back in feb and will be cut back again in autumn outside breeding bird season

[REDACTED]

States ornithological monitoring was conducted in year 5 and submitted 06/06/24-can't find this.

Summary of previous applications

- LA10/2019/1214/F-construction year HMP, no bird monitoring
 - LA10/2021/0080/DC-year 1 HMP, no bird monitoring. AE2-23-17635
 - LA10/2023/1302/DC-year 1 bird monitoring report, should be included with HMP
 - LA10/2023/1314/DC-year 3 HMP, no bird monitoring
 - LA10/2024/0070/DC-Year 5 HMP, no bird monitoring
- [REDACTED]

Decision based on the info submitted: still haven't provided any bird monitoring. Letter still listing what *will* be done and not showing evidence that the recommendations have been implemented.

[REDACTED]

[REDACTED] highlight that planning permission at appeal was granted on the condition that HMP provided etc. NED consider that a serious breach of condition has occurred. NED have serious concerns regarding an unacceptable, ongoing breach of condition and recommend that the Planning Authority investigate immediately.

Letter from planner uploaded on Friday evening 23/08/24 just before bank holiday that bird report would be uploaded-give [REDACTED] time to send this over then consult birds team if needed.



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency

File number	CB34458-3
Planning Ref	LA10/2024/0070/DC
Planning Authority	Fermanagh and Omagh District Council
Applicant	██████████
Proposal	Partial discharge of condition 7 – Year 5 (2023) HMP Monitoring of K/2006/1368/F (2009/A0268)
Location	
Grid Ref	235875 370483
CM Ref	██████████
Response Due	28/04/2025

Site Visit	n/a
Date of Report	01/05/2025
Case officer	██████████

Reason for Consultation

NED Email and Report: Implemented Recommendations for LA10/2024/0070/DC & LA10/2023/1314/DC Dated 09/04/25.

Case History

Related Planning Applications

NOTE: Cornavarrow is sometimes referred to as Pollnalaght. Site Boundaries/ habitat management areas and planning refs are all the same. Pigeon Top is the other case assessed at appeal at the same time as this one. Cornavarrow is in two sections with Pigeon Top wind farm in between them.

LA10/2015/0331/DC – DC for final HMP.

LA10/2016/1254/F- vary condition 5 of K/2006/1368/F, construction during BBS.

LA10/2019/1214/DC - NED response 30 August 2020. Ecological Compliance Report (Construction Period) submitted in relation to Condition 7. The Ecological Compliance Report (Construction Period) October 2019 (ECR) has been submitted in relation to Section 9.7 of the agreed HMP: this section of the HMP required the Ecological Clerk of Works (ECoW) to produce a final report documenting the environmental and ecological effects of the construction period. 38 monitoring quadrats, enhancement measures for waders

implemented, highlights NED previously made recommendations that existing hedgerows/treelines should be managed rather than new ones planted so as not to give raptor vantage points for waders and welcomed the adoption of this recommendation. NED content with CMP and HMP requirements being implemented during construction period but would expect to see bird monitoring for construction period in near future.

LA10/2021/0080/DC – Discharge of condition 7 Year 1 post construction HMP monitoring. NED response states this is for compliance of condition 7 of LA10/2016/1254/F, although application letter says it's for K/2006/1368/F which is correct.

LA10/2023/1314/DC CB33091 Yr 3 HMP monitoring. Last response -2 issued 19/08/24. NED not content re HMP or birds. -3 consultation now in.

LA10/2023/1302/DC – CB33040-2 partial discharge of condition 6 – year 1 orni monitoring. Bird monitoring is required under condition 7 and has been assessed as such. NED not content and requested further info. No further info submitted. Open consultation on PP.

LA10/2024/0070/DC CB34458 – Year 5 HMP monitoring last response -2 20/09/24 NED not content re habitat or bird monitoring and requested further info. -3 this consultation.

LA10/2024/0521/DC – year 3 orni monitoring under condition 7. NED not content. Response issued 10/09/24. No documents on PP. Consultation open on PP. No new information submitted to NED.

Information submitted

Letter from [REDACTED] dated 9th April 2025

Report from [REDACTED]

Both published on public registry 09 April 2025.

Relevant condition

Condition 7 of Appeal Decision notice 2009/A0268 states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

Considerations

The report submitted is to address NEDs issued raised in response to this application and LA10/2023/1314/DC (year 3 HMP monitoring). There is a consultation in for LA10/2023/1314/DC too.

NED previous response dated 20/09/2024 main issues:

[REDACTED]

[REDACTED]

The cover letter then details that an interim report for Year 7 will be submitted within 6 months following the end of Year 6 (2024) to include all actions taken to implement the recommendations made in the Year 5 HMP report. NED cannot recommend discharge of the condition until this report has been submitted to show evidence of the implementation of the recommendations.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Bird monitoring

NED note that the submitted Ornithological monitoring report was also submitted under consultation LA10/2024/0521/DC. NED would highlight that LA10/2024/0521/DC is an application for the partial discharge of Condition 7 relating to Year 3 ornithological monitoring. NED cannot assess the same report for *Year 3* monitoring under LA10/2024/0521/DC and for *Year 5* monitoring under the current application. The submitted surveys were completed in summer 2023 which corresponds to operational Year 5; therefore NED will assess this report as Year 5 monitoring.

The monitoring report does not include details or results of assessment for the collision monitoring carcass searches as per Section 8.2 Operation Phase Monitoring of the Habitat Management Plan. It is noted within the Summary in Section 4.2 that some species appear

to have increased on site with others remaining consistent throughout the years during the breeding season where surveys have been conducted.

NED were not satisfied that the Year 1 Operational 2019/20, Ornithological Monitoring Report was compliant with Condition 7 of K/2006/1368/F, in our previous response to LA10/2023/1302/DC.

As no report has been submitted detailing results of Year 3 monitoring surveys, it is not possible for NED to identify trends. Without all the required reports, NED cannot recommend discharge of condition 7 with regards to bird monitoring.

No further information on bird monitoring has been submitted. Previous response stands.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Recommendations

Requested information on [REDACTED] bird monitoring
still outstanding. Not content applicant compliant with Condition 7.

To: [REDACTED]

From: [REDACTED]

Date: 14/05/24

Re: CB34458 LA10/2024/0070/DC

Description of proposal: partial discharge of condition 7, year 5 HMP for K/2009/0081/F, 2009/A0268 236187/371627. Cornavarrow

CONVO WITH MAJORS TEAM- this 2009 application is an amendment to the original 2006 one, the condition that should be being discharged should be as written on the appeal decision notice-which for this case, is condition 5 and reads *A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.*

Hmp by [REDACTED], dated Dec 23

- [illegible]

- [REDACTED]
[REDACTED]
- | [REDACTED]
[REDACTED]
[REDACTED]
- | [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Decision based on the info submitted: NED not content to discharge the condition as doesn't include bird monitoring. The year 3 report was submitted a bit late so by the time our response was published for year 3, it was too late to assess the wader scrapes in both summer and winter. [REDACTED]
[REDACTED]

- [REDACTED]
- | [REDACTED]
 - | [REDACTED]
[REDACTED]
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Note to file for CB33040-1 LA10/2023/1302/DC

CM AE2-23-17635

Initial assessment

Project Summary

Application is for partial discharge of condition 6 Year 1 (2019/2020) Ornithological Monitoring for K/2006/1368/F (2009/A0268).

Reason for Consultation: Please see Cornavarrow Ornithological Report Year 1 2019/2020 of K/2006/1368/F.

“Ornithological monitoring shall be carried out in years 1 (year of construction) 3,5,10,15 and 20 The reports shall be submitted to the Department within 6 months of each monitoring year.”

The above condition is stated on the letter accompanying the request to the PA however, it's not actually listed as a condition on the Appeal Decision notice. Condition 7 for a HMP was to include a method for ornithological monitoring including hen harrier breeding attempts. Condition 6 is regarding visibility splays. A different condition again is listed in stated in the bird report. Require clarification on the condition this consultation is in reference too before response can be made.

Documents submitted: Year 1 Operational – 2019/20 Ornithological Monitoring Report. No documents on NIPP.

Considerations

Ornithology Team are not satisfied with the report submitted:

- BDU Ornithology is not satisfied with the report and finds it difficult to be satisfied with the assessment made in the report without seeing detailed information on bird numbers and flight activity observed, including maps. There is also an inconsistency with the buffer zone used for the surveys as 200m is mentioned in the methodology section of the report, while 500m is mentioned in the results section. Also, the monitoring outlined within the approved Habitat Management Plan (HMP) for the operational phase of the windfarm included transect surveys, vantage point watches, wider area searches to 2km for breeding raptors, particularly Hen Harrier and carcass searches. The monitoring report does not include details of assessment for the wider area searches or carcass searches.
- We also note substantial delay in submitting the report, which we would have expected to be provided at the end of 2020.

Recommendations

Clarification on the condition the consultation is in relation to sought from the planner via PRT 25/04/23. No reply as of 04/05/23 so response issued. PRT informed.

Potential response once clarification received but depends on what condition the consultation is in relation to: Highlight that based on the information provided NED cannot recommend that the applicant is currently compliant with the condition.



Internal Memo

From: [REDACTED]

Your Ref: CB33040-3

Date: 17/07/2025

To: Development Management Team

*Proposal details: Partial discharge request of condition 7, year 3 (2023) ornithological monitoring at Cornavarrow windfarm, Drumquin, Co Tyrone
(Planning Ref: LA10/2023/1302/DC, Grid Refs: 235881 370464)*

NIEA NED has considered the impacts of the proposal and on the basis of the information provided is not content that the submitted plans are compliant with condition 7 of K/2006/1368/F.

NOTES ON POST CONSTRUCTION YEAR 3 BIRD MONITORING REPORT

- As outlined in our previous response, July 2024, clarification was sought in relation to which condition the ornithological monitoring report submitted is in relation to. This clarification outlined that ornithological monitoring is part of condition 7, not condition 6 as outlined in the consultation letter.
- The developer has submitted a post-construction compliance monitoring Year 3 bird monitoring report for the discharge of condition 7 of K/2006/1368/F (appeal 2009/A0268). Condition 7 states that *"a habitat management plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including Hen Harrier breeding attempts within a 2km radius of the appeal site."* Section 8 of the habitat management plan details the ornithological monitoring plan for the operational phase of the windfarm and monitoring shall take place in years 1, 3, 5 and 10.
- The Year 3 monitoring report includes VP and transect surveys during the 2023 breeding season. NIEA NED is satisfied with the survey work completed. However, we note that the monitoring methodology outlined within the approved Habitat Management plan (HMP) for the operational phase of windfarm also included wider area searches 2km for breeding raptors, particularly Hen Harrier and carcass searches. The current monitoring report does not include details of assessment for these surveys.
- Following a comparison of the 2023 breeding season results with the year 1 monitoring results in 2019, results show that breeding territories of Meadow Pipit and Skylark appear to have increased within the site. Across the remaining species recorded, numbers appear to be largely consistent between the 2 years.

- As outlined in our previous response, July 2024, we were not satisfied with the monitoring report provided as detailed information on bird numbers and flight activity observed, including maps was not included. The 2023 report compares species territories between the 2 years. Without this 2019 information it is difficult to fully assess the impact of the development on the local bird populations and trends.
- We also note delay in submitting the report, which we would have expected to be provided by mid-2024.
- NIEA NED is satisfied with the surveys conducted at Cornavarrow Windfarm, but without the full monitoring methodology being completed as outlined in the approved HMP we are not content that the condition has been fully met. We would request that the Year 5 surveys in 2025, include both wider area searches and carcass searches.

References:

██████████ (2024) Cornavarrow windfarm: Post construction compliance monitoring year 3 bird monitoring report.



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency

File number	CB33040-3		
Planning Ref	LA10/2023/1302/DC		
Planning Authority	Fermanagh and Omagh District Council		
Applicant			
Proposal	Partial discharge of condition 6 – Year 1 (2019/2020) Ornithological Monitoring – K/2006/1368/F.		
Location	Lands at Blaris, Lisburn (lands between existing M1 Junction 8/A101 roundabout and Moira Road/Knockmore Road junction)		
		Grid Ref	
CM Ref			

Site Visit	None
Date of Report	15/12/2025

Reason for Consultation

Please see letter from [REDACTED] and Bird Monitoring Report (Final) both uploaded to the Planning Portal on 04/09/2024, that have been submitted to discharge the condition – [REDACTED].

Information submitted

- Letter from [REDACTED] dated 04/09/2024.
- Post-construction compliance monitoring Year 3 Bird Monitoring Report ([REDACTED], 16 May 2024).

Initial assessment

Clarification was sought previously on what condition this consultation refers to. It was confirmed it is for condition 7.

Condition 7 of K/2006/1368/F - Appeal 2009/A0268

“A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.”

Considerations

Ornithology Team are not satisfied with the report submitted:

- As outlined in our previous response, July 2024, we were not satisfied with the monitoring report provided as detailed information on bird numbers and flight activity observed, including maps was not included. The 2023 report compares species territories between the 2 years. Without this 2019 information it is difficult to fully assess the impact of the development on the local bird populations and trends.
- We also note delay in submitting the report, which we would have expected to be provided by mid-2024.
- NIEA NED is satisfied with the surveys conducted at Cornavarrow Windfarm, but without the full monitoring methodology being completed as outlined in the approved HMP we are not content that the condition has been fully met. We would request that the Year 5 surveys in 2025, include both wider area searches and carcass searches.

Recommendations

NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F (2009/A0268).

Mill House, Ashtown Gate, Navan Road, Dublin, D15 H70K
Telephone: +353 1 869 2000
www.energiagroup.ie



[REDACTED]
Fermanagh & Omagh District Council
2 Townhall Street
Enniskillen
Co Fermanagh
BT74 7BA

04/09/2024

Dear Sir/Madam,

Re: Application **LA10/2023/1302/DC** - Condition 7 - K/2006/1368/F (2009/A02680) – Year 1
(2019) Ornithological Monitoring

Please find attached additional information as requested 28/08/2024

Post-construction compliance ornithology monitoring surveys at the site were completed by Nelson Ecology Ltd. in 2019 which was operational Year 1 (Nelson Ecology Ltd., 2019). In 2021, during operational Year 3, no report was produced or submitted to NIEA for ornithological monitoring surveys. Considering the absence of survey findings and a report for operational Year 3 and the time that has passed since these surveys, surveys undertaken in 2023, operational Year 5, will serve as operational Year 3.

Ornithology monitoring surveys were carried out for the site in 2021 (Year 3) by Nelson Ecology, however despite repeated attempts to contact Nelson Ecology Ltd the report was not produced. As there was an absence of commitment from Nelson Ecology Ltd it was decided to appoint a new ornithologist to carry out future surveys for the site. – Woodrow APEM Group, who carried out ornithological monitoring surveys in 2023 to serve as operational Year 3. Application: **LA10/2024/0070/DC** (copy attached)

I suspect that it will not be possible to produce any more detailed information on bird numbers and flight activity observed, including maps for the Year 1 report due to the lack of engagement from Nelson Ecology Ltd

Kind Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Case details

Reference: LA10/2023/1302/DC
Authority: Fermanagh and Omagh District Council
Address: Coolkeeragh, Corradinna, Dressoge, Legphressy, Magharennny, Segully, Tattykeel (Rogers), Unshinagh Townlands, Pollnalaght, Drumquin, Co Tyrone.
Category: Local
Consultation Type: Statutory

Description:

Partial discharge request of Condition 6 - Year 1 (2019/2020) Ornithological Monitoring - K/2006/1368/F.

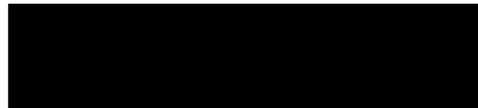
Reason for consultation:

Please see letter from Energia and Bird Monitoring Report (Final) both uploaded to the Planning Portal on 04/09/2024, that have been submitted to Discharge the condition. - apologies only clicked send to consultee hub on 23/06

Case officer details

Name:

Contact email:



Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 19 August 2024

Dear Sir/Madam,

Planning Application Ref.: LA10/2023/1302/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Magharennny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co Tyrone.

Proposal:

Partial discharge request of Condition 6 - Year 1 (2019/2020) Ornithological Monitoring - K/2006/1368/F.

Thank you for your consultation on the above which was received by the Department on 28/05/2024.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F (2009/A0268) for the reasons discussed below and requests that further information is provided

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Natural Heritage

Section Reference: CB33040-2

Planning Reference: LA10/2023/1302/DC

Date of NED response: 16 August 2024

Considerations

NIEA, Natural Environment Division (NED) has considered the *Cornavarrow Windfarm Year 1 Operational – 2019/20 Ornithological Monitoring Report* and the correspondence from Energia Renewables dated 19/02/2024, that were made available on the public registry AND that were accessed via the consultee hub by DAERA's Planning Response Team and made available to NED via DAERA's digital registry and submitted in relation to the discharge of condition 7 of planning application K/2006/1368/F for Cornavarrow Wind Farm.

The report has been submitted to provide evidence of bird monitoring carried out for the project during Year 1 of operation (2019/2020), as required under the HMP.

Condition 7 of K/2006/1368/F (2009/A0268) states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F (2009/A0268) for the reasons discussed below and requests that further information is provided.

Explanatory Note

Clarification was sought in relation to which condition the ornithological monitoring report submitted is in relation to. The applicant has responded stating that the ornithological monitoring is part of condition 7 of K/2006/1368/F (appeal 2009/A0268). This states that *"a habitat management plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen Harrier breeding attempts within a 2km radius of the appeal site."* Section 8 of the habitat management plan details the ornithological monitoring plan for the operational phase of the windfarm and monitoring shall take place in years 1, 3, 5 and 10.

We are therefore content to assess this monitoring report against condition 7 of K/2006/1368/F (appeal 2009/A0268).

The developer has submitted a post-construction bird monitoring report for the period March 2019 to February 2020 (Year 1 of operation).

NED, Biodiversity and Wildlife (BDW), Ornithology is not satisfied with the report and finds it difficult to be satisfied with the assessment made within the report without seeing detailed information on bird numbers and flight activity observed, including maps.

Natural Heritage

There is also an inconsistency with the buffer zone used for the surveys as 200m is mentioned in the methodology section of the report, while 500m is mentioned in the results section.

The monitoring methodology outlined within the approved Habitat Management Plan (HMP) for the operational phase of the windfarm included transect surveys, vantage point watches, wider area searches to 2km for breeding raptors, particularly Hen Harrier and carcass searches. The monitoring report does not include details of assessment for the wider area searches or carcass searches.

We also note substantial delay in submitting the report, which we would have expected to be provided at the end of 2020 and to-date there has been no additional monitoring reports provided and by this stage we would have expected to have received the year 3 monitoring report.

Therefore, before we can be satisfied that the monitoring reports are compliant with condition 7, BDW Ornithology request that a more detailed monitoring report including the full results and maps for both the wintering and breeding seasons is provided for year 1 and year 3.

References:

Cornavarrow windfarm, Year 1 Operational 2019/20, Ornithological Monitoring Report.

Planning Response Team
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast BT7 2JA
Telephone: 028 9056 9604

Date: 04 May 2023

Dear Sir/Madam,

Planning Application Ref.: LA10/2023/1302/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Maghareenny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co Tyrone.

Proposal:

Partial discharge request of Condition 6 - Year 1 (2019/2020) Ornithological Monitoring - K/2006/1368/F.

Thank you for your consultation on the above which was received by the Department on 07/03/2023.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	Natural Environment Division require further information.

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Natural Heritage

Section Reference: CB33040-1

Planning Reference: LA10/2023/1302/DC

Date of NED response: 04 May 2023

Considerations

NIEA, Natural Environment Division (NED) has considered the *Cornavarrow Windfarm Year 1 Operational – 2019/20 Ornithological Monitoring Report* and the letter from Energia Renewables dated 2nd December 2022, that were accessed via the consultee hub by the EMFG Planning Response Team and made available to NED via DAERA's digital registry.

Explanatory Note

In the letter from Energia dated 2nd December 2022, its stated that the Ornithological Monitoring Report has been submitted in relation to Condition 6 of K/2006/1368/F (2009/A0268) and states condition 6 as "*Ornithological monitoring shall be carried out in years 1 (year of construction) 3,5,10,15 and 20. The reports shall be submitted to the Department within 6 months of each monitoring year.*" However, this condition doesn't appear on the decision notice and condition 6 on the decision notice isn't in relation to ornithological monitoring. Therefore, NED require clarification as to which condition the Ornithological Monitoring Report submitted is in relation to.

In order to carry out a complete assessment NED require the following information.

Further Information

1. Clarification as to which condition the Ornithological Monitoring Report submitted is in relation to.

Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 02 February 2026

Dear Sir/Madam,

Planning Application Ref.: LA10/2023/1314/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Maghareenny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co Tyrone.
Proposal: Partial discharge request of Condition 7 - Year 3 (2021)
HMP Monitoring of K/2006/1368/F.

Thank you for your consultation received by the Department on 26/06/2025.

We have confirmation from the planning officer that a response to this consultation is no longer required.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 02 May 2025

Dear Sir/Madam,

Planning Application Ref.: LA10/2023/1314/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Maghareenny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co Tyrone.

Proposal:

Partial discharge request of Condition 7 - Year 3 (2021) HMP Monitoring of K/2006/1368/F.

Thank you for your consultation on the above which was received by the Department on 09/04/2025.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F due to outstanding matters that should be immediately addressed.

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Natural Heritage

Section Reference: CB33091-3

Planning Reference: LA10/2023/1314/DC

Date of NED response: 02 May 2025

Considerations

NIEA, Natural Environment Division (NED) has considered the letter from Energia dated 09 April 2025 and the report from Energia titled *Report: Implemented Recommendations* both published on the public registry 09 April 2025 which have been submitted in relation to the discharge of condition 7 of planning application K/2006/1368/F for Cornavarrow Wind Farm.

These have been submitted in response to the concerns raised and further information requested by NED in its previous responses dated 31 July 2023 and 19 August 2024 in relation to the implementation and monitoring of the Habitat Management Plan (HMP) for the project during year 3 of operation (2021).

Condition 7 of K/2006/1368/F (2009/A0268) states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

NED is not currently content that the applicant has complied with condition 7 of K/2006/1368/F (2009/A0268) due to the outstanding issues discussed below. NED would highlight that planning permission at appeal was granted on the condition that the HMP was implemented in full. NED considers that a serious breach of condition has occurred. NED has serious concerns regarding an ongoing breach of condition and recommends that the Planning Authority investigate.

Explanatory Note

The principal aim of the HMP is to maintain and enhance the conservation status of habitats occurring within the Cornavarrow Wind Farm Site.

In the previous response NED recommended further information was submitted in relation to dipwell monitoring, the reseeded grassland areas, hedgerow cutting and bird monitoring.

Dipwell monitoring

NED's previous responses stated "*NED's response to the year 1 monitoring noted that a survey of installed dipwells to determine if more are required was mentioned as one of the items to be carried over from the construction year and NED recommended "that it is considered whether further dipwells in deeper peat are required in order to obtain a useful indicator of water table depth across the site and report on this in the year 3 monitoring report." This has not been reported on in the year 3 report.*"

NED requested an assessment of whether further dipwells are required was submitted. NED notes from the report from Energia that this will be carried out in summer 2025. The absence of this survey information is extremely problematic in determining the successful implementation of habitat

Natural Heritage

management measures as conditioned and NED therefore requests details of the dipwell surveys without further delay.

Grassland habitats

NED's previous responses stated "*NED's response to the year 1 monitoring highlighted our concerns that grassland habitat may have been lost due to reseeded with agricultural grasses. NED requested the year 3 monitoring report should detail which area has been reseeded, an assessment of the loss of biodiversity which has resulted and provide details of mitigation which has taken place to address this loss to ensure continued compliance with condition 7. This has not been considered in the year 3 report.*" NED requested information was submitted to address this.

Energia in their report have stated a survey will be conducted in year 7 – 2025 to determine if there has been any loss of biodiversity within the grassland habitat as a result of reseeded with agricultural grasses. NED has serious concerns regarding potential loss of priority habitat as a result of agricultural improvement and reiterates its request that this assessment is provided so that remedial works can be agreed and implemented without further delay.

Treelines and hedgerows

It is a requirement of the HMP to maintain treelines and hedgerows at 1.5m to reduce the risk of predation on breeding waders by removing vantage points. NED requested an update to ensure cutting back of hedgerows had taken place as monitoring in years 1 and 3 indicated no hedgerow cutting had taken place. Energia have stated in their report that hedgerows have been cut back to 1.5m in the vicinity of T10 and T12. This was completed in February 2025. NED is content with this update.

Marsh Fritillary

In the previous response NED stated that it is content with the measures proposed with regards to Marsh Fritillary and requested that a report on the grazing regime implemented and Marsh Fritillary monitoring carried out is submitted in year 7.

NED notes from the report from Energia that a seasonal grazing regime was introduced within the marshy/wet grassland habitat in the fields surrounding T12 to improve grassland condition for Marsh Fritillary in 2024 and this will continue in 2025. It is also stated that Marsh Fritillary population monitoring will be conducted and reported on in year 7. NED welcomes this update on Marsh Fritillary habitat management and monitoring and is content with these measures.

Bird monitoring

The HMP includes an objective to "monitor the site for sensitive bird species throughout the construction phase and years 1, 3, 5 & 10 of the operation phase". No details of any bird monitoring carried out in year 3 have been submitted. NED requests this information is submitted. NED's responses to the consultations for LA10/2023/1302/DC and LA10/2024/0521/DC should also be taken into consideration.

Due to the outstanding issues highlighted above in relation to dipwell monitoring, the reseeded grassland areas and bird monitoring, NED is not currently content that the applicant has complied with

Natural Heritage

condition 7 of K/2006/1368/F (2009/A0268). NED strongly recommends that condition 7 cannot be discharged until satisfactory reported evidence of the implemented mitigation measures is submitted.

Case details

Reference: LA10/2023/1314/DC
Authority: Fermanagh and Omagh District Council
Address: Coolkeeragh, Corradinna, Dressoge, Legphressy, Maghareenny, Segully, Tattykeel (Roger Unshinagh Townlands, Pollnalaght, Drumquin, Co Tyrone.
Category: Local
Consultation Type: Statutory

Description:

Partial discharge request of Condition 7 - Year 3 (2021) HMP Monitoring of K/2006/1368/F.

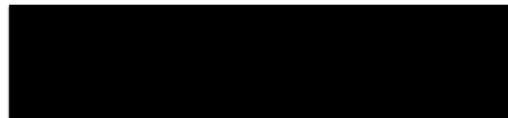
Reason for consultation:

Please see Email and Letter from Agent, both uploaded to the Planning Portal and dated 04/09/2024, to Discharge the condition.

Case officer details

Name:

Contact email:



Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 19 August 2024

Dear Sir/Madam,

Planning Application Ref.: LA10/2023/1314/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Maghareenny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co Tyrone.

Proposal:

Partial discharge request of Condition 7 - Year 3 (2021) HMP Monitoring of K/2006/1368/F.

Thank you for your consultation on the above which was received by the Department on 29/05/2024.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F due to outstanding matters that should be immediately addressed.

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Natural Heritage

Section Reference: CB33091-2

Planning Reference: LA10/2023/1314/DC

Date of NED response: 19 August 2024

Considerations

NIEA, Natural Environment Division (NED) has considered the email from Energia dated 19/02/2024 which has been submitted in relation to the discharge of condition 7 of planning application K/2006/1368/F for Cornavarrow Wind Farm.

This has been submitted in response to the concerns raised and further information requested by NED in our previous response dated 31 July 2023 in relation to the implementation and monitoring of the Habitat Management Plan (HMP) for the project during Year 3 of operation (2021).

NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F due to outstanding matters that should be immediately addressed.

Explanatory Note

Condition 7 of K/2006/1368/F (2009/A0268) states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

The principal aim of the HMP is to maintain and enhance the conservation status of habitats occurring within the Cornavarrow Wind Farm Site.

In our previous response NED recommended further information was submitted in relation to dipwell monitoring, the reseeded grassland areas and management of Marsh Fritillary habitats. NED also highlighted that no details of any bird monitoring carried out in year 3 was submitted.

Dipwell monitoring

NED's previous response stated "*NED's response to the year 1 monitoring noted that a survey of installed dipwells to determine if more are required was mentioned as one of the items to be carried over from the construction year and NED recommended "that it is considered whether further dipwells in deeper peat are required in order to obtain a useful indicator of water table depth across the site and report on this in the year 3 monitoring report."* This has not been reported on in the year 3 report."

Energia have stated that dipwell monitoring was carried out in year 5. However, no assessment of whether further dipwells are required has been provided. NED requests this outstanding information is submitted.

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Grassland habitats

NED's previous response stated "*NED's response to the year 1 monitoring highlighted our concerns that grassland habitat may have been lost due to reseeded with agricultural grasses. NED requested the year 3 monitoring report should detail which area has been reseeded, an assessment of the loss of biodiversity which has resulted and provide details of mitigation which has taken place to address this loss to ensure continued compliance with condition 7. This has not been considered in the year 3 report.*"

No information on this matter has been provided. NED requests this outstanding information is submitted.

Treelines and hedgerows

It is a requirement of the HMP to maintain treelines and hedgerows at 1.5m to reduce the risk of predation on breeding waders by removing vantage points. Year 1 monitoring suggested no hedgerow management had taken place. The year 3 monitoring reported that no signs of hedgerow cutting was evident during monitoring and recommended that hedgerows in the vicinity of T10 and T12 were cut back to a height of 1.5m during winter 2022/2023.

Energia have stated in their email that this will be undertaken in February 2024. NED requests that an update is provided now to ensure that cutting back of hedgerows has been carried out.

Marsh Fritillary

Monitoring carried out in years 1 and 3 highlighted that appropriate management in the form of a suitable grazing regime would be required at the site in order to maintain habitat suitability for Marsh Fritillary.

NED's previous response stated "*No proposed changes to management of suitable Marsh Fritillary habitat have been proposed in the report as was recommended in year 1 and as highlighted in the year 3 report. NED has concerns that the Marsh Fritillary habitat will be lost if a suitable management regime is not implemented.*"

Energia has stated that Marsh Fritillary monitoring was carried out in 2023 and "it has been recommended that a seasonal grazing regime is introduced within the marshy/wet grassland habitat in the fields surrounding T12 to improve grassland condition for Marsh Fritillary. This grazing regime will be implemented during summer months in 2024 and will be monitored as per Energia's monthly monitoring programme. Marsh fritillary population monitoring will be carried out under license by a suitably qualified ecologist as an interim commitment within the vicinity of T12 during the 7th year of operation (2025). This measure is intended to provide an interim update on the effectiveness of the proposed grazing regime changes recommended within that area due to the sensitive nature of the habitat." NED is content with these measures and requests that a report on the grazing regime implemented, and Marsh Fritillary monitoring carried out is submitted in year 7.

Bird monitoring

The HMP includes an objective to "monitor the site for sensitive bird species throughout the construction phase and years 1, 3, 5 & 10 of the operation phase". No details of any bird monitoring

Natural Heritage

carried out in year 3 have been submitted. NED requests this information is submitted. NED's response to the consultation for LA10/2023/1302/DC should also be taken into consideration.

Due to the issues highlighted above in relation to dipwell monitoring, the reseeded grassland areas, treeline and hedgerow cutting and bird monitoring, NED are not currently content that the applicant has complied with condition 7 of K/2006/1368/F (2009/A0268). NED recommends that further information is provided to address these issues.

Planning Response Team
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast BT7 2JA
Telephone: 028 9056 9604

Date: 31 July 2023

Dear Sir/Madam,

Planning Application Ref.: LA10/2023/1314/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Maghareenny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co Tyrone.

Proposal:

Partial discharge request of Condition 7 - Year 3 (2021) HMP Monitoring of K/2006/1368/F.

Thank you for your consultation on the above which was received by the Department on 08/03/2023.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F for the reasons discussed below. NED recommends that further information is provided to address these issues

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Natural Heritage

Section Reference: CB33091-1

Planning Reference: LA10/2023/1314/DC

Date of NED response: 31 July 2023

Considerations

NIEA, Natural Environment Division (NED) has considered the *Cornavarrow Wind Farm, Pollnalaght, Co. Tyrone, Habitat Management Plan, Post Construction Ecological Compliance Report Year 3 (2021)* (Woodrow, APEM Group, November 2022) which has been submitted in relation to the discharge of condition 7 of planning application K/2006/1368/F for Cornavarrow Wind Farm.

The report has been submitted to provide evidence of implementation of the Habitat Management Plan (HMP) and monitoring for the project during Year 3 of operation (2021).

NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F for the reasons discussed below.

Explanatory Note

Condition 7 of K/2006/1368/F (2009/A0268) states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

However, the letter from Energia dated 2nd December 2022 states Condition 7 as:

There shall be monitoring of the Habitat Management Plan in years 1, 3, 5, 10, 15 and 20 after construction. The reports shall be submitted to the Department within 6 months of each monitoring year.

This isn't Condition 7 as stated on the Decision Notice but is a requirement of the Habitat Management Plan (HMP). NED assumes that the HMP Year 3 monitoring report has been submitted in relation to condition 7 as stated on the decision notice for K/2006/1368/F (2009/A0268) and has assessed it against such.

The principal aim of the HMP is to maintain and enhance the conservation status of habitats occurring within the Cornavarrow Wind Farm Site.

Monitoring Results

It is reported that 19 monitoring quadrats were located in intact and cutover peatland outside the construction footprint. 15 quadrats were located in disturbed grassland and peatland habitats. Another 4 quadrats were in peatland habitats in an area to the east selected as additional habitat management in compensation for the usage of a separate area of peatland habitat for a cable connection. Year 3 habitat monitoring was carried out in August 2021.

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Grazing/fencing

Fencing of peatland reinstatement and re-seeded areas had not been undertaken prior to year 1 monitoring and these areas were recovering slowly and subject to overgrazing. Year 3 monitoring has reported that the fencing requirements appear to have been met and no overgrazing was noted.

Peatland habitats

Monitoring found that the areas of intact peatland were generally in good condition. However, seedlings and saplings of *Picea sitchensis* were noted adjacent to several of the quadrats and it is recommended these are removed, followed by continued monitoring of the area and removal of any further spruce seedlings that appear.

Monitoring of cutover blanket bog occasionally noted that the peat substrate in some quadrats was quite dry, with some slight signs of desiccation of the mosses. It is reported that “as these quadrats lie within previously cutover bog it is likely that this relates to previous management practices on the site (peat cutting and or drainage). Overall, the prescribed grazing management being practised on site appears appropriate for these areas and no trampling or poaching was noted”.

Drain blocking

All drain blocking has been undertaken. It was noted that this had been done correctly however it is too early to assess their effectiveness. The report states the maintenance and effectiveness of the drain blocks will continue to be monitored during walkover surveys and vegetation monitoring in subsequent years. NED is content to assess the success of the drain blocking in the year 5 monitoring report.

Dipwell monitoring

Dipwells were measured twice during year 3 monitoring. The report states that it is difficult to assess trends over the two year period since dipwells were installed but these trends should start to become apparent in subsequent monitoring years. The report recommends that dipwells continue to be measured twice in each monitoring year, in order to obtain both summer and winter readings.

NED's response to the year 1 monitoring noted that a survey of installed dipwells to determine if more are required was mentioned as one of the items to be carried over from the construction year and NED recommended “that it is considered whether further dipwells in deeper peat are required in order to obtain a useful indicator of water table depth across the site and report on this in the year 3 monitoring report.” This has not been reported on in the year 3 report.

Grassland habitats

Monitoring found that grassland areas were generally in acceptable condition with quadrats 1 and 10 appearing quite species rich and diverse with a good coverage of devil's-bit scabious. Some areas showed evidence of light/moderate grazing, but there was little evidence of overgrazing, poaching or soil erosion. *Picea sitchensis* seedlings were noted in vicinity of Q10, it is recommended these are removed.

Natural Heritage

NED's response to the year 1 monitoring highlighted our concerns that grassland habitat may have been lost due to reseeded with agricultural grasses. NED requested the year 3 monitoring report should detail which area has been reseeded, an assessment of the loss of biodiversity which has resulted and provide details of mitigation which has taken place to address this loss to ensure continued compliance with condition 7. This has not been considered in the year 3 report.

Treelines and hedgerows

It is a requirement of the HMP to maintain treelines and hedgerows at 1.5m to reduce the risk of predation on breeding waders by removing vantage points. Year 1 monitoring suggested no hedgerow management had taken place. The year 3 monitoring reports that no signs of hedgerow cutting was evident during monitoring. The report recommends that hedgerows in the vicinity of T10 and T12 are cut back to a height of 1.5m during winter 2022/2023.

Wader scrapes

Year 3 monitoring of the two wader scrapes created near T12 revealed one contained standing water while the other was dry with rush vegetation suggesting periodic inundation. The report recommends that during year 5, the scrapes are assessed both in the winter and summer months to ensure that they continue to provide suitable habitat for feeding waders such as snipe.

Marsh Fritillary

Results of a Marsh Fritillary survey undertaken in 2020 indicated a more widely distributed metapopulation within the site than previously thought. It was not thought that current management at the site would negatively affect the suitable habitat in the short term but the report recommended that long term amendments to management would benefit the species. These changes were to be agreed in principle with landowners in 2021 and detailed in year 3 reporting. NED were content with this recommendation.

A Marsh Fritillary survey carried out in 2021 recorded no larval webs. The areas surveyed were within the "good condition" and "good condition – rank" categories. The report states that "although there is no evidence to suggest that the site holds a current colony of marsh fritillary butterflies, there is potential for the habitats to support future colonies within these areas of suitable habitat. However, appropriate management, in the form of a suitable grazing regime would be required at this location in order to maintain habitat suitability".

No proposed changes to management of suitable Marsh Fritillary habitat have been proposed in the report as was recommended in year 1 and as highlighted in the year 3 report. NED has concerns that the Marsh Fritillary habitat will be lost if a suitable management regime is not implemented.

Other observations

Year 3 monitoring recorded a ditch, thought to be an existing ditch that had recently been cleared, in peatland habitat south of T2. The report states that "while the HMP does not specifically forbid the clearance of drains in the Habitat Management Area, this action is likely to be in contravention of the Peatland Habitat Management Objectives of the HMP". The report recommends that no further drainage/drain clearance is undertaken in the Habitat Management Area and that the landowner is aware of the management requirements of the HMP. If this ditch clearance is in contravention of the

Natural Heritage

HMP objectives, NED recommends that measures are taken to put this right to ensure compliance with the HMP.

Bird monitoring

The HMP includes an objective to “monitor the site for sensitive bird species throughout the construction phase and years 1, 3, 5 & 10 of the operation phase”. No details of any bird monitoring carried out in year 3 have been included in the report.

The report states that “Overall, Year 3 monitoring found that habitats within the Cornavarrow Habitat Management Plan were being maintained in good condition and that management prescriptions and actions were being adhered to.”

Recommendations

The report has made the following recommendations and NED agrees that these must be implemented:

1. Spruce saplings should be removed from grassland and peatland habitats, where they are observed to have seeded in from nearby conifer plantation, followed by continued monitoring of the area and removal of any further spruce seedlings that appear.
2. In the area near T12 and T10, the hedgerows surrounding the grassland habitat have exceeded the recommended 1.5m in height. In order to achieve compliance with the terms of the HMP, it is recommended that hedgerows and trees in this area are cut back to a height of 1.5m during winter 2022/23.
3. Ensure that no further drainage/drain clearance is undertaken in the Habitat Management Area and ensure that the landowner is aware of the management requirements of the HMP.
4. It is advised that in subsequent monitoring years, site visits continue to be undertaken during both winter and summer, in order to:
 - Measure water levels in dipwells in both summer and winter
 - Assess wader scrapes to ensure that they continue to provide suitable feeding habitat for waders such as snipe.
5. It is possible that given the significant growth of soft-rush observed in some of the revegetating areas, some rush control may be required in future to facilitate further colonisation by bryophyte, herbaceous and ericoid species. This will be further assessed during Year 5 monitoring.

However, due to the issues highlighted above in relation to dipwell monitoring, the reseeded grassland areas and management of Marsh Fritillary habitats, NED are not currently content that the applicant has complied with condition 7 of K/2006/1368/F (2009/A0268). NED recommends that further information is provided to address these issues.

Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 02 May 2025

Dear Sir/Madam,

Planning Application Ref.: LA10/2024/0070/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Maghareenny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co
Tyrone

Proposal:

Partial Discharge Condition 7 - HMP Ecological Compliance Report Year 5 (2023) on
K2009/0081/F, 2009/A0268 (windfarm)

Thank you for your consultation on the above which was received by the Department on
09/04/2025.

This letter provides a single combined response for your consultation request across all of
DAERA's area of environmental responsibility. Summary comments in relation to the reason
for consultation are provided in the table below at Annex A, and, where appropriate, more
detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on
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In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F due to outstanding matters that should be immediately addressed.

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Natural Heritage

Section Reference: CB34458-3

Planning Application number: LA10/2024/0070/DC

Date of NED response: 02 May 2025

Considerations

NIEA, Natural Environment Division (NED) has considered the letter from Energia dated 09 April 2025 and the report from Energia titled *Report: Implemented Recommendations* both published on the public registry 09 April 2025 which have been submitted in relation to the discharge of condition 7 of planning application K/2006/1368/F for Cornavarrow Wind Farm.

These have been submitted in response to the concerns raised and further information requested by NED in its previous response dated 20 September 2024 in relation to the implementation and monitoring of the Habitat Management Plan (HMP) for the project during year 5 of operation (2023).

Condition 7 of K/2006/1368/F (2009/A0268) states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

NED is not currently content that the applicant has complied with condition 7 of K/2006/1368/F (2009/A0268) due to the outstanding issues discussed below. NED would highlight that planning permission at appeal was granted on the condition that the HMP was implemented in full. NED considers that a serious breach of condition has occurred. NED has serious concerns regarding an ongoing breach of condition and recommends that the Planning Authority investigate.

Explanatory note

The principal aim of the HMP is to maintain and enhance the conservation status of habitats occurring within the Cornavarrow Wind Farm Site.

In the previous response NED recommended further information was submitted in relation to surveys of the reseeded grassland areas, dipwell monitoring, hedgerow cutting, tree and sapling removal, rush control and bird monitoring.

Grazing/fencing

NED notes from the submitted report that issues with grazing have been addressed including repairing the broken fence beside turbine T11, reiterating the grazing regime to the landowners and introducing seasonal grazing in areas that were identified to contain suitable habitat for Marsh Fritillary. NED welcomes the implementation of these measures.

Peatland habitats

In its previous responses NED highlighted the concern that soft rush (*Juncus effusus*) was recorded as a dominant regenerating species throughout the site. NED requested a report was submitted to

Natural Heritage

show evidence of the implementation of the rush control programme that was due to be undertaken in autumn 2024.

Energia have stated in their report that rush mapping has commenced throughout the site and rush control cutting was undertaken within the peatland habitats under the supervision of an appointed ecologist in autumn 2024 and winter 2025. Photographs have been provided. NED welcomes the commencement of a rush control programme at the site and requests that a detailed report on the implementation of this programme and further measures that may be required is included in the year 7 monitoring report.

Grassland habitats

In NED's response to the year 1 monitoring, NED requested that year 3 monitoring should include an assessment of the loss of biodiversity which has resulted from agricultural seeding and provide details of the mitigation measures taken to address this. This was not included in the year 3 report and was still absent from the year 5 report.

Energia in their report have again stated a survey will be conducted in year 7 – 2025 to determine if there has been any loss of biodiversity within the grassland habitat as a result of reseeding with agricultural grasses. NED has serious concerns regarding potential loss of priority habitat as a result of agricultural improvement and reiterates its request that this assessment is provided so that remedial works can be agreed and implemented without further delay.

Tree and Hedgerow management

It is a requirement of the HMP to maintain treelines and hedgerows at 1.5m to reduce the risk of predation on breeding waders by removing vantage points. Year 5 monitoring identified seedlings and saplings of Sitka spruce (*Picea sitchensis*), birch (*Betula sp.*) and *Cotoneaster sp.* and recommended these were removed, followed by continued monitoring of the area and removal of any further seedlings that appear.

NED previously requested that a progress report is submitted detailing the full implementation of hedgerow cutting and sapling removal. Energia have stated in their report that hedgerows have been cut back to 1.5m in the vicinity of T10 and T12. This was completed in February 2025. It is also reported that the programme of seedling and sapling removal was completed in February 2025 at the 16 locations identified during year 5 monitoring. NED is content with this update on these management measures.

Dipwell monitoring

NED's response to year 1 monitoring recommended consideration of the inclusion of further dipwells in deeper peat and that this should be reported on in the year 3 monitoring report. This was not included in the year 3 monitoring report and was again not included in the year 5 monitoring report.

NED notes from the report from Energia that this will be carried out in summer 2025. The absence of this survey information is extremely problematic in determining the successful implementation of habitat management measures as conditioned and NED therefore request details of the dipwell surveys without further delay.

Natural Heritage

Marsh Fritillary

In the previous response NED stated that it is content with the measures proposed with regards to Marsh Fritillary and requested that the year 7 interim report detailing results of the Marsh Fritillary surveys is submitted for assessment.

NED notes from the report from Energia that a seasonal grazing regime was introduced within the marshy/wet grassland habitat in the fields surrounding T12 to improve grassland condition for Marsh Fritillary in 2024 and this will continue in 2025. It is also stated that Marsh Fritillary population monitoring will be conducted and reported on in year 7. NED welcomes this update on Marsh Fritillary habitat management and monitoring and is content with these measures.

Bird monitoring

The HMP includes an objective to “monitor the site for sensitive bird species throughout the construction phase and years 1, 3, 5 & 10 of the operation phase”.

NED were not satisfied that the Year 1 Operational 2019/20, Ornithological Monitoring Report was compliant with Condition 7 of K/2006/1368/F, in our previous response to LA10/2023/1302/DC.

No details of any bird monitoring carried out in year 3 have been submitted.

NED noted that the year 5 monitoring report does not include details or results of assessment for the collision monitoring carcass searches as per Section 8.2 Operation Phase Monitoring of the Habitat Management Plan. It is noted within the Summary in Section 4.2 that some species appear to have increased on site with others remaining consistent throughout the years during the breeding season where surveys have been conducted.

As no report has been submitted detailing results of year 3 monitoring surveys, it is not possible for NED to identify trends. Without all the required reports, NED cannot recommend discharge of condition 7 with regards to bird monitoring. NED requests that outstanding information is submitted. NED's responses to the consultations for LA10/2023/1302/DC and LA10/2024/0521/DC should also be taken into consideration.

Due to the outstanding issues highlighted above in relation to dipwell monitoring, the reseeded grassland areas and bird monitoring, NED is not currently content that the applicant has complied with condition 7 of K/2006/1368/F (2009/A0268). NED strongly recommends that condition 7 cannot be discharged until satisfactory reported evidence of the implemented mitigation measures is submitted.

Case details

Reference:	LA10/2024/0070/DC
Authority:	Fermanagh and Omagh District Council
Address:	Coolkeeragh, Corradinna, Dressoge, Legphressy, Maghareenny, Segully, Tattykeel (Rogers), Unshinagh Townlands, Pollnalaght, Drumquin, Co Tyrone
Category:	Local
Consultation Type:	Statutory

Description:

Partial Discharge Condition 7 - HMP Ecological Compliance Report Year 5 (2023) on K2009/0081/F, 2009/A0268 (windfarm)

Reason for consultation:

NIEA - NED Email and Report: Implemented Recommendations for LA10/2024/0070/DC & LA10/2023/1314/DC
Dated 09/04/25

Case officer details

Name:	
Contact email:	

Planning Response Team
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn BT28 3AL
Telephone: 028 9056 9604

Date: 20 September 2024

Dear Sir/Madam,

Planning Application Ref.: LA10/2024/0070/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Magharennny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co
Tyrone

Proposal:

Partial Discharge Condition 7 - HMP Ecological Compliance Report Year 5 (2023) on
K2009/0081/F, 2009/A0268 (windfarm)

Thank you for your consultation on the above which was received by the Department on
29/07/2024.

This letter provides a single combined response for your consultation request across all of
DAERA's area of environmental responsibility. Summary comments in relation to the reason
for consultation are provided in the table below at Annex A, and, where appropriate, more
detailed advice is enclosed and attached to this letter.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

Email: planningresponse.team@daera-ni.gov.uk

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED are not currently content that the applicant has complied with condition 7 of K/2006/1368/F (2009/A0268). NED requires further information to be submitted.

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Natural Heritage

Section Reference: CB34458-2

Planning Application number: LA10/2024/0070/DC

Date of NED response: 20/09/24

Considerations

NIEA, Natural Environment Division (NED) has considered the letter from the agent, dated 26/07/24, submitted in relation to the discharge of condition 7 of planning approval K/2009/0081/F, 2009/A0268 for Cornavarrow Wind Farm.

NED acknowledge receipt of the letter from the agent (dated 26/07/24) submitted to provide evidence of implementation of the Habitat Management Plan (HMP) and monitoring for the project during Year 5 of operation (2023) and the Year 5 Bird monitoring report (completed by Woodrow APEM Group, dated 16/05/24).

Condition 7 of K/2006/1368/F (2009/A0268) states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

NED are not currently content that the applicant has complied with condition 7 of K/2006/1368/F (2009/A0268) due to the below outstanding issues. NED highlight that planning permission at appeal was granted on the condition that the HMP was implemented in full. NED consider that a serious breach of condition has occurred. NED have serious concerns regarding an ongoing breach of condition and recommend that the Planning Authority investigate.

Explanatory note

NED refers to the previous response, dated 11/06/24 which highlighted NEDs concerns that the applicant was not fully compliant with condition 7 due to outstanding matters that should be addressed.

Grazing/fencing

NED note from the submitted letter that issues with grazing have been addressed including repairing the broken fence beside turbine T11, reiterating the grazing regime to the landowners and introducing seasonal grazing in areas that were identified to contain suitable habitat for marsh fritillary. NED welcome the implementation of these measures.

Peatland habitats

In its previous response NED highlighted the concern that Soft rush (*Juncus effusus*) was recorded as a dominant regenerating species throughout the site. NED considered that mitigation action should be undertaken urgently, rather than at the Year 10 monitoring stage. NED welcome the inclusion in the

submitted cover letter confirming that rush cutting will commence within the peatland habitats under the supervision of an appointed ecologist in the Autumn of 2024.

The cover letter then details that an interim report for Year 7 will be submitted within 6 months following the end of Year 6 (2024) to include all actions taken to implement the recommendations made in the Year 5 HMP report. NED cannot recommend discharge of the condition until this report has been submitted to show evidence of the implementation of the recommendations. The report should include details of the implementation of the rush control programme.

It is noted that quadrat 38 will be relocated to an area within blanket bog habitat. NED welcome this amendment to habitat monitoring.

Grassland habitats

The submitted letter also details that the interim Year 7 monitoring report will include the findings of grassland surveys to determine the impact of agricultural grass seeding on priority habitats. In NED's response to the Year 1 monitoring, NED requested that Year 3 monitoring should include an assessment of the loss of biodiversity which has resulted from agricultural seeding and provide details of the mitigation measures taken to address this. This was not included in the Year 3 report and was still absent from the Year 5 report.

NED have serious concerns regarding potential loss of priority habitat as a result of agricultural improvement and re-iterates its request that this assessment is provided so that remedial works can be agreed and implemented without further delay.

Tree and Hedgerow management

NED note that hedgerow cutting began in February 2024 and will recommence in Autumn 2024, outside the breeding bird season to reduce hedgerow height to the recommended 1.5m. Tree and sapling removal also began in November of 2023 and will recommence in Autumn 2024. NED request that a progress report is submitted detailing the full implementation of these measures.

Dipwell monitoring

The submission additionally details that the Year 7 monitoring report will include the findings of further dipwell surveys. NED's response to Year 1 monitoring recommended consideration of the inclusion of further dipwells in deeper peat and that this should be reported on in the Year 3 monitoring report. This was not included in the Year 3 monitoring report and was again not included in the Year 5 monitoring report. The absence of this survey information is extremely problematic in determining the successful implementation of habitat management measures as conditioned and NED therefore request details of the dipwell surveys without further delay.

Marsh Fritillary

The submission also confirms that the Year 7 report will include the results of the Marsh fritillary monitoring surveys as recommended in NED's previous response. NED welcome this additional measure and request that the Year 7 interim report detailing results of the Marsh fritillary surveys is submitted for assessment.

Bird monitoring

NED note that the submitted Ornithological monitoring report was also submitted under consultation LA10/2024/0521/DC. NED would highlight that LA10/2024/0521/DC is an application for the partial discharge of Condition 7 relating to Year 3 ornithological monitoring. NED cannot assess the same report for Year 3 monitoring under LA10/2024/0521/DC and for Year 5 monitoring under the current application. The submitted surveys were completed in summer 2023 which corresponds to operational Year 5; therefore NED will assess this report as Year 5 monitoring.

The monitoring report does not include details or results of assessment for the collision monitoring carcass searches as per Section 8.2 Operation Phase Monitoring of the Habitat Management Plan. It is noted within the Summary in Section 4.2 that some species appear to have increased on site with others remaining consistent throughout the years during the breeding season where surveys have been conducted.

NED were not satisfied that the Year 1 Operational 2019/20, Ornithological Monitoring Report was compliant with Condition 7 of K/2006/1368/F, in our previous response to LA10/2023/1302/DC.

As no report has been submitted detailing results of Year 3 monitoring surveys, it is not possible for NED to identify trends. Without all the required reports, NED cannot recommend discharge of condition 7 with regards to bird monitoring.

Due to the delayed implementation of previous recommendations, NED do not have confidence that the recommendations will be actioned and request that evidence of the implementation of all recommendations is submitted. NED strongly recommends that condition 7 cannot be discharged until satisfactory reported evidence of the implemented mitigation measures is submitted.

Further information

NED request that the following is submitted for compliance with condition 7 of K/2006/1368/F (2009/A0268):

1. A report detailing the implementation of the following recommendations;
 - a) Grassland surveys to determine if there has been any loss of biodiversity within the grassland habitat as a result of reseeding with agricultural grasses. To include evidence of any remedial actions taken where required,
 - b) Dipwell surveying within deeper peat to determine if any further dipwells are required, to include the results of any further dipwells where necessary.
 - c) Management of hedgerows where identified to 1.5m,
 - d) Tree and sapling removal programme,
 - e) Rush control cutting, undertaken under the supervision of an appointed Ecologist.

Planning Response Team
Clare House
303 Airport Road West
Sydenham Intake
Belfast BT3 9ED
Telephone: 028 9056 9604

Date: 11 June 2024

Dear Sir/Madam,

Planning Application Ref.: LA10/2024/0070/DC
Location: Coolkeeragh, Corradinna, Dressoge, Legphressy,
Magharennny, Segully, Tattykeel (Rogers), Unshinagh
Townlands, Pollnalaght, Drumquin, Co
Tyrone

Proposal:

Partial Discharge Condition 7 - HMP Ecological Compliance Report Year 5 (2023) on
K2009/0081/F, 2009/A0268 (windfarm)

Thank you for your consultation on the above which was received by the Department on
20/02/2024.

This letter provides a single combined response for your consultation request across all of
DAERA's area of environmental responsibility. Summary comments in relation to the reason
for consultation are provided in the table below at Annex A, and, where appropriate, more
detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on
DAERA's position with regard to other environmental matters. It is the responsibility of the
planning authority to ensure that all risks to the environment and requirements under
environmental legislation and planning policy have been considered.

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As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

Planning Response Team

On behalf of DAERA

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Annex A

Advice Provided By:	Summary
Natural Environment Division	NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F (2009/A0268) at this time due to outstanding matters that should be immediately addressed.

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Natural Heritage

Section Reference: CB34458

Planning Application number: LA10/2024/0070/DC

Date of NED response: 11/06/24

Considerations

NIEA, Natural Environment Division (NED) has considered the Habitat Management Plan (HMP) Post Construction Ecological Compliance Report Year 5, completed by Woodrow APEM Group dated December 2023, submitted in relation to the discharge of condition 7 of planning approval K/2009/0081/F, 2009/A0268 for Cornavarrow Wind Farm.

The report has been submitted to provide evidence of implementation of the Habitat Management Plan (HMP) and monitoring for the project during Year 5 of operation (2023).

NED notes the Discharge of Condition application form states that the report has been submitted in relation to condition 7 of K/2009/0081/F (2009/A0268). However, NED assumes that the HMP Year 5 monitoring report has been submitted in relation to condition 7 of K/2006/1368/F (2009/A0268) and has assessed it against such.

Condition 7 of K/2006/1368/F (2009/A0268) states:

A Habitat Management Plan shall be submitted to and agreed in writing with the Department prior to the commencement of development and shall be implemented in full. The plan shall include a method for ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site.

NED considers the applicant is not fully compliant with Condition 7 of K/2006/1368/F (2009/A0268) at this time due to outstanding matters that should be immediately addressed. The Year 5 monitoring report again shows evidence that the HMP and subsequent recommendations from responses to previous monitoring reports are not being adhered to or complied with as agreed and conditioned. NED therefore considers that the applicant is not currently compliant with condition 7 and recommends further investigation by the planning authority to address the issues detailed in the year 5 monitoring report and outlined below.

Explanatory Note

The principal aim of the HMP is to maintain and enhance the conservation status of habitats occurring within the Cornavarrow Wind Farm Site.

Monitoring results

The monitoring for this year 5 compliance report includes resurvey and analysis of 43 fixed quadrat locations, inspection of previously placed dipwells, monitoring of marsh fritillary habitat and a general site walkover.

Grazing/fencing

Year 5 monitoring has reported that almost all fencing requirements appear to have been met; however, one area east of T11 was considered to require additional fencing improvements for livestock exclusion in order to prevent habitat erosion; sheep appear to have accessed additional areas by passing under a broken fence east of T11.

Within quadrats 5 and 6, which lie north of T10, the ecologist has recorded less positive plant species that would indicate successful vegetation reinstatement of blanket bog and wet heath habitats and more negative plant indicator species for these habitats. Negative indicator plant species include Yorkshire fog (*Holcus lanatus*) and soft rush (*Juncus effusus*). The overgrazing and poaching by cattle is adversely impacting the habitat by increasing bare ground and preventing natural vegetation. In order to comply with condition 7, NED agree with the ecologist that cattle grazing is reduced in the area north of T10.

Peatland habitats

Monitoring found that the areas of intact peatland generally are in an adequate condition with many quadrats showing signs of an overall positive trajectory with an increased number of positive indicator species noted during the year 5 assessment.

Soft rush (*Juncus effusus*) was noted as a dominant regenerating species throughout many of these quadrats, in particular quadrats 11 and 38 (near turbines T1 and T8 respectively) are reported as having deteriorated since year 3 monitoring with an overabundance of *Juncus effusus*. The ecologist has recommended "Mapping of areas of dominant soft rush throughout the site or where soft rush is noted to be having a detrimental impact upon re-establishing peatland vegetation in order to inform the spread of this species ahead of Year 10 monitoring. If an extensive increase is observed by Year 10, a rush control plan will be required for the site". NED consider that greater species diversity of peatland species without the colonisation of *Juncus effusus* is preferable and therefore consider that action is required now, rather than after year 10 monitoring, to reduce the growth of soft rush within the peatland habitats.

Monitoring of cutover blanket bog occasionally noted that the peat substrate in some of these quadrats was quite dry, with some slight signs of desiccation of the mosses. The ecologist highlights that "as these quadrats lie within previously cutover bog it is likely that this relates to previous (i.e., pre-development) management practices on the site (peat cutting and or drainage). Overall, the prescribed grazing management being practised on site appears appropriate for these areas and no trampling or poaching was noted."

Seedlings and saplings of Sitka spruce (*Picea sitchensis*), birch (*Betula sp.*) and *Cotoneaster sp.* were noted adjacent to several of the quadrats and it is recommended these are removed, followed by continued monitoring of the area and removal of any further seedlings that appear.

Grassland habitats

Monitoring found that grassland areas were generally in acceptable condition, with Quadrats 1 and 10 remaining quite species-rich and diverse, with good coverage of Devil's bit scabious (*Succisa pratensis*) noted in Quadrat 1. Some of these areas showed evidence of light/moderate grazing, but there was little evidence of overgrazing, poaching or soil erosion. The presence of several saplings and young Sitka spruce (*Picea sitchensis*) trees were noted again in the vicinity of Quadrat 10 (Year 3 monitoring has previously recommended their removal), it is again recommended these are removed.

NEDs response to the Year 3 monitoring report states *“NED’s response to the year 1 monitoring highlighted our concerns that grassland habitat may have been lost due to reseeded with agricultural grasses. NED requested the year 3 monitoring report should detail which area has been reseeded, an assessment of the loss of biodiversity which has resulted and provide details of mitigation which has taken place to address this loss to ensure continued compliance with condition 7. This has not been considered in the year 3 report.”* This issue has again not been considered in the year 5 report. NED requests this outstanding information is submitted.

Tree and hedgerow management

The HMP states that hedgerows within the north-eastern side of the site and within the vicinity of T12 are to be managed in such a way as to maintain their heights at 1.5m, and any mature trees that are within marshy grassland and or peatland habitats are to be removed as part of the HMP management. Year 1 monitoring suggested no hedgerow management had taken place. The year 3 monitoring reported that no signs of hedgerow cutting was evident. The year 5 monitoring again showed that no signs of hedgerow cutting were observed. The report recommends that the hedgerows in the vicinity of T10 and T12 are cut back to a height of 1.5m in winter 2023/2024. NED note section 3.4 of the report states that the applicant has said hedgerow management would be undertaken in February 2024.

NED requests that an update is provided now to ensure that cutting back of hedgerows has been carried out.

Wader scrapes

Year 5 monitoring of the two wader scrapes to the north-eastern side of T12 revealed that one of the scrapes contained standing water, whilst the other contained damp rushy vegetation without open water, suggesting periodic inundation. The report recommends that during year 10, the scrapes are assessed both in the winter and summer months to ensure that they continue to provide suitable habitat for feeding waders such as snipe.

Dipwell monitoring

Dipwells were measured twice during year 5 monitoring. The report states that it is difficult to assess trends over the relatively short five-year period however trends should start to become apparent following assessment in subsequent monitoring years. The report recommends that dipwells continue to be measured twice in each monitoring year, in order to obtain both summer and winter readings. NED’s response to the year 1 monitoring noted that a survey of installed dipwells to determine if more are required was mentioned as one of the items to be carried over from the construction year and NED recommended *“that it is considered whether further dipwells in deeper peat are required in order to obtain a useful indicator of water table depth across the site and report on this in the year 3 monitoring report”*. This had not been reported in the year 3 monitoring report or within the year 5 monitoring report. NED requests this outstanding information is submitted.

Drainage blocks

All drain blocking has been undertaken. It was noted that this had been done correctly however it is too early to assess their effectiveness. The report states the maintenance and effectiveness of the drain blocks will continue to be monitored during the walkover surveys and vegetation monitoring in subsequent years.

Marsh fritillary

Surveys in 2021 identified an area adjacent to T12 as providing potentially suitable habitat for the Annex II butterfly species Marsh Fritillary (*Euphydryas aurinia*). It was recommended that marsh fritillary habitat and population monitoring is continued within this area during each subsequent monitoring year.

During the year 5 monitoring, a larger area surrounding T12 was surveyed and the area was identified as containing patches of dense devil's bit scabious (*Succisa pratensis*), the foodplant of marsh fritillary. Six larval webs and one group of caterpillars was also recorded during these surveys. The areas surveyed were within the "good condition – rank" category.

It was noted that "although the area was rank, the habitat had improved in suitability for the marsh fritillary butterfly from Year 3 monitoring." It is recommended that taller grassy areas within the field surrounding T12 may benefit from some grazing management prior to the next monitoring year, grazing animals to be removed should the drier areas become shorter than 8cm or if the ground is too wet. Subsequently it has been recommended that the condition and presence of this species is monitored within an interim year (year 7) in order to assess the implementation of the grazing regime. NED agree with this recommendation.

Bird monitoring

The condition requires ornithological monitoring including hen harrier breeding attempts within a 2km radius of the appeal site is carried out. No details of any bird monitoring carried out in year 5 have been included in the report.

Recommendations

The report has made the following recommendations and NED agrees that these must be implemented for compliance with condition 7 of K/2006/1368/F (2009/A0268):

Walkover Survey Actions

- a) Grazing and fencing - area east of T11 requires additional fencing improvements for livestock exclusion in order to prevent habitat erosion (Table 2).
- b) Rush mapping recommended rush mapping of the site in areas identified as becoming dominated by soft rush (focusing on re-seeded peatland and revegetating areas) - Year 10 monitoring to reveal whether a rush control plan is required.
- c) Vehicular tracking and damage of peatland habitat noted to the east of T11 prevent additional damage and allow habitat recovery within this area.
- d) Trees and hedgerows remove all trees, spruce saplings and INNS establishing within peatland and grassland habitat (Table 2).
- e) Carry out management of hedgerows where identified to 1.5m in height (all vegetation removal to be carried out outside of the bird breeding season March August inclusive).

Peatland Habitat Actions

- a) Rush mapping within re-seeded habitat and where soft-rush was noted to be spreading and out-competing peatland species
- b) Trees and saplings remove spruce, cotoneaster and birch saplings within peatland habitat (Table 2)
- c) Ensure that no drainage/drain clearance is undertaken in the Habitat Management Area and ensure that the landowner is aware of the management requirements of the HMP.

- d) Specific Quadrat Action Points for Year 10 - Quadrat 38 requires an adjusted location as the current coordinates are located within a rushy verge and not representative of the blanket bog habitat being assessed locate to H 36157 69372 as assessed in Year 3.

Grassland Habitat Actions

- a) Reduce grazing in re-instated grassland habitat in field north of T10 (Quadrats 5 and 6 showed signs of overgrazing/poaching by cattle).
- b) Introduce seasonal grazing regime within the marshy/wet grassland habitat in the fields surrounding T12 to improve grassland condition for marsh fritillary. This must be carefully monitored to prevent overgrazing and damage to a sensitive habitat. It is recommended to maintain a stocking density of c.1 cow per every hectare (2.5 acres) for three months per year. Therefore, for this site 4-5 cows, seasonally grazed would be suitable.
- c) Interim year monitoring of marsh fritillary habitat/population within the suitable area surrounding T12 and the implementation of the aforementioned grazing regime should take place in Year 7 (2025).

However, due to the issues highlighted above, NED are not currently content that the applicant has complied with condition 7 of *K/2006/1368/F* (2009/A0268). NED recommends that further information is provided to address the issues in relation to dipwell monitoring, the reseeded grassland areas, cutting back of hedgerows in the vicinity of T10 and T12 to 1.5m and soft rush control measures.

Given the length of time until year 10 monitoring, the number of compliance actions identified in the year 5 report and to ensure progress is being made towards achieving the objectives of the HMP, NED also recommends that a report is submitted within the next 6 months which details that the recommendations made in the year 5 report are being implemented.