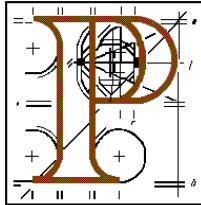


# An Bord Pleanála



## Inspector's Report

**PL22.243470.**

**DEVELOPMENT:-** 4 wind turbines, electrical substation, meteorological mast, access tracks and ancillary works at Ballyconnor, Tiermoyle, Knockacraheen and Millbrook townlands, Upper Ormond, Kilnaneave, Nenagh, Co. Tipperary.

### PLANNING APPLICATION

**Planning Authority:** North Tipperary County Council

**Planning Authority Reg. No:** 13/5/0357.

**Applicant:** Archai Resources Limited.

**Application Type:** Permission.

**Planning Authority Decision:** Refusal of permission.

### APPEAL

**Appellants:** Archai Resources Limited

**Observers** Margaret and James Gleeson and others.

**Types of Appeal:** First Party.

**DATE OF SITE INSPECTION:** 1<sup>st</sup> September 2014.

**Inspector:** Derek Daly

## **1.0 SITE DESCRIPTION.**

The site is located in the townlands of Ballyconnor, Tiermoyle, Knockacraheen and Millbrook in a rural area of County Tipperary approximately 9 kilometres southeast of Nenagh. The area relating to the development is at the fringe of an upland area forming part of a ridge of hills running southwest to northeast from the Silvermines Mountains to the Devils Bit Mountains.

The site is located on Knockacraheen Hill and is accessed off the local road network which in turn leads onto the R499 Toomevara Silvermines Regional Route and the R498 Nenagh Thurles Regional Route. The lands to the north are part of a large lowland area.

Residential development consists mainly of one off houses and farmhouses fronting onto the road network with a reasonable concentration to the north and west of the site.

## **2.0 THE PROPOSED DEVELOPMENT.**

The proposed development as submitted and stated in the public notices to the planning authority on the 29<sup>th</sup> of October 2013 was for the following,

- The construction of four wind turbines located with ground level height varying from 165 metres OD to 250 metres OD.
- The turbines are to a height of 132 to blade tip. The turbines are 85 metres in height to the hub and have a blade diameter of 93 metres.
- Each turbine will have an installed capacity of 2-3 MW.
- The construction of an electrical substation with two options in relation to layout.
- The construction of a meteorological mast
- The construction of access tracks approximately 2.35 kilometres of which 0.7 kilometres are existing tracks and other ancillary works.
- The site has a stated area of 32.7275 hectares.

The application as submitted was for a ten year permission.

The application was accompanied by associated maps and drawings, an Environmental Impact Statement and an appropriate assessment screening report.

Further information was submitted on the 11<sup>th</sup> of April 2014. The main details submitted include,

- A reduction in the number of turbines to 3 with the removal of T4.
- A revised visual assessment.
- Revised noise and shadow flicker assessments.
- Revised assessments in relation to ecology
- Revised assessments in relation to archaeological heritage

### **3.0 PLANNING HISTORY.**

A number of permissions were granted for wind turbines approximately 2 kilometres to the southwest as Curraghgraique Upper.

P.A. Ref. No. 51/22877 where permission was granted for three turbines.

P.A. Ref. No. 04/51/1665 where permission was granted for a single turbine.

ABP Ref. No. PL.224978/ P.A. Ref. No. 06/51/1940

Permission granted for the extension of an existing windfarm comprising of the construction of two turbines with a turbine hub height of 49 metres and 52 metre rotor diameter at Curraghgraique Upper.

Permission was granted for a two turbines approximately 4 kilometres to the southwest under P.A. Ref. No. 07/51/0779.

Permission was also granted for a three turbines approximately 6 kilometres to the northeast under P.A. Ref. No.51/24325.

### **4.0 PLANNING AUTHORITY REPORTS.**

4.1 The Environment department report dated the 13<sup>th</sup> of December 2013 requested further information be submitted on the reinstatement programme, to submit an Environmental Management Plan, clarification relating to burrow pits and outline the methodology for excavation.

4.2 The planning report dated the 13<sup>th</sup> of December 2013 refers to the provisions of the development plan; that the proposal complies with stated policy provisions in relation to wind energy potential but that care must be taken in relation to achieving the right scale of development to match the scale of the receiving environment. Reference is made to the submitted EIS; concern is expressed in relation to the conclusions on visual impact outlined in chapter 6 given the height of the turbines; clarity was required in relation to the location of houses in relation to the assessment of noise impact. Further information was recommended.

4.3 The Environment department report dated the 26<sup>th</sup> of May 2014 considered that the requested further information as submitted on the Environmental Management Plan, issues of health and safety and excavations did not address the issues sought.

4.4 The planning report dated the 26<sup>th</sup> of May 2014 refers to third party submissions and the further information submitted. The report agrees with the level of impact identified within 2.5 kilometres of the site and that the objections submitted from residents from within that area is reasonable and valid. The report also considers that the impact extends to a wider area and the location of the windfarm on Knockacraheen Hill does not afford a

significant backdrop and on that basis will have a detrimental impact on the receiving environment. Refusal of the application was recommended.

## **5.0 SUBMISSION BY OTHER AGENCIES DURING PLANNING APPLICATION.**

**Mid West Regional Authority** in a submission dated the 26<sup>th</sup> of November 2013 refer to

- The Mid West Regional Planning Guidelines 2010 to 2022 support the principle of renewable energy projects in the region.
- The Regional Authority supports the principle of the development which is in keeping with local and regional objectives and policies on renewable energy.
- Cumulative effects of the development need to be considered.

The **HSE** made a submission/report dated the 25<sup>th</sup> of November 2013 which refers to,

- The context, character, significance and sensitivity of the receiving environment in relation to human beings is not adequately described or assessed in particular in relation to noise and shadow flicker.
- Issues are raised in relation to the impact of noise based on data in the EIS.
- Other issues arise in relation vibration, dust, shadow flicker and groundwater.
- There is no evidence that the applicant is committed to the implementation of mitigation measures.

**Irish Aviation Authority** in submissions dated the 15<sup>th</sup> of November 2013 and the 6<sup>th</sup> of May 2014 refer to,

- In the event of permission the applicant is to agree a scheme of aviation warning lights with coordinates and elevational details of the turbines also to be supplied.

The **Department of Arts, Heritage and the Gaeltacht** made a submission in relation to **Archaeology** dated the 29<sup>th</sup> of November 2013 and refer to,

- The recommendations indicated in the EIS are concurred with.
- Conditions are indicated to be attached to any grant of planning permission.

## **6.0 THE PLANNING AUTHORITY'S DECISION.**

The planning authority's decision was to refuse planning permission. One reason was stated which refers to the scale and height of the turbines, the nature of the receiving environment when viewed from the north and northwest of the site, that the development would be visually dominant and would be contrary to the national guidelines and policy SERV 23 of the county development plan.

## **7.0 APPEAL SUBMISSIONS.**

### **7.1 FIRST PARTY APPEAL.**

The applicant in a submission dated the 10<sup>th</sup> of June 2014 indicates,

- The proposed turbines are of a modern size that can be purchased from wind turbine manufacturers.
- The turbines are more energy efficient than a greater number of smaller turbines.
- It is becoming more common to replace existing turbines with a smaller number of larger turbines.
- Reference is made to the existing turbines at Curraghgraique Upper which occupy their own discreet hills and are located at a lower elevation.
- The development plan indicates that the landscape can accommodate this form of development if carefully sited and in relation to visual impact reference is made to table 6.4 of the EIS.
- The proposed development was reduced to three turbines in further information submitted to address matters raised by the planning authority.

## **8.0 RESPONSES TO GROUNDS OF APPEAL.**

8.1 The Planning Authority in a submission indicates they have no observations to make.

## **9.0 OBSERVERS.**

Margaret and James Gleeson and others in a submission dated the 3<sup>rd</sup> of July 2014 indicate,

- They welcome the decision of the planning authority.
- Consultation with local people is questioned.
- Reference is made to visual impact and turbines to a height of 132 metres are unsuited to a pastoral hill.
- The structures will have a massive impact on the local landscape.
- The turbines proposed are 76% higher than the existing turbines erected on Curraghgraique Hill and the elevation is similar.
- There is no background for this development.
- Noise levels will exceed Department Guidelines.
- An Environmental Management Plan was not submitted and is necessary to address issues arising in the EIS.
- The development will devalue property.
- It is not sufficient that advancement in technology is a case for higher turbine heights.
- Reference is made to the absence of information requested and not submitted.
- Reference to less impact from distance does not address impact at a more local level.

- The development is not in accordance with the national guidelines and county development plan.

## **10.0 POLICY.**

### **10.1 NATIONAL POLICY.**

National policy on renewable energy has arisen primarily in response to international agreements, most particularly the UN Framework Convention on Climate Change and the Kyoto Protocol.

Current government policy in relation to renewables is outlined in the National Climate Change Strategy 2007 – 2012 which highlights the need for a radical strategy to meet the climate change commitments made under Kyoto.

*Sustainable Development – A Strategy for Ireland*, includes an emphasis on the use of renewable resources.

*The National Spatial Strategy 2002 – 2020*, states, “in economic development the environment provides a resource base that supports a wide range of activities that include agriculture, forestry, fishing, aqua-culture, mineral use, energy use, industry, services and tourism. For these activities, the aim should be to ensure that the resources are used in sustainable ways that put as much emphasis as possible on their renewability” (page 114).

*National Biodiversity Plan 2002*, was prepared in response to Article 6 of the Convention on Biological Diversity and ‘pays special attention to the need for the integration of the conservation and sustainable use of biological diversity into all relevant sectors.’

National planning guidance is provided in the Wind Energy Development - Planning Guidelines published by the Department of the Environment Heritage and Local Government in June 2006, which emphasise the importance of wind energy as a renewable energy resource and also where there is a presumption in favour of wind farm development in suitable circumstances.

The Guidelines state in Chapter 3 that the development plan must achieve a reasonable balance between responding to overall Government Policy on renewable energy and enabling the wind energy resources of the planning authority’s area to be harnessed in a manner that is consistent with proper planning and sustainable development. The assessment of individual wind energy development proposals requires to be conducted within the context of a ‘plan led’ approach.

Consideration of any wind energy development in or near designated areas of natural heritage must be subject to Ireland’s obligations under the Habitats Directive and the EU (Birds) Directive. The visibility of a proposed wind energy development from designated views or prospects would not

automatically preclude an area from future wind energy development but the inclusion of such objectives in a development plan is a material factor that will be taken into consideration in the assessment of the planning application.

The environmental implications of wind farm developments are referred to in Chapter 5. It is recognised that natural heritage may be impacted by wind energy development but in coming to a decision, the planning authority should also consider the importance of the development of wind energy projects including those proposed on designated sites, in view of their strategic importance in contributing significantly to the achievement of the targets by decreasing dependence on fossil fuels, with subsequent reductions in greenhouse gas emissions.

Noise impacts are discussed in Section 5.6 and it is stated that noise impact should be assessed by reference to the nature and character of noise sensitive locations i.e. any occupied house, hostel, health building or place of worship and may include areas of particular scenic quality or special recreational importance. In general noise is unlikely to be a significant problem where the distance from the nearest noise sensitive property is more than 500m.

Careful site selection, design and planning and good use of relevant software can help to reduce the possibility of shadow flicker in the first instance (Section 5.12). It is recommended in that shadow flicker at neighbouring offices and dwellings within 500 m should not exceed 30 hours per year.

Aesthetic considerations and the siting and design of wind farm developments are discussed in Chapter 6. Considerations are also given to landscape character types as a basis for practical application of siting and design guidelines.

## **8.2 COUNTY POLICY.**

The operative plan is the North Tipperary County Development Plan 2010-2016.

In relation to zoning the site is located within an area defined A1 Landscape Area.

Relevant provisions include,

- SERV 22 is to facilitate continual development of renewable energy sources.
- SERV 23 is to facilitate the exploitation of the natural wind energy resource available subject to being in accordance with the guidelines set out in the County Landscape Character Area and other development plan policies in respect of the protection of the environment and complies with Wind Energy Development Guidelines 2006.

- ENV 2 is to assess applications for development of wind farms in accordance with the Landscape Character Assessment 2009.
- ENV 3 is to restrict development that would materially interfere with vulnerable landscapes.
- HERT 29 is to maintain the quality and conservation values of European Sites and other sites.
- HERT 29a is to restrict any development which would be harmful to or result in significant deterioration of habitats or species in European Sites and other sites.

Section 10.13 sets out standards in respect of proposed wind farm development.

### **North Tipperary Landscape Character Assessment 2009.**

The map relating to landscape character types indicates that the appeal site is within Landscape Character Type 6; Farmed Foothills. As part of the assessment, commercial coniferous forestry, the potential for development of windfarms and development of visibly obtrusive single dwellings in the countryside are identified as a force for change within this area.

The area is referred to in more detail as Landscape Character Area 7; Upperchurch-Kilcommon Hills and indicated in figure 8. The Key Characteristics are indicated as highly scenic pastoral landscape with rolling hills and valleys; sparsely populated particularly in central area with remote character and extensive views eastwards from elevated points. The area also adjoins Landscape Character Area 12: Nenagh Corridor a low lying area

It is indicated that “this is a working landscape featuring pasture as the dominant landuse. It is in very good condition and indeed is highly scenic owing to the varied and interesting topography of rolling hills and valleys with vantage points that afford views. This high scenic quality renders this a significantly sensitive landscape. However, the nature of the varying topography is such that there is a capacity to accommodate development without undue deterioration in the scenic quality”.

In relation to principles for landscape management design guidance in respect of commercial forestry in upland areas should be provided in order to integrate this landuse into the landscape and criteria for the wind energy development and layout should be provided. No principles are outlined however in relation to wind farms.

### **North Tipperary Wind Capacity Strategy and Outline Landscape Strategy 2009.**

This strategy notes that subject area has suitable wind speeds for wind energy. The study rates landscapes based on their potential to accommodate wind farms having regard to landscape and visual criteria such as scale, openness, landform, landcover, complexity and pattern, settlement and



infrastructure, perception of wilderness, perception of change, movement prominence, settings backdrops and horizons and Important skylines from main transport corridors. Figure AI identifies areas in the county which have adequate wind resources for wind farm development which includes the current planning application site. The strategy also identifies criteria for assessment in the various landscape character areas.

### **Other Designations.**

The site is not located within a Natura 2000 site the nearest site is the Slievefelim to Silvermines SPA approximately 6.3 kilometres to the southwest.

## **11.0 ASSESSMENT.**

### **11.1 INTRODUCTION.**

The proposed development as initially submitted to the planning authority on the 29<sup>th</sup> of October 2013 was for the following,

- The construction of four wind turbines located with ground level height varying from 165 metres OD to 250 metres OD.
- The turbines are to a height of 132 metres to blade tip. The turbines are 85 metres in height to the hub and have a blade diameter of 93 metres.
- The construction of an electrical substation with two options in relation to layout.
- The construction of a meteorological mast
- The construction of access tracks approximately 2.35 kilometres of which 0.7 kilometres are existing tracks and other ancillary works.
- The site has a stated area of 32.7275 hectares.

Additional information in response to a planning authority request for further information was submitted on the 11<sup>th</sup> of April 2014. The main details submitted include,

- A reduction in the number of turbines to 3 with the removal of T4.
- A revised visual assessment.
- Other assessment considering the reduction of the turbine.

Having inspected the site and examined the associated documentation, the following are the relevant issues.

- Principle of development in a policy context.
- Environmental Impact Statement.
- Environment Impact Assessment.
- Appropriate Assessment

### **11.2 PRINCIPLE OF DEVELOPMENT/POLICY.**

In section 10 of this report I have outlined the policy context at national and county level relating to renewable energy with specific regard to wind energy. I

have also outlined the provisions relating to landscape character with regard to the current North Tipperary County Development Plan.

At national level current planning guidance as provided in the Planning Guidelines for wind farm development emphasises the importance of wind energy as a renewable energy resource and in general there is a presumption in favour of wind farm development in suitable circumstances.

In relation to the county the current plan is the North Tipperary County Development Plan 2010-2016 and specifically in relation to the provisions and zoning, the site is located within an area which is defined as A1 Landscape Area and within this designation windfarms development is not precluded.

There are specific provisions in the plan in relation to renewable energy including SERV 22 and SERV 23 which facilitates continual development of renewable energy sources and also facilitate the exploitation of the natural wind energy resource available subject to being in accordance with the guidelines set out in the County Landscape Character Area and other development plan policies in respect of the protection of the environment and complies with Wind Energy Development Guidelines 2006.

There are also further policies ENV 2 which provides for the assessment of applications for development of wind farms in accordance with the Landscape Character Assessment 2009 and ENV 3 to restrict development that would materially interfere with vulnerable landscapes. The site is not specifically defined as a vulnerable landscape.

The 2009 Landscape Character Assessment has identified landscape character types which identifies that the appeal site is within Landscape Character Type 6 Farmed Foothills. As part of the assessment, the potential for development of windfarms is identified as a force for change within this area.

The appeal site and surrounding area is referred to in more detail as Landscape Character Area 7; Upperchurch-Kilcommon Hills and indicated in figure 8 of the assessment. I would largely agree with the overall assessment relating to the area as a highly scenic pastoral landscape with rolling hills and valleys which renders the area as a significantly sensitive landscape. Specifically being on the fringe of this upland area the appeal site adjoins large tracts of lowland areas and is visible from a wide area. It is also visible from the main traffic routes including the M7 motorway. It is particularly visible from the regional road network, the Nenagh/ Thurles road and the Toomevara/ Dolla road.

I would also note the comment in relation to the area that the nature of the varying topography is such that there is a capacity to accommodate development without undue deterioration in the scenic quality. This I believe would allow for consideration of the proposed development subject to assessing the impact on the receiving landscape. In overall terms I would

consider that the landscape character assessment as applied to the appeal site and the wider area is reasonable.

In addition to the Landscape Character Assessment North Tipperary has also prepared a wind capacity strategy and an outline landscape strategy. The strategy uses a range of criteria as a basis for rating landscapes based on their potential to accommodate wind farms having regard to landscape and visual criteria. On the basis of these criteria figure A1 of the assessment has identified areas in the county which have adequate wind resources for wind farm development which includes the current planning application site.

The strategy, in relation to this area also in assessing capacity for windfarm in the farmed foothills, does indicate that within the overall area the capacity to absorb wind farm development is extensive. It also indicates however that some care is required in terms of achieving the right scale of development to match the scale of the receiving landscape.

In relation to the overall adoption of a plan led approach to identifying areas suitable for windfarm energy sources and development there is, I consider, a structured basis set out in the strategies as prepared and the process as followed is reasonable and complies with national guidance. The identification of the site as potentially suitable for windfarm development is reasonable but the strategies also it is noted do identify the appeal site as a sensitive landscape and care is required in terms of achieving the right scale of development to match the scale of the receiving landscape which is I consider a reasonable approach.

In overall terms the principle of locating windfarm development in the area which is the subject of this appeal is reasonable subject to the appropriateness to the particular site and the nature and scale of the development.

### **11.3 ENVIRONMENTAL IMPACT STATEMENT.**

The application is accompanied by an Environmental Impact Statement.

In relation to the adequacy of the EIS, I consider that it contains the information specified in Schedule 6 of the Planning and Development Regulations 2001, as amended and can be considered as a contribution towards the process of assisting the relevant decision maker and the competent authority, in this case the Board, to enable a decision to be made.

The EIS has set out impacts and identified these under a series of headings and chapters including,

- Need and benefits of the development.
- Planning framework.
- Landscape and visual assessment.
- Natural heritage assessment.
- Cultural heritage assessment.

- Geology, Hydrology and Hydrogeological assessment.
- Noise impact assessment.
- Shadow Flicker.
- Electromagnetic interference.
- Conclusions and interactions.

The EIS and the further information have identified potential impacts in the absence of mitigation and also cumulative impacts in particular in relation to other windfarms.

#### **11.4 ENVIRONMENTAL IMPACT ASSESSMENT.**

In accordance with the requirements of the European Directive 2011/92/EU and Section 171A of the Planning & Development Act 2000-2010, this process requires the Board, as the competent authority, to identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of the Environmental Impact Assessment Directive, the direct and indirect effects of the proposed development on the four indents listed in Article 3 of that Directive as set out below:

- a) Human beings, flora and fauna,
- b) Soil, water, air, climate and the landscape,
- c) Material assets and the cultural heritage, and
- d) The interaction between the factors mentioned in paragraphs (a), (b) and (c).

##### **11.4.1 Impacts on human beings.**

In relation to the impact on human beings the site is located within a landscape which is largely a farmed and living landscape. As a consequence wind turbines will have an impact on the receiving landscape and the people who reside in the immediate area. The area in particular to the north has for a rural area a relatively high level of residential development which in part is due to proximity to major roads and also the town of Nenagh.

The appeal submissions of residents from the area have focused on a range of perceived impacts raising issues of impacting on residential amenity, visual impact and also devaluating property.

I propose to consider impacts under a series of headings.

##### **11.4.1.1 Employment**

The impact of the development in relation to employment is referred to in section 2.20 of the EIS indicating employment of 10-30 persons during the construction period.

There is nothing to suggest that the presence of wind turbines has a detrimental impact on other aspects of employment in the area.

#### 11.4.1.2 **Noise**

Chapter 10 of the EIS relates to Noise Impact Assessment and there is further assessment in Appendix D in the submission of further information received by the planning authority. Siting of the turbines has applied a separation distance of 500 metres from residential properties where no financial interest applies in respect of the proposal as defined in the department guidelines. The type of noise likely to arise from wind turbines is outlined.

A total of 47 dwellings/sensitive receptors are identified within kilometre of the proposed windfarm (table 10 1). Noise modelling was carried out based on the location of the receptors and the results are outlined in table 10.3. The modelling also examined cumulative impacts from the proposed development and existing turbines. The modelling identifies no level of exceedance of permitted levels arising from the proposed development.

There is acceptance that construction works will generate increased noise levels but the impacts will be temporary in duration and mitigation measures are outlined in this regard.

What can be concluded from the noise assessment is that the development will impact in relation to noise as there will be a rise in noise levels from the current ambient noise levels associated with a rural area for many of the houses and sensitive receptors in the general and study area. The level of increase will however be within permitted levels for the most part even in a worst case scenario. There will also be impacts arising in the construction phase but they will be short term in duration.

#### 11.4.1.3 **Traffic**

Traffic is largely assessed in the context of construction impacts outlined in Section 2.16 of the EIS impacts on the road network are identified as temporary in nature during the construction phase and transportation routes used will be agreed with the planning authority.

The development will involve the use of existing farm roads, the upgrading of existing farm roads and the construction of new roads. In principal I would have no objection to the works as proposed provided appropriate roadside drainage is provided for.

The proposal will also involve movement of material along the existing local road network. The network varies greatly in road width and in alignment both horizontal and vertical. During the construction phase this will have an impact leading to obstruction of these roads to road users. The impact will be short term in duration and can be managed through the application of appropriate construction management practice.

I would therefore agree that the development will impact on the road network and cause disruption to road users but the overall impact will be confined to the time span of the construction period. Impacts can I consider be addressed and mitigated by the implementation of a construction management plan.

#### 11.4.1.4 **Shadow Flicker.**

Shadow flicker is referred to in chapter 11 of the EIS and in Appendix E of the further information submitted to the planning authority.

Table 1.3 indicates the predicted levels for the 47 dwellings/receptors within a kilometre of a turbine based on shadow flicker modelling. 2 properties are identified as potentially having in excess of 30 hours per annum the standard as outlined in the guidelines based on modelling. These houses are it is indicated not habitable houses and are used as farm buildings. The revised shadow flicker assessment has reduced potential impact to one dwelling and this dwelling is uninhabited. Cumulative impacts are also considered with existing turbines in the area. It is indicated that there is potential for exceedance to arise notwithstanding the results of the modelling.

Means of mitigation are set out by the applicant and there is technology available to reduce the level of exceedance if this is subsequently identified. This is a matter I consider that can be addressed by condition in a grant of planning permission. This would require a period of monitoring after the wind turbines become operational and this would also be required to be conditioned.

On the basis of information submitted I consider having regard to the separation distances to houses, which are considered to be acceptable. I am satisfied on the basis of the information on noise and shadow flicker submitted in connection with the planning application and the appeal; that any residual concerns and possible impacts likely to arise from shadow flicker can be addressed. I also consider that if exceedance arises after monitoring is carried out as proposed in the EIS it can be appropriately addressed by means of condition. The proposed development I consider would be capable of operating within the limits set out in the "Wind Energy Development Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in June, 2006.

#### 11.4.1.5 **Other issues**

A number of appellants have raised impacts in a general sense on their properties including reduction in property value.

The nature and scale of potential impact will vary for any property depending on the relative distance, relative visual sight of turbines and other local factors. It can also be considered that with an increasing number of turbines on the landscape has led to some degree of acceptance that they are increasingly part of rural landscape. In relation impact on value this matter is

difficult to fully assess and is largely a matter of personal perception largely relating to visual matters.

In a more general sense given the separation distance from houses no direct hazardous threat arises to properties in the general area. I would also note that the separation distances of turbines to adjoining properties comply and exceed current standards.

The issue of electromagnetic interference is addressed in chapter 12 of the EIS and potential impacts are identified and mitigation measures should an impact arise are outlined.

Overall in relation to impacts on human beings the impacts will vary in overall impacts and significance. The construction phase will be significant as there will be some level of disturbance arising in particular in relation to increased noise, air emissions and traffic but the overall range of impacts in the construction phase will be of a short term duration.

The implementation of the measures as outlined in the construction management plan will mitigate these impacts. In the operational phase many of the impacts arising in the construction state will decline and the impacts will largely relate to the incidence of shadow flicker and a different form and type of noise source. There will also be a visual change to the landscape. Visual impacts in this regard will be considered in section 9.5.5 of this report.

## **11.4.2 Flora and Fauna.**

### **11.4.2.1 General.**

Chapter 7 of the EIS relates to natural heritage and an Ecological Impact assessment (EclA) is included in the EIS. The site is identified as of overall low ecological interest given the nature of the site which has heavily modified habitats. Improved grasslands are identified as the dominant habitat (Table 7.7)

Surveys of habitats, avifauna, bats and mammals are outlined. In relation to birds no Red Book species were recorded on the site. The site was identified as having the potential to support bats.

Risks to watercourses were also identified as potentially occurring arising from the construction works while noting there are no watercourses on the site itself. Mitigation measures are outlined to address potential impacts. Mitigation measures are also addressed with an emphasis on management and prevention in particular during the construction phase.

Cumulative impacts with other windfarm development were also assessed in the EIS.

The EclA as presented, I consider, has followed a methodology which is a reasonable approach in relation to survey, identification of impact, assessment of impact, mitigation and overall appraisal.

#### 11.4.2.2 Impacts on habitats.

In relation to the current proposal there are no designated Natura 2000 sites located within the proposed site boundary.

Designated sites, however, identified in the EIS and the AA screening within 15km of the proposed development site. The Slieve Felim to Silvermines Mountains SPA site code 004165 is within 6.3 kilometres to the boundary of the site and the primary conservation interest is identified as the hen harrier species.

In relation to the habitats within the appeal site impacts were also assessed for the identified habitats. In terms of habitat loss arising from the construction of roads, foundations and hardstandings, this was determined as primarily affecting areas of improved agricultural grass land and scrub areas. The significance of loss is evaluated and assessed and identified some loss of habitat as permanent.

In terms of identified impacts the primary issue which emerges relates to indirect impacts arising from the loss of drainage ditches and which in the absence of mitigation has potential to impact on aquatic species in receiving waters off the site itself. In this regard the maintenance of water quality in both the construction and operational phases are of importance and this identified also in the EIS.

In this regard having identified the potential impacts which can arise, the EIS identifies that the construction of the windfarm will necessitate the insertion of a site drainage system along access roads and hardstanding areas (section 7.5.23) and outlines a series of mitigation measures primarily in the construction phase and also for the operation phase. Details of the drainage system were submitted as Appendix G of the further information.

On the basis of the information submitted the development will have impacts on the receiving habitats where the development works will occur. Many of the impacts will be localised and may involve some irreversible loss of current habitat. In general I am satisfied that the loss is not significant having regard to the prevalence of improved agricultural grassland as the areas of habitat loss.

In relation to the details submitted, I consider that the potential impact on habitats on the site is not therefore significant. The impacts largely occur on areas with a long history of human intervention through farming. I also consider that subject to the mitigation measures as outlined that the proposed development is not likely to result in significant impacts and effects on any designated sites.



### **11.4.2.3 Impacts on species.**

The EIS presents details of survey in relation flora and fauna species within the study area and detailed studies in particular in relation to land based mammals and birds and also aquatic species.

### **11.4.2.4 Birds.**

Hen harrier.

An assessment of potential impact on the hen harrier species is included as Appendix 3 of chapter 7 of the EIS. No recorded nesting of the species has occurred on the site. It was also indicated that the nature of the habitats on the site are unsuited to hen harriers.

Surveys were carried out and the results of these surveys are outlined in the EIS it is indicated that the development will have an imperceptible impact on the species. The study also examined cumulative impacts with other neighbouring windfarms and reached the same conclusion.

I am satisfied that potential effects are identified and assessed and the conclusions are reasonable.

### **11.4.2.5 Mammals**

Badgers.

During the initial survey a badger sett was identified on the site (Table 7.11). Measures are outlined in relation to identification of setts including buffer areas and consultation with NWPS on the implementation of the mitigation measures.

Bats.

As the site was initially identified as having potential for the presence of bats a bat survey and assessment was carried out in the initial EIS (Appendix 1 of chapter 7). Further clarity was submitted in Appendix H of the further information submitted which in effect assesses the development in the context of the removal of turbine T4.

The documentation outlines the risks to the species including collision risk. Having identified the potential for bat species to pass over the site and mitigation measures are indicated to provide for reinstatement of linear habitats removed in the construction phase to provide for safe pathways during flight and also for the provision of the new hedgerows as mitigation features. The bat study also included an assessment of cumulative impacts in conjunction with other windfarm development in the area.

Based on the information submitted I consider that the proposed development has the potential to impact upon the bat population of the area. The potential threats and impacts are I consider identified, assessed and mitigation measures are outlined to mitigate against the risks and impacts identified. The mitigation measures as detailed are considered both reasonable and appropriate. Should the Board be minded to grant planning permission in this instance, it is recommended that these mitigation measures are conditioned.

Other mammals.

Surveys were carried out for protected terrestrial mammals and other mammals. Potential impacts and mitigation measures outlined. I am satisfied that in relation to mammals the process as outlined, survey, assessment and identification of mitigation measures is a reasonable approach. I consider the mitigation measures as detailed are considered reasonable and appropriate.

#### **11.4.2.6 Aquatic species.**

There are no watercourses on the site but there is runoff from the site to drains and watercourses. The overall area is within the drainage catchment of Lough Derg and Lower Shannon River. Indirect impacts to freshwater ecosystems are identified in section 7.5.2.3 largely arising from construction activities and spillages. Mitigation measures in relation to water management are outlined in chapter 9 of the report and it is considered that if the mitigation measures outlined are implemented no adverse impacts on freshwater ecology downstream of the site are foreseen.

The Site Drainage Management Plan submitted by way of further information further clarifies the position in relation to the phasing of construction and the implementation of mitigation measures. The measures as outlined address individual components of the construction and measures to be implemented during the operational phase.

In this context I am satisfied that risks and impacts arising from the development to aquatic species have been identified and assessed and measures for mitigation and monitoring have also been identified. I am satisfied that the mitigation measures as detailed outlined in the assessment are reasonable and appropriate. Should the Board be minded to grant planning permission in this instance, it is recommended that these mitigation measures are conditioned.

#### **11.5.1 Soil, water, air, climate and the landscape.**

#### **11.5.2 Soils and geology.**

The issue of soils and geology is considered in chapter 9 of the EIS. I would also refer to Appendix C of the further information submitted. The site is a hillside undulating topography located within a group of other hills with the hill on which it is proposed to locate the turbines ranging from 170m OD and

265m OD. In the EIS there is an assessment of potential impacts which largely arise from the construction activities associated with the erection of the turbines and the associated infrastructure chiefly the construction of internal access roads; the excavation of material from borrow pits which will be used for the construction of these roads and the provision of a drainage network. The overall effect is a direct and permanent impact arising from these works.

Mitigation measures are outlined during the operational phase of the development and overall I consider that no significant permanent impacts are likely to arise.

### **11.5.3 Water**

The issue of water, surface water and hydrology is considered in chapter 9 of the EIS. I would also refer to Appendix G of the further information where a Site Drainage Management Plan was submitted. There are no streams or drains located on the site though there is run off to lower levels and watercourses located there. The Nenagh River is the nearest major watercourse located over 2 km from the site and this in turn flows into Lough Derg and the River Shannon catchment.

In relation to potential risks, given the nature and extent of construction works, in the absence of a coordinated construction management plan and the implementation of mitigation measures there are, I consider, risks to the water environment as new drainage patterns will occur arising from the construction of new internal roads and tree and vegetation felling with the consequent risk of release of suspended solids to watercourses and a change in the rate of discharge to receiving watercourses. There are also risks from accidental discharge of construction material and hydrocarbons.

No springs were identified on the site. Short term impacts were identified as possible during the construction phase of the development to groundwater but during the operational phase no impacts are identified to occur.

Mitigation measures are outlined centred largely as mitigation by avoidance a drainage plan and the implementation of an environmental management plan. The Site Drainage Management Plan outlines environmental protection measures in sections 4 and in greater detail in section 5.

In general I consider that the measures outlined are satisfactory in addressing the potential risks identified and are of importance in the general sense of protection of water quality. In overall terms I consider that subject to appropriate conditions that the development will not adversely impact on the aquatic environment.

### **11.5.4 Air and Climate**

The issue of air and climate is considered in the context of the benefits arising from the development and contributing to limiting CO<sub>2</sub> emissions and potential impacts during the construction phase.

In the construction phase the excavation of ground and removal of earth and soil and the haulage of material to the site and within the site have the potential to give rise to fugitive emissions and particulate matter and this is recognised in the EIS. Increased traffic will also generate increased emissions from the construction vehicles. Any impact I consider will be temporary in nature and confined to the immediate area. Mitigation measures are outlined to address impacts arising.

I do not consider that outside of the construction phase that residual impacts arise and the generation of renewable energy will if the development is constructed contribute to limiting CO<sub>2</sub> emissions.

### **9.5.5 Landscape**

Chapter 6 of the EIS considers landscape and visual impact. I would also refer to appendix B of the further information submitted which is a revised landscape and visual assessment and provides for a reduction of one turbine with the removal of T4 from the original proposal.

As part of the visual impact of the development a Landscape and Visual Impact Assessment was submitted, a Zone of Theoretical Visibility was identified and photomontages from a number of viewing points eighteen in total are submitted.

The overall assessment of impact identifies a position where given the nature of the topography and the proximity of the site to lowland areas large areas to the north and west are within the Zone of Theoretical Visibility. The overall methodology as presented is reasonable.

Visual impact is however the primary reason for the decision of the planning authority to refuse planning permission. The basis of the reason relates to the site's location and surrounding topography. The planning authority considers the topography, the location on Knockacraheen Hill and the absence of backdrop accentuate the visual impact on the area to a degree greater than concluded by the applicant in the EIS and further information.

This area of County Tipperary is characterised by being at the interface of a ridge of hills and upland areas running northeast from Silvermines to the Devil's Bit with large tracts of lowland areas to the west of this interface. The hills are readily visible from the lowland area and main transportation routes.

There are wind turbines located at this interface in relative close proximity at Curraghgraique Hill and also approximately 3 kilometres northeast of Dolla (Knockmeale Hill). These turbines are visible from a wide area to the west. In

some locations they break the skyline but largely have a backdrop of higher lands to the east which mitigates the impact.

Knockacraheen Hill is more of a standalone hill and has less of a backdrop than the other locations indicated above and the visual impact will be therefore I consider be greater. The level of impact will be increased by the relative greater height of the proposed turbines on Knockacraheen Hill to those erected on Curraghgraique Hill. The site is also in relative close proximity to two heavily trafficked regional routes

Another issue which arises in relation to visual impact is that the current proposal forms part of a landscape which is part of an active working agricultural landscape with a relatively high level of residential properties.

I would note that the county development plan does not preclude windfarm development in the area, that the North Tipperary Landscape Character Assessment 2009 and the identification of the Landscape Character Area does identify the specifically exclude windfarm but that the site forms part of a significantly sensitive landscape.

In relation to the North Tipperary Wind Capacity Strategy and Outline Landscape Strategy 2009 while noting that the subject area has suitable wind speeds for wind energy assessment has to include landscape and visual criteria such as scale, openness, landform, landcover, complexity and pattern, settlement and infrastructure, perception of wilderness, perception of change, movement prominence, settings backdrops and horizons and Important skylines from main transport corridors.

My interpretation would be that the site form part of a wider area that can be considered for wind turbines but each proposal must be considered in the context of its individual location. From the initial inspection of the site and wider area a number of considerations in relation to the landscape emerge.

- The site is relatively open with an absence of backdrop,
- The site is relatively prominent in a local context.
- The site would be visible from a wide area including transportation corridors

In overall terms, therefore, the principal impact will be the change of character of the area from what currently exists. The turbines by reason of their height will be visible and their placement on the relatively higher elevations will accentuate this. The removal of T4 as proposed in the further information will mitigate the impact but not eliminate the impact to a significant degree. On this basis on balance I would concur with the concerns identified by the planning authority in relation to visual impact.

#### **11.6.1 Material Assets.**

The transportation of materials will have certain impacts on the structure and carrying capacity of the existing road network and in particular sections of the

local road network in particular for the transportation of turbines and materials and this I consider, is addressed in the relevant section of the EIS.

Electromagnetic interference with telecommunications signals may occur but there are mitigation measures to address this issue should it arise.

### **11.6.2 Cultural Heritage.**

Cultural heritage is addressed in chapter 8 of the EIS and in Appendix I the further information submitted.

The methodology applied in relation to cultural heritage is similar to that followed in other chapters of the EIS including field and desk studies to establish monuments and built heritage. Six archaeological monuments are identified within the site and it is indicated that the layout will not directly impact on these sites (8.7.1). By way of mitigation ground works associated with the development will be monitored under licence.

In this regard I note the submission of Department of Arts, Heritage and the Gaeltacht in relation to Archaeology dated the 29<sup>th</sup> of November 2013 refers to recommendations indicated in the EIS should be concurred with and that conditions are indicated to be attached to any grant of planning permission.

I would agree that in the event of permission being granted conditions should be included in this regard.

### **11.7.1 Interactions and Cumulative Effects.**

In the EIS and other documentation including the further information submitted the impacts are generally addressed under different headings. There are references throughout the document to interaction of potential different effects and also recognition of the potential of different impacts to potentially effect directly and indirectly matters such as ecology. Cumulative effects in particular in conjunction with existing turbines are addressed in the EIS. With regard to the inter-relationships between matters referred in the assessment I am satisfied that these interactions have been satisfactorily addressed.

## **12.0 APPROPRIATE ASSESSMENT.**

12.1 **An Appropriate Assessment Screening** was submitted as an appendix in chapter 7 of the EIS.

Screening identified 3 Natura sites, within a 14 kilometre radius of the site. The Slievefelim to Silvermines Mountains SPA site code 004165 6.3 km to the southwest, Bolingbroke Hill SAC site code 002124 10.4 km to the southwest and the Lower River Shannon cSAC site code 002165 14 km to the southwest together with their qualifying interests.

Potential impacts were identified and assessed. Given the distance and an examination of potential links from the appeal site to the Natura sites the screening report considered that no effects on the conservation interests was identified and foreseen. Cumulative impacts and in combination effects were also considered and assessed. Based on the initial screening assessment it was considered that is no requirement for stage 2 Appropriate Assessment.

The primary issue to consider is whether the development individually and in combination with other plans or projects adversely affects a European site concerned having regard to its conservation objectives.

Having considered the matter and the screening report I am satisfied that the development is physically removed and there is an absence of a clear connectivity to a European Site. In the absence of identified connectivity, a risk or hazard to a European site is removed and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Therefore in the context of the current proposal having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and an appropriate assessment is not therefore required.

### **13.0 DEVELOPMENT CONTRIBUTION.**

In the event of permission being granted a condition relating to the payment of general financial contributions in accordance with the Development Contribution scheme is I consider reasonable.

### **14.0 CONCLUSION AND RECOMMENDATION.**

The site is located within an area identified as having potential for windfarm development and a wind resource. In principle consideration of the development in the context of the provisions of the county development plan and the strategies on landscape character and wind capacity/landscape strategy is reasonable. The strategies do however recognise the sensitivity of the overall area. The proposed site is located at the interface of an upland and lowland area in a living landscape. On balance I consider the scale of the development inappropriate to the receiving landscape and environment. I would therefore recommend that the development be refused.

## **REASONS AND CONSIDERATIONS**

Having regard to the scale and height of the proposed wind turbines; to the nature of the receiving landscape at the interface of upland and lowland areas; to the absence of a back drop for the development; to the wide area to the north and west from which the development will be viewed and also its relative prominence when viewed from the immediate area and nearby transportation routes, it is considered that the proposed development would represent a visually dominant development in what is a sensitive landscape as identified in the North Tipperary Landscape Character Assessment 2009. The proposed development would therefore be contrary to the provision of policy SERV 23 as stated in the current North Tipperary County Development Plan 2010-2016 and to the strategic approach adopted in the plan in considering windfarm type development which are considered to be reasonable. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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**Derek Daly,**

**Senior Planning Inspector.**

**12<sup>th</sup> of September 2014.**