

An
Bord
Pleanála

Board Direction
BD-018874-25
ABP-318446-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/02/2025.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to Policy Objective UTL 13, which seeks to facilitate and encourage proposals for renewable energy generation '...developed fully in accordance with the Waterford Renewable Energy Strategy (RES), the wind energy designation map (Appendix 2 of the RES), the Waterford Landscape and Seascape Character Assessment (LSCA) undertaken to inform this Development Plan and the National Wind Energy Guidelines, or any subsequent update/ review of these', and given the proposed development site falls within an area identified as 'Exclusion Zone' on the RES Wind Energy Strategy Maps for new wind energy developments, it is considered that, notwithstanding broad policy support for the development of wind energy in the county area, by reference to European, national, regional and local policy, the specific policy context as set out in the Waterford City and County Development Plan 2022-2028 has equally provided for defined locations where wind energy projects may variously be supported, deemed open for consideration or excluded. The proposed development is in an identified exclusion zone for wind energy. In this context, it is considered that the proposed development would materially contravene Policy Objective UTL 13 of the Waterford City and County Development Plan 2022-2028.

Furthermore, having regard to the totality of the documentation on file, including submissions received, the Board determined that no evidence has been provided which would support a material contravention of the Waterford City and County Development Plan 2022-2028 in this case.

In reaching this conclusion, the Board considered relevant renewable energy policy in the statutory development plan, and in applicable European, national and regional policy and guidance, and determined that a refusal of permission in this case would not militate against the wider ability for planning consent to be secured for wind energy proposals in County Waterford, subject to the principles of proper planning and sustainable development and consistent with applicable development plan policy and objectives, and accounting for European, national and regional policy and guidance, including consistency with the Climate Action Plan 2024 (CAP 2024). In this regard it is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

As stated at section 11.2.3 'Spatial and Planning Policy' of the CAP 2024, the current National Planning Framework (NPF) provides an established means through which to implement and integrate climate change objectives and further states that the NPF integrates national climate objectives via a number of National Policy Objectives including 'NPO 55 - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'. The NPF sits at the top of the planning hierarchy and provides the overarching context for the regional and local tiers below it, as stated in said section 11.2.3. As indicated above, the proposed development is in an identified exclusion zone for wind energy in the statutory development plan for the area, the application site is therefore not an appropriate location for the proposed development and would conflict with the provisions of NPO 55 and section 11.2.3 of the CAP 2024. A grant of permission would not, therefore, be consistent with section 15(1)(a) of the Climate Action and Low Carbon Development Act 2015, as amended.

2. The subject site is located within an upland area designated 'Most Sensitive' area on the Landscape and Seascap Character Assessment, undertaken to inform the development plan, in an area of scenic value. The proposed development by virtue of its layout and scale would adversely interfere with the intrinsic character, integrity and distinctive qualities of the landscape setting which it is considered necessary to preserve under the Waterford City and County Development Plan 2022-2028. The proposed development would therefore be contrary to Policy Objective LO2 'To protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape character units'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In carrying out an environmental impact assessment of the proposed development, the Board concluded that one of the most significant effects arising on the receiving environment relates to the visual impact arising from the erection of 10 no wind turbines of a total tip height of 185m. This will be most discernible in the immediate locality particularly within 5km resulting in adverse impact on the amenities of the area. Significant adverse landscape and visual impacts arise which would be dominant and obtrusive on a visually and environmentally sensitive landscape of notable scenic amenity and including several scenic route designations. The landscape has been identified as being unsuitable for wind energy development in the statutory plan for the area. The Board concluded that adverse landscape and visual impacts cannot be mitigated avoided or otherwise addressed. In the circumstances, the Board decided that a grant of permission would not be environmentally sustainable. The Board is satisfied that a refusal of permission on the grounds of adverse visual impacts arising on the landscape is consistent with the CAP 2024 and the 'national climate objective' to pursue and achieve the transition to a climate-resilient, biodiversity-rich,

environmentally sustainable, and climate neutral economy by the end of the year 2050. While the proposed development would contribute to the reduction in greenhouse gas emissions, the adverse visual impacts arising on the landscape in this instance would not be environmentally sustainable, as required under the national climate objective. Matters pertaining to the adverse landscape and visual impacts arising from the proposed development were raised by a number of observers to the application, and the applicant was afforded an opportunity to reply to those matters raised, all submissions were fully considered by the Board, in the circumstances the Board decided a request for further information from the applicant on the matters would serve no purpose. The Board is satisfied that a refusal of permission relating to the adverse visual impacts arising on the landscape is consistent with its obligations under section 15(1)(a) and (d) of the Climate Action and Low Carbon Development Act 2015, as amended, and meets its obligations as competent authority for the purposes of environmental impact assessment.

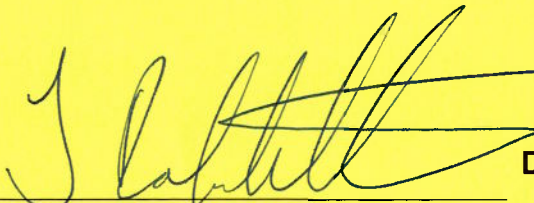
3. The proposed development would result in the direct loss of 7.25ha of dry heath (4030) habitat and 5.94ha of wet heath (4010), which are included in Annex I of the European Union Habitats Directive of 1992. These area of dry heath and wet heath form part of a wider habitat including the adjoining Comeragh Mountains SAC which supports nationally declining species, including Annex 1 species protected under the EU Birds Directive of hen harrier, merlin and golden plover, as well as other bird species of high and medium conservation concern. Having regard to the direct loss of 7.25ha of dry heath habitat and 5.94ha of wet heath habitat, in addition to associated risk of displacement caused by the proposed turbines to ornithological receptors in this area, the Board is not satisfied that the proposed development will not result in a significant loss of biodiversity.

It is considered that the proposed development would be contrary to objectives ENV01, BD01, BD05 and BD07 of the Waterford City and County Development Plan 2022-2028 which seek to protect habitats listed in Annex I of the Habitats Directive, protect biodiversity and ecological connectivity, and achieve net gain in biodiversity enhancement and creation, and would be

contrary to Article 4(4) of the Birds Directive (2009/147/EC) to avoid deterioration of habitats affecting protected birds. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board is satisfied that a refusal for the reason as indicated above is consistent with the CAP 2024 and the 'national climate objective' to pursue and achieve the transition to a climate-resilient, biodiversity-rich, environmentally sustainable, and climate neutral economy by the end of the year 2050. While the proposed development would contribute to the reduction in greenhouse gas emissions, the significant loss of biodiversity given the extent of the loss of wet and dry heath and the implications arising for nationally declining species including the hen harrier, merlin and golden plover, and the precedent it would set, would not pursue, or contribute to the achievement of, a biodiversity-rich economy, as required under the national climate objective. The loss of wet and dry heath and the ornithological impacts were extensively raised in the submissions from the Department of Housing, Local Government and Heritage and other observers to the application, and the applicant was afforded an opportunity to reply to those matters raised, all submissions was fully considered by the Board, in the circumstances the Board decided a request for further information from the applicant would serve no purpose. The Board is satisfied that a refusal of permission relating to the significant loss of biodiversity as indicated above is consistent with its obligations under section 15(1)(a) and (d) of the Climate Action and Low Carbon Development Act 2015, as amended.

Board Member


Tom Rabbette

Date: 07/04/2025