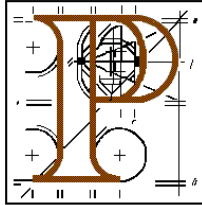


An Bord Pleanála



Inspector's Report

Proposed Development: A single wind turbine of up to 138metres in height, electrical control building, access road and ancillary site works at Gortanassy West and Ballincurry, Ballingarry, Co. Tipperary.

Planning Application

Planning Authority:	Tipperary Co. Co.
Planning Authority Reg.	16/6000561
Applicant:	Ballincurry Windfarm Ltd.
Type of Application:	Permission
Planning Authority Decision:	Refuse Permission

Planning Appeal

Appellant(s):	Ballincurry Windfarm Ltd
Type of Appeal:	1 st Party- V- Decision
Observers:	Alison Blackmore Donal Donohoe Denis Corbett Jimmy Tobin Pat Leahy Matt & Amanda Walsh William Kennedy

Tom Pollard
Mary Walsh, Loughlin and Justine Doherty

Richard Britton

Kenneth Corbett

Joan and Christy Dalton

Date of Site Inspection: 24th of March 2016

Inspector: Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The Ballincurry site is 4.3kms north-east of Killenaule in Co. Tipperary. The proposed development is located within the Slieveardagh Hills along a plateau to the south of Knockadive Hill.
- 1.2 The area is mainly agricultural and forestry, and the subject site consists mainly of grassland at an altitude of 255metres. The site slopes south and east. The proposed second wind turbine is in the middle of an upland plateau setback from the regional Road R691 and the Killaheen Road.
- 1.3 The subject site is 0.3Ha, and is currently used for grazing. The vehicular access to the subject site is from an established vehicular access off the regional road (R691) and this access serves an existing two-storey farm house and farmyard. This road also serves a slim monopole mast which would appear to be a wind measuring mast. The gradient of the topography rises steadily from the regional road and plateaus at the site of the proposed turbine.

2.0 PROPOSED DEVELOPMENT

The proposal is for a single wind turbine at Ballincurry with an overall height of up to 138metres, electrical control building, access road and site development works.

Additional information was sought on 28th of August 2015 in relation to the following;

1. Revised visual impact assessment including new photomontages from selected viewpoints, and the camera lens was prescribed.
2. Shadow flicker analysis to include the actual number of dwellings to be affected, as there were properties excluded from the analysis. The shadow flicker analysis should include the cumulative impact of the proposed and permitted turbines

3.0 SUBMISSIONS RECEIVED

Inland Fisheries

All machinery coming from another site should be cleaned or disinfected prior to entering site.

IAA

An aviation obstacle warning light shall be installed

There was a plethora of objections (30No.) from the local community to the proposed development. There was one submission supporting the planning application. The same objectors and concerns are expressed by

the observers under the section below. The salient concerns expressed throughout the third party submissions can be summarised as follows:

- The proposal should be refused
- No public consultation
- Noise pollution
- Contamination of ground water
- Protected views will be impacted upon
- Contravention of Policy INFO10 wind energy
- Dominant on the landscape
- Photomontages of poor quality
- Rehash of flicker analysis from previous planning application
- Ecological impact on flora and fauna
- River Nore SPA within 20km
- A constant drip of planning applications for wind turbines. There is no planned approach.
- Safety
- Devaluation of property
- Loss of amenity
- The Board granted one turbine at the location due to its limited scale.
- Lack of information regarding grid connection.

4.0 TECHNICAL REPORTS

The planning report on file is detailed. The assessment can be summarised as follows:

Principle of the Proposal

The subject site is located within a Preferred area for wind energy as identified under the south Tipperary Development Plan 2009-2015. The site is situated within a secondary amenity area as identified in the CDP. The principle is acceptable in terms of designations.

Landscape and Visual Assessment

The proposal will alter the local scenic qualities of rolling topography. The photomontages are acceptable, as per the further information submission. There is a wind measuring mast on the site which is a good reference for considering visual impact. It is unlikely the development would be viewed in conjunction with Cnoc Windfarm 10km north east or the turbine at Gurteen km north.

Shadow Flicker

Dep. Of Environment, Heritage and LG Guidelines for Wind Energy June 2006 states that shadow flicker at neighbouring offices and dwellings within 500metres should not exceed 30minutes per day. Dwellings F, G and M exceed this threshold. Both turbines at this location should be included in the flicker analysis.

Noise

Noise impact studies have been carried out. The recommended noise limits are detailed. The potential noise levels come within the limits recommended for daytime in low noise environments, it will come within the range of 35-40dB(A) L .

Roads

The proposal will be served by the same entrance permitted under PL23.243357. the impacts on the road will be a result of construction traffic. Conditions are required for reinstatement.

Impact on Ecology and Impact Natura Sites 2000

There was a Flora and Fauna survey submitted. It indicated there were no habitats of internal or national importance. The development will give rise to an insignificant impact on species and there will be no loss of hedgerow. The meadow pipit is present but no work shall take place during nesting time. An Appropriate Assessment Screening was carried out and the development is unlikely to give rise to impacts on any Natura 2000 site.

Soils, Geology and Impacts on Groundwater and Surface Waters

The development will impact on the local drainage regime (compaction of soils, installation of new drains. However the mitigation measures will ensure the quality of ground and surface water will not be impacted upon. The majority of the site drains west into a system that feeds into the River Suir. The site however is far removed from the SAC.

Cultural heritage

The site is not located within any area of archaeological significance.

Flooding

The site is not located within an area liable to flooding.

Other Matters

- The grid connection proposals do not form part of the proposal. There is an connection agreement in place to connect to the Glengoole Substation and this will be undertaken by ESB networks

but will involve constriction of an overhead 20KV line from the proposed substation to the Glengoole substation.

- There are no plans for future energy developments in the general area due to capacity and other constraints.
- Regarding the Lickfinn Aerodrome, there was no objection to the proposal from the governing body the Irish Aviation Authority.
- In terms of negative impact on tourism and local enterprise. The proposal will not impair the existing use of the site and the surrounding are for agricultural purposes. The proposal will create employment during construction period.
- Post life span of the turbine can be addressed by a condition.
- Upon receipt of the further information, it was considered the range of photos montages was acceptable, there is sufficient information to form a decision.
- Concern expressed regarding visual impact on the landscape character of the area. The area has local scenic qualities in terms of therollowing topograpghy. It will be particularly visible form the north and east. There are clear views from points along the R691 west from Ballingarry

5.0 FURTHER INFORMATION

- 5.1 The planning authority requested detailed further information on the 28th of August 2015. Items requested were new photomontages of the visual impact as the submitted images had poor resolution with a narrow view. In addition the details regarding the shadow flicker in particular from certain identified properties.
- 5.2 The further information was received on the 7th of September 2015, but it did not include the requested photomontages. Clarification of further information was requested, which was subsequently submitted on 23rd of October 2015. The photomontages were taken as required by the planning authority and the Wind Energy

6.0 PLANNING AUTHORITY'S DECISION

Tipperary Co. Co. refused the proposed development for one reason:

Having regard to the scale and height of the proposed turbine within a Secondary Amenity Area designated in the South Tipperary County Development Plan 2009, the proposed turbine (by itself and cumulatively with that permitted under An Bord Pleanala PL23.243357) would be excessively dominant and visually obtrusive in the receiving landscape. It is considered that the proposed development, if permitted, would significantly and adversely impact upon the existing visual amenities and landscape character of the area. The proposed development would be contrary to the provisions of the Department of Environment, heritage and Local Government Planning

Guidelines for Wind Energy (June 2006) and the policies and objectives of the south Tipperary County Development Plan 2009 and would be contrary to the proper planning and sustainable development of the area.

6.0 APPEAL GROUNDS

The following is a summary of the first party appeal against the decision to refuse prepared for the applicant by entrust.

6.1 Impact on Visual Amenity

The sole reason for refusal relates to adverse impact on the existing visual amenities of the area. The potential landscape and visual impacts of the proposal are addressed in the site report accompanying the planning application. The most relevant are Chapter 8 : Landscape and Visual, and Appendix 8 Landscape and Visual Assessment.

There was further information requested on 28th of August 2015, regarding enhanced photo montages and shadow flicker.

The proposed Ballincurry 2 Wind Turbine is a small development comprising of a second wind turbine on the site, in an area preferred for wind energy. This has been the subject of rigorous procedures in terms of EIA and AA, whilst the South Tipperary and energy zoning has been the subject to SEA and AA.

The residual issue relates to possible negative impacts on the visual amenity of the surrounding area, and there is no foundation for this. There will be a moderate level of visual impact on a small number of visual receptors, no significant or unacceptable visual impacts will occur. The proposed second turbine will be operated and operated in accordance with all mitigation measures and recommendations contained in the site report. The proposed second wind turbine will be seen in relation to the consented turbine at Ballincurry (An Bord Pleanála PL23.243357) and contributes 1.7% increase in the visual impact within a 15Km radius, whilst doubling the amount of renewable energy capacity at the site.

The Landscape and Visual Impact Assessment demonstrated that the impact on visual amenity will at worse be moderate which is not significant. The project has been designed with the Department of Environment, Heritage and Local Government Guidelines for Wind Energy (June 2006) and South Tipperary Development Plan (2009-2015). As a result the second turbine was chosen and sited within an area zoned as 'Preferred for Wind Energy Development'. The turbine is also sited within a 'Secondary Amenity Area' as opposed to a 'primary Amenity Area'. It does not affect any protected views. The proposal can be accommodated within the landscape and it is fully compliant with all national, regional and local planning policies.

The applicant has secured a grid connection agreement through the gate 3 process, and deposit has been paid and the proposal will be built. The proposed second wind turbine will contribute to Ireland meeting its National Renewable Energy Targets as required under E.U. obligations. The average wind speed at the site as measured by an 80m met mast installed in January 2015 is 8.3m/s. The site is classed as a high energy resource site, and together with the availability of infrastructure from the planned turbine makes the proposed turbine a commercially viable proposition with excellent environmental benefits and minimal additional impacts.

Appendix III

The proposed turbine is located:

- In a farmland setting in the upland Slieveardagh Hills;
- On a plateau on the southern side of Knockadive Hill;
- On an elevated location at 255metres altitude;
- At least 500m from houses, farmlands and settlements
- The landscape can absorb the wind turbine
- It is a sufficient distance from other wind turbine developments to ensure the cumulative impact is not an issue. The second turbine is located at a lower level to reduce the visibility of the turbine at Ballincurry.

The planning authority states in the reason for refusal that the turbine is within a Secondary Amenity Area, yet it fails to state that virtually all of the areas within this designation are within 'Areas Preferred for Wind Energy Development' also.

During the pre-planning meetings the planning authority did express a concern about piecemeal development of a windfarm, one turbine at a time. The applicant stated the subject site was not available at the time it applied for the first turbine. The second turbine is the full extent of the development as there is no more suitable land and the second turbine would maximise fully the grid capacity available at the site. The ground level at the subject site is 11.8metres lower than the permitted turbine. The increased height ensures both turbines will remain at the same eye level. The second turbine has been sited in line with national and regional wind energy policies. The landscape can readily absorb another turbine.

There is precedent for similar developments:

PL23.2256618- 10No. 125metre turbines in Tipperary within a secondary amenity area. It was considered by the planning authority and the Board that the proposal would not impact on the visual or residential amenities of the area.

PL23.242710 – 3No. 126.6 turbines at Rossmore, Tipperary within a secondary amenity area

PL23.225669 – 8No. 125metre turbines located at Moher East, Cappagh within a secondary amenity area.

09/801 – 1No. 99.5metre turbine at Gorteen, Thurles within a secondary amenity area.

PL.23.237713 – 4No. 100metres turbines and 1No. 90metre high turbine Cnoc Wind Farm

PL23.243357 – 1No. 126.5m high turbine and associated infrastructure

PL92.243851 18No. wind turbines in South Tipperary.

There is a precedence for granting wind turbines in Tipperary within the Secondary Amenity designation. Single and multiple sites are established.

The applicant will revise the tip height to 126.5mtres similar to the permitted turbine in Ballincurry. There are photomontages of the reduced height included with the appeal. Reducing the tip height of the second turbine will mean an increased visibility of wind energy at the site by a mere 1% within a 15km radius, however it would double the amount of renewable energy generated.

8.0 OBSERVATIONS

8.1 The following are a list of the Observers to the First party appeal:

- Alison Blackmore, Ballinastick, Coalbrook Thurles
- Donal Donohoe, Copper, Ballingarry, Thurles
- Denis Corbett, Ballinastick, Glengodle, Thurles
- Jimmy Tobin, Knockabritta, Killenaule, Thurles
- Pat Leahy, Ballincurry, Killenaule, Thurles
- Matt & Amanda Walsh, Mardyke, Killenaile, Thurles
- William Kennedy, Lickfinn, Ballynonty, Thurles
- Tom Pollard, Crohane, Killenaule, Thurles
- Mary Walsh, Loughlin and Justine Doherty, The Old School House, Ballingarry
- Richard Britton, Copper, Ballingarry
- Kenneth Corbett, Steeple View, Springfield
- Joan and Christy Dalton, Ballykerrin, Killenaule, Thurles

8.2 As most of the observers raised the same issues in their submissions I will not summarise each submission individually. I will summarise each point raised collectively, in order to avoid repetition.

- Tipperary Co. Co. decision to refuse should be upheld by the Board
- There is a turbine permitted within the area, and an additional turbine will double the scale of turbines in the area. This is an extension of a permitted development.
- Permission has previously been refused for turbines in this locality
- Property owners in the area should not suffer any further depreciation in property values as a result of the proposal.
- There will be a negative visual effect on the scenic rural landscape.
- It will be excessively dominant on the landscape and the area and the cumulative impact will be overbearing.
- There is an aerodrome 1200metres west of the proposed development and the turbulence effects may impact on the aerodrome.
- There is an anemometer mast at the site which was erected in contravention of S.I. 235 of 2008. The U.K. Civil Aviation Authority advise there is significant turbulence from turbines that can be encountered at 16times the rotor diameter.
- There will be a shadow affect within their homes.
- The shadow flicker affect will impact on dwellings in the general vicinity. It is an unacceptable nuisance and linked to medical concerns.
- The wind farm will have a disastrous impact on wildlife.
- There will be major disruption to the locality and local road network during the construction period.
- The area is saturated with wind farms and five are visible from certain houses within the locality
- The original turbine permitted by the Board at this location was granted because it was a one off development and it was considered to be of 'limited scale', and to permit the current proposal would imply the Board would have to over-ride their own recommendation.
- The developers live in Kilkenny and will not be impacted by the proposal.

- There is a protected view VO52- Appendix 6 of the CDP.
- The proposal will have an adverse impact on the ground water in the area.
- The ancillary development on which the operation of the wind turbine is dependent including grid connection is an integral part of the proposal and cannot be considered as a separate project.
- O Grianna V ABP 2014 IEHC632 squashed the board's decision on project splitting grounds. The case found the connection to the national grid was an integral part of the development. In addition there is one turbine granted permission in the area and this is a second one, therefore further project splitting. This is piecemeal and haphazard development.
- Clearance of pinch points along the delivery route remain questionable as delivery of the turbine to the site remain integral to the development's completion.
- Under Board case 23.243357 the erection of a single turbine will be increased 100% by a larger turbine, more roadway, the proposal was viewed cumulatively with Turbine 1 for its visual effect on the landscape and destruction of VO 52 App 6 Vol 1 of the South Tipperary County Development Plan.
- The applicants name is Ballincurry Windfarm Ltd, and on appeal the applicant is Biogas Environmental Tipperary east Ltd. There are two company names for each turbine at this location but it is the same owner. The proposal should be considered as an extension to the existing wind energy development in the area and not an entirely new development.
- The Bord Na Mona low lying peat lands are more suitable for wind energy production and not upland areas.
- The views from a vintage caravan park in Crohane have been impacted upon by the windfarm at Dulla. There is a creep of wind turbine across the landscape which will ultimately impact on their visual amenity. The vintage caravan park is a sustainable tourism project where patrons come to get away from modern living, and the industrial scale of the turbines will detract from their experience.
- The Board over ruled the reporting inspector's recommendation to refuse the first turbine because of its limited scale, and now the limited scale is to double at the same location.
- There was no consultation with the community.
- The area is known historically for mining. Have sufficient surveys been carried out regarding land stability.

- There is a lot of bat and buzzard activity in the area has the impact on these been assessed.
- The River Ballynonty and onto the Littleton takes the drainage in the area, and not the Clashawley River as stated in the application.
- Who is responsible for the removal of the turbines at the end of their life or become obsolete
- The local community will not benefit from the development. There will be no jobs created and the power will go into the national grid.

9.0 PLANNING HISTORY

9.1 PL23.243357

Permission was granted by the Board for a single win turbine in close proximity to the subject site, served by same access, with an overall height of 126.5metres. The permission had been refused by Tipperary Co. Co. under reference 13/231.

10.0 PLANNING GUIDANCE

10.1 The operational development plan is South Tipperary County Development Plan, 2009 – 2015.

Chapter 6 relates to ‘Amenity, Environment and Heritage’ and the following policies are relevant;

- Policy AEH4 – Protect primary and secondary amenity areas
- Policy AEH5 – Protect views of special amenity value as set out in Appendix 6

Policy CEF4: Wind Energy Policy

It is the policy of the council to facilitate wind energy developments where it is demonstrated to the satisfaction of the council that they comply with the Wind Energy Development Guidelines (DEHLG 2006) and any review thereof and the Wind Energy Strategy set out in Appendix 6 and any review thereof.

Appendix 6 sets out guidance in relation to ‘Wind Energy Development’. in accordance with the Wind Energy Policy Maps. Map 10 indicates that the appeal site is located within an ‘Preferred Area for Wind Energy Development’.

Appendix 6 sets out ‘a schedule of protected views’.

The regional road (R607) is designated as having listed views i.e. V052.

10.2 South Tipperary Energy Strategy 2014

South Tipperary County Council adopted its Wind Energy Policy in 2006 when it was inserted into the County Development Plan by way of variation. The development of the County Wind Energy Policy was carried in line with the Wind Energy Guidelines produced in 2006 by the Department of Environment, Heritage and Local Government. The South Tipperary County Council Wind Energy Strategy for wind energy development was prepared by Cunnane Stratton Reynolds and the development of the Strategy was informed by the Landscape Character Assessment (LCA) – Phase 1 - Uplands also prepared by Cunnane Stratton Reynolds for the uplands of the county. The Policy is still effective under the current South Tipperary County development Plan 2009-2015.

The development of commercial wind energy resources in South Tipperary has been relatively successful to date with 84 commercial scale turbines permitted in the county in upland areas including the Holyford Hills, Slieveardagh, Kilhill near Dualla, and the Cappawhite Hills. Approximately half of these turbines are either in operation or under construction.

10.3 NATIONAL POLICY / GUIDELINES

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).

Guidelines for Planning Authorities on Wind Farm Development and Wind Energy Development - Planning policy guidance is outlined in “Wind Farm Development: Guidelines for Planning Authorities”, 2006. The guidelines offer advice on planning for wind energy through the development plan process and in determining applications for planning permission and are intended to ensure consistency of approach in the identification of suitable locations for wind energy developments and acknowledge that locational considerations are important. These considerations include ease of vehicular access and connection to the electricity grid. It is acknowledged that visual impact is amongst the more important issues to be taken into account when deciding a particular application.

Any wind farm proposal will require an assessment of the possible ecological effects. Consideration should also be given to sensitive habitats and species as well as possible risks to birds including migratory birds. Regard should be had to special areas of conservation and other designated sites. Rural land uses other than housing are generally unlikely to conflict with wind farm developments. Conditions will generally be required to provide for the decommissioning of wind farms and ancillary developments on site.

Chapter 5 of the guidelines refers to other environmental considerations, including the impact on habitats and bird species, noise and electro-magnetic interference. Section 5.3 states that a planning application must be

accompanied by information on such issues as slope stability and an assessment of whether the development could create a hazard of bogburst or landslide.

Chapter 6 of the guidelines refers to the assessment of siting and location of such development in terms of aesthetic considerations, landscape sensitivity, spatial extent and cumulative effect, with regard to landscape character types including hilly and flat farmland, mountain moorland and transitional landscapes. The factors to be assessed comprise landscape sensitivity, visual presence of the windfarm, its aesthetic impact on the landscape and the significance of that impact.

11.0 ASSESSMENT

11.1 This is a proposal for a second wind turbine at Ballincurry, Killenaule, Co. Tipperary. A lot of the issues including principle, access, environment concerns were considered at length under **PL 23.243357**. The Board permitted a single turbine at this location under appeal in 2014. The Board should note that both wind turbines at the subject location were applied for under different company names, Biogas Environmental Tipperary East Limited (PL92.2343357) and Ballincurrey Windfarm Limited (PL92.245874), however both companies are associated with Mr. Thomas Cooke. Effectively both wind turbines have been applied for by the same applicant at the subject location. The appeal documents refer to the proposal as *Ballincurry 2 Wind Turbine*. The applicants main argument on appeal against the planning authority's decision to refuse is based on the fact the it can demonstrate the project can be built without compromising the visual amenity of the surrounding area, and this second turbine should be seen in relation to the consented turbine therefore the landscape has already been impacted upon.

11.2 *Principle of the Proposal*

According to **Appendix 6** of the South Tipperary County Development Plan 2009, it states south Tipperary is divided into three main areas types based on the capacity of the landscape to facilitate wind energy development. These are (a) areas unsuitable for wind energy development, (b) areas preferred for energy development and (c) areas open for consideration. The subject site is located within a designated area (b) the Preferred Area – wind energy development in these areas shall generally be considered acceptable in principle, subject to the proper planning and sustainable development.

11.3 There is a positive presumption in favour of wind energy in appropriate locations as indicated in the development plan. Overall I would consider that the principle of the proposed wind turbine is acceptable having regard to its location within an area designated as a '*preferred wind development area*' and the fact there is a wind turbine already permitted at this location, provided the proposed development would not adversely impact on the environment or the amenities of the area.

11.4 **Landscape / Visual**

The photomontages submitted as part of the further information request and on appeal by the applicant are an accurate illustration of how both turbines

would look on the existing landscape. I did not see the necessity to double up on the photographs from the designated locations, I checked each viewpoint for accuracy and took a number of photographs myself at random locations. The area is located within a designated **Upland Landscape Character Area as designated in the South Tipperary landscape Character Assessment 2006**, along the eastern axis of Tipperary, in close proximity to the Kilkenny County boundary. The area is described as the **Slieveardagh Hills Farmland Mosaic**. The general designation is classified as of Low to Medium Sensitivity, and I would agree with the fundamental designation. According to Tipperary Amenity Area Map within the Tipperary County Development Plan 2009, the subject site is located within a **Secondary Amenity Area**. According to the development plan, the secondary amenity landscapes are highly sensitive but are capable of absorbing change that reflects and enhances the current landscape condition. The Council will have regard to the capacity of the landscape to absorb the development.

- 11.5 The planning authority considered the proposed turbine by itself and cumulatively would be excessively dominant and visually obtrusive in the receiving landscape. It was considered in the planning authority's reason for refusal that the proposal would significantly and adversely impact on the visual amenities of the area and the landscape character of the area.
- 11.6 I have considered the Board's decision on the previous turbine at this location. I note the Inspector's Report recommended a refusal of the development on the basis of a negative impact to the visual amenities of the area. It is clear the Board granted the previous single wind turbine in 2014 under reference PL23.243357, because of the limited scale of the proposal. I consider the applicants have regarded the existing permission for a wind turbine at this location as a precedent and applied for another turbine at this location.
- 11.7 I inspected the site from various points along the road network in the undulating topography. I checked the accuracy of the photomontages submitted, especially the revised photomontages that formed part of the further information submission. Unfortunately, the weather was extremely overcast and visibility was restricted during the time I inspected the area. However the short range vistas were clear to me and I could see the existing wind monitor mast driving along the Regional road and higher roads to the north and east of the site. Due to the rolling hills, and the position of the turbine on a plateau, the turbine will not be visible in close proximity at certain vantage points to the north and south especially approaching from the west. However the landscape is not planted, and is quite pristine in terms of development pressure, for this reason the turbine will be extremely prominent on the skyline from certain vantage points especially when viewed alongside the other turbine permitted by the Board. The landscape when viewed from the east and immediate south will not have the ability to absorb the development and the development will appear unduly dominant.
- 11.7 The second turbine has been increased in height to 138metres from the permitted 126.5metres at the same location because the second turbine is positioned on a lower ground level, 11.5metres below the level of the permitted turbine. The increase in height under the current proposal was to maintain both turbines at the same eye level to minimise visual impact. I do not agree with theory, I believe the proposal should have followed the contours instead of increasing the scale and height of the second turbine to

meet with the eye level of the permitted turbine. In my opinion, this effectively increases visual impact of the cumulative development. The applicant keeps referring to this proposal on appeal as a small medium sized turbine and that the cumulative effect is not a major concern because there are limited wind turbines in the general area. They cite precedence of cases permitted throughout Tipperary for wind turbines. I have not visited the stated sites however, I did approach two wind farms within a 10km radius of the subject site and they were positioned on a lower ground level to the subject site but similar undulating topography. From my general observations and examination of planning history files there are no turbines in the area as tall as 138metres. The applicant has offered on appeal to reduce the tip height to 126.5metres. If the Board were to consider this proposal favourably, I would advise reducing the tip height to 126.5metres similar to the tip height permitted under PL23.243357 as a mitigation measure towards the visual impact of the proposal.

11.9 The O’Grianna Judgement

11.10 The observers make the point that in the O’Grianna vs An Bord Pleanála judgement the courts found that the environmental impacts of a wind energy project could not be considered without also considering the environmental impacts of any subsequent grid connection. The appeal documents state the applicant has permission for a grid connection, although this connection does not form part of this application.

11.11 In the present case since neither a mandatory or sub-threshold EIA is required, the O’Grianna vs An Bord Pleanála judgement does not require cumulative assessment and the present case may be considered as stand-alone on its merits.

11.12 The application is for a single wind turbine. Article 3(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended require that windfarms of 5 or more turbines or having a total output of greater than 5 megawatts should be subject to EIA. This application does not meet that threshold and therefore an EIA is not mandatory. Since an EIS was not submitted with the application I conclude that a non-technical summary of any environmental reports accompanying the application do not require a non-technical summary. Perhaps the proposal could be viewed as project splitting in order to avoid an EIA, if this proposal was considered favourable the applicants could apply for another single turbine at this location.

11.13 Shadow Flicker

In response to the further information request, the applicant made a detailed submission on 7th of September 2015 regarding the Shadow Flicker Assessment. To reduce shadow nuisance and to comply to guidelines/regulations Lagerway have developed a Shadow Mitigation Control System, which stops the rotor in the case shadow impact on the receptor points is expected. There are 6No. itemised properties in the area which have the potential to experience shadow flicker in excess of 30 hours per year and/ or 30minutes per day. However the analysis shows the shadow flicker impact marginally exceeds the thresholds, and the potential impacts could be

considered low in nature. All the 6No. properties are in excess of 500metres from the proposed turbine, therefore the development is in line with *Wind Energy Guidelines 2006*. However the applicant does propose mitigation measures the rotors will be stopped on properties F, G, M, N, O and P which consists of software and a light intensity sensor, therefore the turbine will automatically turn off for a short period in order to prevent any unacceptable levels of shadow flicker occurring on nearby receptors.

11.14 **Grid Connection**

All onsite electrical infrastructure will be ducted underground in PVC ducts. It is proposed to install all the grid connection and switchgear equipment within the substation building which is 12metres x 5metres (Drawing No. 5356/PL/102, and it will be beside Turbine No. 1. A grid connection agreement is in place with the ESB Networks to connect at the national grid via Glengoole Substation 38kV in South Tipperary. The ESB Network will determine the final details of the grid connection as it will involve the construction of a 20kV lines from the wind turbine substation building to the Glengoole substation. The proposal will connect directly to the infrastructure permitted under permitted development associated with the Turbine No. 1.

11.15 **Access and Tract**

The access to the subject site and turbine has been permitted under PL23.243357, which is directly off the R691 to the south of the site. The delivery route from the M8 Motorway has been detailed on the planning file. The proposed development will make use of the side tracks and access arrangements permitted under PL23.243357. There is a requirement for 240metres of new sidetracks from the permitted turbine to the proposed turbine.

11.16 **Noise**

The main noise source, excluding the construction period, will be the aerodynamic noise and mechanical noise from the gearbox and generator. The noise survey and modelling submitted with the planning application is consistent with the *Wind Energy Guidelines 2006*. Background noise monitoring has been carried out at two locations to the south along the R691, and the assessment took into consideration The nearest noise receptor, apart from the land owners dwelling, exceed 500metres, and in my opinion noise is not a significant issue in relation to the existing residential properties.

11.17 **Other Environmental Matters**

According to a study accompanying the planning application the development will give rise to an insignificant impact on the grassland habitat and hedgerows. It will not impact on the local fauna. There are no protected bird habitats or Natura sites adjacent to the locality. Construction works will be schedules outside of the breeding season of the meadow pipit which is listed on the Conservation concern list.

11.18 There will be no subsidence as a result of the construction phase as there is no peat in the underlying soil. The general area is associated historically with coal mining but it is stated the subsurface coal shafts are not in the area of the site, and the historical coal pits have been filled in according to the

information on file, although a number of third party observers expressed concern regarding this issue.

11.19 In terms of surface water there is a stream to the east of the site, which the accompanying report states drains into the King's River and onto to the lower River Suir which is 12.8Km southeast of the site. Any potential aquatic impacts arising during the construction phase can be attributed mainly to altered drainage regimes within the site. The applicant has outlined mitigation measures to reduce impacts to the surface water scheme under section 7.4.1 of the accompanying report.

11.20 The subject site is not located within any Archaeological Impact Assessment (AIA).

11.21 **Other Matters**

11.22 As stated earlier there are two large tracts of land designated within the South Tipperary County Development Plan 2009 -2015 as '*Areas Preferred for Wind Energy Development*'. The subject site is located in line with the development plan's Wind Energy Policy Map and adjacent to an approved wind turbine (An Bord Pleanála PL23.243357). However in the absence of an overall strategy for the development of wind energy in this area designated as 'preferred' for wind energy in the South Tipperary County Development Plan 2009 – 2015 it is considered that the provision of an additional single wind turbine at the same location as a permitted single wind turbine, would represent a haphazard and uncoordinated approach to wind energy development. I believe the provision of an additional single wind turbine at this location would not represent a co-ordinated approach to the development of at this location. It would set a highly undesirable precedent for further single wind turbine proposals in the area. In my opinion, the observers are correct in describing this as an extension to a permitted development, because it is not a standalone project

11.23 The applicant advises there are no plans for future wind energy proposals in the area. Yet this is the second application for a wind turbine in the locality within a twelve month period. The local community are strongly opposed to this second turbine as they are concerned about the lack of consultation and the manner in which the applicants are applying for piecemeal developments in their locality. It would appear the applicants are not from the locality, therefore the lack of communication and a future framework for the area, has caused huge concern amongst the indigenous population.

11.25 I agree completely with the third party concerns that there is no planned thinking or framework to the development of wind turbines in the area. To grant a further wind turbine at this location in such a short space of time since the previous single turbine was permitted in the area, will set a highly undesirable precedent for further single turbines in the locality and elsewhere. I am recommending a refusal on this basis.

11.26 The removal of any turbine following the expiration of its lifespan can be conditioned into any permission.

12.0 RECOMMENDATION

I recommend the planning authority's decision to refuse be upheld by the Board.

REASONS AND CONSIDERATIONS

1. In the absence of an overall strategy for the development of wind energy in this area designated as *areas 'preferred for wind energy development'* in the South Tipperary County Development Plan 2009 – 2015, it is considered that the provision of an additional single wind turbine in the area alongside a permitted single turbine, permitted under An Bord Pleanála reference PL23.243357, would represent a haphazard and uncoordinated approach to wind energy development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of the proposed development, the location of the wind turbine, and the scale, height and proximity the regional road (R691), also considering that the landscape in which the appeal site is located is designated 'Secondary Amenity Area' and the proposed turbine by itself and cumulatively with the wind turbine permitted under An Bord Pleanála reference PL23.243357, would be visually obtrusive and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and development of the area.

Caryn Coogan

Planning Inspector

15th of April 2016