



An
Bord
Pleanála

Inspector's Report PL92.247190

Development	Windfarm comprising 8 no. turbines, 6 new access roads, electrical sub-station, meteorological mast and 38Kv underground grid connection.
Location	Curraghdobbin, County Tipperary
Planning Authority	Tipperary Count Council
Planning Authority Reg. Ref.	16/600552
Applicant(s)	DunoAir Windpark Curraheen Limited
Type of Application	S.34
Planning Authority Decision	Refusal
Type of Appeal	First and Third Party
Appellant(s)	DunoAir Windpark Curraheen Limited Lord & Lady Magan Anne-Marie and Aidan O'Brien
Observer(s)	Towercom Limited Seamus Fogarty Maria Meany Newtown Upper National School

DAU
An Taisce
Suir Valley Environmental Group
Seamus and Carmel Wall
Caiseal Conservation Committee
Tullahought Community Development
Limited
Richard Walsh
David Gleeson
Ahenny Action Group
Mairead Sheehan
Ballyneale Environmental Group
Faugheen Environmental Group
Sacha Maxwell
Anne Bailey
The Heritage Council.

Date of Site Inspection

20th January 2017.

Inspector

Philip Davis.

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1.0 Introduction

This appeal is by a number of parties against the decision of the planning authority to refuse permission for a windfarm on a bluff overlooking the Suir Valley in Tipperary, close to the Kilkenny border. The applicant appeals the decision, but other parties have also appealed it, seeking that the Board uphold the decision to refuse.

2.0 Site Location and Description

The appeal site is located on a south facing scarp slope on the northern side of the wide open valley of the Suir River in County Tipperary, close to boundaries with Kilkenny and Waterford County Council. The Suir runs through a shallow valley base of some 5-6 km wide between the northern scarp slope of the Comeragh Mountains to the south, and a long ridge extending east from Slievenamon to the north. The ridge has two rounded high points – Curraghdobbin Hill and Carrigadoon Hill. The town of Carrick-on-Suir is located at a historic crossing point of the Suir close to the southern side of the valley. The northern bluff extending from the prominent Slievenamon Mountain forms a predominantly wooded backdrop to the valley, forming a series of ridges and hills that gradually lower and tail off to the east. The lowland areas are primarily good quality well drained farmland over limestone and sandstones settled with a scattering of houses, a number of historic demesne lands, with some small villages. The N24 Waterford to Limerick Road follows the base of the valley, roughly following the route of the Suir. The N76 Clonmel to Kilkenny Road runs through a valley east of Slievenamon, west of the appeal site. A network of regional and minor roads serves the area, with a number running over the bluff towards Kilkenny to the north, with one minor road intersecting the appeal site. The appeal site, with a site area given as 320.25 hectares, is an extended area of mature conifer woodland with some open scrub on the steep south facing escarpment overlooking the Suir Valley and Carrick-on Suir some 6 km to the south. It extends over four townlands, Curraghdobbin, Macreary, Butlerstown and Ballydine in two parcels, intersected by a small stretch of grazing land on each side of a minor road running up the ridge. It is an area of shallow loamy drift soil over a bedrock of limestone, characteristic of the uplands in the area. Older OS plans indicate the

area has been forest for over a century at least. The forest is a mix of mature and semi-mature trees and the eastern half appears to be moderately well used for amenity purposes. It is intersected by forest access tracks and a number of older farm tracks, some long overgrown and disused.

3.0 Proposed Development

The proposed development is described on the site notice as follows:

Construction of a windfarm which comprises 8 no. turbines (max blade tip height not exceeding 126.5 metres), construction of approximately 6 km of new access roads within the windfarm site, an electrical sub-station (62.9 sq.m.), meteorological mast (80m), 38kV underground grid connection (approx. 13.9km) running in the public road from the wind farm to Ballydine, associated drainage and site development works. The proposed windfarm is located on Curraghadobbin Hill (3 no. turbines) and Carrigadoon Hill (5 no. turbines). Vehicular access / egress to / from the site is from a relocated and upgraded entrance on the county road to the east of Carrigadoon Hill (at Newtown Upr), and from a new access to Curraghadobbin Hill from the country road to the south of Curraghadobbin Hill.

The application includes an EIS. No NIS was considered to be required by the planning authority.

4.0 Planning Authority Decision

4.1. Decision

The planning authority refused for four reasons, which I would summarise as follows:

- It is contrary to policy LH16 on archaeology and Policy LH2 on landscape by way of its impact on an unspoilt hill in an area of archaeological interest.
- It is considered contrary to Policy ED 8 (Equine Industry) with regard to its possible impact on an area of importance for the bloodstock industry.
- It is considered that the application did not satisfy the criteria set out in policies STWIND 1 and 2 with regard to wind energy with regard to the

information on the wind resource on the site and the impacts on visual amenity and cultural heritage.

- It is considered that it would endanger public safety and be contrary to policy DM 1 (Development Standards) with regard to sight lines at the proposed entrance on to the county road network.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The planning report noted the numerous submissions on the appeal. It outlined CDP policy on wind energy and the protection of landscape, habitats and cultural heritage. It is noted that the 2009 CDP is undergoing a variation (Variation no.2 with regard to renewable energy). It is stated that this area will be designated as 'unsuitable for new wind energy development', although it is stated that the variation process has not been concluded – it is currently designated as 'open for consideration' for wind energy. It is noted that the area around Kilmacoliver Hill in Kilkenny is indicated as unsuitable for wind energy due to the landscapes sensitivity.

The planning report notes in particular the comments of the Department of Arts, Heritage and the Gaeltacht with regard to cultural heritage, and sets out what are considered limitations in the landscape assessment section of the EIS, especially with regard to archaeological alignments. Other aspects of the EIS are considered broadly acceptable with some reservations.

The report then sets out a number of planning issues, in particular with regard to impact on the equine industry (policy ED8). Uncertainties are noted regarding rights of way for the access.

The report concludes that the proposed development is unacceptable for a number of reasons and recommends refusal.

4.2.2. Other Technical Reports

Environment Section: The EIS is considered adequate – but it is requested that the applicant demonstrates that construction noise levels at the site entrances would not be excessive.

Carrick-on-Sir Municipal District: Requests additional information on road details.

4.3. Prescribed Bodies

HSE – this submission does not recommend either refusal or permission, but sets out a number of detailed comments on what are considered necessary mitigation measures.

5.0 Planning History

In 2015 the planning authority decided to refuse permission (**15/600699**) for a single turbine at Rathclarish (just north/northeast of the appeal site, on the same ridge). This was appealed to the Board, but the appeal was withdrawn (**PL92.245670**). Just east of this site in the same townland the Board recently granted permission for a slatted shed, upholding the planning authority decision following an appeal by the DoAHG (**PL92.245897**).

In 1995 the planning authority refused permission at Carrigadoon for a 22 meter high telecommunications mast – another application for a 30 metre structure was also refused the next year (**95/457** and **96/281**).

The planning file notes a number of enforcement actions taken against unauthorised masts and telecommunications apparatus on Carrigadoon Hill.

6.0 Policy Context

6.1. Development Plan

The site is in an area designated in the 2009 (as varied in September 2016) County Development Plan as ‘unsuitable for new wind farm development’. General policy in the Development Plan is set out in the Wind Energy Policy (September 2016) variation of the 2009 Development Plan.

6.2. Natural Heritage Designations

The site is within the catchment of the River Suir. The Lower River Suir SAC covers both the main channel about 3 km south of the site and a tributary (the Lingaun River) that runs through Ahenny less than a km to the east of the site.

7.0 The Appeal

7.1. Grounds of Appeal

First party

- Before addressing the reasons for refusal, the applicant outlines arguments with regard to national policy that the proposed development is fully in conformity with existing policy objectives.
- With regard to the reason no.1 for refusal with regard to the landscape element it is noted that the appeal site is within an area considered as 'hilly and flat farmland', although the site is managed forestry. It is argued that the proposed location below the ridge high point sets themselves within a working landscape. It is argued that the character of the site has already been significantly altered by conifer plantation and that the design successfully minimises the visual impact of the turbines within the landscape.
- With regard to the cultural landscape aspects of reason no.2 for refusal it is acknowledged that the proposed development will be a new feature in the background of sites such as Knockroe, Baunfree and the high cross at Kilkieran. It is reiterated that the views are considered moderate to significant with regard to views out from the archaeological features rather than views towards or focussed on the features. The views from each are assessed, it is argued that the impacts are moderate and within the context of the wider landscape and the context of overall landscape views, they are not grounds for refusal.
- With regard to reason no. 2, the applicant addresses in some detail what is claimed to be an inconsistent argument regarding rural industry and amenities, and it is questioned whether there is any evidence that wind turbines could impact upon the equine industry – the inspectors report in PL17.PA0038 is referred to with regard to impact on horses.
- With regard to reason no. 3, it is submitted that this is not supportable as the applicant did submit detailed information on wind resources on the site and that the EIS comprehensively addressed visual and cultural issues.

- With regard to reason no.4 new (revised) drawings are submitted in support of an argument that the proposed accesses now fully in accordance with required sight lines and set backs.

Lord and Lady Magan of Castletown Cox

- They appeal the refusal, although they write to support the refusal in anticipation of the applicant's appeal.
- It is argued that the original project description was insufficiently detailed and the application documents did not comply with Articles 22 and 23 of the 2001 Regulations.
- It is argued that the applicant has no interest in all the lands (part is owned by Coillte Teoranta).
- It is submitted that it will have a significant impact on the designated Lower Suir SAC.
- The core submission relates to the impacts on the setting of Castletown Cox – details are provided of the houses history and importance.
- It is submitted that it will have an unacceptable impact on an area of visual importance.
- Concerns are expressed at the overall impact on the archaeological and architectural heritage of the area.
- It is submitted that windfarms in the area would have a significant impact on the local horse breeding industry.
- It is submitted that there is sufficient capacity for wind energy elsewhere in the county to meet national policy objectives.

Annemarie and Aidan O'Brien (Coolmore Stud)

- The decision to refuse is supported and they note their ownership of a number of thoroughbred stud farms in the area, and have made submissions to the planning authority on the potential impact of wind farms on breeding enterprises.

- It is argued that locating wind turbines approximately 1 km from their operations and would have a major negative impact on their business and operations.
- In addition, it is noted that the site is in a sensitive landscape with a number of archaeological features and would thus contravene policies L2 and LH16 of the Development Plan.
- It is argued that it is contrary to policy ED8 (Equine Industry) because of potential impacts on thoroughbred breeding.
- It is submitted that there is insufficient justification for the proposed development.
- It is submitted that the proposed entrances are inadequate in terms of sight lines and stopping distances.

7.2. Planning Authority Response

The planning authority confirms that Variation no. 3 of the South Tipperary County Development Plan was adopted at a Council meeting on the 12th September 2016. The area is now deemed 'unsuitable' for new (wind energy) development. The Board is requested to uphold the decision to refuse.

7.3. Observations

Suir Valley Environmental Group

- The decision to refuse is supported by the SVEG.
- It is noted that the County Council has now adopted Variation no. 3 of the Plan, and this area is now zoned as 'unsuitable' for wind energy.
- Concerns are expressed at the possible impact on Newtown Upper National School, especially during construction.
- A noise assessment by an acoustic specialist is attached, in support of detailed arguments that the EIS is inadequate in assessing noise impacts.
- It is submitted that it will have an unacceptable impact on the landscape of the area and that the EIS did not adequately address this issue.

- It is argued that it would have an unacceptable impact on the local equine industry.
- It is argued that insufficient justification has been provided for turbines in this location.
- It is submitted that in the applicant's appeal, they do not address the issue of land ownership at the proposed entrances.

Maria Meany, Ballyrichard

- Writes to support the decision of the County Council to refuse, and attaches her original objection, which addressed landscape and cultural issues.

Newtown Upper National School (Board of Management)

- The decision of the planning authority to refuse is welcomed.
- It is submitted that the proposed development would have a negative impact on the responsibilities of the Board of Management to discharge their statutory duties.
- It is argued that the proposed Newtown Woods entrance would have a serious negative impact on the current parking facilities and is potentially hazardous.
- A number of photographs are attached in support of arguments with regard to the potential for hazard.

Seamus Fogarty of Poulmaleen

- Supports the decision by the planning authority to refuse permission. Encloses previous objection which cites concerns about interference with communications and impacts on the local landscape and environment.

Towercom Ltd.

- Objects to the proposed development – they operate a telecommunications mast on the summit of Carrigadoon Hill. They are concerned about the potential impact on telecommunications (cites S.5.10 of the Wind Energy Guidelines 2007 in support).
- Other grounds are also raised, including impacts on the local landscape.

Richard Walsh of Kilmacoliver, Owing

- Supports all stated reasons for refusal.
- Raises detailed concerns about the accuracy of a number of statements within the supporting documents relating to the claimed economic, environmental and other benefits of the proposed development.
- Concerns are raised about a wide number of issues relating to traffic, safety, landscape impact and pollution.

Caiseal Conservation Committee (Friends of Knockroe Passage Tomb)

- Supports all stated reasons for refusal.
- It is argued that the proposed development will significantly interfere with the setting of Knockroe Passage Tomb and will interfere with the solstice alignment.
- It is argued that it will interfere with the overall archaeological context of the area, including the Baumfree passage tomb, and cairns, hillforts, and *fullacht fia* in the area.
- It is submitted that it will interfere with the Knockroe Passage tomb conservation plan launched in 2011 by the OPW.
- An archaeological report from Professor Muiris O'Suilleabhain is attached, in addition to other reports and articles on local archaeology, one of which has extensive information on the *cursus* extending east from Slievenamon.
- It is argued in detail that the proposed development would have unacceptable impacts on the local environment and economy and on traffic safety.

Tullahought Community Development Ltd/Tullaghout Tidy Towns Group

- Strongly supports the four reasons for refusal – refers to their previous objection.
- Outlines community actions in Tullahought (near Ahenny) to improve the area and provide a viewing tower and tourist information on the road to Owing.
- It is argued in some detail that the proposed turbines would seriously impact on the visual qualities of the area and the context of historic monuments and other potential tourism draws, including the possible ancestral home of George Clooney.

- It is argued that it is contrary to a variety of management and conservation plans from the OPW and other public bodies for the contexts of historic national monuments in the area.
- Concerns are expressed at the impact on the local equine industry.
- Concerns are expressed at possible flooding impacts.
- It is submitted that the access road is too close to Newtown School.

Seamus & Carmel Wall, Castletown.

- They support the reasons for refusal.
- It is submitted that the applicants are not local, but it will have a significant effect on local amenities and the local economy.
- It is denied that it will have the positive economic impacts claimed by the applicants.
- It is submitted that it will have an unacceptable and domineering impact on the local landscape.
- The observer criticises in some detail aspects of the EIS and submits that the proposed mitigation measures may not be carried out.
- Concerns are expressed at possible flood run off to the observers farmland and the Board is asked to address this specifically by condition.

An Taisce

- It is submitted that the proposed development would form a strong and discordant intrusion on the landscape.
- It is noted that there are strong concerns about the impact on national monuments and recorded ancient monuments in the area.
- The past refusal for a single turbine on the site is noted.
- The scenic qualities of the landscape are noted, as are local landscape designations – it is submitted that the proposal would not be suitable in the location having regard to development plan provisions. The proposed variant to the development plan (i.e. the recently approved wind energy strategy) is noted.

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

- The Department elaborates on concerns regarding the impact on the National Monument at Knockroe, and states that the EIS does not fully address this issue. It is stated that it will also have a significant impact on the setting of Baunfree passage tomb, with its alignment to Slievenamon. It is stated that these issues have not been adequately addressed in the appeal documents. The Board is requested to refuse permission, for the reason of the impact on national and recorded monuments in the area.

Mairead Sheehan of Clashnasmuth, Ahenny.

- The new variation 3 of the Tipperary County Development Plan is noted, and the Board is requested to have regard to same.
- Supports the decision of the planning authority to refuse.
- Supports the appeals of the third party appellants.
- It is argued that the EIS and other information supplied was not sufficient or accurate.
- It is submitted that it would have an unacceptable impact on the Newtown Upper National School, especially during construction.
- It is argued that it will lead to the loss of the use of Newtown Woods, an important amenity to the local area.
- It is argued that it will significantly reduce local house prices.

Ballyneale Environmental group

- The decision to refuse permission is supported and welcomed.
- The assumptions about wind speed and viability set out in the applicant's appeal are questioned.
- It is submitted that the application is widely opposed by local residents and organisations.
- The applicant's arguments that it will not have an impact on local archaeology are denied.

- It is submitted that the application is contrary to the new variation no. 3 to the development plan.
- It is argued that the applicants have not demonstrated ownership of the site.

Faugheen Environmental Group

- The decision of the planning authority is welcomed and supported
- The new Variation 3 to the development plan and its policy implications are raised, noting wind energy is not 'open to consideration' on this site now.
- The previous refusals on the site of a communications mast and a wind turbine are noted. Another application (16600294) not yet decided, is noted.
- With regard to the first party appeal, it is denied that the applicants economic arguments are valid and that the power is required in the area.
- It is argued in some detail that the turbines would seriously impact on the overall landscape character of the area and that the EIS did not adequately address this, or relevant development plan policy on landscape sensitivity and protected views.
- It is submitted that it will have a significant and damaging impact on the overall context of archaeology, built heritage and folk heritage (regarding Slievenamon). Outlines the long relevant history of the area around Slievenamon, the River Lingaun and Carrigadoon and Curraghdobbin Hills in local and Irish history. It is questioned whether the EIS addresses these issues adequately.
- The objections relating to the potential impact on the equine industry are emphasised and elaborated upon.
- It is submitted that the revised site entrances submitted with the first party appeals do not address the core issues of the impact on Newtown School and traffic safety.
- It is submitted that the EIS did not adequately address the overall impact on Newtown Upper school or the residential amenities of local residents.
- Concerns are expressed at possible flooding and climatic impacts from the construction works and deforestation.

- It is submitted that insufficient information has been provided on subsurface geology and surface stability.
- It is argued that the EIS does not address wider impacts, and cumulative, indirect impacts.

Sasha Maxwell, of Ballypatrick, Clonmel.

- It is argued that it is contrary to policies in the 2009 plan to protect agricultural land and tourism. It is noted that the local community has been promoting a walking route in the area.
- It is submitted that it is contrary to policy (TI12) to protect communities from noise emissions.
- It is argued that geological information in the EIS is inadequate, and that more bedrock will have to be removed than is stated. It is also argued that it may have impacts on groundwater.
- The stated reasons for refusal are supported, and it is noted that Variation 3 of the development plan strengthens the assumption against windfarms in the area.

Anne Baily (Dr) of Kilnoracey, Carrick-on-Suir

- It is noted that the Board made must have regard to Variation 3 of the 2009 plan.
- The decision to refuse is supported.
- An additional comment questions the CO2 reductions claimed for the proposed development.

Ahenny Action Group

- The decision is supported, and it is submitted that the proposed development is contrary to development plan policy on wind farms, both Variation 3 and TWIND 4.7.
- It is argued that the area around Slievenamon and the Linguan Valley is a sensitive historic landscape with high tourist and recreational values.

- It is submitted that it will have an unacceptable impact on the High Crosses at Ahenny, in addition to other important sites and remains in the area including the mining village at Ahenny and the former monastery.
- It is submitted that it is contrary to the South Tipperary Heritage Plan.
- It is argued that it will impact on possible solstice alignments at Knockroe.
- It is submitted that it will interfere with local amenities and with television reception.
- It is noted that a communications mast and wind turbine have previously been refused.

The Heritage Council

- It is noted that Policy LH16 of the development plan states that an archaeological assessment be carried out. The Heritage Council is of the opinion that the information provided does not constitute an assessment of adequate quality.
- The Board's attention is drawn to the potential impact on the experience of the winter solstice at Knockroe – the statement in the applicant's appeal that the turbines do not sit on the sunpath line is disputed.
- A report which was originally submitted to the County Council in July 2016 is appended. This addresses in some detail the issue of possible alignments and the importance of monuments in the area and includes photos, visualisations, and cross-sections – I would recommend that the Board read this in full.

Paul Shanahan (Coolmore Stud)

- Welcomes and supports the decision to refuse permission.
- The protection for the equine industry in policy ED 8 is welcomed, and it is submitted that the turbines would be contrary to the needs of the industry.
- It is noted that the area is not designated as 'unsuitable for wind energy development' in the recent variation to the development plan.

7.4. Further Responses

Applicants

In response to the appeal of The Lord and Lady Magan:

- It is denied that there the notices erected failed to adequately describe the proposed development, and it is argued that in other respects the plans and particulars are in accordance with the Regulations.
- It is stated that all the lands are owned by Coillte Teoranta and/or Gerard James Brett, both of which provided authorisation for the application. It is noted that the boundary lands are on public roads, but it is submitted that there is no requirement for the roads authority to provide a letter of consent.
- It is submitted that the EIS and Screening Statement and associated documents addressed adequately all possible elements with regard to any impacts on the SAC.
- It is argued that there is sufficient distance between the site and Castletown Cox house to ensure there is no significant impact on the historic context of the site.
- It is restated that the proposed development is in an area 'open for consideration' for wind energy in the 2009 development plan.
- It is denied that the area has the particular high scenic value or designation as argued.
- With regard to alternatives, it is noted that Ireland is subject to binding targets on renewable energy, and the proposed development does not preclude other related developments in the area.

In response to the appeal of Annemarie & Aidan O'Brien

- It is submitted that the impact on the equine facility has been dealt with in previous submissions – it is noted that the distances are in excess of the recommendations in the British Horse Society 'Advice Note on Wind Turbines and Horses- Guidance for Planners and Developers'.

- With regard to Variation no. 3 it is argued that all pre-application discussions, designs and reports were carried out in regard for the plan as set out at the time of the submission. It is requested that this should be a consideration of the Board, in particular in the context of a development of the nature proposed and the timelines involved in preparing a planning application.
- Details are outlined behind the applicants search for alternative sites – it is submitted that a comprehensive study was carried out.
- It is submitted that with regard to the other issues raised in the EIS, that the studies were comprehensive and in line with all requirements.

Annemarie & Aidan O'Brien (in response to the applicant's appeal)

- It is submitted that since the application was made Variation 3 of the 2009 Plan has been adopted, and as such the proposed development should be considered a material contravention of the plan.
- It is submitted that the arguments submitted do not adequately address what is described as the unique historical and cultural landscape, and the extreme sensitivity of the area.
- It is argued that Reason 1 is fully justified on the basis of the qualities of the local landscape (refers to the departmental guidelines), and development plan policy with regard to Tipperary's landscapes.
- It is argued that Reason no. 2 is fully justified on the basis of the number and extent of sensitive stud farms within the area – it denies that there is, as the applicant states 'no robust evidence' that wind turbines have an impact on horses. It refers to the Board decision in **PL23.225138** in this regard (refusal which refers to the bloodstock industry).
- It is argued that Variation no. 3 of the plan confirms the basis behind Reason no. 3 for refusal.
- It is argued that the revised plans do not adequately address the traffic impacts of the proposed development, in particular with regard to the nearby national school.
- The appeal of The Lord & Lady Magan is supported.

8.0 Assessment

The application was submitted with an EIS. The key issues raised by the appellants and the planning authority relate to the impact on the cultural landscape of the area, the impact on local equine and tourism industries, and traffic access/safety issues. I will address all issues under the following broad headings:

- Principle of development (national and development plan policy)
- Environmental Impact Statement
- Landscape and Cultural Impacts
- Human Beings and Economy
- Soils, geology, hydrogeology and water.
- Ecology
- Noise and vibration
- Shadow flicker
- Air Quality
- Traffic and access
- Electromagnetic and aviation
- Indirect and cumulative impacts
- Appropriate Assessment
- Other issues

I note that the issue of land ownership was raised by some parties. I am satisfied from the information on file that the applicant has the permission of the primary landowners so I would consider it to be a valid application and appeal.

8.1. Principle of development (national and development plan policy)

The general national policy regarding wind energy is strongly in favour of such developments in principle, with stated targets for renewable energy for 2020 now seemingly not likely to be achieved. National planning policy on wind energy is set out in the Wind Energy Guidelines 2006. These guidelines set out the broader international and national strategy (albeit somewhat out of date now). But on a

national and international level the general support for renewable energy, including wind energy has not significantly changed.

The original planning application was made under the South Tipperary County Development Plan 2009, which was broadly neutral in terms of locating wind farms in the general area of the Suir Valley. In September 2016 the planning authority adopted the Tipperary Renewable Energy Strategy and the Wind Energy Strategy as variations to the Development Plan. This variation identifies the area of the site as 'unsuitable for Wind energy' (TWIND 4), i.e.:

***Areas 'Unsuitable for New Development'** – new wind energy development in these areas will not normally be considered, except as specified in policy TWIND 14. These areas have a special or unique landscape character where the main objective is conservation or are areas that may be risk from cumulative visual impact from wind turbines. Where there are existing wind energy developments in these areas, their repowering may be considered appropriate. Any impact on the environment must be low and subject to proper planning and sustainable development, and the guidelines set out in this Strategy.*

I would note that there was a previous refusal on this site for wind turbines and there are no records on file of any permissions being granted for turbines in the vicinity. The applicant has asked the Board to apply the previous development plan policy, i.e. as 'open to consideration'. While I acknowledge the difficulty caused by the recent adoption of the variation, I consider that the variation is broadly consistent with the 2006 Guidelines. As at the time of receiving the appeal, the Variation was adopted, I consider this to be the statutory plan for the area. I further note the previous history of refusals for wind turbines on this ridge. There are a number of windfarms constructed within sight of the high points around Slievenamon in Waterford, but I would consider that these are at such a distance that they do not provide a precedent for permissions in the area. While I would acknowledge the difficulty for the applicant in finding itself in a changed policy context during the decision making period, the Board is obliged to have specific regard to the current development plan. I would therefore consider it quite unambiguous that the correct policy to apply is TWIND 4 of the 2009 Development Plan as varied in September

2016 and as such there would be a presumption against the grant of permission for wind turbines in this area.

8.2. Environmental Impact Statement

The application was accompanied by a full EIS. While a number of objectors (including statutory consultees) and observers have raised significant issues about specific aspects of the aspects of the EIS, I consider that it fulfils the basic requirements of the Regulations and there is sufficient information on file to fully assess the appeal.

8.3. Landscape and cultural impacts

Normally, landscape and human cultural issues are dealt with separately in an EIS/planning assessment, but with this appeal the issue of the interrelationship of the historic and cultural landscape with the aesthetic qualities of the area is central to the concerns of parties opposing the proposed development, and to the submissions by the statutory consultees. I would note that the direct landscape impacts are straightforward to interpret from the visualisations provided, and there are few if any direct impacts on cultural heritage (i.e., there is no evidence of physical damage or removal of any sites or features of significance). The core issue is the indirect and cumulative impact on a variety of features within the human landscape of the broader area.

The site is located on an extended ridge which forms the northern side of the open valley of the Suir. The foothills of the Comeragh Mountains form the southern side, some 5 km to the south on the opposite side of the Suir. The ridge is largely wooded with mature mixed conifer woodland. A pass through the centre of the ridge is the main access to the higher ground further north. East and west of the site are deeper passes, with the western one forming a gap before the dome of Slievenamon mountain, which dominates the local landscape. The main settlement within sight of the ridge is Carrick-on-Suir, with a number of small villages scattered on the valley floor within sight of the ridge. The ridge is visible from a distance from some points within the town. There is a scattering of farms and houses on low ground, including a number of demesnes and stud farms. The lowland areas are mostly open fields bounded with fences and hedges, with the upland areas either forested (mostly conifers) or open heath/bog. The area is generally scenic and attractive, although it is not a major tourist area. Around and across the ridge are a

number of signposted walks and cycle routes, many apparently developed and promoted by local community groups which have done some admirable work in improving the area for tourists and visitors. The main tourist attraction in the vicinity would be archaeological and historic sites, in addition to the frequently climbed summit of Slievenamon.

The area has significant historic and cultural value – several submissions (including from the Heritage Council and DoAHG) argue that the EIS has not adequately addressed the historical cultural value of the landscape. This is a particularly difficult issue to quantify as it depends on the interpretation of the interrelationships between various historical features in the landscape. There are possible alignments between two prominent Neolithic tombs on high ground east of the ridge with several monuments (stone mounds and a cursus) on Slievenamon – these alignments potentially cross the appeal site. There are also early Christian remains in the area which, from their prominent locations on hillsides, were clearly sited with regard to the overall landscape. In addition to this, there are a number of important individual sites within the visual envelope of the site including a well preserved medieval towerhouse/dwelling and a particularly fine 18th century country house and demesne.

Starting with the earliest features, the ridge is within clear line of sight of a number of megalithic structures, including two stone circles, one prominent cairn, and other less obvious and less well understood features, including a cursus on Slievenamon. A cursus is a linear (double banked) feature in the landscape which may be contemporary with stone circles and cairns from the Neolithic or early Bronze age. These have only recently been identified in Ireland, with a number known from the Wicklow Mountains. None have been excavated in Ireland to my knowledge and have only been identified from aerial photographs – most research on these features is from Britain, in particular the best known cursus which is near Stonehenge. It is noted that in Ireland they usually extend more or less directly from upland cairns, and often follow convex slopes, indicating that they may have had a ceremonial function (i.e. people walking up the slope would not have seen the cairn at the end point until close to the top). They usually feature parallel ditches, and some may have relevance to astronomical alignments. Apart from this, not much else appears

to be known. The Slievenamon cursus runs due east, with an alignment to the north of the appeal site.

The other key megalithic remains are the Knockroe passage tomb (in County Kilkenny) and the stone circle at Baunfree. Both are national monuments and considered to be of high archaeological importance. The turbines will be clearly visible from both, and as such will have a significant impact on their settings, although in all cases the views will be at a distance. The key issue as highlighted by the Department and the Heritage Council is that it appears that these, along with the cairn on Slievenamon and other possible and probably Neolithic features in the area, have complementary alignments and are part of an important overall landscape. The proposed turbines are pretty much in the middle of a series of possible alignments between Slievenamon and the two national monuments.

The Slievenamon cairn is largely featureless, but a slab was removed from the natural limestone base to create a false entrance – this appears to have been deliberate and contemporary with the tomb. This in turn seems to match an alignment with the cursus, which faces more or less due east – somewhat to the north of the appeal site ridge. Knockroe Passage tomb has an alignment with the winter solstice to the west, which aligns quite closely with Slievenamon. The double stone circle (probably also originally a passage grave) at Baunfree is not easily accessible to the public, but is clearly located on a prominent site with views over to Slievenamon and Knockroe. I could not identify any obvious internal alignment at Baunfree towards either, but its location just north-west of the high point of the hill would be an obvious one to choose if its builders were intending some visual connection with the cairn on Slievenamon. I would note that Slievenamon mountain itself has significant cultural importance within Tipperary, featured in folklore and song, and is a popular climb (there is just one ‘official’ route, on the south-eastern flank – the proposed turbines would be highly visible from almost this entire route).

Much of the arguments submitted in favour of seeing the megalithic remains as an inherent cultural landscape (such as is more clearly identified in other areas such as the Boyne Valley and in Sligo) are conjectural and not always entirely convincing. No doubt there are other undiscovered or long destroyed features in the landscape which could have clarified this issue. Notwithstanding this uncertainty, I would consider that there is sufficient uncertainty to support the Development Plan policy

not to favour wind energy developments in this area as there is little doubt that the appeal site is in such a location that it would seriously impact on the overall context of these megalithic remains, whether or not they are formally aligned, especially with regard to the cumulative impact on other sites of cultural importance in the area.

There are two hillforts within the appeal site – both of which are not directly impacted by the proposed works. Both are national monuments, but would not be considered of the highest value. I would consider that the impact on the setting of these would be somewhat significant, but as they do not appear to relate to other features on the landscape, it would not be considered a serious impact, in particular as both have been largely obscured by tree planting.

There are two former early Christian monastery sites to the east of the site – Ahenny and Kilkieran, both of which have extant high crosses and other features. The wind turbines will be visible from both – from Ahenny the higher points of moving blades would likely be a significant visual impact although as the site is on an east facing slope with the main road to the west, the turbines would not be intrusive from the perspective of most prospective visitors. The Kilkieran Crosses are on a south facing slope on an open and prominent site. The line of proposed turbines would be clearly visible for visitors to the crosses, from a distance of just over 1-km. The setting is not quite as rural and undisturbed as Ahenny, but I would still consider the overall impact on the setting to be significant.

To the west of the site, about 4-km distance, is the small settlement of Kilcash with a medieval church and a relatively intact late medieval towerhouse and bawn. The turbines would be clearly visible in the background when they are viewed from the road, but I would consider the impact to be relatively minor.

There are a number of historic country houses and demesne lands in the area, but by some distance the most important is Castletown Cox, a Palladian country house with largely intact grounds to the south-east of the site. This house is relatively unknown as it is not, and has not in the past, been open to the public, but from the available information would be considered architecturally an equal of better known country houses from the period such as Russborough House. It is rated in the NIAH survey as of national importance and would arguably be of international architectural interest and importance. It is in private ownership and it has been restored and modernised to an exceptionally high standard and I understand that the current

owner has largely reconstructed the original demesne lands. There are a number of other structures of regional importance within the grounds including a church and associated outbuildings. The orientation of the house (facing south) is such that the proposed wind turbines would be clearly visible from some, if not all upper floors, and would form a backdrop for the approach to the house from the main avenue. I would note that the house is not clearly visible from any public roads and it is entirely private (there is no public access to the grounds) – however, associated structures and buildings such as the fine 18th Century church (Castlane Church) associated with the grounds are clearly visible from public roads and provide a strong and distinctive character to the immediate area north and west of the nearby village of Owing. While I would not consider that the impact of the turbines on Castletown Cox would justify a refusal for this reason alone, I would consider that the cumulative impact with other historic buildings and landscapes of cultural importance in the area is highly significant.

The general landscape in the area, in particular immediately east and west of the appeal site is scenic and attractive, although I would note that its wooded nature results in quite a robust landscape capable of absorbing a certain amount of new structures. From high points in the area, including at the hill of Baunfree and Slievenamon itself, there are dramatic views in many directions, although part of these views feature what would be considered intrusive features, such as a major quarry in the Clonmel direction and a number of industrial buildings around Carrick-on-Suir, including of course many agricultural and other structures. The EIS includes visualisations and other details which I would consider provides a reasonably accurate assessment of the direct visual impacts. I would note that a number of windfarms are visible on a clear day from high ground around Slievenamon in the far distance, including at least two windfarms in County Waterford.

In conclusion, I would state that while the landscape is not of the highest scenic value in the region, and has a certain robustness to absorb developments, especially on lower levels, having regard to the planning history of the area – in particular the previous refusal for permission – I would consider that the overall cumulative impact on both the immediate landscape, views from Slievenamon, and in particular the historic and cultural landscape with particular regard to Neolithic and

early Bronze age remains on high points in the area are significant and excessive, and this justifies the Development Plan policy not to favour wind farms in this area, and I would recommend a refusal for this reason.

8.4. Human Beings (including local economy)

The appeal site is unoccupied and is used for commercial forestry – but the eastern part of the site is accessible to the public and seems a moderately popular amenity in an area which does not have significant amounts of open land available for casual recreation. There are a number of signposted cycle routes and walks along minor roads in the vicinity, although the area does not have evidence of a large tourism industry. The direct works will produce local jobs, although it is not clear that there would be significant local employment generated during the operational period. While it is a somewhat subjective assessment, I would consider that the overall impact on local recreational amenities and the tourism potential of the area would be slightly negative, although it could be mitigated somewhat through condition.

The construction works are likely to be quite disruptive for local residents, but particular concerns were expressed by submissions relating the national school at Ahenny, next to one of the two main construction accesses (at a point where there is an existing forest access, used for both leisure access and potentially for logging trucks). I will address this issue in more detail in the section below on traffic.

The immediate area of the site is an important one in the Irish equine industry, with at least one major stud having several land units to the south, east, and north of the site for breeding and training. Some of these lands are within 1-km of the site and within very clear view of the turbines. Several applicants have submitted very detailed submissions on the potential impact of moving blades on thoroughbreds, especially younger animals, and the potential impact this has on the local industry with consequent potential impact on employment in the area. The Development Plan notes the importance of the industry with regard to its designation as unsuitable for wind energy developments. As the Board is aware, this issue was raised as a significant issue in a number of recent appeals with oral hearings for windfarms, and in all cases the Board did not cite it as a reason for refusal. A key problem with assessing this aspect of the objections is that there is a paucity of unambiguous scientific studies on this issue, unsurprising as it would be very difficult to quantify the real impact of perceived distress to foals and yearlings to their eventual value as

racine horses. To complicate matters further, it is reasonable to assume that even if on average the impacts may not be significant, it may be that specific individual horses are unusually sensitive to any outside disturbance. It cannot be denied however that people with long history of working with thoroughbreds have a genuine belief based on their experience that visible wind turbines will disturb young horses. In the absence of unambiguous scientific evidence of the impacts of moving blades on horses, I do not consider that there is sufficient scientific basis to refuse permission for this reason alone. However, I do not consider it reasonable to dismiss the genuine concerns expressed in the written submissions by those parties with long personal experience of horse breeding. I consider it reasonable of the planning authority to have had regard to possible impacts on the bloodstock industry in their most recent amendment to the Development Plan, and as such I would regard it as one of the relevant considerations in recommending a refusal of the proposed development for policy reasons.

8.5. Soils, geology, hydrology and hydrogeology

The appeal site is on a steep wooded slope on thin acidic soils overlying sandstone/shale tills over sedimentary (mostly limestone) rock. Some small areas of siliceous rock are visible – other rock exposures are visible at existing access track cuttings. Part of it overlies a regionally important aquifer. The land drains to the south, and is within the catchment of the Lingaun River, which flows along the valley to the east of the ridge, before entering the Suir near Carrick-on-Suir. There are no indications of any wells on the landholding. There are land drains within the landholdings, but no significant natural watercourses or ponds or other water features. Figure 6.5 in the EIS shows the distribution of wells in the vicinity.

There is no evidence of significant deposits of peat on the site and so the issue of peat stability does not arise. Although the slope of the site is steep the geology and overlying till appear stable so I would consider that with normal engineering precautions there is no potential issue with soil/geological stability, although I would consider that conditions should apply to the specific details of the use of any borrow pits and additional cuttings required for the access roads.

The proposed development has significant potential for contaminating groundwater and surface water, in particular during the construction period by way of leaks of fuel or lubricants or uncontrolled run-off from newly excavated areas. But there are no

particularly sensitive receptors on or near the site, or any particular sensitivities related to the sites geology, hydrogeology or hydrology. I am satisfied that the mitigation measures set out in the EIS would be adequate to address potential impacts on ground and surface waters and on soil stability, subject to conditions relating to construction methodology and the prevention of contaminated run-off.

8.6. Ecology

I will address the issue of potential impacts on EU designated habitats in the NIS section below.

The site is almost entirely covered with woodland, mostly mature conifer with some mixed woodland and woodland edge vegetation, and much is managed by Coilte. There are small amounts of Japanese knotweed, an invasive species, within the woodland. The non-conifer plantation habitats (mostly found on forest edges and along the access track network) is typical of poor acidic soils with vegetation such as gorse and heather. The EIS notes that field surveys found just one red listed species – the meadow pipit – this is normally a species of open grassland and heath. There are old records of the Lesser Centaury, a Flora Protection Order species, but this is an old record and there is no evidence of the species still being on the site. Some of the woodland has potential for bat habitat but there is no evidence of roosts in the woodland.

The EIS includes a study of mammals and birds – there is likely to be deer and other species within the woodland, but there is no evidence of rarer species such as Pine Marten or Red Squirrel although the woodland would undoubtedly be suitable for such species if they repopulate the area.

There are no significant water bodies on the site, but the lands drain to the Lingaun and Suir – this is an issue that I will address in more detail in the appropriate assessment section below.

In conclusion, I would consider that the lands have significant local ecological value, but there is no evidence that the works would in the longer run have a significant long term negative impact and may have a beneficial impact if the site is subject to appropriate management of remaining woodland and areas to be cleared and open for the turbines. Potential impact on birds (in particular the Meadow Pipet) and possible bat roosting can be mitigated by way of the recommendations set out in the EIS and by condition. If the Board is minded to grant I would recommend a specific

condition relating to bat roosts and ensuring works are timed not to disturb nesting birds.

8.7. Noise and vibration (impacts on humans)

Figure 4.1 of the EIS shows the relationship of the turbines to dwellings in the area. Two dwellings are just outside 500 metres from the closest turbines. The national school near Ahenny is approximately 700 metres from the nearest turbine.

The EIS (section 9.2.6) states that it has carried out an assessment based on worst case scenarios. A background noise monitoring study indicated that noise levels are typical of a rural area. The projections submitted indicate that construction noise, with appropriate standard mitigation, will be within standard guidelines. It is predicted that threshold noise limits at the nearest noise sensitive receptors will not be exceeded.

Some of the submissions question the basis for the noise predictions. I would note that the location of some of the dwellings at the foot of the ridge, with the proposed turbines likely to be very prominent on raised ground to the north of these dwellings may result in the perception of noise emissions being significant – research suggesting that the ‘real’ disturbance from noise being greater from receptors who can clearly see the source of the noise. But from all available data and having regard to the separation distances, I would consider it reasonable to conclude that both construction and operation noise levels will be within guideline levels subject to appropriate design and mitigation measures.

8.8. Shadow flicker

The orientation of the turbines is such that they are north of most of the closest dwellings, although there are a number of houses on the road which goes up the ridge, and a smaller number to the north. The potential impacts of shadow flicker are therefore quite minimal. I would consider it most likely to be a problem for the dwellings between the two ‘halves’ of the site and dwellings to the east, around Ahenny. I would note that most of these dwelling will have significant screening from woodland on the site. Figure 11.2 of the EUS indicates those dwellings with natural screening. Figure 11.3 shows projected impact zones – a number of dwellings are within 10 rotor diameter (850 metres) from the turbines.

The shadow flicker study indicates that five houses have the possibility of some degree of shadow flicker during the year. This is likely to be limited to short periods at certain times of the year. The EIS concludes that this can be addressed by mitigation, although it does not specify the type of mitigation. Presumably this would take the form of automatic sensors, which are commonly required through condition. While I am a little concerned at the paucity of information on how the applicant proposes to address the potential minor impact of shadow flicker on the identified dwellings, I consider that if the Board is minded to grant permission, this is an issue that can be addressed by way of standard conditions such that the applicants be required to monitor and report on complaints of shadow flicker, with a requirement to shut down turbines at certain times if necessary.

8.9. Air quality

The EIS outlines projections for impacts on air quality both during construction and operational periods. The primary impacts would be during construction, mainly from vehicle emissions and dust. I would note that as the lands are mostly conifer plantation, almost all the projected impacts would occur in any event during timber harvesting. I would concur with the conclusion that pollution impacts would be minimal and can be addressed by way of the mitigation measures set out and a standard construction management condition.

8.10. Traffic and access

The site will require two construction and operational accesses. These are shown on figure 2.4 of the EIS and in the submitted plans. Construction access would be from the N24 using mostly minor roads running north. The western access would connect by way of a track on the third class road running south of the site at Carraghadobbin, the second access via the third class road running north from Faugheen to Ahenny.

The Carraghadobbin access is relatively straightforward – it joins a relatively wide third class road at a straight stretch (although there are a few gentle twists in the road). While the road system is not adequate for significant commercial traffic, the relatively short term nature of the construction works would not likely cause significant disruption or other problems. The sight lines at the proposed junction appear to be adequate in both directions.

The eastern access at Ahenny is more problematic. This section of third class road is narrower and twistier and generally of a lower standard. The existing forest access runs up a steep slope at an angle parallel to the road before turning west into the forest. The junction with the road is just south of a national school – the forest track runs on a higher level behind the school. It is proposed to upgrade this access for construction and maintenance access. The planning authority do not consider the access adequate due to poor sight lines, in particular to the north.

There is no doubt in my mind but the access, even as revised and improved by the applicants, is substandard for a major construction site, in particular due to its sensitive location next to a school. But as the applicant notes, this is a long established existing forest access which can and probably will at some time be used for logging works. I note in this regard that the track appears in early 20th Century OS maps so would appear to be at least a century old and may predate the school. It also seems to be used as a leisure access – there appears to be no other access to the land from the public highway as the boundaries of the western part of the site do not abut any public road – although there is an unpaved track running south through farmland to Faugheen. Given that this is the only likely access and it is potentially used for logging and other forest works, I would consider it appropriate for ongoing maintenance for the proposed turbines. However, from the evidence provided I am not convinced that it could be used for construction access for such oversized loads, so even if this period is limited (for example, to the school holidays), I would have strong doubts about its appropriateness and safety. For this reason, I would recommend that the planning authority's reason for refusal on traffic grounds be upheld.

8.11. Electromagnetic and aviation impacts

The relatively short section of the EIS on electromagnetic and aviation impacts concludes that there are no impacts. This is disputed by Towercom Ltd., the owner of a telecommunications mast on Carrigadoon Hill. I would note that it appears that at least some telecommunications apparatus on the hill have been subject to enforcement notices and it may be that some elements are unauthorised. The EIS, and the applicants in their response, state that all the turbines are outside the zone of interference. It is difficult to resolve such a technical dispute, but I would consider that there is an onus on the applicants to demonstrate more clearly that there will be

no impact on a pre-existing facility so very close to the site. As there are other grounds for refusal I do not consider that this is in itself a reason for refusal, but if the Board is minded to grant I would recommend a condition such that any demonstrated interference would result in a shutdown of the turbines responsible. There are no aerodromes in the vicinity and there is higher ground to the west so there are no indications that there would be any hazard to aviation navigation subject to the provision of warning lights. The Irish Aviation Authority did not object to the proposed development subject to standard conditions being applied.

8.12. Indirect and cumulative impacts

As I have outlined above I consider that the core issue in this appeal relates to the interrelationship between different impacts, and in particular the cumulative and indirect impacts on the overall cultural, historical and visual landscape of the area. This is the primary reason for the planning authority to designate the area as one unsuitable generally for windfarms. I concur with their conclusion and I would recommend a refusal for this reason.

8.13. Appropriate Assessment

The application was accompanied by an AA screening report. This notes that the site is within the catchment of the Lingaun River, which is part of the Lower River Suir SAC. There are no streams or other direct pathways to the Lingaun and Suir, so the planning authority considered that no NIS was required. It is also noted that there are no SPA's or indications of particular sensitive bird or mammal species close to the site or in the immediate area.

The site is immediately to the west of the Lingaun River, but no parts of the site or the haul route or route for electrical connection directly impacts upon the designated part of the river. The Lower River Suir (002137) is an extensive SAC designated for the objective of protecting a variety of freshwater species and habitats, in addition to some woodland habitats. It is the only SAC within 10 km and there are no SPA's within 15 km. Although the site overlays aquifers which would be in hydraulic continuity with the Lingaun, and is part of the hydraulic catchment, the absence of watercourses on the site limits potential pathways for pollution or other forms of disturbance. The woodland itself, while having some value, is not one of the designated habitats within the SAC. I am satisfied on the basis of the submissions

therefore that subject to normal controls during construction and operation – in particular standard methods of preventing the spillage of hydrocarbons and preventing excess run off - that there would not be an effect on the quality or otherwise of the Lingaun or Suir, so there would be no impact on habitats. I consider it reasonable therefore to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on European Site no. 002137, or any other European site, in view of the sites Conservation Objectives, and hence a Stage 2 AA and submission of an NIS is not required.

8.14. Other issues

I consider that all relevant planning issues have been addressed by the EIS and related documentation and there are no other significant issues in this appeal.

9.0 Recommendation

I recommend that the proposed windfarm be refused for reasons relating to policy and traffic hazard as specified in the schedule below.

10.0 Reasons and Considerations

The South Tipperary County Development Plan 2009, as varied by addition of the Wind Energy Strategy in September 2016 (Variation no. 3) identifies the site as an area which is unsuitable for new wind energy development with related policies set out in policy TWIND 14. Having regard to the cultural and amenity qualities of the landscape in this area, and the planning history of the site, this designation is considered reasonable and consistent with national policy as set out in the Wind Energy Guidelines 2006. It is considered that the proposed development, by way of its location on a prominent ridge within a landscape framed by Slievenamon Mountain and within sight of a number of historic monuments, including Baunfree and Knockroe passage tombs and early Christian and medieval sites, in addition to Castletown Cox demesne, is of particular sensitivity and as such unsuitable for such developments. The proposed development would, therefore, be contrary to policy

set out in the County Development Plan as varied and would thus be contrary to the proper planning and sustainable development of the area.

It is considered that the proposed upgraded eastern access to the site, close to the village of Ahenny and a national school, is substandard by way of its alignment at its junction with the public highway and inadequate sightlines and as such the Board is not satisfied, on the basis of submissions with the planning application and appeal, that it is suitable for construction access and that it will not result in congestion and endanger public safety by way of traffic hazard.

Philip Davis
Planning Inspector

4th May 2017