



An
Bord
Pleanála

Inspector's Report ABP-307863-20

Development

10-year permission for the proposed erection of a single wind turbine, including, underground electrical cable line (including section beneath R194) to connect to existing electrical switch room located within Kiernan Milling Mill Building and all ancillary works.

Location

Granardkill, Granard, County Longford.

Planning Authority

Longford County Council.

Planning Authority Reg. Ref.

20/105.

Applicant

Kieran Milling.

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party.

Appellant

Kieran Milling.

Observer(s)

1. Linda Higgins.
2. Brian Sheridan on behalf of Granardkill Residents Group.

Date of Site Inspection

10th day of November, 2020.

Inspector

Patricia-Marie Young.

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1.0 Introduction

- 1.1. This appeal comprises a 1st Party Appeal against the decision of the Planning Authority, Longford County Council, to refuse planning permission for a development consisting of a ten-year permission for a wind turbine together with its associated works. In addition, the construction of an underground electrical cable line which would include a section between the Longford Road, a Regional Road, connecting with an electrical switch room located within the applicant's main site is also sought.

2.0 Site Location and Description

- 2.1. The appeal site has a given 15.485ha and is located in the townland of 'Granardkill' with the main site area lying to the north of the Longford Road, Regional Road R194, with this portion of the site characterised by woodland, agricultural grazing land containing deep drainage ditches as well as a spring and with the remainder of the site extending in a southerly direction over the aforementioned regional road encompassing the land and buildings associated with the applicants Kiernan Milling operations.
- 2.2. The irregular shaped site which lies on the western fringes of the settlement of Granard. It is situated at its nearest point c1.6km by road to Granard's Main Street. The settlement of Granard is a modest in size village that occupies an elevated position within its landscape setting in northern County Longford. It has a rich cultural and built heritage with the town and its general vicinity being a centre of population from Celtic times. It is known for the motte built by Risteárd de Tiúit on lands granted by Hugh de Lacy. The motte which includes a bailey structure is a designated National Monument which stands at 166m above sea level with this being located at the head of the town. From the top of it and its immediate surrounds there are extensive views across the countryside including the land that comprises this appeal site.
- 2.3. The main site area on which the wind turbine is proposed to be located is also on a high point within its landscape setting. The surrounding landscape is characterised by its rolling topography in the vicinity of the site with generally much lower and flatter ground levels to the south, west and east. The surrounding fields contain deep drainage ditches with many contain water loving plants throughout. There are a number of residential dwellings within 1km of the site.

2.4. I observed that the taller buildings within the applicants milling plant on the southern portion of the site are highly visible within the wider landscape and are dominant features. There are no wind turbine structures within the visual curtilage of the site or within the wider landscape setting.

3.0 **Proposed Development**

3.1. A 10-year planning permission is sought for the following:

- A single wind turbine with a given maximum height of up to 169m together with all of the associated development works including turbine foundations, an entrance onto the public road and access track, hardstanding, reinstatement works.
- An underground electrical cable line (including section beneath R194, regional road) to connect to existing electrical switch room located within Kiernan Milling Mill Building and all associated development works.

3.2. I draw the Boards attention to the documentation submitted with this application including the accompanying Planning & Environment Report which under Section 1.1 sets out the components of the proposed development and that this includes temporary works on the R194 at Kiernan's Cross, Killeenatruan, Co. Longford. The public notice description also indicates that the proposed development would have an operational phase of 30-years. The planning application indicates that the applicant is the owner of the site in its entirety and it indicates that surface water drainage for the development sought would be provided by way of a soak pit.

3.3. This application is accompanied by the following documentation:

- Planning and Environmental Report.
- Outline Construction & Environmental Management Plan.
- Landscape and Visual Impact Assessment.
- An Archaeological, Architectural and Cultural Heritage Assessment.
- Appropriate Assessment Screening Report.
- Ecological Impact Assessment Report.
- Photomontages.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Longford County Council refused planning permission for the proposed development for the following stated reasons:

- “1. *The proposed site is in close proximity to Granard Motte and Bailey recorded monument LF 010-080001 (Castle – motte and bailey). The monument is subject to statutory protection in the Recorded Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. No thorough consideration or protection measures have been taken in relation to the protected status of the monument. Having regard to the close proximity of the site to a recorded national monument protected under Section 12 of the National Monuments (Amendment) Act, 1994, and the Longford County Development Plan 2015 -2021 policy HER1 and ARC 2 to protect such features, it is considered that the proposed development would seriously injure the settings of this feature and be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, by way of its size, design and location, would likely have a negative impact on the scenic, heritage and cultural value of listed view FS 14, and the landscape features of special historic and cultural interest protected under Policies LCA 1 & LCA 3 respectively of the Longford County development Plan 2015-2021. The proposed development and the precedent it would set, would therefore contravene this objective and, as such, would be contrary to the proper planning and sustainable development of the area.”*

4.2. Planning Authority Reports

- 4.2.1. **Planning Reports:** The planners report is consistent with the decision of the Planning Authority. This report concludes that the proposed wind turbine having been positioned at the highest point of the landholding and a high point in the general landscape will result in a negative visual impact on the surrounding landscape and would be visually intrusive in the surrounding landscape in terms of design and scale. It also considers that whilst the current reliance on fossil fuels needs to be reduced,

the negative impact of the proposed development in this case does not negate the renewable energy output. A recommendation for refusal is made.

4.2.2. Other Technical Reports

- **Roads:** No objection, subject to safeguards.
- **Heritage:** The Head Heritage Officer's report can be summarised as follows:
 - The site is located within a number of kilometres of Lough Kinale and Derragh Lough Special Area of Conservation and Special Protection Area which relates to protected bird species including migratory birds.
 - Lough Gowna, a proposed NHA is located to the northwest of the site.
 - Concern is raised that the accompanying EIAR notes that the site itself is not connected to designated sites via vectors, such as water bodies or hedgerows. However, an archaeological feature, the Black Pigs Dyke, linear earthwork, between Lough Kinale and Lough Gowna, lies 2.5km from the site and is manifested in the landscape primarily as an almost continuous line of hedgerows. A network which connects to this site. It therefore requires whether or not the proposed development may have an impact.
 - The assessment on migratory birds in the accompanying assessment report is noted. This report also indicates very little evidence of bats; however, it is indicated that a site visit was carried out in February, within the hibernation period, and as such the findings may not be reflective of the use of the site by different species of bats, which can travel substantial distances to feed and may instead be roosting in built structures within the vicinity.
 - The recommendation for a pre-construction review of the site is agreed with.
 - An additional bat survey during the summer/early autumn months would be beneficial.
 - Should permission be granted every effort should be made in the construction and operation phases to minimise the impacts on bird species, in particular migrating birds, alongside the presence of protected species need to be monitored.
 - This proposal includes removal of a number of trees and a section of trees on the R194. Should permission be granted a condition requiring additional supports for

native biodiversity should be required including repair and upgrading of the roadside hedgerow.

- The Record of Monuments and Places shows a very large number of identified monuments in the general vicinity of the site. Of particular relevance are two National Monuments: the Anglo-Norman motte and bailey castle complex to the east in the townland of Moatfield; and, the historic medieval church, graveyard and historic 'deserted town' of Granard to the south/south east of Granardkille.
- No recorded monuments are currently noted within the development site which represent a curiously clear area in a landscape densely populated with archaeological sites. Should permission be granted it is recommended that additional geophysical research be undertaken, and that archaeological monitoring be also undertaken to ensure that any archaeological sites discovered are appropriately managed in an efficient manner.
- There are a number of Protected Structures in the area which are likely to have a line of sight of the turbine.
- The construction and operation of the turbine will have a visual impact on views from and to the motte and bailey castle archaeological complex known as the 'Moat of Granard'.
- The site and the town of Granard are constructed on elevated ground levels on an otherwise flat landscape. The turbine will therefore be a dominant feature in this historic landscape, particularly when viewed from the south and east.
- Should permission be granted measures that reduce the visual impact of the turbine, both to and from Protected Structures and National Monuments.
- **Granard Municipal District Engineer Report** includes the following comments:
 - The bulk of the site is well off the public road and is therefore unlikely to impact the road.
 - Concerns are raised in relation to the site entrance proposed as it does not appear to provide for a sightline to the northeast (Granard town direction).
 - The wide entrance could easily be adapted to train vehicles exiting the site to a central point where adequate sightlines in both directions can be provided.

- No levels have been provided for the access track.
- Although the posted speed limit is 60kmph traffic at this location this speed is regularly exceeds this in both directions. Therefore, the adequacy of the sightline and drainage at the entrance needs to be confirmed.
- This report concludes with a request for further information.

4.3. Prescribed Bodies

4.3.1. **Irish Water:** No objection, subject to safeguards.

4.3.2. **Irish Aviation Authority:** No objection subject to consent, if granted, including a condition to agree an aeronautical obstacle warning light scheme with them; to provide to them with an as constructed coordinates in WGS84 format together with ground and tip height elevations at the wind turbine location; and, to notify them of intention to commence crane operations with a minimum 30-days prior notification of the erection of the wind turbine.

4.3.3. **Health Service Executive:** No objection, subject to safeguards.

4.3.4. **Fáilte Ireland:** This submission can be summarised as follows:

- The Irish landscape is one of the key assets for tourism in the country and it is essential that the quality, character, and distinctiveness of this valuable resource is protected.
- The siting and scale of the proposed development gives rise to serious concerns with the site being approximately 1500m west of Granard Motte and Bailey, which is a National Monument, dating from 1199. This Anglo-Norman fortification is the highest motte in Ireland and commands extensive views across the landscape to 9 neighbouring counties. This proposal would have a negative impact on the immediate setting as well as the amenity of this important heritage asset.
- The close proximity of the structure would also provide visual intrusion which would significantly detract from established historic views.
- Plans are underway and investment secured to develop a €3.8 million 'Norman Heritage Park/Village' visitor attraction set around the motte itself.

- It is envisaged that this visitor attraction would provide an immersive experience for visitors that will transport them back 800 years to experience how people of that era lived, worked, and played. The motte and the existing knights and conquests centre will form a key part of the attraction.
- This development is located within an area designated Landscape Unit 2 in the Development Plan where the sensitivity of the landscape is classified medium to high. Reference is had to the character assessment set out in the said plan which states: *“the concentration of heritage artefacts and features in the eastern section of this unit may warrant the designation of a specific historic landscape to ensure heightened public awareness and their continued protection”*.
- Reference is made to the policies and objectives of the Development Plan for the protection of the county’s archaeological protection.
- The proposed development would seriously detract from the value of the tourism amenities and the cultural heritage assets of the area.
- It requests that the proposed development be refused.

4.4. **Third Party Observations**

- 4.4.1. The Planning Authority received a significant number of 3rd Party submissions objecting to the proposed development. A number of these submissions are accompanied by petitions signed by significant numbers of persons purporting to be from the locality. Copies of all submissions are attached to file and I consider that the substantive concerns raised in them correlate with the matters raised by the observers in this appeal case.

5.0 **Planning History**

- 5.1. **The main area of the site located to the north of the R194:** No recent and/or relevant planning history.

- 5.2. **The area of the site to the south of the R194:**

P.A. Reg. Ref. No. 19-227: Permission was **granted** subject to conditions for a development consisting of: (a) the retention of a recently constructed Mill Production Facility as constructed with this facility being subject to previous grant of planning

permission (Note: P.A. Reg. Ref. No. PL15/115); (b) the existing onsite bored well for use as a potable water supply; (c) recently installed onsite proprietary wastewater treatment system with associated polishing filter to service the existing mill production facility; and, all ancillary works.

P.A. Reg. Ref. No. 15-116: Permission was **granted** subject to conditions for the retention of an existing gas storage tanks with associated bund wall located to the front of the site together with all ancillary works. It is indicated that this application relates to a development, which is for the purposes of an activity requiring a licence under Part IV of the Environmental Protection Agency (Licensing) Regulations, 1994 to 2003.

P.A. Reg. Ref. No. 15-115: Planning permission was **granted** subject to conditions for: (a) construction of a mill production facility; (b) construction of a 1,800 cubic meter lined lagoon for the collection of stormwater from the site; and, all associated site works. It is indicated that this application relates to a development, which is for the purposes of an activity requiring a licence under Part IV of the Environmental Protection Agency (Licensing) Regulations, 1994 to 2003.

P.A. Reg. Ref. No. 13-145: Planning permission was **granted** subject to conditions for the extension of an oat loading building.

P.A. Reg. Ref. No. 10-125: Planning permission was **granted** subject to conditions for an extension to the existing mill building facility.

P.A. Reg. Ref. No. 08-391: Planning permission was **granted** subject to conditions for the extension of existing animal feed mill facility capacity by the provision of a new standalone multi-species animal feed mill for the production of animal feeds and ancillary works.

6.0 Policy & Context

6.1. National Planning Provisions

6.1.1. Project Ireland - National Planning Framework 2040.

This document establishes the national objective of transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050, by

harnessing the considerable potential of wind, wave, and solar energy. The objectives relate to increases in renewable deployment in line with EU targets.

6.1.2. Ireland's Transition to a Low Carbon Energy Future, 2015 to 2030.

This document sets out a framework to guide energy policy provision involving transition to a clean and low carbon system. It references Directive 2009/28/EC and the obligations to meet energy targets set out therein. Including but not limited to by 2020 40% of the electricity generation sector will be from renewable sources with onshore wind making a significant contribution to meeting this target.

6.1.3. Climate Action Plan, 2019.

This document reinforces the importance of increasing wind capacity for electricity production including onshore provision.

6.1.4. Renewable Electricity Development Plan

This document seeks to facilitate informed decision making in relation to renewable energy infrastructure in Ireland.

6.1.5. Wind Energy Development Guidelines, 2006.

Relevant sections include:

- Section 3.8 deals with the matter of amenity designations and indicates that the visibility of a proposed wind energy development from designated views of prospects would not automatically preclude an area from future wind energy development but the inclusion of such objectives in a Development Plan is a material fact that will be taken into consideration in the assessment of a planning application.
- Section 5.6 deals with the matter of noise impacts, which it indicates should be assessed by reference to the nature and character of noise sensitive locations i.e. any occupied house, hostel, health building or place of worship and may include areas of particular scenic quality or special recreational importance. In general, it recognises that noise is unlikely to be a significant problem where the distance from the nearest noise sensitive property is more than 500m.
- Section 5.12 notes that careful site selection, design and planning and good use of relevant software can help to reduce the possibility of shadow flicker in the first

instance. It is recommended in that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day. The potential for shadow flicker is very low at distances greater than 10 rotor diameters from a turbine.

- Chapter 6 relates to aesthetic considerations in siting and design. Regard should be had to profile, numbers, spacing and visual impact and the landscape character. Account should be taken of intervisibility of sites and the cumulative impact of developments.
- Section 6.8 indicates that where possible, the perception from more sensitive viewpoints, of turbine blade sets cutting the horizon should be avoided.
- Section 7.4 indicates that conditions on wind developments within close proximity to Recorded Monuments and sites including the relocation of turbines in order to minimise impact on the archaeological heritage and/or the creation of a buffer zone.

6.1.6. **Draft Wind Energy Development Guidelines, 2019.**

In the assessment of wind energy development proposals, a planning authority may consider a range of identified issues including environmental assessments, grid connection details, geology and ground conditions, drainage and hydrological effects, landscape and visual impacts, impacts on ecology, archaeology and roads.

6.1.7. **The National Climate Change Adaption Framework, 2018.**

This document sets out the national strategy to reduce the vulnerability of the country to the negative effects of climate change and to avail of the positive impacts.

6.2. **Regional Planning Context**

- **Regional Spatial and Economic Strategy, 2020 to 2032.**

This document sets out ten national strategic outcomes with number eight identified as 'Transition to Low Carbon and Climate Resilient Society' and it reiterates the National Climate Policy Position which establishes the national objective of achieving a transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050 and it recognises that on-shore wind as one of the renewable focused energy generating systems.

This document indicates under Growth Ambition 1 that: *“energy is needed for economic growth, and access to affordable and reliable energy is an essential development objective. Historically most incremental energy demand has been met through fossil fuels, however in future that energy will have to be low carbon and ultimately zero-carbon. Decarbonisation can and needs to happen and it is an objective of the NPF that Ireland becomes a Low Carbon Economy by 2050. This reflects the Governments 2014 National Policy Position on Climate Action and Low Carbon Development and is also a binding EU requirement”*.

On the matter of tourism it recognises this one of the regions core assets and it indicates that: *“sustainable development and promotion of a successful well managed tourism industry is critical to the economy of the region”*; and, that: *“providing a sustainable framework to tourism development will ensure adverse impacts upon local communities, archaeology, built heritage, landscapes and habitats are minimised while at the same time ensuring economic benefits accruing to local economies are maximised”*.

Section 5.6 sets out that the distinctive cultural heritage is a key asset that presents a competitive advantage to the region in encouraging economic activity and the regions reputation is reinforced through its archaeology, historic buildings and so forth.

Number 7 of the ten national strategic outcomes is enhanced amenities and heritage.

6.3. Local Planning Context

- 6.3.1. **Longford County Development Plan, 2015 to 2021**, as amended, is the applicable Development Plan.
- 6.3.2. Under the Development Plan this appeal site is comprised of land that to the south and in the immediate vicinity of the Longford Road forms part of land within the settlement boundaries of Granard and are zoned industrial. The northern most section of the site on which the wind turbine is to be sited is un-zoned forming part of open countryside.
- 6.3.3. The site forms part of LCU 2 – Northern Uplands landscape designation and is of medium to high landscape sensitivity.

- 6.3.4. Section 2.1.6.3 of the Development Plan sets out the Settlement Hierarchy for the County and identifies Granard as a 'Key Service Town'.
- 6.3.5. Section 5.5.2 of the Development Plan deals with the matter of Renewable Energy.
- 6.3.6. Section 6.1 of the Development Plan deals with the matter of Conservation & Preservation of the Environment.
- 6.3.7. Section 6.2 of the Development Plan deals with the matter of Heritage with Section 6.2.1 dealing specifically with the matter of archaeological heritage.
- 6.3.8. Appendix 5 of the Development Plan sets out areas of windfarm potential within the county.
- 6.3.9. Appendix 6 of the Development Plan sets out the protected views, prospects, and scenic routes within the county.
- 6.3.10. Appendix 7 of the Development Plan sets out the Recorded Monuments of Historical and Cultural Interest within the county.
- 6.3.11. Appendix 8 of the Development Plan sets out the NHAs, SACs, SPAs and CGSs within the county.

6.4. Development Contribution Scheme

- 6.4.1. Longford County Councils Development Contributions Scheme is applicable.
- 6.4.2. Under Section 2.5.4 it indicates that industrial wind turbines will be levied in accordance with the charges applied in Table 2(H) and it also indicates that there is 66% normal rate reduction for temporary permissions of a 10-year duration.
- 6.4.3. Under Section 2.5.2 it indicates that the rates will be adjusted on the 1st day of January each year based on the latest wholesale Price Index for Building & Construction.
- 6.4.4. Under Section 2.5.5 it is indicated that the settlement of Granard is one of the nominated incentivised areas where commercial and industrial development shall qualify for a 20% reduction. In this regard the location the wind turbine is outside the settlement boundary of Granard.

6.5. Natural Heritage Designations

- 6.5.1. This appeal site does not form part of nor does it adjoin any European sites. The nearest such site is located c4.4km to the south (Note: Special Area of Conservation:

Ardagullion Bog SAC (Site Code: 002341)) and c6.2km to the east (Note: Special Areas of Protection: Lough Kinale & Derragh Lough SPA (Site Code: 004061)).

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The 1st Party Appeal can be summarised as follows:

- Adequate regard has not been had to the documentation submitted with this application.
- There is a universal urgency of transitioning to low-carbon and renewable energy sources.
- Chapter 9 of the National Planning Framework and National Policy Objective 55 are referenced.
- The Regional Spatial and Economic Strategy, 2019 to 2031, under Objective RPO 4.79 advocates diversification of rural economies.
- The proposed development will provide a local indigenous renewable energy source and will allow the applicant to significantly reduce both greenhouse gas emissions and non-renewable energy at their milling plant.
- The applicants milling operation is described as a considerable energy consumer.
- This development will make a significant contribution to the local economy and employment as well as help to maintain the future viability of this milling business.
- This development accords with relevant planning provisions.
- The proposed development would not have a significant adverse effect on the any designated and protected archaeological, architectural and/or cultural heritage within its landscape setting.
- Scenic View FS 14 runs from east to west along the L53133 local road and provides expansive views to the south and south west looking across the lower lying plains of south County Longford and County Westmeath. This route is contended to be quite an enclosed route with significant vegetation along roadsides particularly along its northern side which limits its views towards the proposed development.

- The level of human influences within this landscape reduces the overall visual impact.
- It is not accepted that the proposed development would have a significant effect on the scenic, heritage and cultural value of Protected View FS 14.
- The proposed development sought accords with the proper planning and sustainable development of the area. The Board is therefore requested to overturn the decision to refuse planning permission in this case.

7.2. Planning Authority Response

7.2.1. None.

7.3. Observations

7.3.1. The observation received by the Grandardkill Residents Group on the 7th day of September, 2020, can be summarised as follows:

- Procedural issues are raised in relation to the Planning Authority's handling of this application.
- Significant number of submissions were received during the course of the Planning Authority's determination objecting to the proposed development.
- Granard area is part of Ireland's Hidden Heartlands and the motte development of a 15-acre Norman living history village is set to become their flagship project which would complement Centre Parcs in Longford Forest.
- Reference is made to the planning history of the site.
- This proposal is for economic advantage of the applicant only but would result in an enduring cost to local residents, the community, landscape, and wildlife.
- No public consultation was arranged prior to the submission.
- Concerns are raised in relation to the applicants planning history which is contended to include unauthorised development and non-compliance with conditions attached to grants of permission.

- It is contended that the windier part of the year lasts for 5.1 months, i.e. from October 26th to March 31st, with average speeds of 12.1 miles per hour and the remainder of the year is calmer with average 10.2 miles per hour wind speeds. Such wind speeds may be suitable for a smaller wind turbine but are not for a wind turbine of this scale and height.
- 14 of the homes out of those shown in the Shadow Flicker Modelling would be affected with shadow flicker for more than 30 minutes which is more than that recommended in the Wind Energy Guidelines in the worst-case scenarios.
- The Development Plan maps this area as one of high visual sensitivity.
- No reference provided in relation to the height of buildings on the applicants site for reference purposes.
- This wind turbine would be visible for over 25km away which is unacceptable.
- The proposed development would result in devaluation of property in its setting.
- The proposed development would diminish the residential amenity of properties in the area as well as would give rise to serious health issues.
- The applicant submits that they have carried out a noise and vibration impact estimation but the results, the methodology used, and a legible document has not been provided. It simply states predicted noise levels of between 27.8dB and 38.dB with no adequate information to indicate where these limits were recorded and in relation too.
- This area is known to have been inhabited since Mesolithic times and it is requested that lidar examination of the land is carried out prior to the making of any decision.
- The images and photomontages given provide a false impression and are taken from the points where hedges and foliage block view. It is further considered that they do not provide a proper assessment of visual impact on the Recorded Monument.
- This development will have a significant impact on the Old town of Granard, Recorded Monument (Note: LF010-078001). This once existed in the townland of Granardkille and was burnt down by Edward the Bruce in 1315.

- The ground level of the new wind turbine location is 108.24m above sea level and when taken together with the height of the turbine it will result in the tip of the turbine being 277.24 above sea level. This in the context of its surroundings, including nearby houses and the Recorded Monument would be visually detrimental.
- Reference is made to the Wind Energy Development Guidelines which recommends a setback of 4 times the height of the turbine from the nearest residential property and subject to a mandatory minimum distance of 500m.
- Sightline and drainage concerns are raised.
- The area of works associated with the R194 which is outside of the site has not been adequately described.
- There are no mitigation measures that would reduce the adverse visual impact this development would have on its landscape setting.
- This development will have significant impacts on the view from the Motte and Bailey and would have the potential to impact on its tourism potential as well as the tourism potential of the area.
- Investment and protection of our National Monuments is more important to future generations than an industrial wind turbine that has no benefit to the local community.

7.3.2. The observation received by Linda Higgins on the 4th day of September, 2020, can be summarised as follows:

- It is contended that the proposed development would result in serious impacts in terms of the observers health and wellbeing; their enjoyment of their family home; on local residents and the community; on the areas tourism potential; on the visual amenities of its landscape setting; through to local wildlife.
- It is questioned if this site is actually suitable for a wind turbine and it is not included in the Development Plan as an area in which there is potential for such developments. It is also not in an area of wind potential as identified by Wind Atlas for Ireland by the SEI.
- The landscape sensitivity of this area is classified in the Development Plan as Medium to High.

- If permitted, it should be condition to operate during the daytime hours only.
- Why did the applicant not consider other sources of renewable energy.
- This proposal only benefits the applicant and has no community benefit.
- The applicant did not arrange any public consultation prior to the making of this application.
- This development is not appropriate in such proximity to established residential areas in Granardkill.
- The height of the wind turbine is excessive and out of proportion with existing natural features and development within this area. It would also be visually intrusive, unsightly and it would be a dominant feature in its landscape setting.
- The proposed development, if permitted, would sterilise a vast area of farmland and land for potential future residential development.
- It is questioned whether the Roads Authority and private landowners have been consulted for the works on the R194 and the temporary works proposed at 'Kiernan's Forge'.
- This development could result in public road safety issues during construction.
- It is questioned if the sightlines are adequate.
- What safety considerations have been included as part of the construction, maintenance, and operation of the proposed development.
- Concern is raised that there are numerous reports of adverse health impacts associated with wind turbine developments.
- The observer's home would be considered to be one of the properties in the worst-case scenario in terms of residential impact.
- There are numerous built heritage sensitive sites in the vicinity of the site.
- It is requested that the Councils grounds of refusal be supported.
- The appeal submission fails to address the Planning Authority's concerns.
- Should the Board be minded to grant permission it is sought that conditions are imposed to deal with the concerns raised in this submission.

8.0 Assessment

8.1. Preliminary Comment

- 8.1.1. Having reviewed all the documentation on site I raise a concern that the applicant has not provided all relevant consents for the making of this application and for the scope of works proposed.
- 8.1.2. Of particular concern is that the applicant has indicated that the red line area of the site and the land within their legal interest includes the R194 regional road. I raise question marks that this is the case and I also question why there is no consent sought by the applicant for the consent of the Road Authority to make an application which seeks a proposed development that will require works to the carriageway and road side verges of the R194.
- 8.1.3. Should it be the case that the R194 is not in the ownership of the applicant then it could be further argued that the applicant in this case has inaccurately depicted the land within their actual legal interest, i.e. the red line and blue line areas are both incorrect. Arguably in such a situation it may have been more appropriate that two concurrent applications were made alongside obtaining the consent of the Road Authority to include lands associated with a public road.
- 8.1.4. Moreover, the proposed development in order for the wind turbine to reach the destination of the site itself which would appear to require other interventions to the public road network and private land in the immediate vicinity of 'Kiernan's Forge'.
- 8.1.5. Again, I raise a concern that no consent for these works have been provided as part of this application from the public and private landowners affected. Nor does this application indicate that these works may be subject to a separate planning application if permission is granted for the development sought under this application.
- 8.1.6. This concern is coupled with the lack of clarity and adequate details provided with this application in relation to the nature and scope of such works which makes it difficult in my opinion to make an assessment on these associated and integral components of the proposed development sought under this application.
- 8.1.7. Should the Board reach a conclusion to grant planning permission for the development sought I recommend that these matters are addressed prior to reaching any conclusion.

- 8.1.8. I also raise a further concern in relation to the adequacy of the public notices provided for the proposed development in that they make no mention of the fact that the proposed development sought includes permission for temporary works on the R194 at Kiernan's Cross. I raise it as a significant concern that this component of the development is excluded from the public notices yet such works are highly probable to cause inconvenience to road users at the very minimum with those in the immediate vicinity of these works being particularly impacted. During these works the operational capacity of this junction will also be impacted and should the works to the public road including any reinstatement works not be completed to an appropriate standard this could also give rise to potential road safety and traffic hazard issues for road users. Moreover, I cannot see in the absence of including these works and the land associated with them as part of a planning application how these works could be reasonably granted, conditioned, or enforced should conditions not be adhered to.
- 8.1.9. While I am cognisant that the Planning Authority validates a planning application with the procedures for this validation process set out under Article 26 of the Planning & Development Regulations, as amended. This including examination of the adequacy of the public notices in this case I am not satisfied that the public notices set out in brief the various components of the development sought by excluding these temporary road works and associated lands. It is not reasonable in my view to exclude a component of development that this proposal includes and is reliant upon. Crucially, a lay person could not reasonably assume that works c16.5m remote from the site would form part of this development.
- 8.1.10. I therefore raise a concern that the newspaper notice, for which Article 18 of the said Regulations provide; and, the site notice for which Article 19 of the said Regulations provide, that these public notices are not adequate in this case in informing the public of the actual proposed development and to alert them to its nature and extent.
- 8.1.11. A further concern I wish to raise relates to the Wind Energy Development Guidelines, 2006. These Guidelines states that all such applications be accompanied by a detailed geological assessment of the site, the overburden, and the bedrock. There is a general overview provided within the accompanying Planning & Environment Report which indicates that the development site itself is not underlain by complex geology such as peat or karst. It also indicated that the site is underlain with till derived from lower Palaeozoic sandstones and shale. It concludes that the site is not sensitive

or are there any complex geological features present that are likely to be affected by the proposed development sought under this application.

- 8.1.12. Of concern no actual examination by way of core drilled samples and the like have been carried out to provide detailed clarity on the same. Whilst I note that the construction phase of the development includes excavations to a depth of 3m for the turbine foundations with lesser trenches for the electrical cables ranging in depths from c1m to c0.5 and that the proposal is for one, albeit substantial in density, height and scale turbine structure I nonetheless raise a concern that the geological assessment that is provided is informed by extremely general information.
- 8.1.13. Therefore should the Board be minded to seek further information I recommend that the Board as a precaution seek a geological/geotechnical assessment of the site as part of facilitating a full assessment of this application, particularly should they be minded to grant planning permission. I also consider that an in-depth geophysical survey should have informed the placement of the foundations for the wind turbine alongside archaeological test trenching given the built heritage sensitivity of the Townland of Granardkill.

8.2. Background

- 8.2.1. By way of this planning application a ten year planning permission is sought for a single turbine with a stated maximum height of 169m together with all associated site development works which are indicated as including the provision of an access from the R194 by way of widening an existing road entrance, the provision of foundations for the turbine structure and all associated hard standing.
- 8.2.2. It also includes the provision of an electrical cable line which would run from the location of the wind turbine to connect with an existing electrical switch room located within the Kiernan Milling Mill complex, with this including a section running underneath the R194, Regional Road, for c250m and temporary works on the R194 at Kiernan's Cross which is in the townland of 'Killeenatruan', with the 15.485ha site located to the west of the settlement of Granard, County Longford.
- 8.2.3. In addition, the public notices setting out the proposed development also indicate that the works would have an operational phase of 30 years.
- 8.2.4. On the 14th day of July, 2020, the Planning Authority, Longford County Council issued a notification of their decision to refuse planning permission for the proposed

development for reasons relating to adverse impact on the setting of a Recorded Monument and the size, design and location of the proposed development would have a negative impact on protected views as well as landscape features of special historic and cultural interest.

8.2.5. A first party appeal has been received by the Board contending that the reasons given by the Planning Authority is unreasonable and unwarranted contending that the proposed development is consistent with the proper planning and sustainable development of the area. As such they seek that the decision is overturned.

8.2.6. Two separate observations have been received by the Board both supporting for various reasons why the decision of refusal should not be overturned but also seeking that other concerns are given consideration by the Board in their *de novo* assessment of the proposed development. In particular but not limited to the residential impact of such a development, procedural matters through to the adequacy of the documentation submitted.

8.3. **Overview of Assessment**

8.3.1. I consider that the issues arising in this appeal case can be assessed under the following headings:

- Principle of the Proposed Development
- Heritage and Related Matters
- Visual Amenity Impact
- Residential Amenity
- Roads and Traffic
- EIA Screening
- Appropriate Assessment
- Other Matters Arising

8.4. **Principle of the Proposed Development and Policy Context**

8.4.1. As set out in the policy & context section of this report the importance of renewable energy is clearly acknowledged at a national, regional, and local level. This importance is also acknowledged beyond the national level and of particular relevance

at a European level. As such there are a wide array of planning policy provisions that support and promote the transition to a low carbon and climate resilient society with Ireland having committed to producing at least 16% of all energy consumed by 2020 from renewable sources including wind power.

- 8.4.2. Under the National Planning Framework, National Policy Objective 55 seeks to “*promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.*”
- 8.4.3. In the White Paper - Ireland’s Transition to a Low Carbon Energy Future, 2015-2030, the significant role and contribution of onshore wind in this transition is recognised and it is detailed that to achieve the 2020 40% target, with the average rate of build of onshore wind generation needing to increase to up to 260MW per year.
- 8.4.4. This is further endorsed in the Climate Action Plan which stresses the importance of decarbonising electricity consumed by harnessing the significant renewable energy resources. In order to meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 70% comprising of up to 8.2 GW total of increased onshore wind capacity (indicative figure).
- 8.4.5. The Longford County Development Plan under Section 4.2 indicates that renewable energy that support businesses and employment will be supported. In addition, under Section 5.5.2.1 of the Development Plan which deals with the matter of wind energy it indicates that: “*Longford, like many other counties, provides good opportunities for the harnessing of wind energy*”; and, that: “*the wind energy potential available within the County is 3,120MW²⁹ of power per annum*”.
- 8.4.6. It further indicates that this would account for 2.3% of the state’s wind energy potential and the Development Plan indicates that given the size of the county this is substantial going on to state: “*in attempting to achieve a more sustainable way of living in the County, acknowledging the need to respond to climate concerns and recognising the growing difficulties associated with continues use of fossil fuels, it is accepted that the demand for wind energy will increase over the plan period*”.
- 8.4.7. In assessing applications like this Policy RE 5 indicates that regard as part of the assessment will be had to national planning documents and guidance. With Section 5.5.2.1 indicating that this will include the Wind Energy Guidelines for Planning

Authorities and that in general the Council will look favourably on the development of applications that seek to harness wind energy subject to such applications demonstrating that they are consistent with proper planning and sustainable development of the County. This section of the plan also indicates that the impact of such developments varies depending on the location of the site together with the number of turbines, layout, size, design, and colour.

- 8.4.8. Under Appendix 5 of the Development Plan the area of the county that have been determined as having potential for the harnessing of wind power are identified. The Development Plan indicates that these areas have been selected in line with the areas of wind potential identified in the Wind Atlas for Ireland produced by Sustainable Energy Ireland.
- 8.4.9. Policy WD 1 of the Development Plan indicates that such developments will be encouraged to locate to those areas identified under Appendix 5.
- 8.4.10. Having regard to Appendix 5 I note to that the site itself is not located in an identified preferred location and as such this also gives rise to a further concern in relation to compliance with Policy RE 2 which seeks that such developments be located in areas of significant wind energy potential. As outlined Appendix 5 and the preferred locations identified thereon were selected in line with wind potential identified in the Wind Atlas for Ireland. As such it cannot be considered that the site itself is one which has a significant potential, and it is probable that the scale of the wind turbine proposed reflects this fact.
- 8.4.11. In addition, Policy RE 2 of the Development sets out the criteria that shall be used in the assessment of potential sites for the development of alternative energy sources. With these criteria alongside significant wind energy potential which I have already noted including accessibility to the national grid. Which I note is not a concern in this case as the proposal is to harness a renewable source of energy for sole use within their milling business. The suitability of the site having regard to land uses and the measures to minimise impact on other development.
- 8.4.12. There are further matters that the Development Plan seek to assess in making a determination on applications for wind developments and whilst these are written with multiple wind turbine applications in mind given the nature through to the scale of the

single turbine sought in this location it is reasonable in my view that regard is had to them.

- 8.4.13. As such I note that Policy WD 4 of the Development Plan seeks a wide array of matters to be considered including: 1) the visual impact; 2) design; 3) impact of associated works; 4) construction; 5) proximity to dwellings; 6) potential for interference with navigation, television and communication signals; 7) decommissioning; 8) sensitivity of locations of folklore; 9) location of water bodies; and, 10) outlining any future extensions.
- 8.4.14. In terms of land use the southern portion of the site forms part of land zoned for industrial land uses under the Development Plan whereas the northernmost portion of the site lies outside of the settlement boundaries of Granard in open countryside. Section 4.1 of the Development Plan indicates that new industry and employment generating enterprises will be encouraged to locate in towns and villages where adequate infrastructure exists.
- 8.4.15. Notwithstanding, it also indicates that industries related to agriculture and other land uses or tied to a fixed resource as well as large scale industries requiring extensive sites will be acceptable in rural locations.
- 8.4.16. In general, it indicates that there should be no adverse impacts on the environment or on neighbouring amenity and subject to proper planning and development considerations as well as that effects on the environment, safe access and residential amenities all requires consideration in all applications for rural enterprises. With Section 4.2 indicating that whilst the Council will support continued economic growth this will be subject to such developments being in appropriate locations in a spatially balanced manner.
- 8.4.17. Moreover, Policy and Objective ECON 13 of the Development Plan requires such applications to be accompanied by an assessment of the compatibility of the proposed development to adjacent land uses and existing development. Where necessary mitigation measures should be included to preserve and protect their amenity.
- 8.4.18. Of concern this arguably is not robustly examined in the assessments provided with this application nor have any substantive mitigation measures being included.
- 8.4.19. Whilst I acknowledge that the proposed development would be synergistic to the applicant's industrial operations on the southern side of the R194, i.e. Kiernan's Milling

Mill, in my view, the documentation included with this application provides no examination of whether or not the proposed development would result in adjoining and neighbouring zoned land within the settlement boundaries of Granard being adversely impacted upon.

- 8.4.20. In particular other industrial zoned land, established residential and recreation/amenity & green space zoned land.
- 8.4.21. Arguably a wind turbine of the nature and extent proposed would have a significant impact on the potential for these zoned lands. Particularly those that have yet to be developed or for which consideration may have been given to during the duration of which this temporary grant of permission is sought.
- 8.4.22. I am also cognisant that throughout the Development Plan it advocates the sequential approach to land use planning which is consistent with national planning provisions.
- 8.4.23. Equally, the energy generated would be solely for the applicants use at their mill operations and would not provide any added energy resilience for existing and future energy users in the surrounding area.
- 8.4.24. Thus, it would not be a factor in encouraging the co-location of other industrial developments to this location and it is also not a type of development at this scale that would be attractive to future residential developments in its proximity.
- 8.4.25. Taking these considerations into account I am not satisfied that the applicant has failed to demonstrate that the proposed development would not adversely impact upon the future development potential of adjoining and neighbouring zoned land within the settlement boundaries of Granard outside of their ownership.
- 8.4.26. The site itself is located within a landscape setting that is identified as being of medium to high landscape vulnerability.
- 8.4.27. Under Section 6 of the Development Plan it indicates that the Council are committed to identifying, protecting, and enhancing the county's landscape. With any development on this site which is an elevated site within its surrounding landscape setting being potentially visible from not only Recorded Monuments, a Protected View through to places of cultural and built heritage interest. Therefore, the site's setting is in my view sensitive to change.

8.4.28. Further, the immediate context of the site is one that is extremely rich with identified archaeological sites with the potential of this area in adding to the tourist assets as well as economy of this area not fully realised as well as the potential for further significant archaeological finds a real possibility.

8.4.29. While I consider that the general principle of the proposed development accords with national and regional planning policy, alongside supported subject to safeguards as part of industrial development. Notwithstanding, I consider that having regard to the local planning context issues raised above that there is a general presumption against this type of development at this locality and that the proposed development gives rise to a number of other general planning concerns on whether it accords with the proper planning and sustainable development of the area. These require further examination. Therefore, the following sections of this report assesses the merits of the proposed development in further detail.

8.5. Heritage - Archaeology

8.5.1. This appeal site is located within a landscape setting that has a long and rich history of human settlement. This history is quite evident having regard to the significant archaeological built heritage within its immediate and wider setting which includes a proliferation of Recorded Monuments, several structures that are listed in the National Inventory of Architectural Heritage (Note: NIAH) and also National Monuments. These are afforded a variety of protections under local through to national planning policy provisions.

8.5.2. In relation to the Planning Authority's decision to refuse planning permission for the development sought they considered that the chosen site for the mast is located in close proximity to Granard Motte and Bailey. This archaeological monument is afforded protection as a Recorded Monument and National Monument. Such structures are afforded statutory protection under Section 12 of the National Monuments Act, 1994, as amended, with the Development Plan indicates is in state guardianship.

8.5.3. The Planning Authority in their first reason for refusal raised concerns that no thorough consideration or protection measures have been taken in relation to the protection of Granard Motte and Bailey.

- 8.5.4. Having had regard to the development sought and the close proximity of the mast structure to this recorded national monument the Planning Authority considered that to permit the proposed development would result in serious injury to the setting of this feature in a manner that would fail to accord with the provision sets out in the Development Plan.
- 8.5.5. In particular it notes general heritage policy and objective HER 1 which states that: *“the Planning Authority shall promote the protection and conservation of heritage sites, artifacts and monuments and the integrity of their setting”* and archaeological heritage policy and objective ARC 2 which states that: *“it is an objective of the Council to protect the integrity of the setting of archaeological sites, structures, monuments and objects in the County”*.
- 8.5.6. For these reasons, the first reason for refusal concludes that the proposed development would be contrary to the proper planning and sustainable development of the area.
- 8.5.7. The appellant is of the view that this reason for refusal is unwarranted and unreasonable in their grounds of refusal.
- 8.5.8. The application itself is accompanied by an archaeological, architectural, and cultural heritage assessment. This assessment does set out the location of the turbine relative to the significant built, archaeological, and cultural heritage features that are afforded protection within the area. It is accompanied by maps and in-depth desktop analysis. It does appear that an inspection of the site and its landscape setting was conducted by the author. In general, I consider that the assessment is a quite detailed in its content and analysis.
- 8.5.9. This report concludes that there are no recorded monuments within the proposed site area but that there are 22 within a 1km radius of their study area; that there are no archaeological features recorded on historic cartographic sources of the proposed development area and that no archaeological features were revealed within the proposed development area as a result of carrying out the walkover survey.
- 8.5.10. In relation to architectural and cultural heritage it indicates that there are 33 Protected Structures within 3km of the study area with two located within c1.25km of the access road (Note: Ballymacroly Corn Mill RPS No. 86 and Ballymacroly Mill House RPS No. 87).

- 8.5.11. It further indicates the presence of 53 buildings within a 3km area listed within the NIAH with the majority of these located within the settlement of Granard and that no architectural and/or cultural heritage features were recorded on historic cartographic sources within the proposed development area nor were any visible during the walkover survey.
- 8.5.12. This report concludes that the proposed development will result in a likely imperceptible to not significant cumulative visual impact on archaeology and architectural resources. In relation to the effect on cultural heritage it considered that there will be no cumulative operational adverse impact thereon.
- 8.5.13. In terms of mitigation measures it recommends that a geophysical survey be carried out within all areas of land take associated with the proposed development under licence as well as recommends archaeological test trenching to be carried out under licence within all areas of land take associated with the proposed access track and turbine.
- 8.5.14. It indicates that there are no mitigation measures available to offset the imperceptible to not significant operational visual effect on the archaeological resource of the sites landscape setting.
- 8.5.15. Similarly, it further indicates that there are also no mitigation measures available to offset the imperceptible to not significant operational phase visual effect on the architectural resource and there will be no operational effect on the cultural heritage resource.
- 8.5.16. Taking all of the factors of their study findings into consideration it indicates in its final conclusion that the proposed development will have no significant effect upon features of archaeological, architectural, or cultural heritage interest.
- 8.5.17. Having inspected the site and its setting I do not concur with the conclusions of the applicants archaeological, architectural and cultural heritage assessment and I would share the view of the Planning Authority that the proposed wind turbine which is the principal component of this proposal, with its given 169m height, a hub height of 105.5m and blade length of 63.5m built insertion whose visibility would be added too when it is in operation due to its blades being in motion. Arguably its presence in its immediate locality would be also added to by its elevated position in the landscape

through to noise and its movement during operation. Both having the potential to further diverting a person's attention.

- 8.5.18. Such a significant built insertion would in my opinion be a highly visible and visually incongruous feature in what is archaeologically, architecturally and culturally highly sensitive to change setting alongside forming part of a landscape that is also recognised within the development as being of medium to high vulnerability in terms of its sensitivity to change. This is by way of its location in an area designated within the Development Plan as 'Landscape Unit 2'.
- 8.5.19. In relation to the Granard Motte and Bailey, Recorded Monument, LF 010-080001 (Castel - Motte and Bailey), I am of the view that the wind turbine would be highly visible as well as would be a visually incongruous new insertion within the landscape setting of this monument where there are no comparable such structures or indeed man-made structures of such a significant height.
- 8.5.20. This monument dating back to 1199 when it was built by Norman Knight Richard de Tuite and it is part of an initiative to extend the yet to be untapped potential of the archaeological wealth in this area and it is considered to be one of the best examples of its type in the country. It is also recognised as one of the highest surviving such monuments in the country also.
- 8.5.21. In July of 2020, works began on a new €3.8million Norman Heritage Park in Granard with initial works involving archaeological test pits. The aim is to provide a flagship tourist attraction for north county Longford that would also synergise with other initiatives like the aforementioned Knights and Conquests Heritage Centre. It is hoped upon the completion of this initiative that c40,000 visitors would be attracted to it per year and that it would sustain employment for c25 to 30 persons between it and spin off economic benefits to this locality.
- 8.5.22. Moreover, it is situated in close proximity to Granard's Knights and Conquest Heritage Centre which opened in 2018. This centre contains a museum and also provides heritage tours in its locality. As such it is inevitable that these attractions and the wealth of archaeological, architectural, and cultural heritage features of interest within what is a relatively small area would synergise with one another.
- 8.5.23. I acknowledge that this would be a significant initiative that would bring a plethora of positive impacts to this locality socially through to economically. It would also add a

great understanding and appreciation of the rich archaeological, architectural through to cultural heritage of this area.

- 8.5.24. It would also be a type of development that would accord with Development Plan which essentially indicates that the County will facilitate, where appropriate, provision of high-quality products and services within the county. As well as policy and objective TOU 6 which also indicates that the Council will promote and facilitate sustainable utilisation of existing historical and cultural assets for tourism purposes that will act as key economic drivers capable of stimulating further growth and development opportunities.
- 8.5.25. This policy and objective considers that this will benefit the tourism assets and in terms of settlements this can positively contribute towards urban generation, creating employment opportunities, enhanced social inclusion, wellbeing through to reducing poverty.
- 8.5.26. In time developments like the Norman Heritage Park could be the catalyst to provide further examination of the yet to be fully understood heritage within this area. Including the archaeological heritage that surrounds the site itself. This includes but is not limited to several Recorded Monuments Classification 'RATH' (Note: LF00302; LF00296; LF00275; LF00278; LF00269; LF00267; LF00268, LF00294; LF00295, LF00301, LF00271); 'MOBY' (LF02082), 'SEDE' (Note: LF00303); 'HOUS' (Note: LF02003); 'MOTT' (LF00307); 'LEAN' (LF03023); 'RGBA' (Note: LF00294); 'ENCL' (Note: LF00258), 'EXMI' (Note: LF02845); 'CHUR' (LF00280); 'GRAV' (LF02032); 'BATT' (Note: LF03016) through to 'SOUT' (Note: LF02458). Thus, the investment that would arise from the likes of the Norman Heritage Park and its synergy with the Knights and Conquest heritage centre could provide the basis and justification for further exploration of the yet to be fully examined archaeology in this area.
- 8.5.27. It would also appear that the Townland name of Granardkill/Granardkille derives from this locality being the original location of the Anglo-Norman borough of Granard with archaeological excavations that have occurred in this area indicating that its settlement extended over several acres. As such there is likely to be further undiscovered archaeology in this area.
- 8.5.28. Overall the ongoing investment in built heritage based tourism in this area has the potential to further enhance the economy of this locality, the county itself which

unfortunately suffers high unemployment rates and would add to the draw of the tourist area referred to as the 'Hidden Heartlands'.

- 8.5.29. In relation to architectural heritage I consider that the proposed development would also be visible from Protected Structures within its vicinity, including but not limited to those identified by the Planning Authority's thus altering and diminishing their visual curtilage from which they can be appreciated. On this matter I note that the Development Plan under policy and objective RPS 1 indicates that the Council will seek to ensure the protection of Protected Structures in part by controlling development which would alter their character of protected.
- 8.5.30. I also raise caution to the insertion of a wind turbine structure of such a significant height into such a landscape so rich in its built, archaeological through to cultural heritage and one that is recognised as being of medium to high vulnerability to change. I therefore share the view of Fáilte Ireland that in time this unique landscape warrants more robust specific designation that would not only heighten public awareness of it but also help to ensure its continued protection for future generations.
- 8.5.31. Moreover, in terms of the insertion of a wind turbine of the height proposed, in my view there is little that could be done to mitigate against the visual impact of the proposed wind turbine in its setting due to this area's sensitivity as discussed alongside the fact that the site chosen is highly elevated.
- 8.5.32. Potentially the applicant could have examined less visually impactful green energy generation solutions such as solar pv. This latter option having regard to the extensive roof structures present within the complex of buildings associated with Kiernan's Mill alongside having regard to the fact that these roof structures towards the west and south of the site particularly are largely unobstructed by extensive shadowing.
- 8.5.33. As part of the documentation there is no justification provided for the type of renewable energy chosen nor is there any examination particularly given that it would be located in an area that would not be considered to have significant potential for wind generation what expected outputs it would have, for example based on average winds recorded on a month to month basis alongside factoring in climate change and how this has impacted wind speeds in this area in recent times.
- 8.5.34. Having regard to the greater good of protecting this landscape setting as a valuable resource for enhancing the socio through to economic growth of the local community

of Granard and wider a field from tapping into its latent potential to become a significant tourist destination in north county Longford I consider that this should take precedence over private interests despite the benefits there are in reducing reliance on fossil fuel for energy consumption.

- 8.5.35. Indeed, this potential is arguably recognised by the Development Plan under tourism policy and objective TOU 20 which identifies ‘Granard’ and ‘Granardkille’ as being locations with latent potential for ‘honey pot’ tourism developments due to the unique features that they possess that would be attractive to further tourism generation opportunities.
- 8.5.36. In this case the visual amenity impact would be significantly detrimental to intrinsic qualities and character of this heritage rich landscape setting as well as has the potential to reduce the latent potential and success of heritage tourism planned for this area. Arguably it would also diminish this heritage rich landscapes sense of place and identity in an adverse manner. As well as crucially when journeying towards the town, its existing open heritage assets and those in development being located in close proximity to a key route, i.e. the R194.
- 8.5.37. In particular to Granard Motte and Bailey for which it is archaeological policy and objective ARC 11 I note seeks to protect. It would also be detrimental to the visual setting of a large number of Recorded Monument due to the expansive views that are available across this landscape setting and the proposed development has the potential to adversely impact the setting for the planned Norman Heritage Park for which works have already commenced and for which funding appears to be substantially in place and the existing tours of that are organised within this heritage rich landscape setting.
- 8.5.38. Moreover, archaeological policy and objective ARC 7 also states that: *“it is the policy of the Council to seek to increase awareness, appreciation and enjoyment of the archaeological heritage for all”*. Investments like that on the Norman Heritage Park and earlier archaeological investments in recent decades including those carried out within parts of the townland of Granardkill all build upon as well as are in the spirit of ARC 7.
- 8.5.39. Taking the above matters into consideration I concur with the Planning Authority’s first reason for refusal and I recommend the Board to reach a similar conclusion.

Moreover, I also consider that the Planning Authority's first reason of refusal is of sufficient merit upon which to base a reason for refusal.

8.5.40. Notwithstanding the above, I consider it incumbent to note should the Board conclude otherwise that archaeological policy and objective ARC 5 of the Development Plan states that: *"it is the policy of the Council to presume in favour of the physical preservation in-situ of archaeological remains and their settings, where appropriate, feasible and in accordance with the proper planning and sustainable development of the County"*. As a precaution I would therefore recommend that the Board impose an appropriate archaeological condition for testing and geophysical survey of the entirety of the site for which works are proposed. As set out above this was also recommended in the archaeological, architectural, and cultural heritage assessment provided with this application.

8.6. Visual Amenity Impact

8.6.1. The Planning Authority's second reason for refusal considered that the proposed development by way of its size, design and location, would likely have a negative impact on the scenic, heritage and cultural value of listed view FS 14 and landscape features of special historic and cultural interest which are afforded protection under the Development Plan.

8.6.2. For these reasons, if permitted, they considered that the proposed development would contravene Policies LCA 1 and LCA 3 of the Development Plan. As well as it would set an undesirable precedent. For these reasons it also concluded that the proposed development would be contrary to the proper planning and sustainable development of the area.

8.6.3. I note that it is a policy of the Planning Authority under policy and objective LCA 1 of the Development Plan to protect as well as enhance the county's landscape. It states that it will do so by: *"ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape"* and proposed developments, where located within or adjacent to sensitive landscapes: *"may be required to provide a landscape report detailing how the proposal will impact on the landscape and mitigation measures to be taken where necessary"* to address negative impacts. LCA 1 concludes that: *"proposed developments which have a detrimental impact on the landscape will not normally be permitted"*.

- 8.6.4. The appellant includes an analysis of the landscape impacts of the proposed development and also includes a number of additional photomontages.
- 8.6.5. Having regard to these, alongside having inspected the site and its setting as well as had regard to all documentation provided I am not convinced that these allay my previous conclusions that this particularly sensitive landscape setting can absorb the addition of a wind turbine with a stated 169m height, a hub height of 105.5m and blade length of 63.5m built insertion whose visibility would be added too by its elevated landscape position.
- 8.6.6. I am also not convinced that there are any real robust mitigation measures that would be sufficient to reduce the serious visual amenity impact that would occur. T Though the addition of further landscaping buffering may provide some limited benefit for those within its more immediate setting.
- 8.6.7. I am cognisant that LCA 3 of the Development Plan indicates that it is the policy of the Council to preserve views and prospects as illustrated on Appendix 6, which I note includes view listed FS 14, which includes the townland of Granardkill, where the site is located.
- 8.6.8. In addition, LCA 2 of the Development Plan to recognise: *“the diverse and unique landscape character of the County”*. LCA 2 also states that: *“physical development shall not adversely impact on areas designated as visually important/sensitive under this section”* of the Development Plan.
- 8.6.9. Taken together with the concerns raised in the previous section of this assessment and having regards to the principal component of the proposed development sought under this application, which as previously set out is a significant built insertion due to its design, height through to function, if permitted, I consider it would adversely impact on the intrinsic character and attributes of its landscape in manner that cannot be overcome by any robust mitigation measures.
- 8.6.10. For the reasons set out above I consider that the proposed development would be contrary to landscape character policy and objectives LCA 1, LCA 2 and LCA 3 of the Development Plan. This would be contrary to the proper planning and sustainable development of the area. As such I concur with the Planning Authority’s second reason for refusal and I am not satisfied that the appellant has demonstrated in this case that no adverse landscape impacts would arise. Moreover, I consider the

Planning Authority's second reason of refusal is with sufficient merit upon which to base a reason for refusal.

8.7. Residential Amenity

- 8.7.1. I note that the observers to this appeal raise significant concerns in relation to the potential of the proposed development, if permitted, to seriously injure their established residential amenities. They also raise concerns with regards to the potential of such a development in the vicinity of their homes to diminish the qualities of their lives; to give rise to significant adverse health impacts; that such a development would devalue their homes and the visual amenities within which their properties are sited. With the proposed wind turbine having the potential due to its significant height, scale and nature to be a highly intrusive as well as visually dominant feature within a wide and expanding landscape setting due to the sites location on elevated ground relative to its wider landscape setting.
- 8.7.2. I also note to the Board that the Planning Authority during their determination of this application received a significant number of objections from 3rd Parties residing in the surrounding area and a number of the submissions received were accompanied by petitions signed by significant numbers from the locality and wider setting. The substantial concern raised was the potential of the proposed development to give rise to a serious injury to their established residential amenities.
- 8.7.3. This application is accompanied by a number of documents including but not limited to a Planning and Environmental Report, a potential Shadow Flicker analysis, calculations of predicted noise through to a Landscape & Visual Impact Assessment.
- 8.7.4. In terms of potential impact on residential amenities, particular concerns are raised on the matter of shadow flicker. The Wind Energy Development Guidelines indicates that shadow flicker occurs where the blades of a wind turbine cast a shadow over a window in a nearby house and the rotation of the blades causes the shadow to flick on and off. This effect lasts only for a short period and happens only in certain specific combined circumstances. It is recommended that shadow flicker at neighbouring dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.
- 8.7.5. The Wind Energy Development Guidelines 2006 state that: "*it is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day*".

- 8.7.6. The shadow flicker analysis was submitted with the planning application indicates that it is based on historic met data from 1982 to 1993 from the Clones met station. It does not clarify why such historic met data was used for their shadow flicker calculations. This is a concern given that there is significant evidence to conclude that over recent decades that climate change has impacted upon weather patterns with this in turn resulting in changes to perception pattern through to sunshine levels.
- 8.7.7. The accompanying graphical information shows that the maximum minutes for potential shadow per day is 40 hours per year and it indicates that only one dwelling house would overlap with an area in which the hours per year would be on the threshold of the 10 hours per year with all other houses in the surrounding located beyond the 10 hours per year predicted shadow calculation.
- 8.7.8. Having examined this assessment provided alongside the concern already raised in relation to the use of significantly out of date met data upon which to derive a calculation for predicted shadows and in turn shadow flicker I consider that the shadow flicker results are poorly presented and that the documentation submitted in totality does not present clearly and accurately the actual distances between the turbine and dwellings within the vicinity. Nor do they allow for an accurate measurement to be taken. Of further concern it also does not provide any assessment of impact, if any on neighbouring offices that are outside of the applicant's legal interest and potentially within 500m.
- 8.7.9. Whilst I accept from taking measurements from publicly available resources for doing so appear to support that the nearest dwelling to the proposed turbine is not within 500m given the guidance set out Wind Energy Development Guidelines on the matter of potential shadow flicker, I am of the opinion that the residential amenities of the nearest dwelling to the proposed wind turbine, would not be adversely impacted upon by way of shadow flicker.
- 8.7.10. On the matter of noise, I note that the Wind Energy Development Guidelines state that: *"there are two distinct noise sources associated with the operation of wind turbines; aerodynamic noise caused by blades passing through the air, and mechanical noise created by the operation of mechanical elements in the nacelle - the generator, gearbox and other parts of the drive-train. Aerodynamic noise is a function of many interacting factors including blade design, rotational speed, wind speed and*

inflow turbulence; it is generally broadband in nature and can display some “character” (swish). Mechanical noise from a wind turbine is tonal in nature”.

- 8.7.11. Moreover, despite the Wind Energy Development Guidelines being outdated and the fact that its more up to date successor has yet to be adopted. These guidelines recognise that the advances in turbine technology and design have resulted in reduced noise emissions. Since the adoption of the Wind Energy Development Guidelines in 2006 there have been continuous improvements to the technology and design that have resulted in making wind turbines much quieter alongside having the availability to use variable speed operations through to 3 blade turbine designs like that proposed.
- 8.7.12. I am also cognisant that during construction, including that arising from the provision of an underground electrical cable line with a c250m underneath the R194 and decommissioning phases that associated noise would be of a short term nature and if the control measures outlined are adhered to then the impacts will be negligible. Moreover, further assurances for noise nuisances to be minimised during these phases could be achieved by way of conditions should the Board be minded to grant planning permission for the development sought.
- 8.7.13. In terms of the noise levels associated with the wind turbine proposed under this application, having regard to the predicted noise level assessment provided with this application by the applicant, I firstly raise a concern that this assessment does not appear to reflect the background noise that I observed during my site inspection.
- 8.7.14. During the time I spent on site and its environs I heard loud regular intermittent tonal noises emanating from the applicants milling complex. I also observed a steady stream of larger vehicles smaller vehicles accessing and egressing from the site. Based on these observations I am of the view that the assessment provides what appears to be a more benign background noise upon which they have overlaid the predicted noise levels that would arise from the type of wind turbine proposed, if permitted.
- 8.7.15. While I am cognisant that the Wind Energy Development Guidelines state that: *“in general, noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres”* and as previously noted above I accept that there are no habitable dwellings within 500m. Notwithstanding, I am not fully satisfied based on the information provided and having

inspected the site as well as its environs that the noise levels that would arise would not give rise to cumulative adverse impact and diminishment of residential amenities for dwellings within the vicinity of the proposed development.

- 8.7.16. In particular, I consider that for dwellings located to the east and west along the R194 the proximity of these dwellings to the turbine, the applicants milling operations and the R194 would give rise to cumulative adverse impacts upon their residential amenities for which no mitigation measures are proposed within this application to ameliorate.
- 8.7.17. Moreover the undulating character of the topography in the immediate vicinity of the site and the fact that the wind turbine would be positioned on an elevated point in the landscape could, in my view, potentially result in a level of noise amplification that has not in my view being sufficiently addressed in the assessment provided.
- 8.7.18. Further the location of the wind turbine is not one that is identified as one where there is a significant potential for harnessing wind energy.
- 8.7.19. The Wind Energy Development Guidelines indicate that the impact of wind energy development noise is likely to be greater at low wind speeds when the difference between noise of the wind energy development and the background noise is likely to be greater.
- 8.7.20. It also indicates that the: *“noise from wind turbines is radiated more in some directions than others, with areas down-wind experiencing the highest predicted noise levels. At higher wind speeds noise from wind has the effect of largely masking wind turbine noise”*.
- 8.7.21. Whilst the operational noise assessment for the wind turbine submitted with this application concluded that the predicted noise levels at all noise sensitive properties complied with the adopted criteria in all cases; notwithstanding, based on my inspection of the site and its setting, I am not satisfied that the noise impact assessment provided in itself is sufficient to provide me with sufficient reassurance that the residential amenities of the nearest dwellings to the site of the proposed turbine would not be adversely impacted upon by noise generated from the proposed turbine when taken together with the cumulative impact of noise arising from the applicants milling operations and other noise generators like the R194 within its vicinity.

- 8.7.22. In terms of depreciation of property values, I consider that this is a reasonable concern for property owners in the vicinity of the proposed development both existing and yet to be developed zoned land within the proposed turbines setting. Particularly in relation to land located within the zone of potential for adverse impacts from noise through to shadow flicker should planning permission be granted.
- 8.7.23. I also consider that the nature and extent proposed wind turbine in this landscape setting due to the sites elevated position within a wider landscape setting would result in this man made insertion within the landscape setting to be highly visible from both near and far.
- 8.7.24. Notwithstanding, the devaluation of property that is contended to arise to dwellings within the setting of the proposed wind turbine has not been substantiated by an expert opinion in relation to any property within the vicinity or wider landscape setting of the proposed wind turbine should planning permission be granted.
- 8.7.25. I would; however, consider that the zoned land within the zone of potential for adverse impacts to arise in terms of noise through to shadow flicker, i.e. within 500m of the proposed wind turbine potentially would become less attractive to future development should planning permission be permitted for the proposed development, albeit for a temporary duration of ten years only.
- 8.7.26. In terms of the ten-year duration the application documentation and the public notices indicate that the proposed wind turbine would have an operational life of 30-years. With this being the case and subject to future planning applications being permitted deeming it acceptable to extend beyond the ten years this could result in financial depreciation of land for those unrelated to the proposed development and for a development that is for the sole use by the applicant in their milling operation business.
- 8.7.27. Arguably whilst this may increase the viability of the milling operation by reducing the cost of energy for them, the potential for zoned land within the zone of influence and within the immediate vicinity of this development could reduce potential for other types of developments to be located here, in turn suppressing the vitality and vibrancy of Granard as a settlement and as a Key Service Town (Tier 2 in the Settlement Strategy).
- 8.7.28. In terms of Key Service Towns, Section 2.1.6.3 of the Development indicates that the purpose of these is to drive their local economies. Arguably a successful local

economy is an essential part of the quality of life for residential amenity and therefore maintaining alongside driving local economies forward in a positive as well as a diverse manner is equally essential to enhancing existing and future quality of life residents within Granard and within its surrounding hinterland as well as its future sustainability.

8.8. Roads and Traffic Related Matters

- 8.8.1. Having inspected the site and I concur with the concerns raised by the observers that the applicant in this case has failed to demonstrate that the required sightlines onto the heavily trafficked R194 can be achieved in both directions.
- 8.8.2. On this particular issue to achieve the required sightlines in a north easterly direction heading towards Granard the applicant has not provided the consent of the adjoining landowner to provide the necessary sightlines and whilst I am cognisant that the posted speed limit of this stretch of road is 60kmph I did observe that not only was this road heavily trafficked but most vehicles I observed appeared to be doing greatly in excess of maximum permitted speed limit.
- 8.8.3. Further, this section of the R194 has an undulating horizontal alignment and there are no hard shoulders present. There are a number of entrances on the opposite side of the road providing access and egress to the industrial operations they serve. I observed a steady flow of traffic during my inspection accessing and egressing these entrances opposite.
- 8.8.4. Though the likely traffic generated during the operational phase of the proposed development as indicated in the submitted documentation would be low and I accept that this likely to be the case, this would not however be the case during the construction and decommissioning phases.
- 8.8.5. It is therefore a real concern that the applicant in this case has not demonstrated the required sightlines can be achieved for the proposed modified entrance onto the R194 to serve the development sought. I am not convinced therefore that the applicant has demonstrated by way of this application and the documentation submitted with this appeal that they can provide a safe access onto the R194 and no conflict would arise for road users in its vicinity.
- 8.8.6. In tandem with the concern already raised that the nature and scope of works arising from the entrance, underneath the R194 carriageway and alongside the roadside

verges of the R194 there is also insufficient detail, in my view, in relation to the manner in which surface water drainage would be dealt with.

- 8.8.7. Further the surface water drainage details and clarification in relation to the level of ground modulation that may arise to facilitate this entrance onto a regional road and for the proposed access track are also not made clear in the documentation provided. Further no finished ground levels are given for the access track and the modified road entrance.
- 8.8.8. As such I am not satisfied that the applicant by way of this application has sufficiently demonstrated that the surface water would be managed in accordance with best practice within the confines of the site; that would not be prejudicial to public health by way of pollution; or that it would not result in significant water runoff from the access road serving the wind turbine given the ground levels of this track relative to the R194 and the changing topography of the site.
- 8.8.9. Of further concern the details in terms of the scope of works to be carried out on the R194 is limited at best in the documentation submitted and as previously discussed no consent from the Roads Authority for works to or underneath the R194 has accompanied this application. Moreover, the scope of works included in this application are set out in the submitted documentation as consisting of three separate components. That is, firstly the erection of the single wind turbine together with its associated works; secondly, all associated site development, access and reinstatement works including turbine foundations through to the provision of electrical cabling with section running along and underneath the R194 and connecting to a switch room located within the applicants milling plant; and, thirdly temporary works at Kiernan's Cross in the townland of Killeenatruan. Yet the nature and extent of these works, albeit temporary in their nature and scope are not accompanied by any detailed drawings. They are simply described as including hard coring of the roadside verges, removal of street furniture including signposts and street lighting; removal of a timber slot fence; and temporary re-profiling of private lands.
- 8.8.10. As said no consent accompanies this application for these temporary works from either the Roads Authority; the Planning Authority for the public domain works through to the private landowner.

- 8.8.11. Whilst it is indicated that these proposed works would be agreed with the Council prior to the commencement of development overall I am not satisfied that this sufficient.
- 8.8.12. In relation to the haul route I note that it is indicated that the turbine component will enter via Dublin Port and from there it is envisaged that it will be transported from Dublin Port using the M50, M4, N4 and the R194.
- 8.8.13. Having driven the haul route and as concluded by the applicant that it is more than probable that the public road network is capable of accommodating large turbine components. But I would concur with them that the only apparent constraint is the R194/L1040 Kiernan's Cross junction. As discussed above I consider that the scope of works is not sufficiently detailed in relation to the temporary works that are proposed to facilitate the navigation of this junction. As such I can not make any informed examination and consideration of them.
- 8.8.14. Based on the above considerations I am not satisfied that the proposed development would not result in any adverse traffic impact or road safety issue for road users. This is sufficient reason in itself to substantiate refusal of permission and the issues raised in this section include matters the Board are likely to consider as new issues.

8.9. EIA Screening

- 8.9.1. Section 172(1) of the Planning and Development Act, 2000 (as amended), requires that an EIA must be carried out by the Board in respect of an application for consent for a proposed development of a class specified in Schedule 5 of the Planning and Development Regulations, 2001, (as amended), which exceeds a quantity, area or other limit specified in that schedule.
- 8.9.2. This proposal seeks permission for one wind turbine with a maximum overall height of 169m (Note: hub height 105.5m; blade length of 63.5m and rotor diameter of 127m). the documentation submitted indicates that the proposed wind turbine will generate approximately 4.0MW of power from the single wind turbine proposed.
- 8.9.3. The relevant threshold in terms of the prescribed development for the purposes of Part 10 provides that EIA is required for: "*installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts*" as set out in Category 3(1) of Part 2 Schedule 5 - Development for the purposes of Part 10 (Environmental Impact Assessment) of the Planning and Development Regulations, 2000, as amended.

8.9.4. On this basis I consider that the development sought under this application falls below the threshold and therefore does not require a mandatory EIS.

8.9.5. Having regard to the nature and scale of the proposed development sought; the absence of any significant environmental sensitivity in the vicinity, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development.

8.9.6. I therefore consider that the need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.10. Appropriate Assessment

8.10.1. The obligation to undertake Appropriate Assessment derives from Article 6(3) and 6(4) of the Habitats Directive. This assessment involves a case by case examination of European site(s) and their conservation objectives. It requires consideration of whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of its conservation objectives and includes consideration of any mitigation measures to avoid, reduce or offset negative effects.

8.10.2. An Appropriate Assessment determination must be carried out before a decision is made or consent given for the proposed plan or project.

8.10.3. Consent can only be given after having determined that the proposed development would not adversely affect the integrity of a European Site or Sites as appropriate in view of their conservation objectives.

8.10.4. The appeal site is not subject to any statutory nature conservation designations nor does it adjoin or are there any such designations within its immediate vicinity. There are a number of European sites within the wider landscape setting. The nearest are:

- Special Area of Conservation: Ardagullion SAC (Site Code: 002341) which is located c4.4km to the south.
- Special Protection Areas: Lough Kinale & Derragh Lough SPA (Site Code: 004061) which is located c6.2km to the east.
- Special Area of Conservation: Derragh Bog SAC (Site Code: 002201) which is located c6.9km to the east.

- Special Area of Conservation: Moneybeg & Clareisland Bogs SAC (Site Code: 002340) which is located c9.1km to the east.
- Special Protection Areas: Lough Sheelin SPA (Site Code: 004065) which is located c9.3km to the east.

8.10.5. I have set out the qualifying interests of each of these sites in the table below with this table also providing my conclusions in relation to pathways and potential effects that have been informed a review of publicly available information relative to the development sought under this application and the potential water quality related impacts and specific impacts on birds.

Table 1: European Sites considered for Stage 1 Screening

European Site (Name & Code)	Distance	Qualifying Interest of Site	Source-Pathway-Receptor	Considered further in screening
Ardagullion SAC 002341	4.4km	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	Potential hydrological pathway from the spring, drainage ditches which connect to watercourses that connect to the bog.	No. The significant distance between the site and the bog together with the changing landscape, nature of land uses in between, the barriers to hydrological flow including the presence of barriers in the form of public roads means that the potential for significant effects arising from the development if permitted, constructed, becoming operational through to decommissioning are negligible.
Lough Kinale & Derragh Lough SPA 004061	6.2km	Pochard (Aythya ferina) [A059] Tufted Duck (Aythya fuligula) [A061] Wetland and Waterbirds [A999]	Potential that birds which are special conservation interests of this site will be present for reason of flying between it and other waterbodies, e.g. Lough Derravaragh SPA (Site Code 004043), for foraging and breeding purposes.	Yes. Potential for bird strikes however there is a significant separation distance between the two and the wind turbine would be positioned in expansive landscape setting that should aid its visibility.
Derragh Bog SAC	c6.9km	Degraded raised bog capable of	Potential hydrological pathway from the	No. The significant distance between the

002201		<p>natural regeneration [7120]</p> <p>Bog Woodland [91D0]</p>	<p>spring, drainage ditches which connect to watercourses that connect to the bog.</p>	<p>site and the bog together with the changing landscape, nature of land uses in between, the barriers to hydrological flow including the presence of barriers in the form of public roads means that the potential for significant effects arising from the development if permitted, constructed, becoming operational through to decommissioning are negligible.</p>
<p>Moneybeg & Clareisland Bogs SAC</p> <p>002340</p>	9.1km	<p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p>	<p>Potential hydrological pathway from the spring, drainage ditches which connect to watercourses that connect to the bog.</p>	<p>No. The significant distance between the site and the bog together with the changing landscape, nature of land uses in between, the barriers to hydrological flow including the presence of barriers in the form of public roads means that the potential for significant effects arising from the development if permitted, constructed, becoming operational through to decommissioning are negligible.</p>
<p>Lough Sheelin SPA</p> <p>004065</p>	9.3km	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Pochard (<i>Aythya ferina</i>) [A059]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Potential that birds which are special conservation interests of this site will be present for reason of flying between waterbodies and feeding grounds in this midlands area for foraging and breeding purposes.</p>	<p>Yes. Potential for bird strikes however there is a significant separation distance between the two and the wind turbine would be positioned in expansive landscape setting that should aid its visibility.</p>

- 8.10.6. The closest European site is the Ardagullion SAC which is located c4.4km to the south of the site.
- 8.10.7. It is a remnant of a much larger bog that is now cutover and afforested.
- 8.10.8. As set out above the qualifying interests of this SAC are its active raised bogs; degraded raised bogs still capable of natural regeneration; and depressions on peat substrates of the Rhynchosporion [7150].
- 8.10.9. It is a site of considerable conservation significance due to the fact that raised bogs are a rare habitat in Europe, are becoming increasingly scarce and are under significant threat in Ireland.
- 8.10.10. This SAC supports a good diversity of raised bog microhabitats, including hummocks and pools. I note that active raised bog is listed as a priority habitat on Annex I of the E.U. Habitats Directive.
- 8.10.11. Priority status is given to habitats and species that are threatened throughout Europe and Ireland has a high proportion of this type of habitat (Note: over 60%) and so has a special responsibility for its conservation at an international level.
- 8.10.12. As regards elements associated with the project proposed which could give rise to impact on a European Site or Sites, I consider that during the construction phase indirect impacts could arise through the release of pollutants in the form of suspended solids, cement, hydrocarbons and the like, during site works. There are drainage ditches present and a spring the nearest watercourse is c400m to the south of the site. There are no apparent drainage ditches present along either side of the R194. There are no direct hydrological connections between the site and any European site.
- 8.10.13. Despite Ardagullion SAC being within the 5km potential zone of influence, due to the lack of hydrological pathways linking the site to Ardagullion SAC, the significant separation distance and changing nature of the landscape in between, the absence of ecological or landscape sensitivity between the site and this SAC, it was found by the Planning Authority and the applicant in their Appropriate Assessment Screening Report the proposed development during its construction, operational and decommissioning phases will not have the potential to negatively impact upon this SAC and the qualifying features of interest for which this SAC is designated.

- 8.10.14. It was therefore considered for these reasons it can be excluded from further consideration as could other SAC's with further lateral separation distances including Derragh Big SAC and Moneybeg & Clareisland Bogs SAC, which are c6.9km and c9.1km, respectively to the east of the site.
- 8.10.15. In terms of Lough Kinale & Derragh Lough SPA, which is the nearest SPA to the site, being located c6.2km to the east, this site was considered to be outside of the potential zone of influence.
- 8.10.16. Lough Kinale is described by the NPWS as being a relatively small lake that is situated immediately downstream of Lough Sheelin and Derragh Lough described as a much smaller system, is connected to Lough Kinale and the Inny River with both lakes being near the top of the catchment of the Inny River, a main tributary of the River Shannon.
- 8.10.17. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Pochard and Tufted Duck.
- 8.10.18. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.
- 8.10.19. The applicants accompanying Appropriate Assessment Screening Report describes its features of interest as being bird species that are known to be particularly faithful to foraging and breeding locations. It therefore considers that movement between their foraging as well as breeding locations being limited. As such it concludes that with in excess of 6km distance between the site and this SPA, it is not likely that there will be flights of pochard or tufted duck through the location of the proposed turbine development and even if flights did occur that the single isolated turbine proposed would be easier to avoid within its landscape setting.
- 8.10.20. I also note that the inclusion of an aeronautical obstacle warning light scheme as recommended by the Irish Aviation Authority would also highlight the presence of the wind turbine in poorer light conditions and the noise arising from it when operational may also act as a deterrent to birds and their direction of flight.
- 8.10.21. The applicants Appropriate Assessment Screening Report concludes that there are no impacts likely as a result of the construction through to operation of the proposed development which would result in any adverse effects on the features of

interests of this SPA or any other SPAs at a further distance away from the site. Moreover, it notes that there are no similar developments within this locality or wider landscape setting. The Planning Authority similarly concurred with these conclusions.

8.10.22. I note that in examination of other SPAs within the wider vicinity including Lough Derravaragh SPA (Site Code: 004043) whose qualifying interests include: Whooper Swan (*Cygnus cygnus*) [A038]; Pochard (*Aythya ferina*) [A059]; Tufted Duck (*Aythya fuligula*) [A061]; Coot (*Fulica atra*) [A125]; and, Wetland and Waterbirds [A999] which overlap with the a number of bird species included in the qualified interests for Lough Kinale and Derragh Lough SPA there is a distance of c10.8km between the two. Moreover, and the site lies to the remote west of a direct flight between the two. As such movement between these waterbodies for foraging and breeding purposes should not be adversely impacted upon by the proposed development.

8.10.23. Other SPAs containing overlapping qualifying interests are at a more significant distance, e.g. Lough Ree SPA (Site Code: 004064) whose qualifying interests also include Tufted Duck (*Aythya fuligula*) [A061] and Wetland and Waterbirds [A999].

8.10.24. The distance between Lough Ree SPA and Lough Kinale & Derragh Lough SPA is a significant c36km but the direct flight route between the two would overlap with the location of the site. At such significant distance, despite the applicant's lack of a bird survey, it is unlikely that the project would represent a significant risk to the future conservation status of birds which are special conservation interests.

8.10.25. In terms of grid connection, the application proposes a wind turbine to provide a renewable source of energy for their milling operations which appear to be predominantly located on the southern side of the site. The documentation on file indicates that the proposed turbine would utilise its own transformer which will be located within the turbine tower and electrical cabling is proposed to connect from this to an existing switch room located within the main Kiernan Milling plant on the southern side of the R194. As such I consider that this component of the development would not adversely affect the integrity of any European Site in view of their conservation objectives.

8.10.26. In relation to cumulative impacts, on the basis of information avail on file, publicly available and having inspected the site and its setting I consider that this project, if permitted, will be no cumulative and or in combination effects with other

plans or projects due to the fact that there are no other existing and/or permitted wind turbines and/or windfarms within the immediate and wider area as well as when considered alongside other listed projects and plans.

8.10.27. Based on the above considerations, having regard to the nature and scale of the proposed development, having regard to the nature and characteristics of the receiving environment and the significant lateral separation distances between the site and the nearest European sites, I consider that no Appropriate Assessment issues arise in this case and I further consider that the proposed development, if permitted, would be not be likely to have a significant effect individually or in combination with other plans and projects on a European site. I therefore concur with the applicants Appropriate Assessment Screening Report and the conclusions of the Planning Authority that in this case the need for Stage 2 Appropriate Assessment can be ruled out.

8.11. Other Matters Arising

8.11.1. **Bats:** Should the Board be minded to grant planning permission for the development sought I recommend that an appropriate condition be imposed requiring the preparation of new bat survey prior to the commencement of any development given that the bat survey carried out and forming part of this application was conducted at a time when bats are hibernating. Whilst I am cognisant that the site consists of a mixture of agricultural, forestry and industrial land uses I am not fully satisfied that the proposed development, if permitted, during construction and operation phases particularly would not result in any adverse impact upon this protected species in terms of foraging, roosting areas and/or whether there is an potential for collision with the blades depending on the type of bat that may be found in this locality. There are mitigation measures that could minimise impact, but such measures should be informed by a qualified expert assessing impact on outside of the hibernating period.

8.11.2. **Flooding:** Though the ground conditions were heavy and there evidence of water loving plants in the area in which the site located, the site itself does not form part of Flood A and Flood B lands nor is it immediately adjacent to such lands. I therefore consider that flooding is not a substantive issue for consideration. However, I consider that the surface water drainage details provided with this application in relation to the overall development sought is poor. Therefore should the Board be minded to grant

permission I recommend that appropriate drainage conditions are provided, particular in relation to the modified access opening on to the R194 and for works occurring along and underneath this road where required and where appropriate.

8.11.3. **Planning History:** Concerns are raised by the observers in relation to the applicants planning history at this locality. With particular concerns raised in relation to the applicant having a history of applying for retention. Whilst this is a legitimate planning concern, I consider it is a concern for the Planning Authority whose jurisdiction it is to deal with planning enforcement matters. The Board is restricted to considering this appeal case *de novo* and the planning merits of the proposed development sought under this application. Moreover, should the Board be minded to grant permission for the proposed development should any compliance issues arise in future these and any other enforcement concerns can be directed to the Planning Authority to deal with as they see fit.

9.0 Recommendation

9.1. I recommend that planning permission be **refused**. I note that the third recommended reason and consideration for refusal as set down below is a **new issue**.

10.0 Reasons and Considerations

1. The proposed development would seriously injure and interfere with the visual setting of Granard Motte and Bailey, Recorded Monument LF 010-080001, which is subject to statutory protection in the Recorded Monuments and Places, under Section 12 of the National Monuments (Amendment) Act, 1994.

It is considered that the archaeological significance of the immediate area and wider setting together with this landscape forming part of a landscape setting that is identified as being of medium to high landscape sensitivity when taken together with the limited distance between the location of the wind turbine which would be positioned on an elevated position within this landscape setting to the significant number of Recorded Monuments that are located in its immediate setting together with the design, height and overall built form of the proposed wind turbine in a landscape where there would be expansive views from which it would be visible from, is such that the proposed development would seriously

injure and interfere with this landscapes unique intrinsic visual qualities and character.

The proposed development would be contrary to general heritage policy and objective HER 1 of the Longford County Development Plan, 2015 to 2021, which seeks to protect and conserve heritage sites, artifacts and monuments as well as the integrity of their setting as listed in the Record of Monuments and Places. It would also be contrary to policy and objective ARC 2 of the said plan which sets out the protection of the integrity and setting of archaeological areas, sites, structures, monuments, and objects in the County.

Further, the proposed development, if permitted, has the potential to diminish the tourism potential of this area in a manner that would be contrary to policy and objective TOU 6 of the Development Plan. This policy seeks to promote and facilitate the sustainable utilisation of the County's existing assets including for tourism purposes that will act as key economic drivers capable of stimulating further growth and development opportunities with Granard and Granardkille identified under policy and objective TOU 20 as being a 'honey spot' location.

For these reasons, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is a policy of the Council under policy and objective LCA 1 of the Longford County Development Plan, 2015 to 2021, to not permit proposed development which would have a detrimental impact on the landscape.

It is also a policy and objective of the Development Plan to protect the diverse and unique landscape character of the County and it indicates that physical developments shall not adversely impact on areas designated as visually important and/or sensitive.

The site to which the proposed development relates forms part of a landscape setting that is identified as being of medium to high sensitivity to change and the appeal site is visible from a view identified under Appendix 3 as well as policy and objective LCA 3 of the said plan for which it is a policy of the Council to preserve views and prospects. Specifically, protected view and prospect F.S-14.

Moreover, the site forms part of a landscape setting that is one that is recognised to have a rich heritage and that has latent potential as a significant resource as well as asset to add the tourism offer within the county in a manner that could add to the vibrancy and vitality of the settlement of Granard and beyond.

Having regard to the design, the height and the visual prominence of the proposed wind turbine on an elevated position within its landscape setting, it is considered that the proposed development would seriously injure the amenities of the area by reason of visual intrusion through to its visual overbearing impact within what is an expansive landscape setting where it would be visible from near and far.

The proposed development would interfere in adverse manner with the intrinsic character and qualities of its landscape setting which it is considered necessary to preserve under the Development Plan. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a regional road at a point where sightlines are restricted in a north easterly direction.

Patricia-Marie Young
Planning Inspector

2nd day of December, 2020.