



An  
Bord  
Pleanála

# Inspector's Addendum Report ABP-315656-23

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<b>Development</b>	7 Wind Turbines, substation and ancillary infrastructure
<b>Location</b>	Derreendonee, Curraglass and Cappaboy Beg, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	20/350
<b>Applicant(s)</b>	Wingleaf Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First & Third Party
<b>Appellant(s)</b>	Wingleaf Limited Tadhg Ó Duinnín & Others
<b>Observer(s)</b>	Macrom District Environmental Group Fáilte Ireland Tim & Kate Baker Brídín Ashe & Others
<b>Date of Site Inspection</b>	28 <sup>th</sup> & 29 <sup>th</sup> February, 2024
<b>Inspector</b>	Kevin Moore

## 1.0. Introduction

1.1. I note the Order of the High Court on this file. Therein it is stated:

*“And IT IS ORDERED that the subject matter of the Decision (Ref. PL88.308244) be remitted to the Respondent to a point in the statutory decision making process immediately after the delivery of the Inspector’s Addendum Report dated 12 January 2022 to be determined in accordance with law”*

1.2. I note that the Board, having regard to the High Court Order, the quashing of the previous decision, and the passage of time, invited all parties and observers to make any further general submissions/observations that they may have on the planning application.

## 2.0. Submissions / Observations

Submissions were received from Macroom District Environmental Group, Bridín Ashe and Others, Cork County Council, Fáilte Ireland, and Tadgh Ó Duinín and Others.

These submissions may be summarised as follows:

### 2.1. Macroom District Environmental Group

2.1.1. The observer submission includes:

- The Board is asked to uphold and extend the grounds of refusal given by Cork County Council relating to visual impact. Planning history on the site relating to wind farm development is referenced as are submissions by the third party appellant and the planning authority’s report.

- Concerns are reiterated relating to impacts on the Kerry Slug, bats, and removal of Oak-Birch-Holly-Hazel woodland. Reference is made to planning authority and third party appeal comments.
- Concern is raised relating to loss of upland bog/heath.
- It is considered that the increased collision risk posed to birds, and in particular White-tailed Eagle, should be a reason for refusal. Reference is made to Dr Alan Mee's submissions and to an observation by Anthony Cornforth.
- Impacts on watercourses and concerns for waterbodies are raised, with reference made to a number of planning submissions made.
- Reference is made to wind turbine failure previously at the site.
- Adverse impact on the archaeological heritage of the area is referred to, with monuments in the area and the effects on their settings alluded to.
- It is considered that permission should have been refused on the grounds of the cumulative impact with other wind farms in the area.

2.1.2. The submission indicates agreement with the submission by the third party appellant.

## 2.2. **Brídín Ashe and Others**

2.2.1. The observer submits:

- The proposed development would have a massive visual impact on a highly scenic area. Reference is made to previous An Bord Pleanála Inspector reports and to Board decisions relating to the site.
- The number of existing and proposed wind farm developments in the area is considered alarming and disproportionate. The cumulative effects resulting in industrialising a rural area, night-time lighting, and negative tourism impacts are referred to. Protected bird species in the area are noted. Reference is made to a colony of Whooper Swans on Lough Allua and the cumulative effects of wind turbines reducing safe migratory routes, to a breeding pair of Chough in Curraglass, and to a recorded White-tailed eagle mortality in Kerry in 2022 by way of collision with a wind turbine.

### 2.3. **Cork County Council**

2.3.1. The planning authority draws the attention of the Board to the authority's reasons for refusal and to reports on the original application related to the Board's decision that was quashed. Note is made of the previous wind farm at the site and reference is made to being open to consider a revised wind farm at a much-reduced turbine height. The Board is requested to dismiss the appeal.

### 2.4. **Fáilte Ireland**

2.4.1. Fáilte Ireland sets out its objective in seeking to protect key tourism assets and amenities and notes the value of the Gougane Barra area, as well as the agency's engagement with businesses and communities in the area. It is noted that the scale and size of wind turbines have increased significantly since Fáilte Ireland's previous studies on visitor attitudes to wind farm developments. Reference is made to the recommendation set out in my previous report to the Board. It is submitted that the concerns of the planning authority and the local tourism businesses should be given full consideration with respect to the area's tourism amenity and assets. Fáilte Ireland requests that the application be refused planning permission.

### 2.5. **Tadhg Ó Duinín and Others**

2.5.1. It is submitted that the third party appellants continue to rely on the material previously submitted to the Board on 21 September 2020, 19 October 2020 and 23 November 2021. Three further observations are made and are synthesised as follows:

- The Director of the third party appellant group addresses a provision in the current Cork County Development Plan on the need to take cumulative impacts into consideration and comments on the necessary implications of that for the proposed development. He also refers to there being ample documentary evidence that battery storage units are susceptible to fire hazard.

- Neil Lucey of Gougane Barra Hotel makes a submission on the incompatibility between turbines and associated infrastructure of the type and scale proposed and the unique place which is Gougane Barra.
- The Board is informed of a study on amplitude modulation of wind turbine noise (copy attached). It is submitted that the standard method applied by the Board in comparable wind farm cases, which relies on specific decibel limits, does not address the problem of amplitude modulation from large wind turbines. It is also noted that this problem is not discussed in the 2006 Wind Energy Development Guidelines. Reference is made to WHO observations and guidance on noise impacts. Amplitude modulation and its impacts on residents are explained.

2.5.2. It is requested that the Board refuse permission for the grounds identified by the planning authority and those set out in my earlier reports.

### **3.0. Further Submissions**

Following the receipt of these submissions the Board directed that all of the responses be circulated to all participants in the appeal. It was further directed that the planning authority be requested to review the proposed development by reference to the relevant provisions of the new statutory development plan for the area and, upon receipt of this response, to circulate it to participants in the appeal.

#### **3.1. Submissions to the Responses Received**

##### **3.1.1. Kate and Tim Baker**

The observers refer to the considerations of Fáilte Ireland, raise concerns about adverse effects on the landscape, habitats, bats and walking trails, on turbine delivery and construction impacts, and on water pollution related impacts from silt and road provisions. Concerns and questions are raised about the impact of battery storage resulting from a fire. The observers concur with the position of Macroom District Environmental Group on the impact on Kerry Slug and with the position of

Brídín Ashe and others on the cumulative effects of the lighting from turbines at night. Noting the success of the reintroduction of White-tailed Eagle, reference is made to the proposal to reintroduce Osprey and the effect wind farms have on these birds by way of collision.

### 3.1.2. **Tadhg O Duinnín and Others**

The appellant notes provisions of the new Cork County Development Plan, notably Chapter 13 dealing with Energy and Communications, and to the provisions of Section 13.6.3 relating to cumulative impacts. Reference is made to more than 35 turbines circling the village of Ballingearry and plans for a development of 12-15 turbines 4km north of Ballingearry. The need for scrupulous attention to cumulative impact is highlighted. Fáilte Ireland's considerations are noted. The inclusion of four battery storage units in the application are considered a cause for concern relating to safety arising from fire. A link is provided to information on a lithium battery fire in France.

### 3.1.3. **Brídín Ashe and Others**

The observers agree with the four submissions. Reference is made to the impacts on the observers – visual, noise, road widening, impact on bats and birds, battery fires, and effects on tourism.

### 3.1.4. **Macroom District Environmental Group**

The observer agrees with the other submission conclusions that planning be refused for the development.

## 3.2. **Planning Authority Review of Development Plan**

### 3.2.1. The planning authority submitted:

- The subject site, as per the previous County Development Plan, still lies within a “Tourism and Rural Development Area” and still lies within the same area of “Open for Consideration” for wind farm development.
- Other relevant wind farm policies of the new Plan that support a plan-led approach are not dissimilar from those previously stated, i.e. Objectives ET 13-1, ET 13-2, ET 13-5, ET 13-5 and ET 13-7.
- Objective ET 13-7 “Open to Consideration” requires reference to the “visual quality of the landscape and the degree to which impacts are highly visible over wide areas.” The new objectives have not changed that previous decision.
- Objective ET 13-11 “Public Consultation and Community Support” is a new objective and further policies on “Climate Change” set out in Chapter 17 would not change the recommendation to refuse permission.
- The appropriate assessment report and conclusions originally set out are noted.
- The submissions received from the appellant and observers are noted.

3.2.2. The planning authority recommends that permission be refused for two reasons reflecting the provisions of the new Cork County Development Plan.

### 3.3. **Submissions on the Planning Authority’s Review of the Current Development Plan**

Further to the Board’s Direction, the following submissions were received:

#### 3.3.1. **Tadhg O Duinnín and Others**

The appellant agrees with the comments of the planning authority. Reference is again made to cumulative impacts and the extent of existing and proposed wind turbines in the vicinity of Ballingearry. It is considered that this represents a huge cumulative impact and that on these grounds alone the proposed development is in contradiction of the Plan. The fire safety concerns relating to battery storage are restated.

### 3.3.2. **Brídín Ashe and Others**

The observers submit that they are substantially in agreement with the planning authority submission. The impact on Natura 2000 sites is considered outdated due to chough now breeding in close proximity to the site. Concerns are raised about the cumulative effects of wind farm developments in the uplands and the proposed development acting as a catalyst for repowering wind farm developments. Reference is made to a number of the statements made in the planning authority submission that are agreed with.

*It is noted that the applicant sought an extension of the period provided in order to provide a response to the planning authority's position. Further to this, the Board directed that a Section 131 notice be issued to the applicant and all parties requesting a response to the planning authority's submission. Following this Direction, submissions received were as follows:*

### 3.3.3. **Brídín Ashe and Others**

The observers resubmitted the response given on the planning authority's review.

### 3.3.4. **Tadhg O Duinnín and Others**

The appellants resubmitted the response given on the planning authority's review.

### 3.3.5. **Applicant**

The applicant's response may be summarised as follows:

#### *Review and Comparison of Plans*

- Following a comparative analysis of the 2014 Plan and the 2022-2028 Plan, it is determined that there were no significant differences between the policy

objectives of the plans that would necessitate further impact assessment of the proposed development.

### *Submission on Reason 1 of Council's Recommendation of Refusal*

#### **Landscape and Visual Impact Analysis**

- Reference is made to Chapter 12 of the EIAR and its findings, as well as to the first party grounds of appeal.

#### **Vast Open Landscape**

- The proposed turbines have been strategically sited in an upland landscape relatively enclosed and contained by well-defined ridgelines and features which obscure and greatly restrict visibility from vast areas of the landscape.
- Visibility will be further inhibited by other screening factors such as vegetation, built form and localised topographical undulations.

#### **Views from Vantage Points including from Scenic Routes**

- The applicant's analysis shows that there is no theoretical visibility from a large extent of the wider landscape surrounding the site, in particular High Value Landscapes. The proposed development is in an appropriate location because:
  - It is sited in a modified and isolated upland landscape of Moderate sensitivity. The landscape has a high capacity to accommodate the development.
  - When the turbines are visible they are seen in an upland plateau, relatively contained by distinctive landform features.
  - When visible, the turbines are not viewed within an area of landscape comprising any distinctive or unique landscape qualities.
  - The proposed development is sited in an area of West Cork which has areas of very high landscape value and sensitivity to the south-west around Bantry Bay as well as the enclosed landscape of Gougane Barra to

the north. The proposed development does not obstruct or intrude on the key scenic or landscape sensitivities of the area, i.e. the seascape and mountains to the south-west and the enclosed hamlet of Gougane Barra.

- The proposed turbines are well set back from population centres and sensitive landscape and visual receptors. When visible they are seen to be set back from most receptors and are seen to be appropriately scaled and well absorbed within the upland landscape setting.
- When visible in combination with the coast or seascape the turbines are set back at distances greater than 17km and are very small features in the distant background.

#### **Acting as a Catalyst**

- The suggestion that the proposed development would act as a catalyst for similar wind farm developments of excessive turbine height when repowering wind farm development is incorrect. Every planning application is assessed on its own merits.

#### *Submission on Reason 2 of Council's Recommendation of Refusal*

- The planning authority has designated the site of the proposed development as "Open for Consideration" for wind energy development in the new Plan.
- In regard to tourism, there are no objections made to the proposed development by An Taisce, Fáilte Ireland or the Heritage Council.
- In citing impacts on local tourism, the planning authority has not set out its reasons for the submission but instead state it is not satisfied that sufficient or compelling evidence has been submitted to conclude it will not have an adverse impact on local tourism.
- A comprehensive assessment of any potential impacts on tourism was included in the first party grounds of appeal and remains equally applicable. It includes the submission that the proposed development will have no negative effect on Gougane Barra and its associated natural amenity and cultural

heritage assets with regard to local tourism. It further includes the submission that the majority of the Pilgrims Way will not have visibility of the turbines.

The Board is requested to grant permission for the proposed development.

### **3.4. Submissions in Response to the Applicant's Submission on the Planning Authority's Review of the Current Development Plan**

Further to the applicant's response, the Board sought submissions or observations in relation to that submission. The following was received:

#### **3.4.1. Brídín Ashe and Others**

The submission includes the following:

- There are factual inaccuracies and many points are demonstrably biased.
- The Council does not say that the design and siting of the proposed development is generally compatible with the receiving environment.
- Reference is made to increased activity in the area by birds of conservation value.
- The section on the Submission on Reason 1 is highly disingenuous. The proposed development's visual impact and that of the previous wind farm at the site are referenced.
- Permission for the proposed development would act as a catalyst for other inappropriate and similar wind farm developments of excessive turbine height.
- Fáilte Ireland did submit observations to An Bord Pleanála.
- The submission that the proposed development will have no negative effect on Gougane Barra and its associated natural amenity and cultural heritage assets with regard to local tourism is self-serving. No tourist attraction stands in isolation in the area. The surrounding area is a vital part of the area's draw. There is agreement with the planning authority's precautionary principle on tourism impact.

### 3.4.2. Tadhg O Duinnín and Others

Regarding the issue of the proposed development acting as a catalyst relating to repowering wind farm development, Section 13.6.3 of the Plan clearly states the location of all existing and proposed wind energy developments and their cumulative impacts as a key policy guideline. The cumulative impact is now larger than it would have been previously before the current more than 35 turbines were extant in the area. The precedent set by the approval of turbines as large as 178m in this application could be argued as a reason for permitting further such turbines as “repowering”. The applicant’s submission on the impacts on the Pilgrims Way is seen as presenting two contradictory points simultaneously.

## 4.0. Local Planning Policy Context

### 4.1. Cork County Development Plan 2022-2028

I acknowledge that since the preparation of my previous report to the Board a new Cork County Development Plan has been adopted. The following is noted:

#### 4.1.1. Wind Energy

Objectives include:

*ET 13-4: Wind Energy*

In order to facilitate increased levels of renewable energy production consistent with national targets on renewable energy and climate change mitigation as set out in the National Energy and Climate Plan 2021-2030, the Climate Action Plan 2021, and any updates to these targets, and in accordance with Ministerial Guidelines on Wind Energy Development, the Council will support further development of on-shore wind energy projects including the upgrading, repowering or expansion of existing infrastructure, at appropriate locations within the county in line with the Wind Energy

Strategy and objectives detailed in this chapter and other objectives of this plan in relation to climate change, biodiversity, landscape, heritage, water management and environment etc.

#### *ET 13-5: Wind Energy Projects*

a) Support a plan led approach to wind energy development in County Cork through the identification of areas for wind energy development. The aim in identifying these areas is to ensure that there are minimal environmental constraints, which could be foreseen to arise in advance of the planning process.

b) On-shore wind energy projects should focus on areas considered 'Acceptable in Principle' and 'Areas Open to Consideration' and generally avoid "Normally Discouraged" areas as well as sites and locations of ecological sensitivity.

The site lies within an area designated 'Open to Consideration'.

#### *ET 13-7: Open to Consideration*

Commercial wind energy development is open to consideration in these areas where proposals can avoid adverse impacts on:

- Residential amenity particularly in respect of noise, shadow flicker and visual impact;
- Urban areas and Metropolitan/Town Green Belts;
- Natura 2000 Sites (SPA's and SAC's), Natural Heritage Areas (NHA's), proposed Natural Heritage Areas and other sites and locations of significant ecological value.
- Architectural and archaeological heritage;
- Visual quality of the landscape and the degree to which impacts are highly visible over wider areas.

In planning such development, consideration should also be given to the cumulative impacts of such proposals.

### *ET 13-9: National Wind Energy Guidelines*

Development of on-shore wind should be designed and developed in line with the 'Planning Guidelines for Wind Farm Development 2006' and 'Draft Wind Energy Development Guidelines 2019' and any relevant update of these guidelines.

#### 4.1.2. Tourism

Objectives include:

##### *TO 10-1: Promotion of Sustainable Tourism in County Cork*

Promote a sustainable approach to the development of the tourism sector within Cork County while;

- a) Ensuring the protection of the natural, built and cultural heritage assets of the county, including Natura sites, which are in themselves part of what attracts visitors to the county.
- b) Having regard to cumulative impacts increased visitor numbers and visitor facilities can have on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change etc.
- c) Supporting investment in placemaking and the regeneration of towns and villages in recognition of the role 'People and Place' make in attracting visitors to Ireland; encouraging the development of tourism and other facilities within settlements to support such regeneration and compact growth.
- d) Work in partnership with public and private sector agencies to implement the key tourism objectives in this Plan, while first ensuring early consultation with landowners around any new proposed routes and facilities.
- e) Assist community groups to access funding for appropriate, sustainable and beneficial tourism developments.

##### *TO 10-2 Wild Atlantic Way and Irelands Ancient East*

Continue to actively engage, invest, encourage and promote the development of the Wild Atlantic Way and Irelands Ancient East regional brands through sustainable

tourism, which will enable visitors to have enjoyable experiences while having regard for the cultural, built and natural heritage, and environmental impacts, including the protection of Natura 2000 sites.

*TO 10-3: Tourism Opportunities*

Facilitate the development of the tourism sector and provide for the delivery of a unique combination of tourism opportunities drawing on the network of attractions in Cork County and potential future attractions.

*TO 10-5: Protection of Natural, Built and Cultural Features*

Protect and conserve those natural, built, and cultural heritage features that form the resources on which the County's tourist industry is based. These features will include areas of important landscape, coastal scenery, areas of important wildlife interest, historic buildings and structures including archaeological sites, cultural sites including battlefields, the Gaeltacht areas, arts and cultural sites, the traditional form and appearance of many built up areas and promote access and interpretation of archaeological sites in State and Local Authority ownership.

*TO 10-7: Long Distance Walks*

- a) Support and promote the development of long-distance walkways at appropriate locations around the County, while having consideration for any environmental, social, and economic impacts. Proposals for development of long-distance walks will be subject to ecological impact assessment and, where necessary Appropriate Assessment, with a view to ensuring the avoidance of negative impacts on designated sites, protected species and on sites or locations of high biodiversity value.
- b) Promote cross boundary linkages and walkways to develop a network of wider routes and long walkways beyond the county boundary.

*TO 10-8: Walking/Cycling and Greenways*

Promote the development of greenways, walking and cycling routes throughout the County as an activity for both international visitors and local tourists in a manner that is compatible with nature conservation and other environmental policies.

### **Principal Attractions**

The Plan states in Section 10.7 that County Cork has a number of key tourist attractions of national importance which should be protected from inappropriate development and that the physical setting of tourist attractions is often a major component in their attractiveness. It notes that the surrounding landscape or particular features of the built environment often contribute to the setting or mystique of an attraction.

The key tourist attractions of national importance identified in the Plan and which attract significant visitor numbers include Gougán Barra.

#### **4.1.3. Landscape**

Objectives include:

##### *GI 14-9: Landscape*

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments

#### **4.1.4. Landscape Views and Prospects**

Objectives include:

*GI 14-12: General Views and Prospects*

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

*GI 14-13: Scenic Routes*

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan. The scenic routes identified in this Plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Heritage and Amenity Chapter 5 Scenic Routes of this Plan.

The Pass of Keimaneigh to Gougane Barra is the nearest designated scenic route to the site (Ref. S28). Other designated scenic routes include S27 to the north (Road between Gougane Barra and the Mouth of the Glen), S29 to the south (Road to Kealkill via Cousane Gap to Togher), S33 to the north-east (Road between Ballingeary and Kealvaugh), and S34 to the north-east (Road between Inchigeela and Ballingeary to Keimaneigh).

4.1.5. Biodiversity

Objectives include:

*BE 15-2: Protect sites, habitats and species*

a) Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements.

Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.

b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the

Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.

c) Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.

d) Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development

e) Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.

#### 4.1.6. Heritage

Objectives include:

##### *HE 16-20: Historic Landscapes*

a) Recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources.

b) Protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork.

c) All new development within historic landscapes should be assessed in accordance with and giving due regard to Cork County Councils 'Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings' or any other relevant guidance notes or documents issued during the lifetime of the Plan.

##### *HE 16-23: Cultural Heritage*

Protect and promote the cultural heritage of County Cork as an important economic asset and for its intrinsic value to identity of place and the well being of people within the County.

## **5.0. Assessment**

### **5.1. Introduction**

5.1.1. I note my original report and addendum report on Appeal Ref. ABP-308244-20. My assessments and the intent of the recommended reasons for refusal set out in these reports remain wholly applicable to the proposed development. I wish to review the proposed development relative to the new Cork County Development Plan 2022-2028 which has been adopted since the preparation of my previous reports. In addition, I consider that it is appropriate to address a number of issues, including those which have arisen in the recent submissions to the Board. Some of the submissions refer to issues which I have addressed in my previous reports and I do not propose to revisit those issues.

### **5.2. Climate Action Plan 2023**

5.2.1. The Plan, published by the Department of the Environment, Climate and Communications in December, 2022, implements the carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve the State's emissions by 2030 and reach net zero no later than 2050. It notes that onshore wind will continue to play a vital role in increasing the decarbonisation of the electricity sector particularly over the next five years, along with solar energy. It is stated that Ireland is now in the top five globally for both installed wind power capacity per capita and the contribution of wind energy to electricity demand. It is further stated that, during the second carbon budget, Ireland's potential for offshore wind will start to be realised, setting the country on a long-term trajectory for a net zero electricity system. In the meantime, it is submitted that a major acceleration and increase in onshore wind turbines across the country, transformation of land use from other

activities such as agriculture to solar PV, and an increased level of electricity network upgrades and construction will be required, as a minimum. Measures required to meet the challenge arising include:

- accelerating the delivery of onshore wind, offshore wind, and solar through a competitive framework to reach 80% of electricity demand from renewable energy by 2030;
- Target 6 GW of onshore wind and up to 5GW of solar by 2025;
- Target 9 GW onshore wind, 8 GW solar, and at least 5 GW of offshore wind by 2030 (and an additional 2 GW offshore wind for green hydrogen production).

5.2.2. I submit that the principle of further development of onshore wind is evidently in keeping with the Climate Action Plan 2023.

Note 1: The Climate Action Plan 2024 was approved by government at the end of 2023. However, this will be subject to public consultation and Strategic Environmental Assessment (SEA) which has yet to be completed.

Note 2: One of the Actions of the Climate Action Plan 2023 is to prepare new draft Wind Energy Development Guidelines for onshore renewables (Action Number EL/23/4).

### 5.3. **Review of Cork County Development Plan 2022-2028**

The Board will note the objectives of the current Plan set out earlier. In my opinion, it is important to acknowledge that many of the objectives are the same or similar to objectives which formed part of the 2014 Plan. The site remains within an area designated 'Open to Consideration' for wind farm development, lying a short distance east / south-east of a designated High Value Landscape.

#### 5.3.1. *Wind Energy*

I first acknowledge Objective ET 13-4 of the new Plan. Therein, it is stated that the Council will support further development of on-shore wind energy projects including the upgrading, repowering or expansion of existing infrastructure, at appropriate locations within the county in line with the Wind Energy Strategy, objectives detailed in the chapter on energy, and other objectives of the Plan in relation to climate change, biodiversity, landscape, heritage, water management and environment etc. It may reasonably be understood that the proposed development would constitute 'repowering' of existing infrastructure, being on the site of a former wind farm and utilising available infrastructure. I further note that this general objective is subject to a proposed development being at an appropriate location and being in line with other applicable objectives of the Plan. My considerations and determination that the proposed development is not at an appropriate location for this proposed development are before the Board in my report on ABP-308244-20. In my opinion, the proposed development remains in conflict with several objectives of the current Development Plan, which were reflected in the previous 2014 Plan.

Objective ET 13-5 b) is the same as Objective ED 3-2 of the 2014 Plan. It is again noted that the site lies within a designated 'Area Open to Consideration'.

Objective ET 13-7 relating to 'Open to Consideration' is similar to Objective ED 3-5 of the 2014 Plan. However, there are two notable changes to the current objective. The first relates to natural heritage. In the earlier objective commercial wind energy development was open to consideration in these areas where proposals could avoid adverse impacts on "*Natura 2000 Sites (SPA and SAC), Natural Heritage Areas (NHA's) or adjoining areas affecting their integrity*". This has been changed to "*Natura 2000 Sites (SPA's and SAC's), Natural Heritage Areas (NHA's), proposed Natural Heritage Areas and other sites and locations of significant ecological value*". The second change is the addition of the wording at the end of the objective: "*In planning such development, consideration should also be given to the cumulative impacts of such proposals.*" I will consider the issue of cumulative impact later in this assessment. At this point, I wish the Board to note from my report on ABP-308244-20 that I am of the opinion that that the site and the location in which the proposed wind farm would be developed is an area of significant ornithological value, thus of significant ecological value. This opinion is derived from the applicant's own bird

surveys which were submitted in support of the application. I also acknowledge that it remains part of the objective that commercial wind energy development is open to consideration in those areas where proposals can avoid adverse impacts on the visual quality of the landscape and the degree to which impacts are highly visible over wider areas. My considerations on visual impact are set out in my report on ABP-308244-20 and the concerns expressed remain.

### 5.3.2. *Tourism*

I note that the objective on the promotion of sustainable tourism (Objective TO 10-1) has been altered and expanded significantly in the more recent Plan. The Council seeks to promote a sustainable approach to the development of the tourism sector within Cork County while “*Ensuring the protection of the natural, built and cultural heritage assets of the county, including Natura sites, which are in themselves part of what attracts visitors to the county*” ... The newly placed emphasis on protecting natural and cultural heritage is acknowledged. My considerations and conclusions drawn in my report on ABP-308244-20 are noted, whereby it is determined that the proposed development conflicts with the objective to protect and conserve natural and cultural heritage features that form the resources on which the County’s tourist industry is based (Objective TO 2-1 of the 2014 Plan). I note that Objective TO 10-5 of the current Plan is similar to this previous objective.

The objectives of the current Plan promoting long distance walks (Objective TO 10-7) and walking and cycling (Objective TO 10-8) are noted.

I note Section 10.7 of the Plan which relates to County Cork’s principal attractions. Key tourist attractions of national importance are identified in the Plan and which attract significant visitor numbers. Gougán Barra is referenced as being such a principal attraction. The plan states that these key tourist attractions of national importance should be protected from inappropriate development and notes that the physical setting of tourist attractions is often a major component in their attractiveness. It notes that the surrounding landscape or particular features of the built environment often contribute to the setting or mystique of an attraction. The Board will note my considerations and recommendation set out in my report on ABP-

308244-20. The concerns raised about the impact on Gougane Barra and its important surrounding landscape remain.

### 5.3.3. *Landscape*

I note Objective GI 14-9 is the same as Objective GI 6-1 of the 2014 Plan. This remains a key objective which, in my opinion, the proposed development is in material conflict with. My report on ABP-308244-20 sets out my considerations on this issue.

### 5.3.4. *Landscape Views and Prospects*

I note Objectives GI 14-12 (General Views and Prospects) and GI 14-13 (Scenic Routes). These are the same as Objectives GI 7-1 and 7-2 of the 2014 Plan. My report on ABP-308244-20 sets out my considerations on the impacts arising from the proposed development on views and prospects and designated scenic routes.

### 5.3.5. *Biodiversity*

I note Objective BE 15-2 of the new Plan, and in particular BE 15-2 b) which states:

*“b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.”*

Chapter 4 of Volume 2 of the Plan refers to habitats and species data. Table 2.4.4 refers to bird species of conservation concern and special conservation significance occurring in Cork. White-tailed Sea Eagle is listed and is acknowledged as being on the Red List of Birds of Conservation Concern in Ireland. My considerations on the ornithological importance of the area in which the proposed wind farm would be sited

and the impact on birds of conservation value (including the cumulative impact with other wind farm developments) are set out in my report on ABP-308244-20. Concern for the impact on White-tailed Eagle is particularly noted.

I note Objective BE 15-2 c) also which seeks to protect and, where possible, enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network, including peatland and other wetland habitats, woodlands, and natural and semi-natural grasslands. The range of habitats on the site of the proposed development are diverse and include these habitats. I particularly note from my report on ABP-308244-20 that proposals to improve access onto Regional Road R584 would result in clearance of natural woodland in the vicinity of the existing access. This comprises Oak-Birch-Holly woodland which is of ecological importance at a county level, being of high biodiversity value. It also is of high amenity value as it helps to frame the Pass of Keimaneigh, which is an important tourist road and designated Scenic Route. Loss of such woodland would degrade the biodiversity and natural amenity value of this area.

#### 5.3.6. *Heritage*

I acknowledge Objective HE 16-20: Historic Landscapes of the current Plan. This objective recognises the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources, and seeks to protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork. I submit to the Board that the Gougane Barra area could reasonably be described as being an historic landscape as it is a significant archaeological, architectural, historical and ecological resource. My considerations on the landscape and visual impacts on this area are set out in my report on ABP-308244-20.

I note that Objective HE 16-23: Cultural Heritage in the new Plan has been expanded from that which comprised Objective HE 5-1 of the 2014 Plan. The objective now seeks to promote the cultural heritage of the county not alone as an

important economic asset but also for its intrinsic value to identity of place and the wellbeing of people within the County. Once again I would submit that the cultural heritage significance of Gougane Barra must be acknowledged and the adverse effects on it that would result from the proposed development are considered in my report on ABP-308244-20.

#### 5.3.7. *Conclusion on Cork County Development 2022-2028*

I remain strongly of the view that the proposed development materially contravenes several objectives of the Cork County Development Plan. Indeed, I would submit that the new Pan includes provisions which further support the protection of the environment at the location of the proposed development from a project such as that proposed on this highly sensitive site. I consider that the reasons recommended in my report on ABP-308244-20 require to be revised to reflect the new relevant objectives.

### 5.4. **Cumulative Impact**

#### 5.4.1. *Introduction*

I note the emphasis placed on cumulative impacts by the third party appellant and the observers in their recent submissions, with note being made of provisions in the current Cork County Development Plan. I acknowledge the following:

- The third party appellant refers to recent plans for a 12-15 turbine development at Gortyrhilly (Gort Uí Rathaille) to be sited 4km north of Ballingearry. This is a proposed wind farm development for 14 no. turbines, with blade tips ranging from 179-185m in height. This proposal is currently before the Board (ABP-314602-22). The appellant has referenced consideration of cumulative impact as set out in Section 13.6.3 of the Cork County Development Plan and submits that any further plans for wind farm development require the most scrupulous

attention to the cumulative impact, including consideration of the current application.

- Macroom District Environmental Group refers to the appearance in recent times of 11 no. 130m high turbines at Shehy More Wind Farm and three 140m high turbines at Carrigarierk Wind Farm. These, along with the existing 6 no. 150m high turbines at Derragh and the 9 no. 150m high turbines at Cleanrath, are considered to have a massive cumulative impact. Note is made of the effects on designated Scenic Route S34 along the north bank of Loch Allua. Reference is also made to the wind farms to the north of the proposed development which are within 10km, namely Grousemount (38 turbines), Sillahertane (10 turbines), Midas (23 turbines), and Coomagearlahy (15 turbines). It is considered that permission should have been refused on the grounds of the cumulative impact with other wind farms in the area.
- Brídín Ashe & Others note developments at Gortloughra and Nowen Hill within sight of the proposed wind farm are being pursued and submit that the village of Ballingearry is surrounded by 35 turbines. It is my understanding that Nowen Hill is where the permitted Derreenacrinnig West Wind Farm is and that Gortloughra is in the area where the permitted Shehy More Wind Farm is under construction.

I note the applicant's consideration on cumulative impact in Section 2.7 of its EIAR. Table 2.5 refers to other existing and permitted wind farms within 20km of the site. Figure 2-5 shows these wind farm developments on a map relative to the proposed development. From these details, it is seen that at the time of the making of the planning application for the proposed development there were 161 existing turbines within 20km of the site. A further 16 were under construction at Carrigarierk Wind Farm and Shehy More Wind Farm. In addition, permission existed for a further 20 turbines at Knockeenboy Wind Farm, Derreenacrinnig West Wind Farm, and Knocknamork Wind Farm. This provided a total of 197 turbines within 20km of the site. I note that cumulative impact assessments were carried out in each of the subsequent chapters of the EIAR. The consideration of cumulative impact appears to have related to those wind farms referenced by Macroom District Environmental Group and Brídín Ashe & Others. I acknowledge that the proposed wind farm development at Gortyrahilly (ABP- 314602-22) referred to by the third party appellant

was not a development subject to consideration of cumulative impact, evidently post-dating the preparation of the application for the proposed development the subject of this assessment.

I acknowledge the various references to the matter of cumulative impact in the current Cork County Development Plan, including the following shown in italics:

*“Wind Energy Strategy*

13.6.3 Cork County Council developed a wind energy strategy for the County Development Plan 2014 using the guidance provided in the “Planning for Wind Energy Development Guidelines 2006” and the SEAI Manual ‘A Methodology for Local Authority Renewable Energy Strategies’ April 2013. The 2006 Guidelines included a methodology for a sieve mapping analysis of the key environmental, landscape, technical and economic criteria to identify the most suitable location for wind energy development. Cork County Council’s Strategy, illustrated in Figure 13.3 below, was based on these Guidelines and a number of key policy considerations as follows:

- The approach taken by other adjoining Local Authorities (Kerry, Limerick, South Tipperary, and Waterford) to Wind Energy in their respective County Development Plans. Of particular importance are the instances where adjoining Counties have adopted a policy discouraging wind energy projects.
- *The location of all existing and proposed wind energy developments and their cumulative impacts.*
- The pattern of population distribution, so that the main centres of population can be avoided.
- Accessibility to the electricity distribution grid.
- Important or high value landscapes.
- Nature conservations sites and in particular Natura 2000 sites (SPA and SAC).

- The Water Framework Directive and River Basin Management Plans for the County, so that impacts on the rivers, lakes and other waterbodies of the County could be avoided.
- The Sustainable Energy Ireland (SEI) Wind Atlas, 2003 was utilised to identify areas with viable wind speeds.

13.6.7 Open to Consideration: This area comprises almost 50% of the County area. Within these areas there are locations that may have potential for wind farm developments but there are also some environmental issues to be considered. This area has variable wind speeds and some access to the grid. Urban areas, metropolitan/town green belts, and Natural Heritage Areas (NHA's) within this area are not generally considered suitable for wind farm developments. The area excludes Natura 2000 sites. Any proposals within Freshwater Pearl Mussel Sub Basin Catchments or in other sensitive catchments must be able to demonstrate that they have been designed in a manner which prevents any risk of peat slippage or erosion; and ensures the ongoing protection of water quality and the maintenance of natural hydrological processes. *The cumulative effect of wind energy developments with regard to landscape and visual impacts and also impacts on Natura 2000 sites will also be a consideration.* High design standards in terms of environmental protection measures are likely to be required to be included in projects located in sensitive catchments.

### County Development Plan Objective

#### ET 13-7: Open to Consideration

Commercial wind energy development is open to consideration in these areas where proposals can avoid adverse impacts on:

- Residential amenity particularly in respect of noise, shadow flicker and visual impact;
- Urban areas and Metropolitan/Town Green Belts;
- Natura 2000 Sites (SPA's and SAC's), Natural Heritage Areas (NHA's), proposed Natural Heritage Areas and other sites and locations of significant ecological value.

- Architectural and archaeological heritage;
- Visual quality of the landscape and the degree to which impacts are highly visible over wider areas.

*In planning such development, consideration should also be given to the cumulative impacts of such proposals.”*

With Objective ED 3-5 of the previous Cork County Development Plan being revised in Objective ET 13-7 of the more recent Plan to include the addition of the final sentence, it is apparent that the need for the assessment of cumulative impact requires particular attention.

I note my previous considerations on cumulative impact in my report on ABP-308244-20. The focus now on the cumulative impacts should correctly be on visual impacts, landscape impacts, and impacts on ecology.

#### 5.4.2. *Cumulative Visual Impact*

My considerations on the cumulative visual impact were set out in Section 7.6.4 of my original report. These were as follows:

*“I submit to the Board that this is an important issue in the context of the landscape and visual amenity impacts. The reason for this is the very limited degree of cumulative impact the proposed development would have with other established wind farms north of this site. The applicant’s photomontages, capturing Bantry, the local road network, walking routes, viewing areas, etc., ably demonstrate the distinct lack of cumulative impact generally. This, in my view, indicates how this area has to date been well protected from significant intrusive development and how the proposed development of this scale and height would have such distinct impacts for the setting of the town of Bantry, views from Bantry Bay to the mountainous backdrop, the approaches and context of Gougane Barra, and views from the wider road network understood to form part of the Wild Atlantic Way. The proposed*

*development would be a stark, prominent intrusion on the natural amenity of this area. The cumulative impact with other wind farms is not a significant issue. The prominence of the isolated wind farm, with turbines of the height and scale proposed in a highly scenic setting, is the issue and the resulting adverse impact this development would have on the visual and landscape sensitivities of this highly scenic and valued area.”*

From this it can be determined that I have previously concluded that the cumulative visual impact would not be significant. I wish to add to this that the Shehy More Wind Farm has been developed and, having undertaken a site inspection in this area in recent times, it is evident that there would be some degree of inter-visibility between the proposed development and the three westernmost turbines of the Shehy More wind farm, particularly when travelling along the R384 close to the Pass of Keimaneigha (Scenic Route S28).

#### 5.4.3. *Cumulative Landscape Impact*

Regarding the landscape impact, I first state that I failed to address the cumulative landscape impact in my original report. Having due regard to Objective ET 13-7 of the new Cork County Development Plan, this requires to be considered. I submit that the proposed development as a stand-alone development, in terms of effect on landscape character, would produce a very significant impact due to the scale and consequent visibility of the proposed turbines. When other wind farm development in this area is taken into consideration, the effect on the landscape character of the area between Bantry and north of Ballingearry becomes an issue of cumulative impact concern and exacerbates that change in landscape character of the Shehy and Derrynasaggart mountain ranges. I must impress upon the Board again the importance of retaining the natural landscape character of the area south of the proposed wind farm site, i.e. between this site and Bantry Bay. To date views northwards from Bantry Bay have been protected from intrusive, highly visible man-made development on upland areas. The importance of the framing of the town of Bantry and Bantry Bay by the natural landscape character of the mountains north of it cannot be understated. I have submitted in my original report that the proposed

development would reduce the quality of the landscape character types over which it would have influence due to the physical prominence such structures would evoke and the clear structural, man-made impacts viewed over a vast area in proximity to highly sensitive landscapes. This landscape cannot be subdivided for assessment purposes. The area forming Bantry, its coastline and its hinterland and up into the Gaeltacht area of the County is understood to be of distinctive character in terms of amenity value and tourism product. Thus, each additional wind farm development affects the landscape character of this well understood and defined area on its own but increases the effect cumulatively as the extent and influence of increased numbers of turbines affect the overall context. In landscape impact terms, the proposed development is not understood in isolation. I particularly note the following:

- The 11 turbines of Shehy More Wind Farm are now distinctly prominent on the approach to Ballingeary from the R384 and are highly prominent when travelling south from Ballyvourney towards Ballingeary;
- The six turbines of Derragh Wind Farm are highly prominent on the approach to Ballingeary from the R384 and when travelling south from the Ballyvourney direction; and
- Grousemount Wind Farm is distinctly visible when approaching Ballingeary from the north and this development will have notable intervisibility with the proposed development as noted from the Photomontage 12 in Volume 2 of the applicant's EIAR.

As one progresses south of Ballingeary towards Gougane Barra, it is apparent that the proposed developed would add significantly to the landscape change with further wind farm development. Photomontage 11 of Volume 2 of the EIAR ably demonstrates this.

I submit to the Board that the more wind farm development in this area that is sited on exposed and prominent ridgelines the more the detrimental effect it has on the natural landscape character. This distinct landscape character is undergoing change at a significant rate. What is seen as valuable, i.e. the naturalness of the mountain ranges, are being eroded substantially by the intrusion of more wind farm development on the area's most scenic tourism asset, its landscape. While the site

itself has previously been developed as a wind farm, the scale and height of the proposed turbines are incomparable and would produce structures of vastly greater visibility over an extensively greater geographical area. The significantly larger turbines significantly increase the cumulative landscape impact due to their prominence and increased incongruity with the natural landscape. The inter-relationship between the proposed development, Gougane Barra, the Gaeltacht area to the north, and the town of Bantry and its hinterland to the south is critical. The cumulative landscape effects of increased numbers of turbines on exposed ridgelines are evident. I pose the question: When does landscape change to these natural mountain ranges become too much?

While I have determined that the cumulative visual impact would not be significant, it would be remiss of me not to note the applicant's submitted Zone of Theoretical Visibility (ZTV). There is some degree of inter-visibility of the proposed turbines with wind farm developments to the north, such as Shehy More Wind Farm, Carrigarierk Wind Farm, and Derragh and Cleanrath Wind Farms. It is apparent also that there may be some limited degree of inter-visibility between the proposed development and wind farms to the south-east, such as Millane Hill, Killaveenogue, Knockeenboy, and likely Currabwee. There is potential also with the proposed Gortyrähilly Wind Farm.

It is apparent that the strong landscape influence of the proposed development would distinctly continue north-eastwards into the heartland of the West Cork Gaeltacht setting. The existence of other wind farm developments further out beyond Ballingeary and the villages of the area do come into play when considering the cumulative landscape impact. At present, there is a distinct lack of wind farm development on the approach south-westwards to Bantry Bay. The development of Derreenacrinnig West Wind Farm, together with the proposed development, will cumulatively affect the landscape impact north-eastwards from Bantry Bay. While some consideration may be given to the existence of a wind farm on this site previously, it must be understood that the proposed turbines to blade tip would be three times the height of the previous turbines. The effect on the landscape would, therefore, become significantly more pronounced.

The cumulative landscape impact with established and permitted wind farm development in the area arises with the further erosion of the natural landscape character of the area. It is reinforced by the height, scale, and number of turbines proposed for this site which would be placed on elevated mountain and ridgelines and where they would fail to retain mountainous backdrop, frequently producing highly prominent development on the skyline and increasing the change in landscape character in this area which incorporates the Shehy and Derrynasaggart mountain ranges.

#### 5.4.5. *Cumulative Impact on Ecology*

Regarding the cumulative impact on ecology, the Board will note my second reason for refusal recommended in my original report. I consider that the cumulative impact of wind turbines in the area, inclusive of the proposed development, would substantially erode the quality of the environment for sensitive bird species of conservation value, including distorting migratory routes, eroding habitat, encroaching on foraging areas, and affecting roosting and breeding sites. This concern remains.

#### 5.4.6. *Conclusion on Cumulative Impact*

Overall, I am satisfied to conclude that the proposed development would have significant cumulative landscape and ecological impacts. My reasons for refusal as set out in my original report require to be revised to reflect this determination.

### 5.5. **Noise**

#### 5.5.1. *Amplitude Modulation*

I note from the third party appellant's submission that the Board is informed of a study on amplitude modulation of wind turbine noise. It is submitted that the standard method applied by the Board in comparable wind farm cases, which relies on specific decibel limits, does not address the problem of amplitude modulation from

large wind turbines. It is also noted that this problem is not discussed in the 2006 Wind Energy Development Guidelines. Reference is made to WHO observations and guidance on noise impacts. Amplitude modulation and its impacts on residents are set out.

I note my considerations on noise in my report on ABP-308244-20. Some of my observations included:

- *The residents in this remote area generally experience an environment where there are low background noise levels at present.*
- *There was a wind farm previously on this site and wind farm-related activities comprised a source that influenced the noise environment in recent times.*
- *The swishing of blades from the large turbines proposed could potentially affect sleep patterns and could potentially generate stress where turbine noise is audible, particularly where windows may be left open in houses in the vicinity.*
- *I am aware of the extensive public concerns relating to infrasound, amplitude modulation causing periodic thumping at low frequencies, and the negative health effects seen to arise from wind farm development on some people exposed to such development.*
- *There is extensive conflicting research on these issues.*
- *I acknowledge the WHO Environmental Noise Guidelines for the European Region. Such guidance may influence the review of the existing Wind Energy Guidelines. However, at present I must determine that the prevailing guidance on noise is that set out in the current national Wind Energy Guidelines.*
- *I accept that this is a particularly complex issue, with extensive conflicting research and a wide range of international guidance and standards. Evidently much can be learned from international best practice but the guidance to which the Board would ultimately be required to have due regard to at this time is set out in the Wind Energy Guidelines.*

My conclusion on operational noise was:

*“Overall, I submit that there is no information to refute or counter the applicant’s methodologies applied in assessing the likely operational noise impacts arising from*

*the proposed development and the conclusions drawn that the proposed development would not have significant adverse environmental impacts relating to noise.”*

I must acknowledge that my assessment did not address the issue of amplitude modulation. This should have been considered in my original report. I must acknowledge that, in my experience, it now often presents as a significant concern from third parties on submissions on wind farm developments and is an issue that merits consideration.

The applicant acknowledges the potential of amplitude modulation (AM) in Section 11.4.2.2.2 of the EIAR. Reference is made to UK research on this issue. The applicant submits that AM is associated with wind turbine operation and that it is not possible to predict an occurrence of AM at the planning stage. It is also submitted that it is a rare event associated with a limited number of wind farms, being the exception rather than the rule. The applicant notes that research and guidance on this issue is ongoing, with reference being made to the Institute of Acoustics (IoA) Noise Working Group (Wind Turbine Noise) Amplitude Modulation Working Group (AMWG). The applicant concludes:

*“Where it occurs, AM is typically an intermittent occurrence, therefore assessment may involve long-term measurements. The ‘Reference Method’ for measuring AM outlined in the IoA AMWG document will provide a robust and reliable indicator of AM and yield important information on the frequency and duration of occurrence, which can be used to evaluate different operational conditions including mitigation.”*

It is my submission that the applicant acknowledges the potential for amplitude modulation. The response, however, to address this issue, in the event it arises as an adverse effect from the proposed development on residents in the wider area, is unclear. If amplitude modulation becomes an adverse impact due to its frequency and duration during operational conditions then there would reasonably be an expectation to employ mitigation to address such impact. This should be known at the time of the making of the application in order that it can be assessed as an adequate response to the issue. What the applicant proposes to do is unknown.

There is no guidance set out in the Wind Energy Development Guidelines 2006 on this issue. Notwithstanding this, as the applicant acknowledges the potential for adverse environmental effects from amplitude modulation, there should be an understanding of what is going to be done to address these effects in the application. This may be a matter that the Board considers should be addressed by the applicant and a request for information from the applicant on the proposed measures to address it in the event it arises could be sought.

#### 5.5.2. *Implications arising from Balz and Heubach v An Bord Pleanála*

I note the third party appellant's grounds of appeal and the covering letter submitted with them. I further note that the contents were acknowledged in my report on ABP-308244-20 and that some of the details set out were not expressly addressed in this original report.

My original report placed a strong reliance on the Wind Energy Development Guidelines 2006. One of the inadequacies of these guidelines as they relate to noise are referenced above. The Board are in a most difficult position when having to have regard to such outdated guidance. There are no other Section 28 Guidelines to which the Board can refer to when considering the issue of noise or any other environmental impacts from wind energy development.

The appellant has referred to WHO guidance, a wide range of documentation relating to noise and wind farm development, and to the MAS Environmental Ltd. report on the draft Wind Energy Development Guidelines dating from February 2020. I note and acknowledge this documentation and their detailed and informed considerations offered on noise from wind energy development. I particularly note the MAS Environmental Ltd. report. There is a distinct vacuum in which the Board finds itself on this matter, in my opinion. As I have referred to in my original report, there is extensive conflicting research on noise related to wind farm development. I again note the WHO guidance. At this time of no updated Section 28 Guidelines, my principal observation is that the precautionary principle should reasonably apply. The lack of finalised Wind Energy Development Guidelines, which would be expected to

provide an updated, informed and relevant guide for planning authorities, leaves the Board at this time without adequate Section 28 Guidelines. It could reasonably be determined that failure to be able to adequately assess noise impact (and other environmental issues) measured against informed Guidelines must lead to the application of the precautionary principle because the environmental and/or human health hazard that arises is uncertain.

I again note the third party position in its submission. I also acknowledge the referenced decision *Balz and Heubach v An Bord Pleanála*. I query how much weight the Board can place on the WHO guidance and how much can override the existing 2006 Guidelines. I note the draft Wind Energy Development Guidelines 2019. The term 'draft' would indicate caution when giving consideration to them, in my opinion. I query how the Board can reasonably balance one set of research studies which determines that there is no (or no proven) adverse effect arising from noise from wind turbines against a competing set of studies which determines that there is. I pose the question: How can one adjudicate on what constitutes reliable data and preferred conclusions in such an instance? The existence of this vacuum results from the failure to provide finalised and up-to-date Wind Energy Development Guidelines. I submit that perhaps it is time to give consideration over to stalling determinations on applications for wind farm development where no new guidance is in place. I submit that this would likely be the incentive to ensure an early delivery of new finalised Guidelines. Perhaps approvals for wind farm development could, thus, be determined to be premature pending the delivery of new finalised Guidelines. While there is much emphasis in public policy on promoting renewable energy and the benefits which would accrue from it, there appears to be little urgency in producing critically important up-to-date guidance which would allow for informed decision-making on the delivery of it in the right locations in a sustainable manner. I submit that this lack of up-to-date guidance is likely to continue to result in more court challenges as the Board and planning authorities are left isolated in seeking to deal with matters where the principal Guidelines are almost 20 years old, indeed archaic, when due regard is had to how wind energy development has significantly evolved in form and scale since then.

## 5.6. **Battery Storage**

- 5.6.1. The proposed development includes a 38kV electricity substation, with 4 no. battery storage containers, a control building with welfare facilities, associated electrical plant and equipment, and security fencing. The battery storage compound would form part of the proposed electricity substation compound. The compound would consist of up to four metal containers (similar in appearance to shipping containers). The containers would measure up to 13.3m(L) x 2.4m(W) x 4.4m (H). Each of the containers would house a modular array of battery units, control systems and other electrical components. Additionally, each container would have a transformer and ancillary grid infrastructure for connection to the proposed substation. The compound would also have an entrance gate, security fencing and lighting. The battery storage compound would operate continuously, linked to the on-site substation. It would be monitored in tandem with the overall development and there would be sporadic maintenance visits as required.
- 5.6.2. The third party appellant and observers have raised concern about the safety impacts of the battery storage containers arising from fire hazard.
- 5.6.3. The original third party appeal submitted that there is compelling evidence on the danger of these installations and that the application should have been rejected on grounds of a lack of safety risk analysis and an appropriate mitigation plan for the battery storage containers. The applicant, in response to that submission, indicated to the Board that the general fire risk from battery storage facilities has been extensively researched, resulting in the development of modern and comprehensive mitigation and preventative measures. It was further submitted that it is a standard requirement to complete a site-wide fire safety risk assessment prior to the commencement of operations. It was stated that all plant and equipment would be designed and installed in accordance with required standards and installation and that testing and commissioning standards would be adhered to. A site-wide emergency incident response plan is proposed to be developed also. The applicant considers that the fire safety risk assessment and fire certification process are the most appropriate fora to address these matters.

5.6.4. I first note the remote location of the proposed development relative to settlements and built-up residential areas. The role of the Fire Authority in assessing battery storage as part of the proposed development to address fire safety considerations would be a key component of any approval process, in my opinion. Such fire safety considerations lie outside of requirements under the Planning Acts. I have noted in my previous report some of the likely considerations which would have to be given on this issue, including fire break corridors in forestry and the assessment of the vulnerability of the battery storage containers to potential fire hazard arising from a range of potential catalysts, inclusive of the combustibility of materials being used and the nature of the land use in the vicinity. It is apparent that other legislative and approval processes are required to consider the likely potential fire hazard resulting from a development of this nature.

5.6.5. Finally, I note the Wind Energy Development Guidelines 2006 are silent on battery storage associated with wind farm development. The Draft Guidelines of 2019 are also silent on this issue. I note that the Draft Guidelines state that health and safety issues relating to wind energy development are generally covered by separate legislation and not by planning legislation and that developers of wind energy developments should be aware of the requirements (page 49). I also note that there is no planning legislation or regulations that relate directly to battery storage development.

## 5.7. **Impact on Natura 2000 Sites**

5.7.1. I note the submissions from observers. Kate and Tim Baker refer to a proposal to reintroduce Osprey and the effect wind farms have on these birds by way of collision. Brídín Ashe and Others consider that the impact on Natura 2000 sites is outdated due to Chough now breeding in close proximity to the site.

5.7.2. I refer to my considerations on appropriate assessment in my report on ABP-308244-20. Therein, I concluded in my screening for appropriate assessment of the project that the proposed development may have a significant effect on The Gearagh SAC and The Gearagh SPA. From my appropriate assessment, it was ascertained

that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of The Gearagh SAC (Site Code: 000108) and The Gearagh SPA (Site Code: 004109), or any other European site, in view of the sites' Conservation Objectives. This conclusion was based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of The Gearagh SAC and The Gearagh SPA.
- Detailed assessment of in-combination effects with other plans and projects including historical projects and current proposals and plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of The Gearagh SAC and The Gearagh SPA

5.7.3. In considering the observers' submissions relating to Osprey and Chough, I note that neither bird species or their habitat are Qualifying Interests of The Gearagh SAC or The Gearagh SPA. I remain of the opinion that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of The Gearagh SAC and The Gearagh SPA, or any other European site, in view of their Conservation Objectives. I acknowledge the reference to the presence of Chough and future introduction of Osprey to this area and consider that they would enhance the area's standing as an area of significant ornithological value.

## 5.8. **Clarification on Fáilte Ireland Submission**

5.8.1. I note that the applicant has stated in its most recent submission to the Board that, in regard to tourism, there are no objections made to the proposed development by An Taisce, Fáilte Ireland or the Heritage Council. I consider that it is important to clarify that Fáilte Ireland has made a submission to the Board. It requests the Board to refuse planning permission, having referred to the objective of seeking to protect key tourism assets and amenities.

## 5.9. **Conclusion**

5.9.1. I note from my original report relating to ABP-308244-20 that my recommendation included two substantive reasons for refusal. These remain relevant and have been reviewed, having had due regard to Cork County Development Plan 2022-2028. I submit that noise (and amplitude modulation in particular) is an important issue on which there is a significant and distinct lack of clarity. The Board may wish to seek further details on this issue. As an alternative, it could also reasonably include a third reason for refusal as follows:

*Having regard to:*

- (a) The acceptance of potential adverse noise impacts from the proposed development resulting from amplitude modulation,*
- (b) The lack of any guidance in the Wind Energy Development Guidelines: Guidelines for Planning Authorities (June, 2006) on amplitude modulation, and*
- (c) The lack of any proposed measures to mitigate impacts from amplitude modulation,*

*the Board is not satisfied that the proposed wind farm, in itself and cumulatively with other wind energy development in the vicinity, would not seriously injure the amenities of residential property in the vicinity by way of adverse noise effects.*

It is my recommendation that the two substantive reasons set out below are adequate at this time.

## 6.0. **Recommendation**

6.1. I recommend that permission is refused in accordance with the following reasons and considerations.

## Reasons and Considerations

1. The site of the proposed development lies within an area designated 'Open to Consideration' for wind farm development in Cork County Development Plan 2022-2028. The objectives of the Development Plan include:
  - The avoidance of adverse impacts by commercial wind energy development within areas designated 'Open to Consideration' on:
    - Residential amenity particularly in respect of visual impact,
    - Sites and locations of significant ecological value, and
    - Visual quality of the landscape and the degree to which impacts are highly visible over wider areas,with consideration being given to the cumulative impacts of such proposals. (Objective ED 13-7);
  - To protect the visual and scenic amenities of County Cork's natural environment and to protect skylines and ridgelines from development (Objective GI 14-9);
  - To preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance and views of natural beauty as recognized in the Draft Landscape Strategy (Objective GI 14-12);
  - To protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in the Plan (Objective GI 14-13); and
  - To promote a sustainable approach to the development of the tourism sector within Cork County while ensuring the protection of the natural, built and cultural heritage assets of the county, including Natura sites, which are in themselves part of what attracts visitors to the county (Objective TO 10-1).

Furthermore, the Plan notes that Gougane Barra to the north of the site is a key tourist attraction of national importance, where the surrounding landscape contributes to the setting of the attraction, which attracts significant visitor numbers to the area and which should be protected from inappropriate development (Section 10.7).

Having regard to:

- The height and scale of the proposed wind turbines,
- The siting on elevated mountain and ridgelines,
- The highly prominent skyline nature of the wind turbines,
- The proximity of the proposed development to Gougane Barra,
- The high level of visibility of the proposed turbines over an expansive area, including the setting of Gougane Barra, the town of Bantry, the coastal areas in the vicinity, and the Múscraí Gaeltacht,
- The prominence of the proposed turbines from designated scenic routes, walking trails and cycling routes, inclusive of the Wild Atlantic Way, which form an integral part of the tourism resource of the area, and
- The cumulative landscape impact with extensive established and permitted wind farm development in the area,

it is considered that the proposed development sited at this location would constitute a highly obtrusive development that would detract from the existing natural character of the area, would undermine the setting of Gougane Barra and the framing of the town of Bantry, would erode the landscape and visual quality of the coastal and designated scenic routes in the vicinity, would exacerbate the cumulative landscape impact of wind farm development on tourism and amenity sites in the area, would adversely impact on the rural character of the area and would compromise the scenic amenities of this visually sensitive and vulnerable area. The proposed wind turbines would, thereby, be excessively dominant features and a visually obtrusive form of development in this landscape, which would contribute to the erosion of the visual and environmental amenity of the area, would materially conflict with the objectives as set out in the Cork County Development Plan, and would seriously injure the landscape and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within an area of significant ornithological value, as evidenced by the applicant's bird surveys in support of the application. The objectives of Cork County Development Plan 2022-2028 include:

- Commercial wind energy development is open to consideration in such designated areas where proposals can avoid adverse impacts on sites and locations of significant ecological value (Objective ET 13-7),
- To protect and conserve those natural heritage features that form the resources on which the County's tourist industry is based (Objective 10-5), and
- To provide protection to species listed in the Annexes of the Habitats and Birds Directives listed in Volume 2 of the Plan and to protect, and where possible enhance, areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network (Objective BE 15-2)

It is considered that the siting, height, scale and operation of the proposed turbines would result in a significant risk of collision for Annex I bird species, inclusive of White-tailed Eagles which are listed in Volume 2 of the Plan, as well as loss of habitat and displacement for raptors prevalent at this location. Furthermore, it is considered that the cumulative impact of wind turbines in the area, inclusive of the proposed development, would substantially erode the quality of the environment for these sensitive bird species, including distorting migratory routes, eroding habitat, encroaching on foraging areas, and affecting roosting and breeding sites. The proposed development would, thus, have significant adverse impacts on the ornithological importance of the area by way of disturbance and displacement of protected bird species and potential for bird strikes, would materially conflict with the objectives as set out in the Cork County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore  
Senior Planning Inspector  
11<sup>th</sup> March, 2024