



An
Bord
Pleanála

Inspector's Report

ABP-317265-23 - Addendum

Development	Construction of Dyrick Hill Windfarm comprising 12 no. wind turbines and related works.
Location	Townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield) and others, Co. Waterford.
Planning Authority	Waterford City and County Council
Applicant(s)	Dyrick Hill Wind Farm Limited
Type of Application	Strategic Infrastructure (Section 37E)
Prescribed Bodies	<ol style="list-style-type: none">1. Tipperary County Council2. An Taisce3. Coillte4. Department of Housing, Local Government and Heritage5. Department of Defence

6. Failte Ireland

Third Party Observer(s)

1. Ann Morris
2. Anne Lebaupain McCarthy
3. Conor McGuinness
4. Elizabeth Alderton
5. Esther Barron and Joe
Prendergast
6. FuturEnergy
7. Gerard and Ann Cummins
8. Helen Fraher
9. Irish Peatland Conservation
Council
10. John Cullinana
11. Julia Gorodecky
12. Knochmealdown Active
13. Knockmealdown Protection Group
14. Mairead Prendergast
15. Mattie McGrath
16. Ray Ryan BMA Planning
17. Residents of Marlpit Farm
18. Tim van der Knaap
19. Trevor Power
20. Wild Ireland Defence CLG (Peter
Sweetman)

Date of Site Inspection

10.03.24

Inspector

Una O'Neill

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1.0 Introduction

- 1.1. This is an addendum report to the Inspector's report in respect of ABP-317265-23, dated 31st March 2024.
- 1.2. In correspondence dated 7th May 2024, the Board invited the applicant to make a submission on the observations received in relation to this application for a windfarm of 12 turbines in County Waterford. A submission was subsequently received from the applicant on 21st May 2024.
- 1.3. This report considers the submission made by the applicant and should be read in conjunction with Inspector's report ABP-317265-23, dated 31st March 2024.

2.0 Background

- 2.1. This is an application made by Dyrick Hill Wind Farm Limited for strategic infrastructure under section 37E of the Planning and Development Act, 2000, as amended. The application is made pursuant to formal notice issued by the Board dated 04.04.23, where it determined under section 37B(4)(a) of the Planning and Development Act, as amended, that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c), requiring that the application be made directly to the Board.
- 2.2. The proposed development comprises the erection of 12 no. 6.0-7.2 MW wind turbines and associated 110 kV grid connection of 16km in length to the national electricity grid at the existing Dungarvan 110 kV Substation.
- 2.3. I refer the Board to Section 2 of the Inspector's report dated 31st March 2024 for a detailed description of the proposed works.

3.0 Applicant's Response to Observations Received

The applicant's response to observations was received by An Bord Pleanála on 21st May 2024. The applicant's response is summarised below in this addendum report:

- Legislative and Planning Policy: Planning weight should err on the side of a 'presumption in favour of development unless material considerations indicate

otherwise' as per paragraph 11 of the NPF, NPO 11. Applicant invites the Board, having regard to national and EU policy, specifically Article 3 of Regulation 2022/2557 as amended by Council Regulation (EU) 2024/223 (RED III), to grant permission in material contravention of the County development Plan, as the development, as per RED III, is of over-riding public interest. EU legislations allows for a rebuttal presumption that renewable energy projects are of overriding public interest and serving public health and safety, in particular, for the purposes of the relevant Union environmental legislation, except where there is clear evidence that these projects have major adverse effects on the environment which cannot be mitigated or compensated for.

- Proposal is consistent with the Climate Action Plan, and as per the Climate Act, the Board must perform their functions in a manner consistent with the latest climate action policies.

Applicants Response to DAU Submission

- Mitigation proposals - Mitigation provides for restoration of dry heath and acid grassland. DAU consider this could be achieved in changes to management by landowners without the need to permanently remove the existing habitat. The applicant notes the lands are not currently managed under any nature conservation schemes. Following discussions by the applicant with the landowners, habitat management proposals have not been brought to the attention of landowners and will not be actioned in the absence of this development. The proposed habitat management measures currently represent the best opportunity to manage these lands for future habitat restoration and enhancement.
- Net loss of biodiversity - The implementation of the habitat management proposals will have the potential to contribute towards an overall net gain in the area of high value habitats occurring within the site. The habitat enhancement measures and actions proposed are based on techniques that have been proved to be effective at restoring and enhancing habitats.
- Obligations under Annex I Habitat - Protection under the Habitats Directive is only applicable to Annex I habitats which have been designated as an SAC. The development will not adversely affect the integrity of any SAC.

- Hinterland Surveys - In relation to hinterland surveys, these were carried out in suitable habitats and vantage point survey points were within 10km from the site. All reports/surveys referenced are as per the original documentation. Previous hen harrier national surveys were taken into account. The hinterland survey for raptors were conducted in accordance with Harley et al (2013) and the area extended well beyond the 2km buffering area for raptors. HVP surveys were conducted monthly from June to September following sighting of the hen harrier male to assess potential nesting activity in this area but yielded no further observations of hen harrier.
- Hen Harrier Activity – Assessment of significance of the effects and displacement of habitat loss on birds is based on the findings of ornithological surveys. The duration of the surveys carried out in relation to hen harrier exceed the recommended two year period prescribed in SNH guidelines. The sighting on 25th July 2022 was the only sighting over 3 full years of full breeding bird surveys to fall within the recognised April to end of August breeding period for hen harrier.
- Potential effects have been fully considered in the EIAR and follows best practice of Percival, S.M., 2003. Based on a lack of breeding on the site and low level of sightings, the overall effects of loss of breeding and/or foraging habitat will be a long-time slight to moderate effect. The overall significant of disturbance and/or displacement during the construction will be short-term slight effect. The potential collision risk is a long term imperceptible effect.
- Golden Plover Response – Chapter 7 of EIAR addresses Avifauna, in accordance with published best practice. Predicted to have a long-term moderate effect locally and a long term slight effect at a county level for golden plover. This predicted effect relates to habitat loss during the operational effect of the proposed development.
- Archaeology – The applicant considers the approach taken in the EIAR is appropriate and legally binding. An assessment of potential indirect effects is now included of Clashganny East Church and Graveyard and of the Archaeological Complex at Coumaraglinmountain, Co. Waterford. In relation to the latter, the complex was extensively surveyed and researched by Michael Moore in the 1990s and included an analysis of potential intervisibility between individual and groups of

monuments within the internal area and an analysis of the potential ritual significance of the progression of sunlight shadows across the valley during the winter months. It is concluded that the proposed development at a distance of 8+ km to the west will not result in any likely significant impact and will not result in a shadow effect across the valley. The applicant would welcome the opportunity to submit further information on this point if requested by the Board.

Applicants Response to An Taisce Submission

- Development Plan Provisions: The Waterford Development Plan identifies the site as an exclusion zone for wind farms, however, the Renewable Energy Strategy in the development plan does not comply with the SEAI 'Methodology for Local Authority Renewable Energy Strategies'.
- Chapter 11 of the EIAR, Landscape and Visual Amenity, and the accompanying Planning Statement justify the proposed development which will not significantly impact the surrounding area.
- The Board has the right to materially deviate from the terms of the Development Plan under S37 of the Planning and Development Act 2000, as amended.
- Cumulative Impact: At the time of writing of the EIAR, Scart Mountain Wind Farm was in pre-planning and not yet in the planning system. An outline of the proposal was available but no specific criteria or layout. The potential cumulative impact could not therefore be assessed.
- Legal Obligations under the Habitats Directive: Specific defence of the AA carried out, having regard also to Council Regulation (EU) 2022/2577 as amended by Council Regulation (EU) 2024/223 designates renewable energy infrastructure projects as being of overriding public interest within the terms of S.6 of the Habitats Directive.

Applicant's Response to Coillte Submission

- The circular 6/06 referred to in relation to interpretation by department of two rotor blades and tow rotor diameters cannot be elevated to the status of an amendment of a statutory ministerial guideline.

- The 2019 Wind Energy Guidelines are in draft form. Nonetheless, they retain the language of two rotor blades and did not take the opportunity to affirm the clarification set out in the circular.
- Regardless of whether the Board applies the two rotor diameter measurement or not, the Coillte Land to the west would not generally be considered suitable for wind energy due to the restrictive size of the available land and the setback requirements to nearby dwellings in close proximity to these lands.

Applicant's Response to FuturEnergy Ireland Submission

- Same response as to Coillte as same issue is raised in relation to distance of turbines from boundary with adjoining land.
- Same response as per response to DAU submission on matter of birds.
- Same response as per response to DAU submission in relation to loss of dry heath habitat. The effect initially identified as being significant negative effects at the national/international scale, is prior to the reference to mitigation measures that aim to minimise this potential via a Habitat Management Plan, which over the long term would result in a positive residual effect for biodiversity.
- Table 6.2 of the Habitat Management Plan set out actions, methods, targets and timescales.
- If plan doesn't work then impact would be significant negative long-term effect. However, the Habitat Management Plan has been prepared with the intention of avoiding long term impacts.
- Monitoring is provided for.
- Issue of noise sensitive receptor relating to a dwelling within 500m has been addressed. ABP has separately granted permission for a change of use.

Applicant's Response to Failte Ireland Submission

- Tourism has been adequately considered in the EIAR under Chapter 5 Population and Human Health and Chapter 11 and 13 related to landscape and visual amenity and cultural heritage. Failte Ireland guidelines were considered in the EIAR.

- Findings in relation to visitor attitudes are encouraging.

Applicant's Response to Department of Defence Submission

- Conditions will be complied with in the event of a planning permission.

Applicant's Response to Irish Peatland Conservation Submission

- No peat was encountered on the site, although it was noted that peaty topsoil (peaty podzols and peaty gleys) were observed to depths of up to 0.4m in some locations. The proposal will not disturb peat, therefore this was not a consideration in the carbon calculations.
- Sources of nitrogen in terms of sediment laden run off and car emissions have been considered.
- The successful implementation of the Habitat Management Plan will contribute towards a net increase in the favourable range of dry heath habitat within Ireland. This is identified as a potential positive effect for the range and distribution of this habitat in Ireland.

Applicant's Response to TII Submission

- There is no direct access proposed to a national road.
- In relation to the proposed haul route, the applicant agrees to all items brought forward in the TII submission whether as a planning condition or otherwise.
- Details of the turbine components and typical abnormal load transport vehicles are shown in section 2.2 of the haul route report, which is included in Appendix 14.1 of the EIAR. TII shall be included in all correspondence relating to the transportation of turbine components.
- Grid connection works will be carried out in consultation with TII and Waterford County Council and all associated publications reviewed.

Applicant's Response to Tipperary County Council Submission

- The proposed turbines are viewed in most cases in the opposite direction to the main aspect of scenic amenities and do not block or obstruct other sensitive viewing aspects. The proposed turbines would be well accommodated in terms of their scale

and function in this foothill landscape and given the range of other anthropogenic land uses including existing wind energy development, major routes and extensive areas of commercial conifer forestry.

- The Tipperary Council Renewable Energy Strategy 2022-2028 is clearly outdated in terms of current renewable energy policy and is not appropriate in the context of current regional, national and European renewable energy and climate resilience policy.
- Planning weight should err on the side of a 'presumption in favour of development unless material considerations indicate otherwise', as per paragraph 11 of the National Planning Framework. In the context of a climate emergency, proposal addressing an urgent national priority.

Applicant's Response to Uisce Eireann Submission

- The developer will commit to be adequate separation distances from any Uisce Eireann assets and their codes and practices.

Applicant's Response to Other Third Party Submissions

- NIS – Use of ECoW is a key element in the delivery of mitigation measures. It is not proposed as a mitigation measure.
- Habitat Management Plan – Table 5.5 of Screening Report for AA has identified the works to be undertaken at the wind farm site, including potential hydrological pathways. Mitigation measures are set out in Section 6 of NIS. Implementation of mitigation measures during the completion of habitat management actions will provide adequate safeguards such that they do not present an adverse risk to the integrity and conservation objectives of European sites.
- CEMP and SWMP form part of the same application which the NIS forms a part of. All such measures are not required as part of the NIS to ensure no adverse impact on a European site.
- Section 6.6 to 6.9 refer to Section 6 of the NIS and wherever applicable means that where the measures set out in these sections apply to existing conditions at the haul route locations, they will be applied.

- Consideration of runoff associated with excavations on site and sedimentation did form part of the AA. The mitigation measure proposed will promote the capture and retention of suspended sediment and replicate greenfield rainfall infiltration rates.
- Section 67.1 is a typographical error and the NIS does contain section 6.2 and 6.5.
- Monitoring is required to establish and record the effective implementation of mitigation measures.
- Confirmatory surveys in terms of the bridge and culvert design are included to acknowledge that watercourses are not static features of the environment, with channel widths, depths, banksides etc being subject to change over time as a result of natural and other anthropogenic processes. The suite of mitigation measures proposed will provide sufficient safeguards during construction phase to ensure proposal will not pose a risk of adverse effects to European sites.
- An experienced qualified construction supervisor will define what is 'reasonably practicable' in line with embedded mitigation measures, best practice guidance, specific mitigation measures outlined in the NIS and any measure stipulated in the planning conditions.
- Mitigation measures in NIS are a suite of best practice construction guidelines to address with confidence that release and transport of suspended solids will be effectively managed.
- The Goodship & Furness Report (2022) contains a review of scientific based evidence utilised in NIS which can be relied upon.
- The AA Screening Report addressed all birds of special conservation interest within the zone of influence.
- The potential impact on water quality has been considered in the NIS.
- Section 6 of the NIS is considered to appropriately address mitigation in accordance with best practice guidance which will be adhered to throughout the construction, operation, and decommissioning of the proposed development.

- The CEMP forms part of the proposed development and is considered part of the NIS considerations.
- Public Consultation - The applicant lists all consultation undertaken, which is considered to be over and above the requirements of the EIA regulations, the WEGs, and the Aarhus Convention.
- Procedural Issues - While the HSA was not consulted as a prescribed body, in error by the applicant, it was consulted during the scoping process and they provided a response on 13th April 2022, which is in Volume IQ, Appendix 1.1 Consultation Responses of the EIAR.
- Landscape and Visual Effects – Addressed in Chapter 11 of the EIAR, which complies with standard best practices. The findings demonstrate that the landscape can accommodate the proposed development without giving rise to significant effects.
- Freshwater pearl mussels are not located within the zone of influence of the proposed development.
- The windspeed resource at the site is consistent with a windfarm development.
- On shore wind farms are necessary to meet Ireland's climate targets.
- Autism and Wind Turbines – Concern raised in submission in relation to hypersensitivity to noise of a child and potential impact of shadow flicker and infrasound. All turbines will be equipped with a system that will programme the turbine to shut down should condition of the angle of the sun be such as would cause shadow flicker. Infrasound and available scientific evidence have been reviewed to assess the low frequency noise from wind turbines on humans. Lack of scientific evidence that windfarms can have harmful effects on human health.

4.0 Planning Assessment

- 4.1. Having reviewed the applicant's response, all matters have been summarised in Section 3 above and the main matters to be considered in this addendum report are

set out hereunder. This addendum report should be read in conjunction with the Inspector's report dated 31st March 2024 where all matters are addressed in detail.

4.2. Planning Policy

- 4.2.1. The issue of the principle of development and planning policy was addressed in Section 11.4 of the Inspector's report dated 31st March 2024.
- 4.2.2. The applicant considers that local policy objectives and the renewable energy strategy within the Waterford City and County Development Plan 2022-2028 are not in accordance with the EU Renewable Energy Directive (RED) and subsequent amendments, specifically RED III, where there is a presumption that renewable energy projects are of overriding public interest. The applicant similarly considers the operative Tipperary County Development Plan and adopted renewable energy strategy is not aligned with EU policy. The applicant considers the Board must comply with its obligations under the Climate Act and utilise legislation under the Planning and Development Act 2000, as amended, to allow for a material contravention of the Waterford City and County Development Plan 2022-2028 in accordance with EU directives to support renewable energy.
- 4.2.3. Current national and regional policy recognises the need to urgently move towards a low carbon and climate resilient society with a sustainable renewable energy supply and associated grid infrastructure provision. I note the applicant's reference to the amending Renewable Energy Directive EU/2023/2413 known as RED III, which came into force in the EU in November 2023. RED III provides for new energy targets and stronger measures to ensure that all possibilities for the further development and uptake of renewables are fully utilised, with a presumption that renewable energy projects are of overriding public interest. There is an 18-month period to transpose most of the directive's provisions into national law, with a shorter deadline of July 2024 for some provisions related to permitting for renewables. The Climate Action Plan 2024 identifies the following step in relation to accelerating renewable energy generation which RED III proposes: 'Map and designate Renewable Acceleration Areas for onshore renewables as required following transposition of the revised Renewable Energy Directive once the relevant provisions

have been transposed into Irish law'. The RED III directive has not yet been transposed into Irish law.

- 4.2.4. The NPF promotes renewable energy use, as per NPO 55, which states 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'. The adopted Waterford City and County Development Plan 2022-2028 identifies 'appropriate locations' through its policy objectives. The development plan, including its associated renewable energy strategy, was subject to evaluation by the Office of the Planning Regulator.
- 4.2.5. Policy Objective UTL 13 of the Waterford City and County Development Plan 2022-2028 seeks to facilitate and encourage proposals for renewable energy generation, transmission and distribution developed fully in accordance with the Waterford Renewable Energy Strategy (RES), the wind energy designation map (Appendix 2 of the RES), the Waterford Landscape and Seascape Character Assessment, and the National Wind Energy Guidelines. I note as per the wind energy designation map of the Waterford Renewable Energy Strategy (Appendix 7 of the operative development plan), the site is located in an area identified as an 'exclusion zone' or a 'no go' area for new wind energy developments, therefore the proposal is not acceptable in principle at this location and would materially contravene policy objective UTL 13 of the operative development plan as it would not be in accordance with the Waterford Renewable Energy Strategy (RES).
- 4.2.6. The Board will be aware that under section 37(2)(a) of the Planning and Development Act 2000, as amended, it may, in determining an appeal under that section, decide to grant a permission even if the proposed development contravenes materially the Development Plan. It is open to the Board to consider the development against S37(2)(a) of the Act. However, in my opinion, this is not warranted having regard to the existing national and regional policy context, existing guidelines, and having regard to the development plan process and the statutory basis of the operative development plan and the clearly stated objectives therein. I refer the Board to relevant case law which would support the view that the policies and provisions of the development plan take precedent, as set out in Section 11.45 of the Inspector's report dated 31st March 2024.

4.2.7. I consider the Board is complying with its responsibilities in relation to the Climate Act and associated Climate Action Plan 2024 and all other climate plans in this assessment, considering all existing relevant legal matters, including the operative development plan, and all EU directives, including the Habitats and Birds Directives. In addition to policy considerations, I am of the view that there are significant issues with the proposed development in relation to biodiversity, Annex I habitats, and birds and I refer the Board to the Inspector's report dated 31st March 2024 for more detail in this regard.

4.3. Habitat Management Plan, Impact on Birds, and Net loss of Biodiversity

- 4.3.1. I refer the Board to Sections 11.7 and 12.5 of the Inspector's report, dated 31st March 2024, which addresses the issue of loss of biodiversity, including the proposed habitat management plan and its associated mitigation measures, and Section 12.6 addresses ornithology.
- 4.3.2. Given the layout of the proposed turbines, the development will result in the direct loss of 3.5ha of Annex I dry heath (4030) habitat. The Annex I dry heath (4030) habitat of Broemountain is stated by the DAU to be an important habitat within the Knockmealdown mountain area which is a suitable habitat for the Hen Harrier, which is afforded protection under Annex 1 of the EU Birds Directive (2009/147/EEC) and which has been recorded on and within the area of the site in 2015 and in the recent past.
- 4.3.3. The applicant in the submitted documentation accepts the ecological value of habitats at Broemountain, however, considers that the restoration and management of existing habitats via the habitat management plan would result in the restoration of a greater area of dry heath and acid grassland and would not result in a net loss. The applicant notes that the Annex I habitat is not within a SAC. I note the applicant states that the level of observation of hen harrier was low with one bird being sighted on two occasions. It is stated that consideration was given to the potential for nesting in the area but surveys from June to September yielded no further observations. Observations of hen harries from the VP surveys are considered by the applicant to

be low relative to the numbers of sightings of the species relative to the length of time of the VP surveys over 2.5 years.

4.3.4. The habitat in the area of Broemountain, specifically the Annex I habitat proposed to be removed, has value in and of itself in addition to its value to birds. This is supported by the DAU submission. The mitigation methods outlined in the Habitat Management Plan include restoration of remaining areas of dry heath and unimproved acid grassland in the surrounding area through control of grazing and enhancement of identified areas. I do not consider the proposed development will avoid deterioration of Annex I habitats, in that 3.5ha is to be directly removed, alongside a loss of 4.8 ha of associated dry acid grassland, habitats which Annex I birds are currently utilising. I do not consider that the mitigation proposed of improving land management and restoration of degraded dry heath habitat in the area will appropriately mitigate the removal of this Annex I habitat or mitigate the likely impacts of its removal on known birds species in the area, including Annex I hen harrier. It is my opinion that the proposed development would be contrary to objectives ENV01, BD01 and BD02 of the operative development plan which seek to protect habitats listed in Annex I of the Habitats Directive, protect biodiversity and ecological connectivity and achieve net gain in biodiversity enhancement and creation. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4.3.5. For clarity for the Board, I set out hereunder the wording of the operative development plan objectives ENV01, BD01 and BD02, in addition to the wording of Annex 4(1) and specifically 4(4) of the Birds Directive which references areas outside of SPAs:

- ENV01 Through implementation of the Development Plan we will cumulatively contribute towards – in combination with other users and bodies – the achievement of the objectives of the regulatory framework for environmental protection and management, including compliance with EU Directives - including the Habitats Directive (92/43/EEC, as amended), the Water Framework Directive(2000/60/EC), the Birds Directive (2009/147/EC), the Environmental Impact Assessment Directive

(2011/92/EU, as amended by 2014/52/EC) and the Strategic Environmental Assessment Directive (2001/42/EC) – and relevant transposing Regulations.

- BD 01 We will protect and conserve all sites designated or proposed for designation as sites of nature conservation value (Natura 2000 Network, Ramsar Sites, NHAs, pNHAs, Sites of Local Biodiversity Interest, Geological Heritage Sites, TPOs) and protect ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks and wetlands.

We will contribute towards the protection and enhancement of biodiversity and ecological connectivity, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, the coastline, geological and geo-morphological systems, other landscape features, natural lighting conditions, and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive.

- BD 02 In support of the All-Ireland Pollinator Plan we will seek to maintain and enhance Waterford's biodiversity in favourable conservation condition so that environmental resilience and net gain in biodiversity enhancement and creation are achieved during implementation of this plan.
- Article 4(1) The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.
- Article 4(4) In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.

4.3.6. Having examined the received submissions I consider that no significant new information or comment has been made that would result in a different recommendation to that originally made in the Inspector's Report dated 31st March 2024.

4.4. Hinterland Surveys

- 4.4.1. Section 6 of the EIAR accompanying this application addresses ornithology and sets out the methodology related to the survey work.
- 4.4.2. The applicant disputes the concern raised in the DAU submission in relation to methodology.
- 4.4.3. Having reviewed the response received from the applicant, my view remains as per set out in Section 12.6.41 of the Inspector's Report dated 31st March 2024, namely that Further Information and subsequent consultation with the DAU, would be required to enable a robust assessment. However, given the substantive reasons for refusal recommended in the Inspector's report, I do not consider that requesting Further Information in this instance would be warranted.

4.5. Archaeology

- 4.5.1. Section 12.13 of the Inspector's Report dated 31st March 2023 addresses Cultural Heritage including Archaeology.
- 4.5.2. As per the submission from the DAU, the submitted AIA failed to include in its assessment two relevant sites with preservation orders namely Church and Graveyard at Clashganny East, Co. Tipperary and Archaeological Complex at Coumaraglinmountain, Co. Waterford. In the response received from the applicant these two sites are now assessed and the applicant states they would welcome the opportunity to submit further information in relation to this issue.
- 4.5.3. Having reviewed the information submitted in relation to the Church and Graveyard at Clashganny East, Co. Tipperary and Archaeological Complex at Coumaraglinmountain, Co. Waterford (as summarised in Section 3 above), I am of the view that the proposed development, would not have any unacceptable direct, indirect or cumulative impacts on archaeology.
- 4.5.4. While FI and subsequent consultation with the DAU would be recommended in the interest of fairness given new information has been submitted, I consider that given the other substantive issues raised in the Inspector's Report dated 31st March 2024, that an FI request at this stage is unwarranted.

4.6. Landscape and Visual Impact

- 4.6.1. Sections 11.6 and 12.14 of the Inspector's Report dated 31st March 2024 address the issue of landscape and visual impact.
- 4.6.2. The submission from the applicant refers to the Boards right to materially contravene a development plan and considers the proposed development is justified from a landscape and visual amenity perspective.
- 4.6.3. I refer the Board to policy objective LO2 of the operative development plan. I consider the proposal would affect the integrity of the character of this area and would therefore materially contravene policy LO2 of the operative development plan and be contrary to the proper planning and sustainable development of the area, as discussed in detail in Section 12.14 of the Inspector's report dated 31st March 2024.
- 4.6.4. I consider that no significant new information or comment has been made that would result in a different recommendation to that originally made in the Inspector's report dated 31st March 2024.

4.7. Proximity of Turbines to Adjoining Lands

- 4.7.1. The applicant disputes the interpretation in relation to rotor diameters in government circular 06/6 and indicates that regardless of the dimensions utilised (rotor diameter versus rotor blade) the Coillte lands are too narrow to support a wind farm development.
- 4.7.2. I have addressed this issue in Section 11.8 of the Inspector's Report dated 31st March 2024. I consider the two rotor diameters in the case of the proposed application equates to a distance of 324m and as per government circular 6/06 that this is the correct measurement to utilise. Further Information would be required to resolve this issue to determine what lands are being referred to, should the Board be minded to grant permission, however, given the substantive issues raised elsewhere in relation to the principle of this development at this location, I do not consider that Further Information is warranted.

4.8. Public Consultation

- 4.8.1. Sections 11.8 of the Inspector's Report dated 31st March 2024 addresses the issue of public consultation. I note the applicant's response lists public consultation undertaken. As per the Inspector's Report, I consider the applicant has demonstrated that adequate public and stakeholder engagement took place.

4.9. Cumulative Impact Assessment

- 4.9.1. Issues arose as to whether a proposed development of a wind farm at Scart Mountain should have been included in the cumulative impact assessment of the EIAR and AA. The applicant notes that the proposed development is not in pre-planning or in the planning system and no detail exists in relation to potential turbine layout.
- 4.9.2. This issue is addressed in Section 11.8 of the Inspector's Report dated 31st March 2024. I refer to EC Guidance 2021: Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC, whereby in-combination provision concerns other plans or projects that have been already completed, approved but uncompleted, or proposed (i.e. for which an application for approval or consent has been submitted).

4.10. AA and Mitigation Measures

- 4.10.1. I note one submission in particular raises a number of issues around the presentation of information within the submitted NIS, location of supporting documents separate to the NIS, quality and source of information, typographical errors, and detail of the proposed mitigation measures. The applicant has responded in detail to the issues raised in the submission received.
- 4.10.2. I refer the Board to Section 13 of the Inspector's report dated 31st March 2024, where AA and issues raised by third parties are addressed.

4.10.3. I have reviewed the applicant's submission and I consider that no significant new information or comment has been made that would result in a different recommendation to that originally made in the Inspector's report.

4.11. Human Health – Noise and Shadow Flicker

4.11.1. I refer the Board to Sections 12.4 and 12.10 of the Inspector's report dated 31st March 2024 in relation to Shadow Flicker and Noise respectively and considerations in relation to human health.

4.11.2. I consider that no significant new information or comment has been made that would result in a different recommendation to that originally made.

5.0 Recommendation

Taking into account my assessment as set out in this addendum report, in conjunction with my original assessment, Inspector's report ABP-317265-23 dated 31st March 2024, my recommendation to the Board regarding the application before it remains the same, that planning permission be refused for the proposed development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Una O'Neill
Senior Planning Inspector

31st July 2024