



An
Bord
Pleanála

Inspector's Report ABP-320550-24

Development	Permission for the continued use of a temporary meteorological mast and associated instruments.
Location	Brittas, Thurles, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2460421
Applicant(s)	Orsted Onshore Ireland Midco Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mark Kennedy
Observer(s)	None
Date of Site Inspection	22 nd October 2024
Inspector	Kenneth Moloney

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1. Site Location and Description

The appeal site is located in a rural area approximately 4 km north of Thurles, Co. Tipperary. The local area is characterised by rural countryside and the predominant land use is agriculture. The appeal site relating to the existing mast, and the adjoining landholding, is an existing active farm.

The appeal structure is set back several hundred metres from the N62 and is visible from the N62. The gradient of the appeal site falls away from the N62 in an eastern direction towards the River Suir which is situated approximately 400 metres further to the east of the appeal site. The appeal structure is also visible from the local road to the south of the appeal site.

An established monopole structure is also visible from the N62 and is located in close proximity to the appeal structure. In the distance to the east in the direction of the townland of Clobanna, wind turbines are visible from the local road to the south of the appeal structure.

2. Proposed Development

Planning permission is sought for the continued use of an existing temporary 80m high lattice type meteorological mast and associated instruments.

The structure is fixed to ground mounted anchors by guy wires and includes instruments to measure local meteorological conditions.

As part of the proposed development documentation, it is noted that the mast was erected on site in April 2023 as exempted development pursuant to Class 20(A), Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended). Permission is sought for a further period of two years.

3. Planning Authority Decision

The Planning Authority decided to **grant** planning permission, on the 18th of July 2024. The grant of permission includes 2 no. conditions, the following which are additional to standard:

1. The said permission is for a period of 2-years.
2. In event of the cessation of operations at any time before the temporary permission expires, the mast shall be removed from the site and the site to be restored.

Planning Authority Reports

In summary the Planner's Report raises the following relevant issues.

- The development proposed for a 2-year period is reasonable to allow for wind resource measurements.
- The aviation authority raised no objection to the development.
- The structure does not negatively impact on the landscape character of the area.
- The retention for a further temporary period would not present permanent adverse landscape or visual impacts.

Other Technical Reports

- District Engineer – No objections.

Prescribed Bodies

Irish Aviation Authority; - No objections subject to conditions.

Third Party Observations

None

4. Planning History

L.A. Ref. S5.22.63: – Section 5 issued for a temporary 80m high lattice type meteorological mast and associated instruments.

5. Policy Context

5.1 Wind Energy Development Guidelines 2006

Section 4.2-Wind Measuring Masts

Planning applications for wind anemometers and measuring masts are generally sought for a limited period only. Permissions should be granted for approximately a two-year period, in consultation with the developer, to allow a wind resource analysis to be carried out. It would be inadvisable for the planning authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan. In a case where a developer wishes to extend the period of the permission an application must be made to the planning authority to retain the wind measuring mast; otherwise, the developer should be required to remove it.

5.2 Development Plan

The Tipperary County Development Plan, 2022 – 2028. Appendix 2, Volume 3, includes the Renewable Energy Strategy for the county. The Tipperary Energy Renewable Strategy, 2016, is the most up to date Renewable Energy Strategy in the current operational Development Plan.

Map 1 ‘Previous Wind Energy Policy Areas and Planning Applications’ of the Renewable Energy Strategy designates the county into areas of ‘preferred wind energy areas’, ‘areas open for consideration’ and ‘areas unsuitable’. The appeal site is located in an area designated as ‘areas open for consideration’ for wind energy.

5.3 Natural Heritage Designations

Non relevant.

5.4 EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

An EIA Pre-Screening form (Appendix 1) has been completed and a screening determination is not required.

6. The Appeal

The following is a summary of a third-party appeal submitted by Mark Kennedy.

- The application is premature.
- The applicant explained, at a community event, that the completed development would occupy 20 acres, and that rain and any flood storm water would flow through the surface of the site as 804 stone can hold 40% water, therefore the water would flow through to the subsoil and not affect the subsoil. It is submitted by the applicant that this would not affect the existing flood plain.
- Functioning soil has 25% water and 25% air along with organic matter that has water holding capacity. As such the development is to be developed on the basis that the 804 stone that will occupy 20 acres hold 40% water.
- However, should the stone on the site be compacted, as is the case on the site, that water on the site would be displaced on the site into the adjoining flood plain.
- Developments in Templemore, Co. Tipperary, have been refused permission as they are unable to discharge to the River Suir due to a failed OPW flood relief scheme draining 10,000 acres of land from Killea into Templemore

resulting in additional flooding at Cloone, Loughmore, and Brittas the intended development at this site onto Thurles to Cabragh Wetlands SAC.

- A housing development at Hayfield Manor, Bohernamona Road, Thurles, located between this development and Thurles, has been refused permission on the grounds that it would have significant affect on the Lower Suir SAC.
- A planning application for a house near to the subject development was withdrawn due to concerns in relation flooding.
- Use of chemical fertiliser has reduced the percentage of organic matter in soils. The land in and around the development avails of the nitrates derogation with low organic matter content and low water holding capacity.
- January 2023 rain resulted in significant flood water being removed from the Mart's Yard in Templemore.
- Present ongoing OPW drainage works are adding to this problem as they are increasing the volume and speed of the water coming into the Town from Killea.
- Draining of agricultural land by the 1948 Drainage Act scheme increases the speed of river water and subsequent volume of water coming into the town and therefore increasing the flooding of lands from Cloone into Loughmore and into Thurles.
- Subject development intends to discharge into the River Suir, at the expense of additional flooding to the rear of businesses at Lower Liberty Square and Thomand Road, Thurles.
- Developments do not take into account the damage they do to surrounding land due to the large amount of water they have to discharge.
- One inch of rain contains 27,000 gallons of water per acre, and in December 2023 there was 12 inches of rain.
- People of Templemore are dealing with a failed flood relief scheme.
- A floods solution workshop involving the OPW agreed with the solution of retention of water in soil as a solution to flooding, and the use of vegetation.

- The increase of soil erosion resulting brown colouring in the water systems has resulted in high levels of nitrogen and water schemes not suitable for drinking water.
- The movement of water also removes soil fertility from the area.
- The nature restoration law would need to be considered before considering planning given the low-lying context.
- It is submitted that Planning Authorities are required under the Habitats Directive to carry out appropriate assessment and remove all scientific doubt about the effect of the development on the environment.
- Flooding will increase as additional town drainage schemes of this design are implemented, and should more towns upstream be drained it will put pressure on towns downstream.
- Preferred method by the Minister of the Environment for drainage is to use natural methods.
- Inappropriate flooding assessments have been undertaken and this is evident from the damage caused to land, rivers, property and the environment.
- Evident that the proposed development would result in flooding.

6.1 Applicant Response

The following is a summary of a response from the applicant.

- Concerns raised by the appellant relate to a wind farm development and not relevant to the proposed continued use of the temporary meteorological mast.
- Proposed mast has a small footprint, and sole purpose is to record wind resource measurements.
- The met mast development is a temporary development and will cease operation following a further two-year period as per the grant of permission.

Planning Authority Response

- No valid response received.

Observations

- None

Further Responses

- None

7. Assessment

Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Flood Risk
- Environmental Issues
- Visual Impact

Flood Risk

I would note that the appeal submission refers to the finished development occupying 20 acres, however the application documentation in relation to the subject development refers to the size of the site as 1.13 ha. The size of the appeal site and the respective development would be a relevant consideration in evaluating potential flood risk. In addition, the appeal submission refers to the distance of wind turbines to the dwellings and raise issues in relation to flooding in respect of an OPW failed flood relief scheme.

The appeal submission refers to discharge from the proposed development to the River Suir and the flood implications from recent weather events. The appeal submission also refers to soil retention of water and the velocity of water.

Further, I note the appeal submission comments submit that these developments do not take into account the damage they do to surrounding land due to the large

amount of water they have to discharge. However, the structure, the subject of this appeal, is fixed to ground mounted anchors by guy wires and includes instruments to measure local meteorological conditions. The scale of the appeal site is not significant in respect of flood risk concerns and further the nature of the proposed development is not likely to generate significant, if any, run-off water from the site.

Although the appellant claims that the development will give rise to flood risk I would note that the appeal submission includes no evidence of potential flood risk, in respect of the appeal site, to support this claim.

Overall, the proposed development, given its scale, which is an established structure in the landscape, and given the nature of the structure, is unlikely to cause a flood risk in the local area. In addition, permission is sought for a temporary 2-year period in which any impacts in respect of flood risk can be assessed further.

Environmental Issues

I would note that the Nature Restoration Law referenced is an emerging policy framework with no direct implications for the appeal site or adjoining lands at the time of this application or appeal. In relation to appropriate assessment as outlined in section 8 of this report no Appropriate Assessment issues arise.

Visual Impact

I have carried out a site inspection and I would note from both the N62 and the local road to the south of the appeal site, that the 80m high lattice type meteorological mast is slender and is visible without any significant adverse impacts and the landscape. Furthermore, the appeal site is situated at a lower level than the N62, as the general gradient of the area, falls to the east, towards the River Suir. This difference in respective levels from the public road would further mitigate any potential visual impacts of the proposed development.

In addition, Figure 11.1 '*Primary and Secondary Amenity Areas and Views and Scenic Areas*' of the Tipperary County Development Plan, 2022 – 2028, sets out designated landscape areas that are afforded landscape protection. However, the appeal site, nor adjoining lands, is not located within one of these designated

protected landscape areas. I would therefore conclude that the appeal structure would have minimal visual impact in the local area.

8. AA Screening

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9. Recommendation

I recommend that temporary permission for the above-described development be granted for the following reasons and considerations subject to conditions.

10. Reasons and Considerations

Having regard to the nature, scale and design of the proposed development and to the character of the general area, I consider that subject to compliance with the conditions set out below, the proposed development would respect the existing character of the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not impact on public health due to

flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11. Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. This grant of permission shall be for a period of 2 years from the date of grant. After this time all structures shall be removed from the site and the site shall be restored to its original condition. The restoration works shall be complete within three months of the date of expiry of this grant of permission. The development shall be used for the purposes of a meteorological mast only.

Reason: In the interest of visual amenity.

3. In the event of cessation of operations at any time before this temporary permission expires, the mast shall be removed from site and the site shall be restored to its original condition.

Reason: In the interest of visual amenity.

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.

Kenneth Moloney
Senior Planning Inspector

20th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320550-24		
Proposed Development Summary	Permission for the continued use of a temporary meteorological mast and associated instruments.		
Development Address	Brittas, Thurles, Co. Tipperary.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	✓		✓ No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	N/A		
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____