



An
Bord
Pleanála

Memorandum

ABP-312606-22

To: Ciara Kellett DoP

From: Niall Haverty SPI

Re: Recommendation to request further information for s.37E application ABP-312606-22

Date: 24th April 2023

In relation to the above application and following a review of documentation and submissions received, I am recommending that the Board seek further information from the applicant, as set out below. Please consider the recommendation and let me know if you approve. If so, I will direct the preparation of the request through the section.

Overview

An application has been made by Ballinagree Wind DAC under the provisions of section 37E of the Planning and Development Act 2000, as amended, for the development of a wind farm development of 20 turbines with 110kV electrical substation and all related site works and ancillary development in the townlands of Annagannihy, Aughinida, Ballynagree East, Ballynagree West, Bawnmore, Caherbaroul, Carrigagulla, Carrigduff, Clonavrick, Derryroe, Drishane More, Dromagh, Drominahilla, Dromskehy and other townlands, Co. Cork.

Third Party Submissions

- 5 No. third party submissions/observations were made and can be summarised as follows:
 - Noise pollution and noise impacts.
 - Biodiversity impacts.
 - Sediment run-off to the Blackwater will affect Freshwater Pearl Mussel.
 - Impacts on archaeology.

- Butter Road from Cork to Kerry runs through the area (Route L1123 – L2751).
- Impacts on private wells. No consultation on watercourse crossings.
- Damage and pollution of aquifer.
- Human health impacts.
- Tourism impacts.
- Landscape and visual impacts. Impacts on walkers, cyclists, wildlife enthusiasts.
- No further grants of permission should take place until the new Wind Energy Guidelines are put in place.
- No consultation on underground 110kV cables. H&S concerns about high voltage cables in proximity to houses.
- Devaluation of property.
- Shadow flicker impacts.
- Lack of consultation/inadequate consultation.
- Permission refused for a dwelling house in the area on visual impact grounds. Turbines will be 185m high.
- Impact on mobile phone and TV reception.
- Peat slippage concerns.
- Excessive number of wind farms in the area.
- Landowners were tied into contracts before applicant's studies began.

Planning Authority Submission

- **Cork County Council (CCC):**
 - Internal reports:
 - Area Engineer: No overall objection, however some concerns regarding impact on the local road network.
 - Ecology Section: Highlights concerns. Proposes that further information be sought and 4 No. turbines omitted at a minimum.
 - Environment (Water): No overall objection.
 - Environment (Air, Noise and Vibration): No significant issues raised but some points may require further information.
 - Archaeology: Highlights concerns. Recommends omission of 2 No. turbines.

- Need for the development is accepted.
- Proposed development is in accordance with the Development Plan.
- Cumulative benefit in reducing CO₂ emissions is recognised.
- Environment recommends that the Board seek their own acoustic expertise to peer review the noise impact assessment. Further information recommended and conditions recommended.
- Ecology Section recommends significant further information be sought and a minimum of 4 No. turbines omitted.
- Ecology Section recommends that no development take place on intact peatland habitats and development should be avoided on degraded peatland habitats. This may lead to a revised layout and reduction in turbines.
- Potential impacts to water can be mitigated with appropriate conditions and good management.
- The Board should require zero shadow flicker to protect residential amenity.
- The site and its surrounds can accommodate an additional large-scale wind farm. A very detailed assessment has been provided. The under-construction Macroom Bypass should be considered in terms of visual impact and should possibly be an additional viewpoint.
- Significant further information on ecological issues, particularly Hen Harrier, Golden Plover, bats and badgers is required to complete AA and EIA.
- Planning Authority has no objection to the proposed development, subject to conditions and resolution of identified elements of concern.
- Elected Members raised issues including community opposition, adequacy of public consultation during Covid restrictions, bond for road reinstatement. The Members resolved to recommend that sufficient funds are made available by the developer to the Council to reinstate roads.

Prescribed Bodies:

- **Department of Transport:**

- Liaison should occur with the local authority, TII, and NTA if necessary, on any future Greenway and Active Travel infrastructure that may be planned for this area.
- **Transport Infrastructure Ireland (TII):**
 - No objection, subject to conditions.
- **Geological Survey of Ireland (GSI):**
 - No objection.
- **Inland Fisheries Ireland (IFI):**
 - No objection subject to conditions.
- **Irish Aviation Authority (IAA):**
 - No objection subject to conditions.
- **Irish Water (IW):**
 - No objection. Pre-commencement survey of cable route required to identify any IW infrastructure and agree any works.
- **Office of Public Works (OPW):**
 - New or replaced bridges/culverts will require section 50 consent under the Arterial Drainage Act 1945.
 - Bridges/culverts must be able to convey specified design flood without significantly altering the hydraulic characteristics of the watercourse.
 - Review of grid connection route on OSI historical mapping indicates the potential for additional watercourse crossings not identified in the EIAR.
 - If it is proposed to pass the cable in ducting through the opening of any bridge or culvert, or to carry the cable across watercourses on new support structures, then section 50 consent will be required.
 - Proposed watercourse damming with flume pipes/diversion channels to facilitate dry instream works may be subject to consent under section 47 of the Arterial Drainage Act.
 - Flood Risk Assessment (FRA) has not been reviewed by the OPW, however they comment that:

- Reliance on the Preliminary Flood Risk Assessment (PFRA) to identify flood zones is entirely inappropriate.
- Identification of the substation and other elements as being in Flood Zone C on the basis of the PFRA is not valid. A site-specific FRA should be carried out.
- Board should consider if the calculation of the swale volume takes appropriate account of the fact that the swales will be in many cases at gradients with check dams and that immediately downstream of the check dams there will be little or no depth of water stored in them.
- Use of FSU methodology and catchment descriptors for flow estimation at new crossings is unsuitable. For section 50 consent purposes, the flows should be estimated using a suitable range of methods and modified to an appropriate confidence level based on risk, before being used for hydraulic assessment.
- Flows indicated in Table 10-11 seem low to very low for the catchment sizes indicated and are quite unlikely to be acceptable for section 50 purposes. The growth curve indicated in Section 10.5.4 is possibly inappropriate for use with the index flood indicated.
- Board should consider if the flows estimated for use in the FRA are appropriate for the purpose.
- PFRA information shown in Figure 10.3 'OPW Flood Data' is completely inappropriate for use in this context and the potentially misleading nature of the presentation of information is a cause for concern.
- WF-HF5: It appears that the bed level of the watercourse may be reduced to go under the proposed structure. This will not be acceptable for section 50 consent. It is required, unless it is unavoidable, that the existing horizontal and vertical alignments of the watercourse are not interfered with. If the bed level profile as shown on the drawings is as existing, it should be expected that there could be significant erosion and deposition at the entry to the culvert which could compromise its cross-section. This

should be accounted for in the design of the culvert and in the FRA. This applies to all crossings for which section 50 consent is required.

- WF-HF8: This structure appears to be located at a bend in the watercourse. The structure and bank should be designed to be safe against scour and erosion. This applies to all crossings for which section 50 consent is required.
- Turbine Delivery Route: It is noted that at Pol 38 there is an indication on EPA mapping that there is a watercourse crossing the site ('FINNOW (BLACKWATER)_040'). Any crossing of this watercourse will require section 50 consent. It is not indicated if any modifications of any structures on the TDR are required to facilitate the development.
- A regular maintenance regime should be adopted for the inspection and maintenance of proposed features identified in the FRA for the duration of the project and not just the construction period.
- Contradictory information in the EIAR about the location of existing structures (Table 10-7 and Figure 10.5 refer). Co-ordinates of new crossings indicated in Table 10-11 are not given.
- Section 10.5.4. of the EIAR states that an OPW representative was met on site. OPW has no record of any such site meeting.
- History of landslides associated with developments of this nature. This should be assessed.

Recommendation

Having regard to the matters raised in the submissions and in my review of the application, I recommend that the following further information be sought from the applicant:

- (i) It is noted that the Cork County Development Plan 2022 - 2028 has been adopted since the lodgement of the application. You are requested to address the implications, if any, of the new Development Plan for the proposed development.
- (ii) You are requested to provide an additional photomontage from a suitable viewpoint on the recently opened section of the Macroom Bypass and an assessment of the visual impact from said viewpoint.
- (iii) You are requested to address the matters raised in the submission made by the Office of Public Works. In particular, your response should include:
 - (a) Submission of a site-specific flood risk assessment.
 - (b) Address contended errors/contradictory information in EIAR.
 - (c) Address the contended issues with regard to flow estimation calculations and swale volumes.
 - (d) Confirm whether the design of watercourse crossings WF-HF5 and WF-HF8 complies with OPW requirements.
- (iv) You are requested to provide a detailed response to the matters raised in the submission made by Cork County Council. In particular, this should include a response to the list of items contained in Appendix B of said submission.
- (v) It is noted that the Biodiversity Enhancement Management Plan lands are generally not within the application site boundary, or within contiguous land ownership boundary. You are requested to provide further information on how the Board can be satisfied that the implementation of this plan and the ongoing land management measures therein would be achieved over the lifetime of the proposed wind farm development.
- (vi) You are invited to provide a response to other issues raised in the submissions made.

Niall Haverty

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Inspectorate

24th April 2023

Gianna Kellor
26/4/23