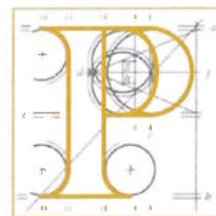


**Our Case Number:** ABP-318446-23

**Planning Authority Reference Number:**



An  
Bord  
Pleanála

Tim van der Knaap  
Knockboy  
Mt Melleray  
Cappoquin  
Co. Waterford  
P51 H261

**Date:** 30 January 2024

**Re:** Proposed construction of Coumnagappul Wind Farm consisting of 10 no. turbines and associated infrastructure.

In the townlands of Coumnagappul, Carrigbrack, Knockavanniamountain, Barricreemountain Upper and Glennaneanemountain, Skeehans, Lagg, Co. Waterford.  
([www.coumnagappulwindfarmSID.ie](http://www.coumnagappulwindfarmSID.ie))

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

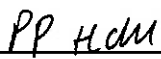
The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime, please contact the undersigned officer of the Board or email [sids@pleanala.ie](mailto:sids@pleanala.ie) quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

  
\_\_\_\_\_  
Niamh Hickey  
Executive Officer  
Direct Line: 01-8737145

PA04

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64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

**To: The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1**

**From:**

**Tim van der Knaap**

**Knockboy,**

**Mt Melleray**

**Cappoquin,**

**P51H261**

**Co Waterford**

**28/01/2024**

**Re: PA93.318446**

Strategic Infrastructure Development (SID) Planning Application for the development of a Wind Farm consisting of 10 no. turbines (and all associated works) in the townlands of Bleantasourmountain, Carrigbrack, Clooncogaile, Coumnagappul, Glennaneanemountain, Kilkeany, Kilkeany Mountain, Knocavanniamountain and Reanadampaun Commons, Ballymacmague North, Ballymacmague South, Colligan More, Colliganwood, Eaglehill, Garryclone, Garryduff, Kilcooney, Killadangan, Knockacaharna, Knockboy, Lackandarra Upper and Tinalira Co. Waterford.

**Sub reference: PC93.309259**

**Fee of €50 is paid online.**

**To the Members of the Board:**

**I wish to object to this proposed development and all its associated works as listed in the submission by The Agents Fehily Timoney of the Developer EM Power, (hereafter “developer”) as I believe it:**

- 1) is contrary to proper procedures and principles of planning.**
  - a. Procedurally**
  - b. Materially – it conflicts with EU law and policies.**
- 2) would set an undesirable precedent for proposed developments of this kind, as it conflicts with ABP decisions of the past**

**1)**

**a. The Board’s Decision to make this an SID is procedurally against proper principles of planning.**

- **The required procedures relating to SID's are incorrectly or not applied.**

The Board is supposed to consult with Local Authorities: *"The purpose of any such consultations will be to identify any constraints that would affect the site "* ([https://www.pleanala.ie/en-ie/7th-schedule-sid-planning-authority-guidelines/7th-schedule-sid-\(planning-authority\)-pre-applica](https://www.pleanala.ie/en-ie/7th-schedule-sid-planning-authority-guidelines/7th-schedule-sid-(planning-authority)-pre-applica)) There is no material proof that the Board in fact has consulted and/or taken into account the basic aims of the County Development Plan.

- **A key element for an SID like this is location. This has not been properly acknowledged at the SID assessment stage.** In Chapter 10: *Landscape, Coast/ Marine and Blue Green Infrastructure of the WCC Development Plan*, the summary refers to the European Landscape Convention 2000 (ELC) and article 5. This article *"urges recognition in law that landscape is an essential component of people’s surroundings, an expression of diversity of shared cultural and natural heritage, and a foundation of identity."*

The Chapter refers to the Landscape and Seascape Character Assessment that was prepared for Waterford City and County, in which indicators are given indicating the extent to which the landscape will be vulnerable to change in its character.

Given that the SUMMARY OF THE APPLICATION refers to *Construction of 10 no. wind turbines with a blade tip height of 185 m, a hub height of 104 m and a rotor diameter of 162 m* and the fact that the inspector's report refers to the distance to SAC Suir – which flows through Co Tipperary for a substantial distance -, it is flawed that the Board did not consider the size and enormity of this proposed development would be problematic in relation to the landscapes and SAC's in neighbouring counties. (Landscapes classified as “Most sensitive and Vulnerable”!)

- **The Board has failed to assess whether the proposed SID has any effects on neighbouring county Tipperary** (and scenic routes/protected views for instance) – blindly following the developers' statement on this. A quick Google Map exercise shows the Co Tipperary border to be within 7 km of Coumnagappul....



- **The above, cumulatively, raises questions about the competence of the Board.** The lack of proper assessment of distances to neighbouring counties in this part of the formal SID procedure is worrying considering the larger material questions forthcoming in the rest of the application.
- The developer has various letters of consent acquired from landowners. Some of these letter pre-date the pre-application talks for an SID and certainly pre-date the start of community consultation. This is a deliberate practice by developer to split a community and not in the spirit of proper community engagement.
  - The Letters of Consent are not all dated.
  - I refer to addendum C.

*[ Further to this I do take issue with the term "Strategic". If this application is properly "STRATEGIC" then what STRATEGY is it part of? If there is an overall "renewable energy" strategy, it should be defined by the Dept for Energy, stating that: "we need "x" amount of renewable energy developments, of which "so" many are land based wind farms, which are to be in these, strategically assessed, suitable locations." We invite companies to tender for these potential developments. This is what currently happens for the offshore wind energy market. Why is this not happening for the onshore wind energy market? While this is not something I can hold the Board accountable for, it is certainly a failure of policy.*

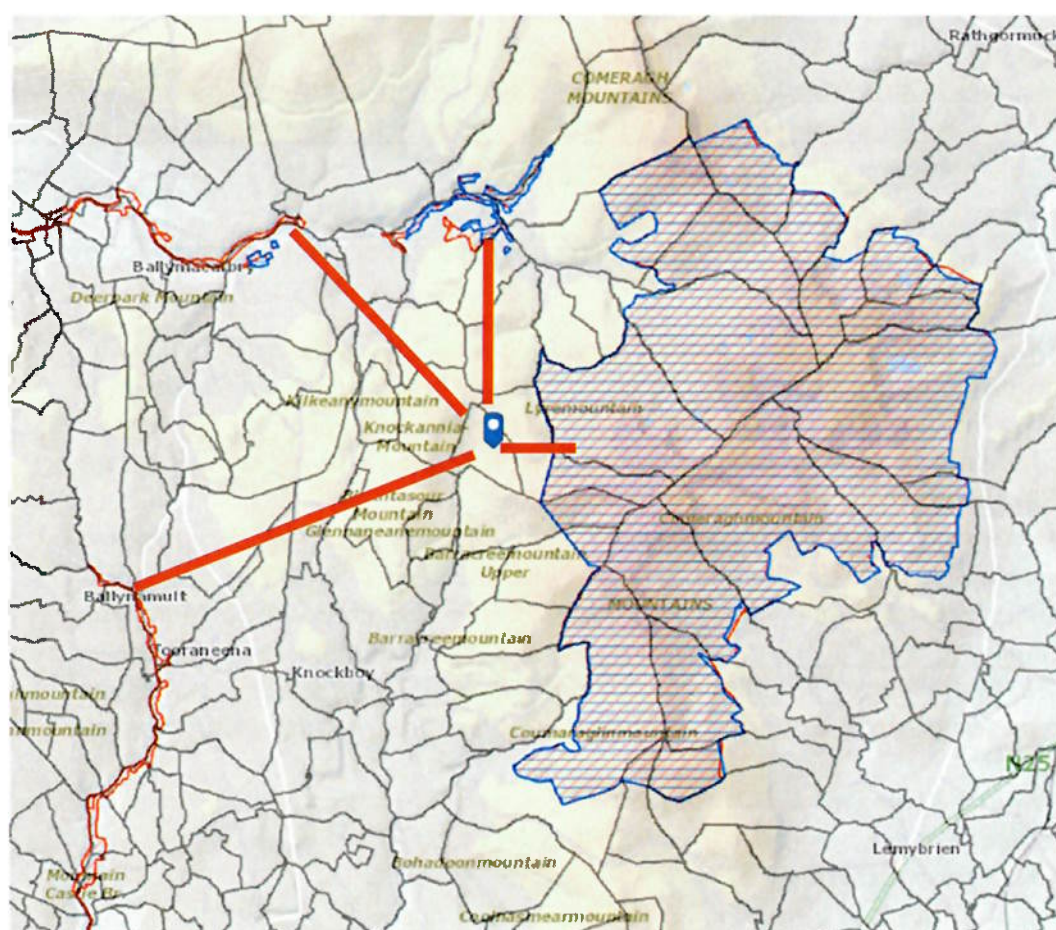
*The absence of a proper "allocation-policy" now results in a haphazard application frenzy by developers, with little or no consideration for the environment and absolutely no idea about the number of overall renewable power generation required vs the overall renewable power generation plants already granted permission.*

*I would be delighted to hear that I am completely wrong and that ABP has an exact overview for the whole country of Ireland, where various renewable power plants are located, which ones are in the "pipeline" (excuse the expression to the archaic word – based on steel pipes forged with coal, to transport non-renewable oil...), which ones are under application and how many more the country would "need".*

*I would even be more delighted if, rather than creating a "wild west" for developers, the Board, or the Department of Energy, would present a wholistic plan, which would utilise existing wind farm sites and expand these. Or upgrade them. There are suitable candidates in Waterford County – and indeed in the country.*

*While this is not about me, I suspect a lot of people would be delighted with a proper plan. And planning.]*

- The proposed development is 700 m from the **Special Area of Conservation: Comeragh Mountains SAC.**
- The proposed development is close to the **Special Area of Conservation: Nier Valley Woodlands SAC**
- The proposed development is close to the **Special Area of Conservation: Lower River Suir SAC**
- The proposed development is close to the **Special Area of Conservation; Blackwater River (Cork/Waterford) SAC**





- The proposed development is in a “NO- GO” area for wind turbines in the Waterford County Development Plan.
- The proposed development is close to “Blue Dot” catchment areas of the Rivers Colligan and Nire.
- The proposed development is in the vicinity of Dungarvan Harbour SPA (004032) and Dungarvan Harbour SPA (004032)

**The test for Appropriate Assessment is set out by the Courts of Justice of the European Union in Case 258/11 at 44.**

*“So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.”*

**It is not possible for An Bord Pleanála to grant permission for this development as the mitigation measures proposed are neither complete, precise, or definitive.**

In fact, in the report for AA screening, the developer reports the following: (on page 89 of 147):

*The competent authority shall determine that an appropriate assessment of a proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.*

*Measures intended to avoid or reduce the harmful effects of the proposed development on European sites (i.e. “mitigation measures”) or best practice measures have not been taken into account in the screening stage appraisal. In conclusion it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on the following European sites:*

- Lower River Suir SAC (002137)
- Blackwater River (Cork/Waterford) SAC (002170)
- Dungarvan Harbour SPA (004032)
- Mid-Waterford Coast SPA (004193)

**2) There are precedents set by An Bord Pleanála decisions, against wind farm developments in the region.**

There have been a few cases in the surrounds of the proposed development in which the An Bord Pleanála has refused planning for wind farm developments. These developments were refused on grounds of visual intrusion.

I refer to:

- Knocknalougha/Knockaveelish 2001 PD00/615 - D122720
- Knocknalougha/Knockaveelish 2004 PD03/1204 - D206203
- Ballymacarbery – PL 93.245211

I note that in Knocknalougha/Knockaveelish the Board overruled the Inspector and found that the *nature of the development* would *not be able to be mitigated* and would have an unacceptably negative effect on the scenic environment.

As these are files available in the Boards Archives, they are referenced and not added as attachments.

**In the case of “Ballymacarbery – PL 93.245211”, I note the following:**

The then proposed development was in an area, roughly 8 km NW of the currently proposed site. Below the Decision of the Board:

***DECISION: REFUSE permission for the above proposed development based on the reasons and considerations set out below.***

***MATTERS CONSIDERED: In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.***

***REASONS AND CONSIDERATIONS: Notwithstanding the location of the site within a preferred area for wind energy in the Waterford County Development Plan 2011 – 2017, it is considered that the proposed development, by reason of its height and extent, would constitute a visually dominant feature in a vulnerable scenic landscape, as outlined in policy 6.2 of this Plan, and would interfere with the character of the landscape which it is considered necessary***

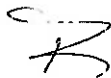


*to preserve. In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the inherent conflicts between the wind energy policies and the policies relating to landscape and scenic routes, as set out in this County Development Plan, and considered that, in this particular location, the proposed development would, if permitted, become a dominant feature and impact detrimentally on the environmental quality and scenic landscape of the area.*

**Based on all the above points, it should be clear that granting permission for this proposed development would not be according to proper planning.**

I therefore respectfully ask the Members of An Bord Pleanála, to refuse permission for the proposed development.

Yours,



Tim van der Knaap