Our Case Number: ABP-318816-24

An Bord Pleanála

Offaly County Council
Áras an Chontae
Charleville Road
Tullamore
Co. Offaly
R35F893

Date: 21 March 2024

Re: 10 year planning permission for wind energy development consisting of 8 no. wind turbines and all associated works
located at Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, Co. Offaly.
(www.cushwindfarmplanning.ie)

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this 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.

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

PP eDC

Ashling Doherty
Executive Officer
Direct Line: 01-8737160

PA09

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Ellen Moss

From:	Olivia Hughes <OHughes@offalycoco.ie>
Sent:	Friday 15 March 2024 14:11
To:	SIDS
Cc:	Anne Galvin; Andrew Murray; Una McCafferkey; Edward Kelly; Lorraine Mitchell; Ruth Maxwell
Subject:	ABP - 318816- 24 Cush Wind Farm
Attachments:	CE report for February OCC meeting - Cush WF SID - FINAL.pdf; Schedule of Costs Cush WF.xlsx; Bank Details OCC.pdf; 2024_02_19_CushWindFarm (003).pdf
Importance:	High
Categories:	Ashling

For the attention of An Bord Pleanala

Please find attached to this email:

- Chief Executive's Strategic Infrastructure Development report on ABP-318816-24 proposed Cush Wind Farm which sets out the views of the authority on the effects of the proposed development on the environment and on the proper planning and sustainable development of the area of the authority.

- A copy of the council meeting minutes regarding the resolution adopting the CEs report which includes two elected members recommendations. This also compromises a copy of the meetings administrator's record of the relevant council meeting.

Please note that the third-party submissions were referred to Offaly County Council by An Bord Pleanala after the CEs report was adopted by the elected members and therefore Offaly County Council is not in a position to comment on the contents of the submissions.

Also attached is a schedule of costs in relation to same and bank details for your convenience. **N.B. When making payment please use "SID017" as the terms of reference.**

Regards

Olivia Hughes

Staff Officer, Planning Department

Offaly County Council
Áras an Chontae, Charleville Road, Tullamore, Co. Offaly, R35 F893

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Comhairle Chontae Uíbh Fhaili
Offaly County Council

Comhairle Chontae Uíbh Fhaili
Offaly County Council

Comhairle Chontae Uíbh Fhaili

Offaly County Council MEMO

Do (To): Mr. A. Murray, A/Director of Services

Ó: (From) Mr. Gerry Bruton, Meetings Administrator

Ábhar (Subject): Extract of Draft Minutes from Council Meeting held in Áras an Chontae on 19 February 2024

Date: 6 March 2024 **Tag (Ref):**

The following is an extract of the draft minutes of the meeting of Offaly County Council held on 19 February 2024:

Mr. A. Murray advised the members that as per the Strategic Infrastructure Development (SID) - Section 37E(4) of the Planning and Development Act 2000 (as amended) - Cush Wind Limited application, it is a requirement to present and seek views of the members to submit to An Bord Pleanala. He acknowledged the work of Ms. Una McCafferkey with applicant.

He outlined that the application is to construct 8 turbines, approximately 4k from Birr consisting of 10 year build and 35 year operation plan. He advised the members that it is recommended to seek further information in regard to roads, cumulative visual impact, noise and community gain funding.

The members queried had I-LOFAR, Birr been consulted in relation to the application. They raised concerns that developers are not adhering to planning conditions to re-instate roads appropriately following works and with end of life requirements for wind farms. They sought clarification on the community gain funding.

Mr. A. Murray advised the members that I-LOFAR has submitted a report to the developer, they may make a submission directly to An Bord Pleanala. He noted the issues with roads, however several bonds will be attached to the conditions to ensure roads are repaired and maintained. He advised that the developer funds any adaptations required for roundabouts and is subject to a road opening licence for these works. He noted that Community Gains funding is not index linked, but this point can be brought up when the guidelines are being reviewed. He informed the members that they met with SEAI in June 2023 to explore ways to pool community gain to invest in better projects. He advised that in relation to end of life, a lot of wind turbines are re-powered.

On the proposal of Cllr. J. Clendennen, seconded by Cllr. J. Carroll, the members resolved to adopt the Chief Executive recommendations for the Strategic Infrastructure Development (SID) - Section 37E(4) of the Planning and Development Act 2000 (as amended) - Cush Wind Limited application, An Bord Pleanala reference number 318816-24. The CE's report was adopted subject to the following elected member recommendations which were passed as resolutions:

- That the near neighbourhood scheme would extend to 2 kilometres as opposed to the 1km that was specified in the EIAR.
- An Bord Pleanala should ensure that the proposed development would not impact on the I-LOFAR telescope in Birr Castle Demesne and it was recommended by the members that an Bord Pleanala contact the operators of i-lofar to confirm this.

Gerry Bruton
Meetings Administrator

Planning and Development Act 2000 (as amended)

CE Report to Elected Members on Strategic Infrastructure Development as required by Section 37E(4) of the Planning and Development Act 2000 (as amended)

An Bord Pleanála Reference: ABP-318816-24 Cush Wind Farm – Cush Wind Limited

Application Details

Applicant:	Cush Wind Limited
Agent:	Galetech Energy Services
An Bord Pleanala Ref. No:	ABP-318816-24
Proposed Development (Summary):	10-year planning permission for wind energy development consisting of 8 no. wind turbines and all associated works.
Site Location:	Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, Co. Offaly.
Associated Website:	www.cushwindfarmplanning.ie

1. PURPOSE OF THIS REPORT

Due to the scale of the development, it has been determined by An Bord Pleanála as constituting Strategic Infrastructure under criteria set out in the Planning and Development Act 2000 (as amended). As the proposed development will have a circa 57.6MW output, it exceeds the thresholds set out in the Seventh Schedule of the Planning & Development Act 2000 (as amended) i.e. *'An installation for the harnessing of wind power for energy production (a wind farm) with more than 25 turbines or having a total output greater than 50 megawatts'* and therefore satisfies the requirements set out in Section 37A(1) of the Act. Following an application to An Bord Pleanála (ABO ref. PC19.313778), the Board determined that the proposed development would be of strategic economic or social importance to the State or the region in which it would be situate.

Therefore, the normal mechanism of applying to Offaly County Council for planning permission does not apply. Instead, Cush Wind Limited has applied directly to An Bord Pleanála for planning permission as required by the Act.

The purpose of this report is to set out the Planning Authority's views on the effects of the proposed development on the environment and on the proper planning and sustainable development of the area of the authority, having regard in particular to the matters specified in section 34(2) of the Planning and Development Act 2000 (as amended) (hereafter referenced as PDA 2000). The matters specified in section 34(2)(a) are:

(i) the provisions of the development plan,
(ia) any guidelines issued by the Minister under *section 28*,
(ii) the provisions of any special amenity area order relating to the area,
(iii) any European site or other area prescribed for the purposes of section 10(2)(c),
(iv) where relevant, the policy of the Government, the Minister or any other Minister of the Government,
(v) the matters referred to in subsection [34](4) (Planning conditions)
(va) previous developments by the applicant which have not been satisfactorily completed,
(vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and
(vi) any other relevant provision or requirement of this Act, and any regulations made thereunder.

In the interests of clarification at this stage, there are no Special Amenity Area Orders (item ii above) in County Offaly. The matters referred to in subsection 34(4) of the PDA 2000 are conditions that may be relevant during the consideration of a normal planning application.

This report shall be submitted for the consideration of An Bord Pleanála as required under Section 37E(4) of the PDA 2000, as amended.

The members may, by resolution, decide to attach recommendations to this report (as per Section 37E(6)). The views expressed at the meeting of the Council where this report is considered shall also be attached to this report (also per Section 37E(6)). This is known in the legislation as the "Meetings Administrators record" of the Council Meeting.

It should be noted that An Bord Pleanála has absolute discretion to request revised proposals or further information in advance of a decision being made under section 37F(1) of the PDA 2000, as amended.

2. SITE LOCATION & DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed project is located in Co. Offaly, approximately 4km north of the town of Birr and c. 28km south-west of Tullamore (see Figure 1) in the townlands of Cush, Galros West, Boolinarig Big, and Eglish.

The project will have an overall site area of approximately 290 hectares (ha).

The N62 national secondary route bisects the subject site and it is proposed to access the project from this national route during the construction phase of the proposed development.

Temporary haul route alteration works are proposed to the N52/N62 junction at Kennedy's Cross which are located in the townland of Ballindown, County Offaly (see Figure 2).

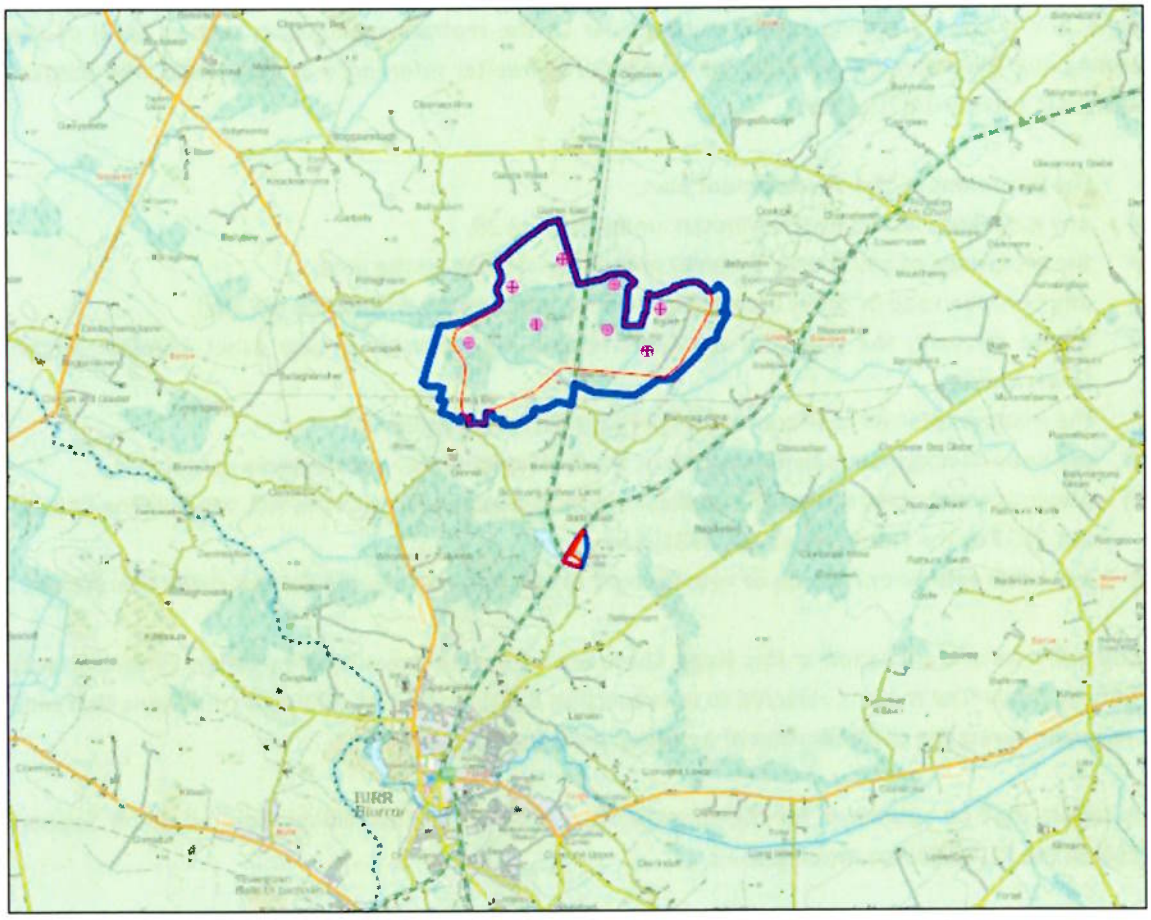


Figure 1: Site Location (source: submitted planning documentation).

The project site and surrounding topography comprise of a generally flat landscape with occasional gentle undulations with lands more elevated in the south east area. Gound elevations ranging between 47m and 63m OD (Ordnance Datum). The Applicant outlines that the most elevated section of the proposed project site is found along the eastern fringes where agricultural grassland rises up to 63m OD (met mast location). The ground slopes in a general westerly direction from this eastern section to the lowest point on the far west of the project site which follows the valley of the Rapemills River.

Current land use within the project site is made up predominantly of peat bogs, agricultural pasture/grassland and forestry, including commercial and woodland planting (of various species) and scrub. Areas to the north and northwest of the project site comprise cutover private bog; areas to the east and west of the N62 exhibit commercial and woodland forestry plantation; and areas to the south and southeast are predominantly agricultural pasture. The surrounding area is characterised by large tracts of industrial cutaway peatlands and agricultural scrub; however, improved agricultural pasture is dominant in areas bordering the east and west of the project site.

The primary drainage feature within the project site is the Rapemills River which flows in a westerly direction through the southwestern portion of the site for c. 1.2km. The Rapemills River is deep (approximately 2m) with steep banks and up to 5m in width. A tributary stream of Rapemills River, referred to as the West Galros Stream by the EPA emerges from forestry on the eastern portion of the project site, crosses the N62 and then merges with the Rapemills River close to the western boundary of the project site.

With respect to European designated sites, the nearest Special Area of Conservation (SAC) is Ridge Road, SW of Rapemills SAC which is situated approximately 0.26km from the site boundary. The Dovegrove Callows SPA is the closest SPA to the site and is found 0.001km from the grid connection and 1.71km from the proposed wind farm development site.

In terms of National designated sites, the River Little Brosna Callows Natural Heritage Area (NHA) which is located 9.4 km west of the subject site is the closet NHA.

These designated sites are discussed in the EIAR and NIS submitted with the planning application.

With regard to settlement patterns in the local area, these largely comprise of dispersed rural dwellings often accompanied by attendant agricultural holdings and outbuildings. In total, the submitted EIAR states that there are 106 no. dwellings located within 2km of a proposed wind turbine.

The full description of the proposed development as per the application to An Bord Pleanála is as follows:

The Applicant seeks a ten-year planning permission and 35-year operational life from the date of commissioning of the entire wind farm. The project will be commissioned in a single construction phase and the construction period is likely to last for approximately 15-18 months.

The proposed development comprises of the following components:

- 8 no. wind turbines with a hub height of 114 meters (m), a rotor diameter of 172m, and an overall tip height of 200m;
- All associated turbine foundations and crane hardstand areas;
- Wind farm control building incorporating a medium voltage switchgear room;
- All underground internal electrical and communications cabling;
- Provision of new internal site access tracks and use of, and upgrades to, existing agricultural/forestry tracks;
- Upgrade of 2 no. site entrances from the N62 national secondary road for use during the construction phase only;
- Upgrade of 2 no. site entrances from the L30033 and L300321 local roads, respectively, for the operation phase only;

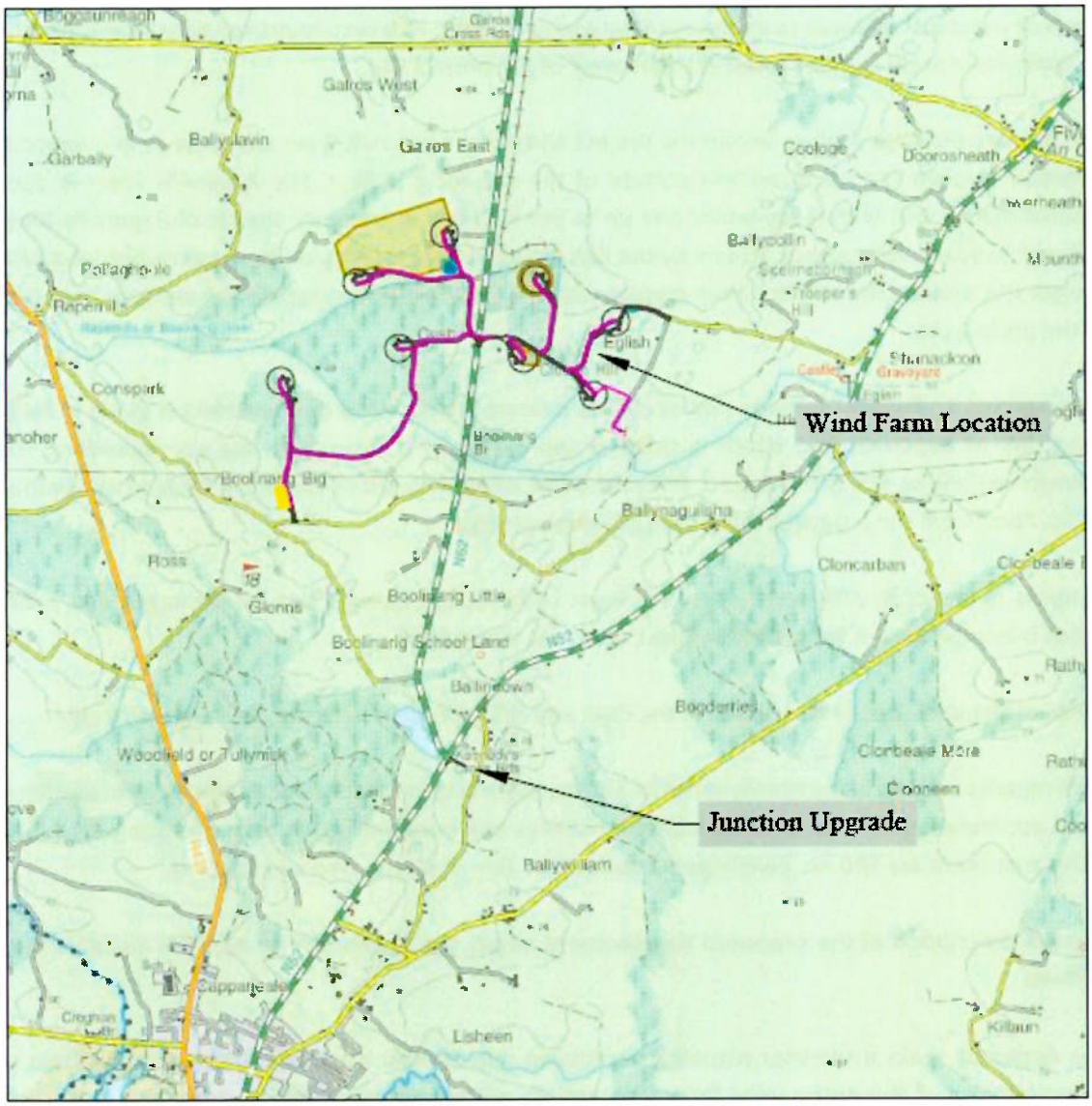


Figure 2: Turbine Location (source: submitted planning documentation).

- 1 no. guy-wired meteorological mast with an overall height of 30 metres;
- 2 no. temporary construction compounds;

- 3 no. dedicated spoil deposition areas for the storage, as required, of excavated material;
- Felling of up to 23 hectares (ha) of forestry to facilitate the construction and operation of wind farm infrastructure; and,
- All associated and ancillary site development, excavation, construction, landscaping and reinstatement works, including provision of site drainage infrastructure and environmental mitigation measures.

Figure 3: Tubrine Locations (approximate locations)

Off-site or secondary elements of the project include:

- Temporary alteration works to public roads along the turbine component haul route, including a vehicle turning area at the N52/N62 junction.

In the submitted planning documentation, the Applicant outlines off-site or secondary elements of the project which are assessed in their EIAR but are not included in the current SID planning application. It is intended that these secondary elements will be subject to a separate licensing and/or consenting process. These include:

- A 110 kilovolt (kV) electrical substation and all associated electrical equipment, including 2 no. control buildings and battery electricity storage system;
- The installation of c.5.6km of underground electricity cable to facilitate connection of the proposed electricity substation to the existing 110kV substation at Clondallow, County Offaly; and,

- The planting of 23ha of forestry on lands in the townlands of Drumagelvin, Drumleek South, Lisdonny and Moy, County Monaghan.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

Turbine Specifications and Layout

For the purposes of the EIAR assessment the turbine dimensions have been specified as follows:

- 8 no. wind turbines.
- Maximum tip height of 200m from top of foundation.
- Maximum hub height of 114m from top of foundation.
- Maximum rotor diameter of 172m.
- Potential power output range of 7.2MW per turbine resulting in a total rated output of 57.6MW for the project.
- Conventional three-blade design.
- Proposed turbine colour of white, off-white or light grey.

3. KEY RELEVANT POLICY

This section provides an overview of International/European; national; regional; and local policies which are relevant to the proposed development.

3.1 International and European Energy Policy

Renewable Energy Directive

The Renewable Energy Directive 2009/28/EC (as amended) is the legal framework for the development of renewable energy across all sectors of the EU economy, supporting clean energy cooperation across EU countries. Since the introduction of the Renewable Energy Directive in 2009, it has undergone several revisions since then; the most recent revisions are outlined below.

- *Renewable Energy Directive 2018/2001/EU:* The Directive sets out a new target for share of energy from renewable sources in the EU to at least 32% for 2030, with a review for increasing this target through legislation by 2023. It requires Member States to set national contributions to meet the binding target as part of their integrated national energy and climate plans. The directive introduced new provisions to promote the use of renewable energy in heating and cooling, transport, and electricity sectors. It also enhanced the sustainability criteria for biofuels and set specific sub-targets for advanced biofuels and renewable transport fuels of non-biological origin.
- *Fit for 55 – 2021:* The Fit for 55 package is a set of proposals to revise and update EU legislation and to put in place new initiatives with the aim of ensuring that EU policies are into line with the climate goals agreed by the Council and the European Parliament. The package of proposals aims at providing a coherent and balanced framework for reaching the EU's climate objectives, which: ensures a just and socially fair transition; maintains and strengthens innovation and

competitiveness of EU industry while ensuring a level playing field vis-à-vis third country economic operators; and underpins the EU's position as leading the way in the global fight against climate change. The package aims to reduce the European Union's greenhouse gas emissions by at least 55% by 2030 and achieve climate neutrality by 2050.

2030 Agenda for Sustainable Development

An international agreement closely linked with the Paris Agreement which was adopted by UN Member States in September 2015. At the Agenda's core are 17 Sustainable Development Goals (SDGs). These goals aim to "end poverty, protect the planet and improve the lives and prospects of everyone, everywhere." The 17 SDGs contain 169 targets to be achieved by 2030.

European Green Deal

The European Commission, in December 2019, announced the European Green Deal which is aimed at making Europe the first climate neutral continent. The Deal seeks to achieve no net emissions of greenhouse gases by 2050, to decouple economic growth from resource use, and to leave no one behind. The EU introduced a set of proposals to align the EUs climate, taxation, energy, and transport policies to support achieving this aim.

The European Climate Law

This plan made the targets set under the European Green Deal legally binding, which also includes achieving a reduction in net greenhouse gas emissions of at least 55% by 2030. Climate neutrality by 2050 means achieving net zero greenhouse gas emissions for EU countries as a whole, mainly by cutting emissions, investing in green technologies and protecting the natural environment. The law aims to ensure that all EU policies contribute to this goal and that all sectors of the economy and society play their part.

Climate and Energy Policy Framework 2030

The Climate and Energy Policy Framework 2030 was adopted in 2014 and includes EU-wide targets and policy objectives for the period between 2021-2030. It seeks to drive continued progress towards a low-carbon economy and build a competitive and secure energy system that ensures affordable energy for all consumers and increase the security of supply of the EU's energy supply. It sets targets of at least 40% reduction in green-house gas emissions and at least 32% share of renewable energy from all energy consumed in the EU by 2030.

Effort Sharing Regulation (EU) 2018/842

The Effort Sharing Regulation (EU) 2018/842 lays down obligations on Member States with respect to minimum requirements to fulfil the EU's target of reducing its greenhouse gas emissions 30% below 2005 levels in 2030 in the various sectors and contributes to achieving the objectives of the Paris Agreement. A GHG reduction target of at least 30% applies to Ireland.

Energy Roadmap 2050

In December 2011 the European Commission published its Communication on the Energy Roadmap for 2050, which looks beyond 2020 targets. The energy agenda set out in the Communication sought to explore the challenges posed by delivering the EU's decarbonisation objective for moving to a

competitive low carbon, climate resilient and environmentally sustainable economy by the year 2050 and commits the EU to reducing greenhouse emissions to 80-95% below 1990 levels by 2050.

3.2 National Policy

The National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) was published in 2018. The NPF sets out high level, strategic planning and development for the Country until 2040, to ensure economically, socially and environmentally sustainable growth. To achieve this the NPF sets out 10 no. strategic priorities. The following NPF outcomes and policies are relevant to the proposed development.

National Strategic Outcome 8 – Transition to a Low Carbon and Climate Resilient Society states that new energy systems and transmission grids will be necessary for a more distributed, more renewable focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy. A target of 40% of the country's electricity needs from renewable sources by 2020 is stated along with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives up to 2030 and beyond.

- *National Policy Objective 55: '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'.*
- *National Policy Objective 23: 'Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism'.*

National Development Plan, 2021-2030

This plan underpins the NPF Plan, and it sets a framework for investment priorities which includes expenditure commitments to secure a wider range of Strategic Investment Priorities for example, decarbonising energy.

National Energy and Climate Plan, 2021-2030

This Plan outlines Irelands energy and climate policies in detail for the period from 2021 to 2030 and looks onwards to 2050. The NECP is a consolidated plan which brings together energy and climate planning into a single process for the first time. It envisages a target of at least 55% renewable energy in electricity by 2030 (compared to 1990 levels).

Climate Action Plan 2023

The Irish Government published its Climate Action Plan 2023 on 21 December 2022. Climate Action Plan 2023 is the second annual update to Ireland's ongoing Climate Action Plan, which was first published in 2019. The plan is the framework through which the Government intends to meet its emissions reductions targets, which are embodied in legislation. The Climate Action and Low Carbon

Development (Amendment) Act 2021 requires Ireland to achieve a 51% reduction in emissions by 2030, relative to 2018 levels, and net-zero emissions by 2050.

National Landscape Strategy for Ireland, 2015-2025

The National Landscape Strategy was published by the Department of Arts, Heritage and the Gaeltacht in June 2015. The main objectives include the development of a National Landscape Character Assessment, which would provide a framework for the protection and management of change within the landscape in terms of its cultural, social, economic and environmental values. The aim is to seek to achieve a balance between the social, cultural and economic needs and the environment and the landscape. It is stated that a National Landscape Character Assessment would ensure consistency between and within public authority functions and areas, would inform LCA's at a local level and would guide the development of landscape policy.

3.3 National Guidelines

Wind Energy Development Guidelines for Planning Authorities (Department of the Environment, Heritage and Local Government, 2006)

These guidelines provide advice to the Board and to planning authorities on wind energy development through the Development Plan and the development management process. They are intended to provide for consistency in the approach to wind energy development in terms of the identification of suitable locations for such development and in the determination of planning applications. It is stated that the assessment of such projects should be plan-led with clear guidance on where wind energy development should locate and what factors will be taken into account.

The matters to be considered in a planning application are set out in Chapter 4. These include potential impacts on the built and natural heritage, ground conditions and drainage, visual and landscape impacts, local environmental impacts, (including noise, shadow flicker, electromagnetic interference), and adequacy of the local access road network. It is stated that best practice would suggest that an integrated planning application that include grid connection information should ideally be submitted and that developers should be encouraged to engage in public consultation with the local community.

The potential environmental impacts arising from wind energy developments are discussed in Chapter 5. Guidance is given on matters such as noise, shadow flicker, natural heritage, archaeology, architectural heritage, ground conditions, aircraft safety and wind take. Whilst a setback distance is not established, it is stated that noise is unlikely to be a significant problem where the distance to the residential property is more than 500m. In respect of noise, the recommended standard is a lower fixed limit of 45dBA or a maximum increase of 5dBA above background noise and nearby noise sensitive locations, apart from very quiet areas where the daytime level is limited to 35-40dB(A). A night time limit of 43 dB(A) is recommended. In terms of shadow flicker, the recommended standard is a maximum of 30 hours per year or 30 minutes per day for dwellings and offices within 500m. It is further stated that at distances of greater than 10 rotor diameters, the potential for shadow flicker is very low.

Chapter 6 provides guidance on siting and design of wind energy development in the landscape. This includes advice on siting, spatial extent and scale, cumulative effect, spacing of turbines, layout of

turbines and height of turbines. Advice is also given regarding landscape character types as a basis for application of the guidance on siting and design.

Draft Revised Wind Energy Development Guidelines (Dept. of Housing, Planning & Local Government, 2019)

The Department of Housing Planning and Local Government published Draft Revised Wind Energy Development Guidelines in December 2019.

The proposed key revisions include the following;

- New more stringent noise standards and noise monitoring requirements for wind energy developments in order to reduce the noise nuisance for local residents and communities
- A setback distance for visual amenity purposes of four times the tip height between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development.
- Mandatory community engagement by the developer in relation to wind farm developments and the preparation of a 'Community Report' detailing the methods/level of local community engagement which shall be submitted as part of a wind farm planning application
- The control of shadow flicker in the form of specific planning condition(s) attached to any wind farm grant permissions.
- The consideration of the grid connection layout and design as part of wind farm applications. Opportunities for community gain or a community dividend for local communities to be established as part of a wind farm development.

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009).

National guidance for planning authorities on Appropriate Assessment of plans and projects in Ireland was published by the Department of Environment, Heritage and Local Government (DEHLG) in 2009. It was updated in 2010, by replacing the term "Statement for Appropriate Assessment" with "Natura Impact Statement" or "NIS".

This guidance is intended to assist and guide planning authorities in the application of Article 6(3) and 6(4) of the Habitats Directive as it relates to their roles, functions and responsibilities in undertaking Appropriate Assessment of plans and projects. It applies to plans and projects for which public authorities receive an application for consent, and to plans or projects which a public authority wishes to undertake or adopt.

The guidelines set out the different steps and stages that are needed in establishing whether a plan or project can be implemented without adversely affecting the integrity of a Natura 2000 site. The guidance addresses issues of mitigation and avoidance of impacts, and also the Article 6(4) derogation provisions for circumstances in which there are no alternatives and for which there are imperative reasons of overriding public interest (IROPI) requiring a plan or project to proceed.

Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Dept. of Housing, Planning & Local Government, August 2018)

The publication of these Guidelines coincides with the making of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) and the

coming into operation of the Regulations on 1st September 2018 in order to transpose the Directive into Irish planning law. The Guidelines replace Guidelines for Planning Authorities and An Bord Pleanála on carrying out environmental impact assessment issued by the Department of the Environment, Community and Local Government in March 2013. The purpose of the new Guidelines is to give practical guidance on procedural issues and the EIAR process arising from the requirements of Directive 2014/52/EU and to assist with the achievement of a consistency of approach in the implementation of the Directive.

Guidelines on the information to be contained in Environmental Impact Assessment Reports (EPA, May 2022)

Originally published in 2002, these guidelines now contain up to date references to other Irish and EU guidance and publications to be considered when preparing an Environmental Impact Assessment Report (EIAR). The guidelines contain the systematic approach, standard descriptive methods and effect descriptions that can be used by developers. This ensures that all the likely significant effects are adequately considered and clearly communicated.

3.4 Regional Policy

Eastern & Regional Assembly - Regional Spatial & Economic Strategy 2019-2031

The Eastern and Midlands Regional Assembly was established in 2015 and comprises of the 12. no local authorities located within Dublin, the Eastern and the Midland counties. In June 2019, the Assembly adopted its Regional Spatial and Economic Strategy (RSES). The primary purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Region.

The RSES sets out a vision based across 3 no. key guiding principles: healthy placemaking, climate change, and economic opportunity.

A total of 16 Regional Strategic Outcomes (RSOs) are set out in the RSES which cross referenced and aligned with the 3 key principles of the RSES and have been developed in iteration with the Strategic Environmental Outcomes of the parallel Strategic Environmental Assessment process, of particular relevant to this proposed development:

- *No. 9 - Support the Transition to Low Carbon and Clean Energy Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050. (NSO 8, 9).*

Underpinning the 3 guiding principles are a series of Regional Policy Objectives (RPO's). The following RPO's are of particular relevance to the proposed development.

- *RPO 7.36: Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind*

Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions.

- *RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.*
- *RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.*

3.5 Local Policy

Offaly Local Authority's Climate Action Plan 2024 – 2029

Offaly County Council has prepared this plan to align with Government's national climate objectives, which seeks to transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050. The plan includes actions which aim to reduce Offaly County Council's emissions across its own infrastructure and assets by 51% by 2030 and create pathways towards enabling sectoral emission reductions across the county. The final plan is due to be adopted at the February 2024 meeting of Offaly County Council.

Offaly County Development Plan 2021-2027

Chapter 3 outlines the Climate Action and Energy strategy for the county with the strategic aim *'to achieve a transition to an economically competitive, low carbon climate resilient and environmentally sustainable county, through reducing the need to travel, promoting sustainable settlement patterns and modes of transport, and by reducing the use of non-renewable resources, whilst recognising the role of natural capital and ecosystem services in achieving this'.*

Section 3.2.6 Wind Energy

Site suitability is an important factor in determining the suitability of wind farms having regard to possible adverse impacts associated with, for example, residential amenities, landscape, including views or prospects, wildlife, habitats, designated sites, protected structures or bird migration paths and compatibility with adjoining land uses.

The Council is therefore required to achieve a reasonable balance between responding to overall positive Government policy on renewable energy and enabling the wind energy resources of the Planning Authority's area to be harnessed in a manner that is consistent with proper planning and sustainable development.

The Council recognises that community ownership of wind energy projects enables local communities to benefit directly from local wind energy resources being developed in their local areas, ensuring long-term income for rural communities.

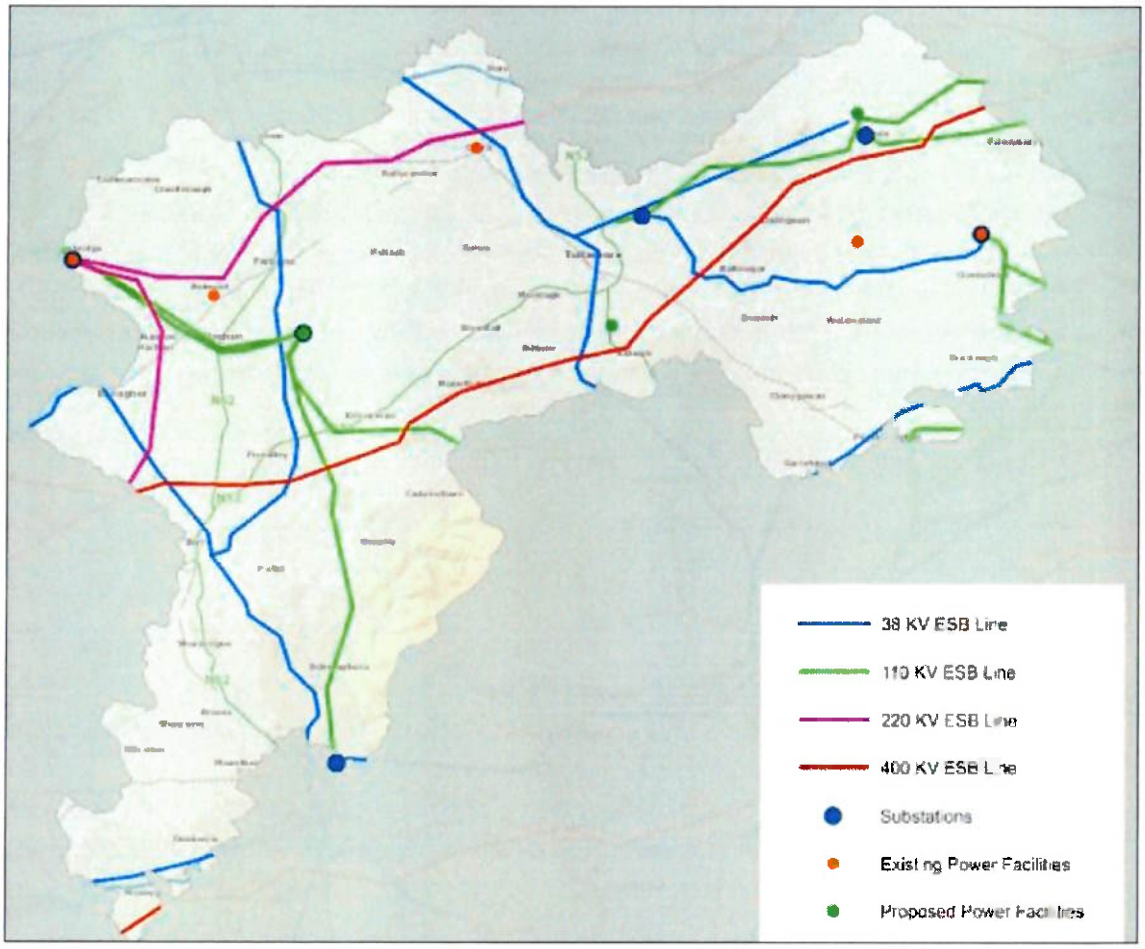


Figure 4: Extract from OCDP – Figure 3.3 Existing Electricity Infrastructure in Co. Offaly

Section 3.8 Climate Action and Energy Policies

- *CAEO-04 It is an objective of the Council to ensure the security of energy supply by supporting the potential of the wind energy (and other renewable) resources of the County in a manner that is consistent with proper planning and sustainable development of the area.*
- *CAEO-05 It is an objective of the Council to implement the Council's Wind Energy Strategy as follows:*
  1. *In 'Areas Deemed Open for Consideration for Wind Energy Development' as identified in Map No. 10 'Wind Energy Strategy Designations', the development of windfarms and smaller wind energy projects will be considered;*
  2. *In all other areas, wind energy developments shall not normally be permitted – except as provided for under relevant exemption provisions in the Planning and Development Regulations 2001 (as amended); and*
  3. *Applications for re-powering (by replacing existing wind turbines) and extension of existing and permitted wind farms will be assessed on a case by case basis and will be subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Ministerial Wind Energy Development Guidelines.*

Climate Change Adaptation and Mitigation

CAEP-07: It is Council policy to support and facilitate European and national objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage);

- *Climate Action Plan (2019 and any subsequent versions);*
- *National Mitigation Plan 2017 (or subsequent editions);*
- *National Climate Change Adaptation Framework (2018 and any subsequent versions);*
- *Relevant provisions of any Sectoral Adaptation Plans prepared to comply with the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050; and*
- *Offaly Climate Change Adaptation Strategy.*

CAEP-11: It is Council policy to support the transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, by way of reducing greenhouse gases, increasing renewable energy, and improving energy efficiency.

Reasonable Alternatives and Existing Infrastructural Assets

CAEP-23: It is Council policy to require that environmental assessments should address reasonable alternatives for the location of new energy developments, and where existing infrastructural assets such as sub-stations, power lines and roads already exist within the proposed development areas, then such assets should be considered for sustainable use by the proposed development where the assets have capacity to absorb the new development.

Renewable Energy

CAEP-25: It is Council policy to encourage and facilitate the production of energy from renewable sources, such as from bioenergy, waste material, solar, hydro, geothermal and wind energy, subject to proper planning and environmental considerations.

Wind Energy

CAEP-37: It is Council policy to recognise the importance of wind energy as a renewable energy source which can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency and therefore greenhouse gas emissions.

CAEP-38: It is Council policy that in assessing planning applications for wind farms, the Council shall:

- *have regard to the provisions of the Wind Energy Development Guidelines 2006, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017 and the Draft revised Wind Energy Guidelines 2019 which are expected to be finalised in the near future;*
- *have regard to 'Areas Open for Consideration for Wind Energy Developments' in the Wind Energy Strategy Designations Map from the County Wind Energy Strategy;*
- *the impact of the proposed wind farm development on proposed Wilderness Corridors as detailed in Objective BLO-28 of Chapter 4;*

- *have regard to Development Management Standard 109 on wind farms contained in Chapter 13 of this Plan; and*
- *have regard to existing and future international, European, national and regional policy, directives and legislation.*

Chapter 4 outlines the Biodiversity and Landscape strategy for the county.

The proposed site is located in areas denoted as low and moderate sensitivity areas in the County Development Plan.

Section 4.14.1 Landscape Sensitivity

The sensitivity of a landscape is the measure of its ability to accommodate change or intervention without suffering unacceptable effects to its character and values. The sensitivity of the landscapes of County Offaly varies and is thereby classified within the following sensitivity classes: Low, Moderate and High Sensitivity.

LOW SENSITIVITY AREAS

Low sensitivity areas are robust landscapes which are tolerant to change, such as the county's main urban and farming areas, which have the ability to accommodate development.

Characteristics:

County Offaly is largely a rural county which comprises of a predominantly flat and undulating agricultural landscape coupled with a peatland landscape. Field boundaries, particularly along roadside verges which are primarily composed of mature hedgerows typify the county's rural landscape.

Sensitivities:

- These areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures).
- Within the rural areas, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible.
- New housing proposed in rural areas should respect Offaly County Councils Rural Housing Design Guidelines, together with conformity with development standards.

Acceptability of Development for consideration: A wide range of development subject to appropriateness / conditions

Need for Landscaping and Appropriate Design: High.

Figure 6: Table 4.18 Low Sensitivity Areas in County Offaly – OCDP 2021 – 2027.

MODERATE SENSITIVITY AREAS

Moderate sensitivity areas can accommodate development pressure but with limitations in the scale and magnitude. In this category of sensitivity, elements of the landscape can accept some changes while others are more vulnerable to change.

Characteristics:

Cutaway bogs cover a large part of the landscape of Offaly and in their entirety, are approximately 42,000 hectares. Generally, there are a number of land uses suitable for cutaway bog, not included in High Sensitivity Areas, which include wilderness, grassland, forestry and recreation. Some cutaway bog landscapes are more robust and may be considered for other uses.

Sensitivities:

- The development of Lough Boora (albeit designated as high sensitivity) acts as a prototype in the creation of parkland character.
- However, some of these cutaway bogs may be appropriate for other sensitively designed and located developments including renewable energy (wind farms, biomass crops) and/or industrial use.

The Council recognises the need for a land use framework plan for the future development and utilisation of large areas of cutaway bog within Offaly.

Acceptability of Development for consideration: Some form of development subject to appropriateness / conditions.

Need for Landscaping and Appropriate Design: Very High.

Figure 7: Table 4.19 Moderate Sensitivity Areas in County Offaly – OCDP 2021 – 2027.

Section 4.16 Biodiversity and Landscape Policies

Designated and Non-Designated Sites

BLP-01 It is Council policy to protect, conserve, and seek to enhance the county's biodiversity and ecological connectivity.

BLP-02 It is Council policy to conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 (as amended) and the Flora Protection Orders.

BLP-04 It is Council policy to protect and maintain the conservation value of all existing and future Natural Heritage Areas, proposed Natural Heritage Areas, Nature Reserves, Ramsar Sites, Wildfowl Sanctuaries and Biogenetic Reserves in the county.

Peatlands

BLP-14 It is Council policy to protect the county's designated peatland areas and landscapes, including any historical walkways through bogs and to conserve their ecological, archaeological and cultural heritage and to develop educational heritage.

Waterways, Lakes and Wetland Landscapes

BLP-20 It is Council policy to preserve riparian buffer strips free from development by reserving a minimum of 10 metres either side of all watercourses (measured from top of bank) with the full of the protection determined on a case by case basis by the Council, based on site specific characteristics and sensitivities.

BLP-23 It is Council policy to consider the Waterways Corridor Study 2002 and protect the recreational, educational and amenity potential of navigational and non-navigational waterways within the county, such as the Grand Canal Corridor, towpaths and adjacent wetland landscapes, taking into account more recent heritage and environmental legislation (including the SEA Directive) and environmental policy commitments.

Green Infrastructure Strategy

BLP-27 It is Council policy to recognise the economic, social, environmental and physical value of green infrastructure.

BLP-28 It is Council policy to protect existing green infrastructure within the county, to provide additional green infrastructure where possible and to encourage green infrastructure to be spatially connected to facilitate the extension or establishment of ecological corridors.

BLP-29 It is Council policy to seek to increase investment in green infrastructure provision and maintenance by accessing relevant EU funding mechanisms and national funding opportunities.

BLP-30 It is Council policy to integrate the provision of green infrastructure with infrastructure provision and replacement, including walking and cycling routes, as appropriate, while protecting natural heritage.

Landscape

BLP-38 It is Council policy to protect and enhance the county's landscape, by ensuring that development retains, protects and where necessary, enhances the appearance and character of the county's existing landscape.

BLP-40 It is Council policy to ensure that consideration of landscape sensitivity is an important factor in determining development uses.

BLP-41 It is Council policy to require a Landscape/Visual Impact Assessment to accompany significant proposals, located within or adjacent to sensitive landscapes. This assessment will provide details of proposed mitigation measures to address likely negative impacts.

Section 4.17 Biodiversity and Landscape Objectives

Natural Capital

BLO-01 It is an objective of the Council that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of County Offaly's natural capital.

BLO-04 It is an objective of the Council to ensure that the impact of development within or adjacent to national designated sites, Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites and Nature Reserves likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment prepared by a suitably qualified professional, which should accompany planning applications.

Peatlands

BLO-10 It is an objective of the Council to require the preparation and submission of a Hydrological Report/Assessment for significant developments within and in close proximity to protected raised bogs and to take account of same in the assessment of impacts on the integrity of peatland ecosystems.

Waterways, Lakes and Wetland Landscapes

BLO-12 It is an objective of the Council to maintain a riparian zone for larger and smaller river channels based on the Inland Fisheries Ireland updated guideline document, 'Planning for Watercourses in the Urban Environment, a Guide to the Protection of Watercourses through the use of Buffer Zones, Sustainable Drainage Systems, Instream Rehabilitation, Climate / Flood Risk and Recreational Planning'.

Landscape

BLO-23 It is an objective of the Council to prepare a County Landscape Character Assessment in accordance with all relevant legislation and guidance documents and following the forthcoming National and Regional Landscape Character Assessment.

BLO-24 It is an objective of the Council to have regard to the Landscape Sensitivity Areas in Tables 4.18, 4.19 and 4.20 in the consideration of planning applications.

Chapter 8 outlines the Sustainable Transport Strategy for the county over the six-year period.

Section 8.8 Sustainable Transport Strategy Policies - Roads

SMAP-24: It is Council policy to maintain and protect the safety, strategic transport function, capacity and efficiency of national roads, motorways and associated junctions and in accordance with Strategic Planning and National Roads Guidelines 2012 or any subsequent edition.

SMAP-28 It is Council policy to ensure that developments which have the potential to generate significant traffic movement are subject to a Traffic and Transportation Assessment, Quality Audit and Road Safety Audit as appropriate.

SMAP-31 It is Council policy that the capacity and efficiency of the road network drainage regimes in County Offaly will be safeguarded for road drainage purposes.

Section 8.9 Sustainable Transport Strategy Objectives – Roads

SMAO-15 It is an objective of the Council to improve and maintain regional and county roads in line with the annual roads programme and allocated budgets.

Chapter 10 sets out the heritage policies which aim to protect Offaly's historic environment, comprising its built form, landscape, heritage and archaeology.

Section 10.11 Built Heritage Policies

Country Houses, Gardens and Demesnes

BHP-30 It is Council policy to discourage development that would lead to a loss of, or cause damage to, the character, the principle components of, or the setting of Country Houses, Gardens and Demesnes.

BHP-31 It is Council policy to consider the "Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings" published by Cork County Council 2006 in the appraisal and description of the impacts of proposed developments in County Offaly within or in close proximity to country houses and demesnes on historic designed landscapes, demesnes and gardens.

Chapter 13 sets out the general development management principles and standards that will be applied by the Council to ensure that future development is in accordance with the policies and objectives set out elsewhere in the County Development Plan.

The following development management standards (DMS) are relevant to the proposed development:

DMS-97 Safe Sight Distances required for access onto National, Regional and Local Roads

The following safe sight distances, shall be provided from vehicular entrances on the road network;

- *Local Tertiary Roads: 60 metres;*
- *Local Secondary Roads: 90 metres;*
- *Local Primary Roads: 120 metres;*
- *Regional Roads: 150 metres; and*
- *National Roads: 230 metres.*

As set out by design standards detailed in TII publications, sight distances shall be measured from a point 2.4 metres from the road edge at the proposed access to a point at the near edge of the approaching carriageway. The standard for local roads is at the discretion of the Planning Authority and may be reduced where it would not give rise to a specific traffic hazard. DMS-97 standards apply only to locations other than those to where DMURS applies.

DMS-105 Traffic and Transport Assessments and Road Safety Audits

Developers will be required to provide a detailed Transport and Traffic Assessment (TTA), as carried out by competent professionals in this field, where new developments will have a significant effect on travel demand and the capacity of surrounding transport links in accordance with the thresholds set out in Tables 2.1, 2.2 and 2.3 of Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014). When preparing the TTA's regard should be had to the provision of the;

- *Traffic and Transport Assessment Guidelines (2014);*
- *Design standards detailed in TII publications; and*
- *Traffic Management Guidelines (Dublin Transportation Office and Department of Transport, 2019).*

Where a Transport and Traffic Assessment identifies necessary on and off-site improvements for the development to be able to proceed, the developer will be expected to fund the improvements by entering into a formal agreement with the Council. A Road Safety Audit shall be required for significant developments in accordance with the Road Safety Audit Guidelines (TII Publication).

DMS-106 Flood Risk Assessments Flood Zones and Appropriate Uses

The table below indicates the types of land uses that are appropriate in each of the Flood Zones identified within the Plan area, in accordance with the 2009 Flood Risk Management Guidelines for Planning Authorities and Departmental Circular PL2/2014 (or any updated/superseding legislation or policy guidance). Where developments/land uses are proposed that are considered inappropriate to the Flood Zone, then a Development Management Justification Test and site-specific Flood Risk Assessment will be required in accordance with The Planning System and Flood Risk Management Guidelines 2009 (and as updated).

Note (refer to Flood Risk Management Guidelines 2009 and 'SFRA for the Offaly County Development Plan 2021-2027' for additional detail):

- *Highly Vulnerable Development – Houses, schools, hospitals, residential institutions, emergency services, essential infrastructure, etc.*
- *Less Vulnerable Development – Economic uses (retail, leisure, warehousing, commercial, industrial, non-residential institutions, etc.), land and buildings used for agriculture or forestry, local transport infrastructure, etc.*
- *Water Compatible Development – Docks, marinas, wharves, waterbased recreation and tourism (excluding sleeping accommodation), amenity open space, sports and recreation, flood control infrastructure, etc.*

Site-Specific Flood Risk Assessments

The detail of these site-specific FRAs will depend on the level of risk and scale of development but it is advised that The Planning System and Flood Risk Management, Guidelines for Planning Authorities (DEHLG and OPW, 2009) (or any superseding document) and available information from CFRAM Studies, including existing and emerging CFRAMS mapping (including National Indicative Fluvial mapping) and the most up to date CFRAM Programme climate scenario mapping shall be consulted with to this effect. A detailed site-specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The assessments shall consider and provide information on the implications of climate change with regard to flood risk in relevant locations.

Flood Zones	Overall probability	Planning implications for land uses		
		Highly Vulnerable **Development**	Less Vulnerable Development	**Water** Compatible **Development**
Flood Zone A	Highest	Inappropriate - if proposed then Justification Test and detailed Flood Risk Assessment is required	Inappropriate – if proposed then Justification Test and detailed Flood Risk Assessment is required	Appropriate – screen for flood risk
Flood Zone B	Moderate	Inappropriate - if proposed then Justification Test and detailed Flood Risk Assessment is required	Inappropriate due to climate change – if proposed then Justification Test and detailed Flood Risk Assessment is required	Appropriate – screen for flood risk
Flood Zone C	Lowest	Appropriate - detailed Flood Risk Assessment may be required	Appropriate - detailed Flood Risk Assessment may be required	Appropriate – screen for flood risk

Structural and Non-Structural Risk Management Measures in Flood Vulnerable Zones

Applications for development in flood vulnerable zones shall provide details of structural and non-structural risk management measures to include, but not be limited to specifications of the following:

Floor Levels

In areas of limited flood depth, the specification of the threshold and floor levels of new structures shall be raised above expected flood levels to reduce the risk of flood losses to a building, by raising floor heights within the building structure using a suspended floor arrangement or raised internal concrete platforms.

When designing an extension or modification to an existing building, an appropriate flood risk reduction measure shall be specified to ensure the threshold levels into the building are above the design flood level. However, care must also be taken to ensure access for all is provided in compliance with Part M of the Building Regulations.

Where threshold levels cannot be raised to the street for streetscape, conservation or other reasons, the design shall specify a mixing of uses vertically in buildings - with less vulnerable uses located at ground floor level, along with other measures for dealing with residual flood risk.

Internal Layout

Internal layout of internal space shall be designed and specified to reduce the impact of flooding [for example, living accommodation, essential services, storage space for provisions and equipment shall be designed to be located above the predicted flood level]. In addition, designs and specifications shall ensure that, wherever reasonably practicable, the siting of living accommodation (particularly sleeping areas) shall be above flood level.

With the exception of single storey extensions to existing properties, new single storey accommodation shall not be deemed appropriate where predicted flood levels are above design floor levels. In all cases, specifications for safe access, refuge and evacuation shall be incorporated into the design of the development.

Flood-Resistant Construction

Developments in flood vulnerable zones shall specify the use of flood resistant construction aimed at preventing water from entering buildings - to mitigate the damage floodwater caused to buildings. Developments shall specify the use of flood resistant construction prepared using specialist technical input to the design and specification of the external building envelope – with measures to resist hydrostatic pressure (commonly referred to as "tanking") specified for the outside of the building fabric. The design of the flood resistant construction shall specify the need to protect the main entry points for floodwater into buildings - including doors and windows (including gaps in sealant around frames), vents, air-bricks and gaps around conduits or pipes passing through external building fabric.

The design of the flood resistant construction shall also specify the need to protect against flood water entry through sanitary appliances as a result of backflow through the drainage system.

Flood-Resilient Construction

Developments in flood vulnerable zones that are at risk of occasional inundation shall incorporate design and specification for flood resilient construction which accepts that floodwater will enter buildings and provides for this in the design and specification of internal building services and finishes. These measures limit damage caused by floodwater and allow relatively quick recovery.

This can be achieved by specifying wall and floor materials such as ceramic tiling that can be cleaned and dried relatively easily, provided that the substrate materials (for example, blockwork) are also resilient. Electrics, appliances and kitchen fittings shall also be specified to be raised above floor level, and one-way valves shall be incorporated into drainage pipes.

Emergency Response Planning

In addition to considering physical design issues for developments in flood vulnerable zones, the developer shall specify that the planning of new development also takes account of the need for effective emergency response planning for flood events in areas of new development. Applications for developments in flood vulnerable zones shall provide details that the following measures will be put in place and maintained:

- *Provision of flood warnings, evacuation plans and ensuring public awareness of flood risk.*
- *Coordination of responses and discussion with relevant emergency services i.e. Local Authorities, Fire and Rescue, Civil Defence and An Garda Síochána through the SFRA; and*
- *Awareness of risks and evacuation procedures and the need for family flood plans.sks to people where they live and work;*

Access and Egress During Flood Events

Applications for developments in flood vulnerable zones shall include details of arrangements for access and egress during flood events. Such details shall specify that:

- *flood escape routes have been kept to publicly accessible land;*

- *such routes will have signage and other flood awareness measures in place, to inform local communities what to do in case of flooding; and this information will be provided in a welcome pack to new occupants.*

Further Information Further and more detailed guidance and advice can be found at http://www.flooding.ie and in the Building Regulations.

DMS-107 Undergrounding of Services

All services, including ESB, telephone and television cables shall be placed underground, where possible. Service buildings or structures shall be sited as unobtrusively as possible and must be screened. Proposals should demonstrate that environmental impacts including the following are minimised:

- *Habitat loss as a result of removal of field boundaries and hedgerows (right of way preparation) followed by topsoil stripping (to ensure machinery does not destroy soil structure and drainage properties);*
- *Short to medium-term impacts on the landscape where, for example, hedgerows are encountered;*
- *Impacts on underground and underwater archaeology;*
- *Impacts on soil structure and drainage; and*
- *Impacts on surface waters as a result of sedimentation.*

DMS-108 Peatlands

In the consideration of development on or adjacent to peatland areas, the following guiding principles should apply:

- *Consideration of the potential contribution of peatlands to climate change mitigation and adaptation including renewable energy production;*
- *Consideration of habitats and species of environmental significance;*
- *Consideration of the potential contribution of peatlands to an existing or proposed greenway / blueway / peatway network;*
- *Consideration of the ecosystem services and tourism potential provided by peatlands;*
- *Development of peatlands shall ensure that there are no negative impacts on water quality and hydrology;*
- *Consideration of existing and future rehabilitation measures including enhanced rehabilitation measures (i.e. drain blocking and rewetting);*
- *Consideration of peatland stability;*
- *Achieving of a carbon emissions balance; and,*
- *Incorporation of fire mitigation measures such as fire breaks or ensuring access points and routes are suitable for travel by emergency services.*

DMS-109 Wind Farms

When assessing planning applications for wind energy developments the Council will have regard to;

- *the Wind Energy Development Guidelines for Planning Authorities, DoEHLG, (2006) and any amendments to the Guidelines which may be made; and*
- *the Wind Energy Strategy Designations Map from the County Wind Energy Strategy showing areas identified as 'Areas Open for Consideration for Wind Energy Developments' and 'Areas not*

deemed suitable for Wind Energy Developments', and specific policy for wind development in these areas as outlined in Section 8 of the County Wind Energy Strategy;

In addition to the above, the following local considerations will be taken into account by the Council in relation to any planning application;

- *Impact on the visual amenities of the area;*
- *Impact on the residential amenities of the area;*
- *Scale and layout of the project, any cumulative effects due to other projects and the extent to which the impacts are visible across the local landscape;*
- *Visual impact of the proposal with respect to protected views, scenic routes and designated scenic landscapes and proposed Wilderness Areas as detailed in Chapter 4 of this Plan;*
- *Impact on nature conservation, ecology, soil, hydrology, groundwater, archaeology, built heritage and public rights of way;*
- *Impact on ground conditions and geology;*
- *Consideration of falling distance plus an additional flashover distance from wind turbines to overhead transmission lines;*
- *Impact of development on the road network in the area;*
- *Impact of the development on radio observatories and broadcast communications in the area; and*
- *Impact on human health in relation to noise disturbance (including consistency with the Word Health Organisations 2018 Environmental Noise Guidelines for the European Region), shadow flicker and air quality.*

This list is not exhaustive and the Council may consider other requirements contained in the chapter on a case by case basis with planning applications should the need arise. Where impacts are predicted to arise as a result of the development proposed, suitably detailed mitigation measures shall be proposed.

Offaly County Development Plan 2021-2027 County Wind Energy Strategy

A County Wind Energy Strategy forms part of this Development Plan. The Strategy constitutes a plan led approach to wind energy development in County Offaly and sets out areas 'open for consideration' for wind energy developments and considerations for the evaluation of wind energy planning applications. Table 3.1 demonstrates County Offaly's contribution to realising overall national targets (under the Climate Action Plan 2019) on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource during the plan period.

The site is denoted as an area in the Wind strategy as "Deemed Open for Consideration for Wind Energy Developments" The plan states in relation to such areas:

These areas are open for consideration for wind energy development as these areas are characterised by low housing densities, do not conflict with European or National designated sites and have the ability by virtue of their landscape characteristics to absorb wind farm developments. Notwithstanding this designation, wind farm developments in these areas will be evaluated on a case by case basis subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines.

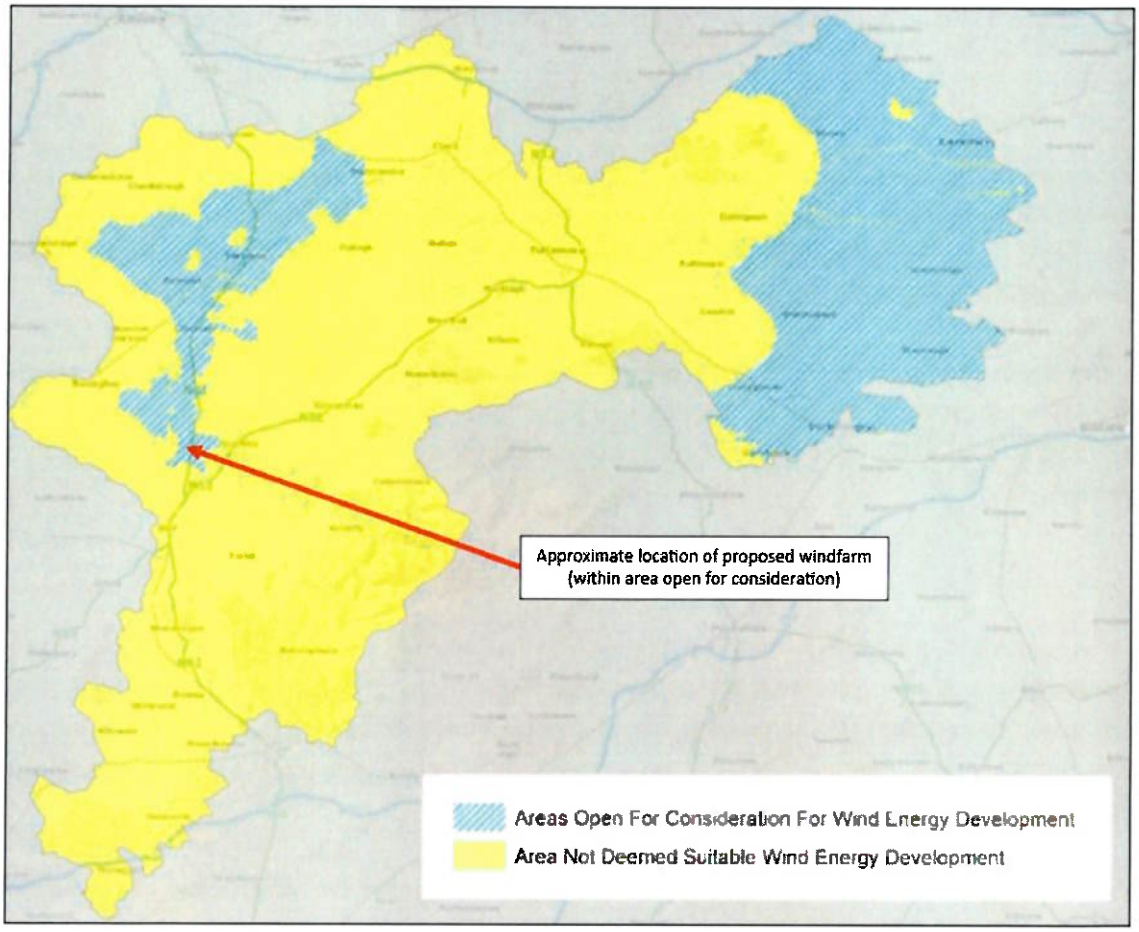


Figure 5: Map No. 10: Wind Energy Strategy Designations (with site location indicated) OCC Wind Energy Strategy.

4. RELEVANT PLANNING HISTORY

This section provides a review of the relevant planning history associated with the subject site and the surrounding area.

4.1 Subject Site

22/444: Cush Wind Limited sought retention permission for (i) the existing 80 metre meteorological mast, which was erected as exempted development in accordance with class 20a, schedule 2, of the Planning and Development Regulations 2001 (as amended), and all ancillary infrastructure and associated site development and reinstatement works; and (ii) permission to increase the height of the existing meteorological mast from 80 metres to a height of 100 metres. The operational lifetime of the proposed development will be up to five years. This planning application was accompanied by an appropriate assessment screening report – ***Granted.***

4.2 Major Planning Applications in the Vicinity of the Proposed Wind Farm Development

SID Applications

To the North of the current site (c.0.8km) – Derrinlough Wind Farm: ABP reference: PA19.306706: Bord Na Móna Powergen Ltd. sought permission for twenty-one (21) wind turbines, two (2) anemometry masts, one (1) 110kV substation and associated works, two (2) permanent underpasses, 10-year planning permission sought and a 30-year operational life – ***Granted & under construction.***

To the North of the current site (c.9.3km): ABP Ref: PL19.PA0015: Lumcloon Energy Ltd. sought permission for the construction and operation of a gas fired electricity generating station, capable of operating in open cycle or combined cycle modes at Lumcloon, Cloghan, Ferbane, County Offaly – ***Granted.***

Other Applications in the Area (c.15km of subject site)

OCC ref. 07/1595, ABP Ref: PL 19.231866**:** Gaelectric Developments Ltd. sought permission under appeal to the Board for the construction of a windfarm of 3 no. turbines (hub height not exceeding 85m, blade diameter not exceeding 80m), electrical substation building, one meteorological pole (not exceeding 80m high), construction extension and upgrade of internal site tracks and associated works – ***Refused.***

OCC ref. 10/130: Gaelectric Developments Ltd. sought permission for the construction of a windfarm consisting of two wind turbines (hub height not exceeding 85m, blade diameter not exceeding 82.4m) an electrical substation building, construction, extension and upgrade of internal site tracks and associated works – ***Granted.***

OCC ref. 12/65: Galetech Energy Developments Ltd. sought permission for the erection of an anemometer mast, 100m in height, for the purpose of monitoring and recording wind speeds and wind characteristics for a period of 5 years – ***Granted and constructed.***

OCC ref. 12/293 & ABP Ref: PL.19.242354: Galetech Energy Developments Ltd. was refused permission on appeal to the Board for the erection of 10 no. wind turbines each with a hub height of up to 110m and a rotor diameter of up to 120m, with an overall maximum tip height of up to 170m and all associated site development works including 1 no. temporary site compound area, turbine foundations, crane hard standings, access tracks, underground cabling, site entrance off the N62, the construction of a 38kv switch room and control facility (85.5m^2) with associated equipment and compound area enclosed by a 2.4m high palisade fence – ***Refused.***

OCC ref. 14/188 & ABP Ref: PL19.244053 – Cloghan Wind Farm: Galetech Energy Developments Cloghan Ltd. was granted permission under appeal to the Board a 10 year permission for the erection of 9 no. wind turbines each with a hub height of up to 100m, a typical rotor diameter of 103m (overall maximum tip height of up to 150m) and all associated site development works including 1 no. temporary site compound area (697m^2), turbine foundations, crane hard standings, access tracks, underground cabling, upgrades to existing site entrance off the N62, the construction of a 38kv switch

room and control facility (94m²) with associated equipment and compound area enclosed by a 2.4m high palisade fence – ***Granted and operational.***

OCC ref. 15/44 & ABP Ref: PL.19.244903 – Meenwaun Wind Farm: Meenwaun Wind Farm Ltd. was granted permission under appeal to the Board, a 10 year permission for the construction of a wind farm comprising up to 5 no. turbines with a maximum tip height of up to 169m and associated turbine foundations, hardstanding areas and drainage, 1 no. permanent meteorological mast up to 80m in height, tree felling, a stream crossing, upgrading of existing and provision of new site tracks and associated drainage, provision of new site entrance, 1 no. borrow pit and associated ancillary infrastructure, onsite electrical substation including control building, wastewater holding tank, fencing and associated ancillary infrastructure, underground electrical cabling and associated communications cabling between the turbines and proposed onsite substation, underground electrical cabling and associated communications cabling between the proposed onsite substation and the existing substation at Dallow, temporary developments/works associated with the construction phase including 1 no. temporary construction site compound and associated ancillary infrastructure – ***Granted and operational (4 no. turbines).***

OCC ref. 17/194: Lumcloon Energy Ltd. sought permission for the development of an energy storage facility designed to provide 100MW of system support services to the electricity grid. The development will consist of (i) a single storey metal clad building (floor area 4,536sqm) to a height of 9m, which will include: reception area, offices, battery room, workshop area, welfare facilities and ancillary services rooms, (ii) perimeter secured switchyard containing 110kv substation, mv switchgear room (floor area 100sqm) to a height of 4m, control building (floor area 200sqm) to a height of 4m, (iii) all ancillary development, including perimeter fencing and landscaping, security hut at site entrance, car parking, access roads, all civil engineering works for the disposal of foul and surface water, lighting and site entrance with connection to the existing R357 – ***Granted and operational.***

OCC ref. 18/230 & ABP Ref: ABP-304056-19: Galetech Energy Developments Cloghan Limited, was granted permission for the installation of approximately 12.5km of 38kv electricity transmission line from the permitted (wind farm) substation (Offaly County Council planning register reference 14/188 & an Bord Pleanala Reference PL19.244053) in the townland of Stonestown, County Offaly to the existing electricity substation in the townland of Clondallow, County Offaly. The transmission line will comprise approximately 8.5km of underground line and approximately 3.7km of overhead line. Underground infrastructure will be located within private lands and within the public roads numbered N62, R439 and the L70152; will be installed in excavated trenches of approximately 1.2m in depth and will include associated underground ducting, joint bays, communication chamber bays, sheath link boxes and inspection chambers; directional drilling at 1 no. railway crossing along the n62, and all associated site development and reinstatement works. Overhead infrastructure will consist of 3 no. powerlines suspended from wooden poles with a maximum height of 16 metres, and all associated site development and reinstatement works. This planning application is accompanied by an Environmental Impact Assessment Report (EIAR) / Environmental Impact Statement (EIS) which includes an assessment of the likely impacts of the proposed development, as a whole and in combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including the wind farm development permitted pursuant to Offaly

County Council planning register reference 14/188 & an Bord Pleanála Reference PL19.244053 – ***Granted on appeal & constructed.***

OCC ref. 19/55: Lumcloon Energy Ltd. sought permission for alterations to development of an energy storage facility designed to provide 100MW of system support services to the electricity grid at Lumcloon, Cloghan, Co. Offaly in lieu of that granted under planning permission PL2/17/194. proposed alterations consist of; (i) provision of open area battery energy storage system (BESS) compound (area of 6,200 sqm) containing battery and control system enclosures in lieu of the approved single storey main building (floor area of 4,536 sqm), (ii) alterations to the approved switchyard containing the proposed 110kv substation which will include (a) connection to the existing electricity network in lieu of that approved, (b) increase in the size of the control building (floor area 375 sqm) in lieu of that approved (floor area 200 sqm), and (c) provision of a diesel generator and transformer adjacent to the control building, (iii) increase in size (630 sqm), location and internal layout of switchgear building in lieu of that approved (100sqm), and (iv) provision of 110kv transformer in lieu of MV substation (100 sqm), and (v) and all associated site works – ***Granted and operational.***

OCC ref. 19/404: Galetech Energy Developments Cloghan Ltd. sought a ten year planning permission for amendments to the development permitted under ABP Reference PL19.244053 (OCC ref: pl2/14/188) to provide (i) an increase in the overall wind turbine height from 150 metres to up to 169 metres; (ii) the re-siting of wind turbines t1, t2, t4, t6, t7 and t9 and their associated foundations and crane hardstandings by up to 19 metres; (iii) the realignment of wind farm access tracks including the provision of turning heads and passing bays and the associated realignment of underground wind farm electrical cabling; (iv) an increase in the maximum height of the meteorological mast to up to 100.5 metres; (v) temporary upgrade of the N52/N62 Junction ('Kennedy's Cross') at Ballindown; and (vi) all associated site development, access and reinstatement works. This planning application is accompanied by an Environmental Impact Assessment Report (EIAR)/Environmental Impact Statement which includes an assessment of the likely impacts of the proposed development, as a whole and in combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including the wind farm development permitted pursuant to Offaly County Council planning register ref: 14/188 & an Bord Pleanála reference PL19.244053 and the proposed grid connection proposed pursuant to Offaly County Council planning register ref: 18/230 & an Bord Pleanála ref: ABP-304056-19 – *3rd party appeal to ABP withdrawn* – ***Granted and operational.***

OCC ref. 19/555: Galetech Energy Developments Cloghan Limited, sought permission for the installation of approximately 8 kilometres of underground electricity line with a capacity of up to 38kv from the permitted (wind farm) substation (Offaly County Council planning register reference 14/188 & an Bord Pleanála reference PL19.244053 and Offaly County Council planning register reference 19/22) in the townland of Stonestown, County Offaly to the permitted Derrycarney electricity substation in the townland of Lumcloon, County Offaly. The electricity line will be located within private lands and within the public roads numbered L7009, L70091, R437, L70099 and R357; will be installed in excavated trenches of approximately 1.3 metres in depth and will include associated underground ducting, joint bays, communication chamber bays, sheath link boxes and inspection chambers; directional drilling at 1 no. railway crossing along the L70091, and all associated site development and reinstatement works. This planning application is accompanied by an Environmental

Impact Assessment Report (EIAR)/ Environmental Impact Statement which includes an assessment of the likely effects of the proposed development, as a whole and in combination with the relevant off-site or secondary developments which will occur as a direct result of the proposed development, including the wind farm development permitted pursuant to Offaly County Council planning register reference 14/188 & An Bord Pleanála reference PL19.244053 and proposed amendments to this permitted wind farm development, proposed pursuant to Offaly County Council planning register reference 19/404 – ***Granted and constructed.***

OCC ref. 20/45: Martin Carroll and Johnny Ryan sought a ten year permission for the erection of 2 no. wind turbines, each with a maximum height of up to 169 metres and all associated site development, access and reinstatement works; including turbine foundations, hardstanding areas, site access tracks, the upgrade of 1 no. existing site entrance, electrical switch room and underground electrical cabling. The combined electrical capacity of the wind turbines shall not exceed 4.98 megawatts. The proposed development will have a 30-year operational life from the date of commissioning of the wind turbines – ***Refused.***

OCC ref. 21/306: Natural Forces Renewable Energy Ltd sought permission for the construction of one 4.2mw wind turbine with an overall tip height of up to 150m; construction of the wind turbine foundation, hardstanding and assembly area; provision of a site entrance and an access track within the site; construction of an on-site 20kv substation and underground electrical cable; and, all associated site development and ancillary works – ***Refused.***

OCC ref. 23/60111: Lumcloon Energy Limited sought permission for an extension to the existing battery energy storate system (BESS) facility (consented under Planning Ref 19/55) the proposed development includes the construction of the following: (i) Open area battery energy storage system (BESS) on lands adjoining the existing BESS facility to the east and south, containing a total of 112 modular battery containers and medium voltage power stations (MVPS). The proposed development will utilise the existing customer (IPP) building and electrical infrastructure to connect to the grid via the 110kV Derrycarney transmission substation, which adjoins the BESS facility, (ii) Access to the site is proposed through an upgraded existing entrance onto the R357 regional road, (iii) All civil engineering works, drainage, internal roads, landscaping, lighting and security fencing – ***Notification of Decision to Grant issued on the 6th February 2024.***

OCC ref. 23/60140: Carrig Renewable Energy Limited sought permission for (i) The provision of underground electrical cabling (38kV) from the townland of Townparks to the existing Dallow 110kV substation in the townland of Clondallow to facilitate the connection of the proposed Carrig Renewables Wind Farm development to the national grid; (ii) Provision of 4 no. joint bays, communication chambers and earth sheath links along the proposed underground electrical cabling route; (iii) Reinstatement of the road or track surface above the proposed cabling trench along existing roads and tracks; and, (iv) All associated site development works, ancillary works and apparatus considered necessary to facilitate the proposed development. The development subject of this application will facilitate the connection of the proposed 7 no. wind turbine Carrig Renewables Wind Farm to the national electricity grid. A concurrent application for the Carrig Renewables Wind Farm development has been lodged to Tipperary County Council. The proposed development includes underground cabling works located within the public road corridor within the curtilage of a Protected

Structure (Tipperary RPS Ref. TRPS519 Croghan Bridge). An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) has been prepared in respect of the planning application and will be submitted to the planning authority with the application – **Further information sought on the 30th November 2023.**

Tipperary CoCo. ref. 23/60763: Carrig Renewable Energy Limited sought permission for (1) The construction of 7 no. wind turbines and associated hardstand areas with the following parameters a) total tip height range of 179.5m – 185m, b) rotor diameter range of 149m – 163m, c) hub height range of 103.5m to 110.5m; (2) 1 no. permanent 38kV electrical substation which will be constructed in the townland of Faddan Beg consisting of a single storey control building with welfare facilities, all associated electrical plant and equipment, battery energy storage system, security fencing, all associated underground cabling, wastewater holding tank and all ancillary works and equipment; (3) All works (within County Tipperary) associated with the connection of the proposed wind farm to the national electricity grid, via the provision of underground electrical cabling (38kV) to the existing Dallow 110kV substation in the townland of Clondallow, Co. Offaly; (4) Provision of 10 no. joint bays, communication chambers and earth sheath links along the underground electrical cabling route; (5) reinstatement of the road or track surface above the proposed cabling trench along existing roads and tracks; (6) all associated underground electrical and communications cabling connecting the turbines to the proposed wind farm substation; (7) 1 no. meteorological mast with a height of 107m above ground and associated foundation and hard-standing area; (8) upgrade of existing tracks and roads and the provision of new site access roads; (9) all works associated with the provision of a new permanent site entrance off the L5040 local road; (10) provision of 5 no. new access and egress points along the L5041 local road in the townlands of Cloncorig, Faddan More and Coolderry; (11) Provision of 4 no. peat repository areas and 3 no. spoil repository areas; (12) 2 no. temporary construction compounds with temporary site offices and staff facilities; (13) Accommodation works along the public road network along the N52 national secondary road in the townland of Ballyloughnane to facilitate the delivery of turbine components and other abnormal sized loads; (14) Site Drainage; (15) Tree Felling; (16) Operational stage site signage; and, (17) all associated site development works, ancillary works and apparatus. - Works within the curtilage of Protected Structures RPS Ref. TRPS336 (Ballyloughnane Bridge) and RPS Ref. TRPS519 (Croghan Bridge) – refused by Tipperary CoCo; decision appealed to An Bord Pleanála (ABP ref. 318689-23).

4.3 Enforcement Information Relating to the Subject Site

There is currently no record of any enforcement matters on the subject site.

5 DESIGNATIONS

5.1 European – Special Areas of Conservation (Sac's) and Special Protected Areas (SPA'S)

The submitted Natura Impact Statement (dated 17th December 2023) prepared by SLR Environmental Consulting (Ireland) Ltd and submitted as part of the SID application states that the nearest Special Area of Conservation (SAC) is the Ridge Road, SW of Rapemills SAC which is situated approximately 0.26km from the site boundary. The qualifying interests for this SAC are listed as follows;

- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia)* (* important orchid sites).

The Dovegrove Callows SPA is states to be the closest SPA to the site and is found 0.001km from the grid connection and 1.71km from the proposed wind farm development site. The qualifying interests for the Dovegrove Callows SPA are as follows;

- Greenland White-fronted Goose *(Anser albifrons flavirostris).*

It is also noted that the River Little Brosna Callows is located 1.65km from the proposed wind farm development site. The qualifying interests for the River Little Brosna Callows are as follows;

- Whooper Swan *(Cygnus cygnus).*
- Wigeon *(Anas penelope).*
- Teal *(Anas crecca).*
- Pintail *(Anas acuta).*
- Shoveler *(Anas clypeata).*
- Golden Plover *(Pluvialis apricaria).*
- Lapwing *(Vanellus vanellus).*
- Black-tailed Godwit *(Limosa limosa).*
- Black-headed Gull *(Chroicocephalus ridibundus).*
- Greenland White-fronted Goose *(Anser albifrons flavirostris).*
- Wetland and Waterbirds.

These designated sites are discussed in detail both with the EIAR and the NIS submitted with planning application.

5.2 National Designations - Natural Heritage Areas

Woodville Woods - proposed Natural Heritage Area (pNHA), is located approximately 0.35km south of the subject site boundary and its qualifying interest is listed as being the Common snipe *(Gallinago gallinago).*

The closest NHA is the River Little Brosna Callows NHA which is located 9.4 km west of the subject site and its qualifying interest is listed as being the Peatlands and Birds.

These designated sites are discussed in the EIAR and NIS submitted with the planning application.

5.3 Special Amenity Area Orders/Protected Structures/Architectural Conservation Areas

There are none located on the proposed subject site. Chapter 10 of the EIAR examines protected structures in the vicinity.

6 PUBLIC SERVICES

6.1 Water supply

It is proposed that during construction and decommissioning, potable water (for drinking, food preparation, and hand washing etc.) will be supplied by water dispensers and this will also be sourced and maintained by a licensed supplier. During operations, the wind farm control building is proposed to be served by the Rath Group Water Scheme.

6.2 Sanitary facilities

It is proposed that during construction and decommissioning, temporary Portaloo chemical toilets will be provided which will be serviced and maintained by a local supplier. Wastewater will be removed from site by a licensed waste collector to a wastewater treatment plant.

During operations, wastewater from the wind farm control building will be discharged to a foul waste holding tank. The Applicant advises that the tank will be regularly maintained by a licensed waste collector, with waste material being removed to a licensed wastewater treatment plant.

6.3 Surface water

The proposed surface water drainage system will discharge to ground and to existing on-site drains. All surface water will be fully treated to ensure no deleterious matter is discharged to local surface water features.

7 FLOOD RISK ASSESSMENT AND WATER FRAMEWORK DIRECTIVE & ASSOCIATED REGULATIONS

7.1 Flood Risk Assessment

A Stage 3 Flood Risk Assessment (FRA) including flood modelling was completed and is attached as Appendix 7.1 of the submitted EIAR. The Applicant states that the wind farm layout was informed at an early design stage by the findings of the FRA and therefore most of the proposed infrastructure is located outside of fluvial flood zones associated with the Rapemills River.

7.2 Water Framework Directive & Associated Regulations

A Water Framework Directive (WFD) Compliance Assessment has been completed for all waterbodies (surface water and groundwater bodies) with the potential to be impacted by the proposed project and is attached as Appendix 7.3 of the submitted EIAR. This concludes that with the implementation of the mitigation measures detailed in the EIAR, there will be no change in the WFD status of the underlying groundwater body or downstream surface waterbodies as a result of the project.

An assessment of potential cumulative effects associated with the project and other developments on the hydrological and hydrogeological environment has also been completed.

The EIAR states that with the implementation of the mitigation measures detailed in the EIAR, the cumulative assessment found that there will be no significant effects on the hydrological and hydrogeological environments.

8 ENVIRONMENT IMPACT ASSESSMENT REPORT (EIAR) ADEQUACY

In this case, An Bord Pleanála is the competent authority for the purposes of carrying out an Environmental Impact Assessment (EIA).

The following section gives the Planning Authority's views in relation to the adequacy of the EIAR submitted as part of this planning application.

The EIAR is considered to be set out in a clear format and the Non-Technical Summary (NTS) is considered generally adequate. Throughout the different chapters, the EIAR outlines the existing environment providing a description of the context, character, significance and sensitivity of the receiving (baseline) in order to predict the likely significant effects of the project and the likely evolution of the environment in the absence of the project.

Chapter 1 – Introduction

The introduction sets out and refers to the need for the proposed development and the proposed economic benefits envisaged from the proposal. The structure of the EIAR is set out and the persons responsible for the preparation of the EIAR are identified.

It is stated that the no difficulties were encountered in the preparation of the EIAR.

Chapter 2 – Alternatives

A description of the reasonable alternatives considered for the proposed wind farm development is outlined in Chapter 2. Site selection, other land-use options for the site as well as site layout and transport route options are included in this chapter. In addition, 3 no. potential grid connection routes and alternative forestry replant lands are outlined.

It is stated that a solar farm development was considered as a reasonable alternative for the development site but given the significantly larger footprint that would be required to achieve a comparable energy output, and the likelihood of significant impacts on habitats due to land use changes, a solar farm development was discounted.

Various types and sizes of wind turbines to be installed were first considered. Given the relatively low numbers of dwellings within the local vicinity, the Applicant considered it possible to achieve appropriate setback distances and therefore to install a larger number of smaller turbines. However, it was concluded that a project with a smaller number (7-11 no.) of larger turbines of up to 200m in height could generate between approximately 50MW-80MW with a much smaller physical footprint and spatial extent. The higher turbine heights would result in a considerably reduced likelihood of significant adverse environmental effects such as landscape, noise and shadow flicker impacts; and substantially more efficient renewable energy generation output.

With regard to the consideration of an alterative site, the criteria provided in Schedule 7 of the Planning & Development Regulations 2001 (as amended) together with the general environmental factors included in Article 3(1) of the EIA Directive were used as a framework for analysis of 2 no. sites.

The subject site was the emerging preferred location from an environmental constraints and opportunities perspective.

Chapter 2 details that a number of alternative turbine numbers (Option D1 @ 12 no. turbines, Option D2 @ 11 no. turbines and Option D3 @ 8 no. turbines), models and layouts were considered for the proposed development site, through a constraint mapping process. It is stated that the design process has incorporated, among other things, the comments and recommendations of the local authority and matters raised by members of the local community, through the community consultation process.

It is noted that the chosen site is designated under the Wind Strategy contained in the Offaly County designates this area as an 'Area Open for Consideration for Wind Energy Development'.

Chapter 3 – Project Description

In Chapter 3 of the EIAR a description of the proposed development is provided, including details on roads works and traffic management, site drainage and peat management, control buildings and substations, cabling and grid connection, site entrances, anemometry mast, construction compounds, landscaping, site management and construction plans.

Chapter 4 – Population & Human Health

Chapter 5 summaries the impact on population and human health from the proposed wind farm development. The chapter examines the potential significant, direct and indirect effects associated with the proposed wind farm.

It is concluded that the proposed development will have no likely significant adverse effects on population and human health and that no specific mitigation measures, other than full adherence to all health and safety and public health guidance were therefore identified as being required. Most mitigation measures are proposed in other chapters of the EIAR.

With respect to Community Gain Fund, this will be in accordance with the Wind Energy Ireland (WEI) best practice and shall be awarded via the Renewable Energy Support Scheme (RESS). Applying a contribution of €2 euro per megawatt hour (MWh) produced, this amounts to an investment of approximately €37,000 per turbine per year for up to 15 years. The community benefit fund will be administered by an independent charitable trust, setup on behalf of the developer, and designed in conjunction with the local community.

A second component of the fund involves the implementation of a 'Near Neighbour Scheme' whereby an annual contribution towards the cost of electricity bills will be paid to residents within a prescribed distance of a wind turbine. In addition, it is stated that substantial investment will be made to involved landowners which is likely to result in further community gains.

This chapter outlines that a peak number of 100 no. direct workers will be employed during the construction stage. Local shops, cafes and accommodation providers often experience an increase in business during the operation phase e.g. extra technicians onsite during wind farm maintenance and servicing.

Chapter 5 – Biodiversity

Chapter 5 assesses the likely significant effects of the proposed development (as a standalone project and also in conjunction with other approved projects) with regard on biodiversity, flora and fauna. Appendices to this chapter include study results on baseline bird numbers, bat aquatic ecology, fisheries, avian collision risk and marsh fritillary.

An Ecological Impact Assessment (EcIA) was undertaken to establish the potential for the proposed wind farm to impact on sites that are designated for nature conservation. The chapter outlines that a 20km study area (Zone of Influence) was used initially due to the maximum distance SPA Qualifying Interests (QI) bird species typically travel (NatureScot, 2016). This initial search area was then reappraised during impact assessment.

It is stated in Chapter 5 that the proposed development will result in the loss of approximately 43.47ha of habitats during the construction phase. This lost habitat is classified as generally being lower value to biodiversity and comprises mainly of commercial conifer plantation, mixed broadleaved/conifer woodland habitats, bog woodland, linear hedegrows and improved agricultural grasslands.

In order to mitigate this loss of habitat, 23ha of replacement woodland is expected to be planted ex situ while c.1,970m of hedgerows will be replaced in-situ. There will also be 914.47m more hedgerow planted than will be needed to replace any due to be lost, which will result in a net gain of hedgerow due to the project. There will be no loss of any riparian habitat however in order to prevent erosion/damage from cattle, fencing will be erected to allow for 'passive restoration' of these areas.

Referring to the submitted Natura Impact Statement (NIS), it is stated that with mitigation measures, the project, either alone or in combination with the other projects assessed, would not undermine the conservation objectives or have an adverse effect on the integrity of any European site. There is no hydrological connection to designated sites to the project site however as there is a potential ecological connection via breeding hen harrier, this is considered further under the NIS.

With regard to potential impact on bird species, it is stated that unmitigated disturbance/displacement effects during construction are unlikely to be significant for a number of species including the barn owl, common kestrel, Eurasian wigeon, European golden plover, hen harrier, herring gull, peregrine falcon and whooper swan. However, mitigation by avoiding sensitive areas through the implementation of appropriately defined buffer zones and by timing construction activities to avoid periods where sensitive species are present (if and where possible), such as the breeding season in addition to a range of good practice measures will be implemented.

In relation to the potential impacts on bats, the proposed 50m buffer between the tip of the blades and any trees or vegetation, will reduce the value of the habitat for bats around the turbine locations and reduce bat mortality. In addition, ongoing monitoring (for at least 3 years) post construction. This will establish whether greater buffers, blade feathering or the curtailment of the turbines at certain time is required. With the implementation of these mitigation measures and monitoring, it is stated that there are no significant residual effects on bats, associated with the proposal.

No habitat suitable for marsh fritillary was recorded during dedicated surveys.

With respect to the potential impact on the otters and badgers, it is concluded that there will be no direct impact or loss of habitat, and that the following the implementation of a drainage maintenance plan and the mitigation measures contained in the CEMP, no significant effects on these species is anticipated.

It is stated that during the construction phase there is potential for construction activities to result in the run-off of silt, nutrients and hydrocarbon pollutants etc. which may have an impact on the rivers, streams and open watercourse located in and around the development site. The potential for significant effects on identified aquatic species is restricted to indirect effects on their habitat, resulting from water pollution. The mitigation measures as detailed in the CEMP and in a drainage maintenance plan, which involve the use of silt traps, settlement ponds, interceptor drains etc. will ensure no significant effects on the aquatic habitats within these river, streams and waterbodies.

The ecological impact assessment concludes that the proposed development will not result in any significant effects on biodiversity and when considered in conjunction with other plans/projects, it will not contribute to any cumulative effect.

Chapter 6 – Land & Soils

This Chapter examines the potential impacts on the soil and the geological environment in relation to the proposed wind farm development.

The subject site is low lying with topography being slightly undulating to flat and with ground elevations ranging between 47 and 63m OD (Ordnance Datum). The overall slope is to the west.

The turbine locations are a mixture of cutover bogs along with the main spoil deposition area (T1 and T3); heavily vegetated areas which have been mapped by Corine as mixed forests (T2 and T4) and transitional woodland (T5 and T6); and agricultural lands (T7 and T8).

With regard to an analysis of peat stability, this chapter outlines that the project site has an acceptable margin of safety, is suitable for wind farm development and is considered to be at low risk of peat failure or ground instability. The findings include recommendations and control measures for construction work in peat lands to ensure that all works adhere to an acceptable standard of safety.

The EIAR concluded that due to the localised nature of the proposed construction works within the subject site, there is no potential for significant cumulative effects in-combination with other local projects in terms of the land, soil and geology environment.

OCC Environment & Water Services indicate that additional information regarding these issues should be provided.

Chapter 7 – Water

The impact on the hydrology and hydrogeology on the receiving environment, as a result of the proposed development, is investigated in Chapter 7.

The proposed project site is located within the Lower Shannon Catchment area and mainly situated inside the Shannon (lower) sub-catchment (i.e. Rapemills River). The grid connection route extends into the Shannon (lower) (Little Brosna River) sub-catchment.

Within the project site there are 3 no. proposed watercourse crossings while there is 1 no. existing crossing proposed for upgrade on the West Galros Stream just southeast of the main construction compound.

A Stage 3 Flood Risk Assessment (Appendix 7.1 of EIAR) was carried out and used to inform the assessment. As a result, with the exception of the 100m of the proposed access road, the project site and grid connection are located in Flood Zone C (Low Risk). It is stated that the proposed project will have no impact on flood risk elsewhere in the locality and this largely due to the avoidance of fluvial flood zones as an early design measure.

The project site drains to the northwest via the Rapemills River, which passes the All Saints Bog and Esker SAC and pNHA and the All Saints Bog SPA approximately 3.5km from the project site. It is stated that there is no surface water connection between the project site and All Saints Bog and Esker SAC as All Saints Bog discharges into Rapemills River and not vice versa. The designated sites that are hydraulically connected (surface water flow paths only) to the project include the River Shannon Calllows SAC, Middle Shannon Callows SPA, Little River Brosna Callows SPA and River Suck Callows SPA.

Following implementation of the appropriate mitigation measures as outlined in the EIAR, no significant impacts on these designated sites will occur as a result of the project. Such mitigation measures include the avoidance of sensitive aquatic areas, where possible, by implementing a 50m buffer.

To mitigate any impacts on the surface water bodies or groundwater levels, appropriate interceptor drainage will be put in place, pumped water volumes will be discharged via silt bags, specialist 'siltbuster units' and via settlement ponds/tanks adjacent to the site works.

It is stated that there will be no direct discharge to the existing drainage network without prior treatment for sediment reduction and attenuation for flow management and daily monitoring will be in place during construction phase. With these mitigation measures in place, no likely significant effects on the surface water quality or groundwater levels are envisaged.

Chapter 8 – Air & Climate

This section of the EIAR document examines the potential significant direct and indirect effects on air quality and climate arising from the proposed wind farm development.

In summary, it is stated there will be minor dust and machinery/plant emissions during the construction phase of the development but once basic mitigation measures as outlined in the Chapter are adhered to, no cumulative negative effects on air or climate are anticipated. Furthermore, it is stated that there will no net carbon dioxide (CO^2) emissions from the operation of the proposed wind farm.

Chapter 9 – Landscape

This chapter describes the landscape context of the project and assesses the likely landscape and visual impacts of the scheme on the receiving environment.

Chapter 9 of the EIAR assesses the likely significant landscape and visual effects of the proposed wind farm development. For the purposes of the Landscape and Visual Impact Assessment (LVIA), a study area of 20km for visual and landscape effects and 15km for the landscape character effects was chosen from the proposed turbines.

The EIAR considers the landscape sensitivity in this area to be low due to being located within a robust, rural and highly modified landscape, which is classified as having the 'ability to absorb' wind development while the wider study area is deemed as being medium to low.

It is concluded that there will not be any likely significant landscape or visual effects arising from the project, however there is potential for localised moderate visual impacts, in particular within the immediate surrounds, specifically in combination with existing and permitted cumulative development.

The visual impact from the proposal is discussed further in Section 13 of this report.

Chapter 10 – Cultural Heritage

A comprehensive review of the potential impact on the archaeology, architecture and cultural heritage of the subject site, and surrounding area, with respect to the proposed wind farm development is contained within Chapter 10.

It is stated that an extensive field survey of the subject site (and its surrounds) was undertaken in October 2022 to establish and assess any potential significant effects on known monuments within the study area.

With respect to UNESCO World Heritage Sites (and those on the Tentative List), it is stated that there are no World Heritage Sites or sites included in the Tentative List as being under consideration for nomination to the World Heritage List within the wind farm site or within 20km of the wind farm site.

No National Monuments or those subject to a Preservation Order were identified within or in the vicinity of the development site.

With respect to architectural and cultural heritage, there are no Protected Structures recorded in the Offaly Record of Protected Structures (Offaly RPS) within the wind farm site or within 1km of the wind farm site. There are c. 370 no. Protected Structures recorded in the Offaly RPS within 5km of the wind farm site, the majority of which are located in Birr Town.

The EIAR assessed that the operation of the proposed wind farm, in combination with other windfarm developments including Derrinlough, Cloghan and Meenwaun is likely to result in a long-term, reversible and slight cumulative visual effect on archaeological, architectural and cultural heritage resources.

The chapter concludes that following the implementation of mitigation measures, the likely residual effects of the project remains imperceptible to moderate. The assessment has further concluded that the project will not result in any likely significant cumulative effects with other existing, permitted or proposed development.

The Local Authority's Senior Executive Architect has raised some concerns with regard to the impact on Birr Demesne and Birr town; these will be discussed further in Section 13 of this report.

Chapter 11 – Noise & Vibration

Chapter 11 assessed the potential noise and vibration impacts associated with the development of the proposed Cush Wind Farm.

It is expressed that the noise assessment included in the chapter has been based on the guidance provided in *'Wind Energy Development Guidelines for Planning Authorities' (2006)*. While noting that *'Draft Revised Wind Energy Guidelines'* (2019) were prepared by the Department of Housing, Planning and Local Government and subject to public consultation (the submission period closed in February 2020), it is stated that given these Guidelines are currently in draft format, the noise assessment is therefore based on the 2006 Wind Energy Guidelines.

It is further stated that the 2006 Wind Energy Guidelines are based on the Department of Trade and Industry (UK) Energy Technology Support Unit (ETSU) document *'The Assessment and Rating of Noise from Wind Farms'* (1996) and that this document has been used to supplement the guidance contained within the 2006 Wind Energy Guidelines, where necessary.

With respect to the noise assessment criteria, it is stated has that an increase of 5dB (A) above the background for night-time operation has been adopted as part of the noise assessment, and while this is not explicitly included in the 2006 Wind Energy Guidelines, the EIAR states these criteria are commonly applied in noise assessments and is in line with the intent of the relevant Irish guidance.

In terms of construction noise associated with the development, it is confirmed that implementation of standard mitigation measures will ensure no significant effects to Noise Sensitive Locations. With respect to construction vibration it is stated that no significant vibration effects are anticipated and therefore no specific mitigation measures are required.

An assessment of the operational phase noise levels of the proposed development in combination with the existing/under construction windfarms (Meenwaun, Cloghan and the Derrinlough), it is stated that the predicted operational phase noise levels will be within the relevant best practice noise criteria curves for wind farms. Therefore, noise mitigation measures are not required for the operational phase of this project. In addition, it is stated that no significant vibration effects are associated with the operation of the site.

OCC's Environment and Water Services Department have sought further information seeking the assessment of low frequency noise for the proposed development.

Chapter 12 – Shadow Flicker

This chapter assessed the potential impact of shadow flicker associated with the development of the proposed windfarm.

An assessment of the potential number of hours per year likely to be experienced under exceptional 'worst case' shadow flicker on properties within 2,000m (10-times overall tip height) from the proposed wind turbines was undertaken.

It is stated that of the 106 no. properties assessed in relation to the proposed development, 23 no. properties will exceed the daily threshold for shadow flicker, as per the 2006 Wind Energy Guidelines. However, under the 'expected' shadow flicker assessment model, none of the receptors are predicted to exceed the 30-hours per year criterion, either singularly (on the basis of assessment of the project alone) or cumulatively (Meenwaun, Cloghan & Derrinlough windfarms).

Chapter 13 – Material Assets

Chapter 13 of the EIAR conveys the likely significant effects of the proposal on transportation infrastructure; telecommunications and aviation.

In relation to transportation infrastructure, an assessment was conducted on the requirements of the additional traffic and abnormal sized loads generated during the construction stage on both the external highway network and at the proposed junctions, that will provide access to the subject site. It is highlighted that abnormal weight loads are not relevant with regard to the turbine delivery vehicles, they are abnormal in size only.

In order to minimise traffic disruption, a range of measures are proposed for the delivery of the large plant and abnormal sized loads. These include; delivery of abnormal sized loads at night by a specialist transportation team, the creation of detailed Traffic Management Plan to be agreed with OCC and An Garda Siochana, the use of escort vehicles, and the undertaking of a full dry run along the proposed route using vehicles with attachments to replicate the dimensions of the turbine components.
A number of other mitigation measures are proposed including; the appointment of a traffic management coordinator for the duration of the project, the completion of pre and post road condition surveys and re-instatement works to predevelopment condition.

The Chapter conveys that during the construction stage the additional traffic generated will have a slight, negative and temporary impact but this will be reduced with the implementation of the suite of mitigation measures proposed in relation to transportation infrastructure. No residual traffic impacts are anticipated as part of the operational phase of the project.

OCC Roads and Municipal District Engineer have substantial requirements regarding traffic impacts of the proposal.

It is noted that due to the timing and advanced nature of the works which have already commenced on the Derrinlough Wind Farm it is unlikely that cumulative effects will arise during the construction phase of the project.

With regard to aviation assets, the chapter concludes that whilst located within an area identified as being a 'Military Operating' area by the Department of Defence, the subject site is not located within the more sensitive 'Danger' or 'Restricted' areas or a critical low- level route identified within the Draft Air Corps Wind Farm/Tall Structures Position Paper on military aviation. With the implementation of mitigation measures, such as aviation warning lights, it is assessed that significant effects on aviation are unlikely to arise as a result of the project, either individually or in combination with other existing, permitted or proposed developments.

In respect of telecommunications, it is noted that the proposed Turbine T2 is located within 5km of the Irish Low Frequency Array (I-LOFAR) system[1]. The remainder of the proposed turbines are located further than 5km from the closest point of the I-LOFAR. Effects on I-LOFAR have been identified as likely (in the absence of design/mitigation measures) and there is the possibility of cumulative effects with other tall structures in the wider landscape. The chapter concludes that cumulative effects arising from the project, in combination with other existing, permitted and operational developments, are not likely to be significant; effects may arise and are assessed to be slight-negative and long-term.

The applicants commissioned pager Power to carry out a Radio Telescope Impact Assessment report which was sent to the I LOFAR consortium. The applicants state no response has been forthcoming from the I LOFAR consortium.

With regard to resources and utility infrastructure, it is stated that the proposed development project is unlikely to result in any likely significant adverse effect on renewable and non-renewable resources or on utilities infrastructure. The operation of the project will result in a likely significant positive effect in terms of electricity generated from renewable sources.

Chapter 14 – Interactions

A matrix is presented in Chapter 14 identifying potential interactions between the various aspects of the environment assessed in the EIAR. This matrix illustrates the occurrence of potential positive or negative effects during both the construction and operational phases of the proposed development.

Having assessed the interaction of likely effects during the construction, operational and decommissioning phases, it is concluded that the likely interactions are not assessed as likely to result in any effects that could magnify effects through the interaction or accumulation of effects.

9 CARRYING CAPACITY AND SAFETY OF ROAD NETWORK

Please refer to the details contained in the Roads Design and Municipal District Engineer report under Section 11, below.

[1] I-LOFAR (Irish Low Frequency Array) is a Birr based Irish station in a European wide network of radio telescopes used to observe the universe at low frequencies.

10 ENVIRONMENTAL CARRYING CAPACITY OF THE SUBJECT SITE AND SURROUNDING AREA

It is considered that the previous comments on the EIAR above relate to this heading.

11 REPORTS OF RELEVANT LOCAL AUTHORITY DEPARTMENTS

This section of the report provides details of reports received from the relevant internal section within the Local Authority.

11.1 Road Design and Municipal District Engineer's Report

On review of the planning documentation associated with this application, OCC's Roads Design Section and the Municipal District Engineer have provided their comments in relation to the proposal. In addition to the mitigation measures outlined in the EIAR, the Engineers recommend that the following requirements are adhered to, should the Board grant planning consent for the proposal:

Municipal District Engineer

Condition of public road network

- Due to the increase in traffic volumes caused by the construction activities and the peat foundation of the roads in the area, any sections of the N52 and N62 as well as regional roads identified as part of final haul routes shall be included in the condition surveys mentioned in point 6 of section 13.2.5.1 of the EIAR.
- The local roads in the area are not suitable for use as haul routes.
- The pre and post condition surveys on all routes shall consist of a Video Survey, Photographic Survey, Road Condition Survey, and a Falling Weight Deflectometer (FWD) Survey.
- Within three months of the cessation of the use of each public road and haul route to transport material to and from the site, the post condition road survey and scheme of works detailing works to repair any damage to these routes shall be submitted to the planning authority for approval.
- Any repair works required to haul routes during or post construction are to be carried out at the developers expense.
- Should the decommissioning of the wind farm extend to the removal of existing access tracks, i.e. the removal of the stone roadmaking materials from site, pre and post condition surveys for the decommissioning phase shall also apply.

Haul Route Temporary works – Kilcormac

- Item 7.5.1 of Annex 3.5 notes that the tractor unit will utilise the existing footpath to complete the oversize HGV movement at this location.
- The developer shall complete a pre works survey of the footpath and assessment of its capability to carry the required HGV axle loadings.
- Any temporary works required at this location shall be agreed in advance with Offaly County Council.

- The footpath shall remain in operation at all times outside of turbine component delivery movements. The footpath is to be returned to original state (or as agreed with Offaly County Council) upon completion of turbine component deliveries.
- Reinstated trees to be replanted with irrigation bag, ground anchoring and 25 cubic meter "stratacell" root system.
- Replanted trees to be monitored by applicant for 12-month period starting from date of planting. Any replanted trees which fail within this period shall be replaced by the applicant with a tree of similar age and species.
- Any replacement trees are to be subject to the same 12-month monitoring period.

Haul Route Temporary works – N52/N62 Junction (Kennedys Cross)

- Any road signage and other street furniture which requires removal to facilitate turbine component deliveries shall be removed and reinstalled in suitable retention sockets prior to commencement of deliveries.
- Signage and street furniture shall only be uninstalled from these sockets immediately before turbine component deliveries and reinstated immediately afterwards.
- Signage and road furniture shall remain in place at all times outside of these reversing movements.
- The applicant shall relocate, at its own expense any existing public light poles which will hinder vehicle movements at this location.
- A public lighting design shall be completed by a suitably qualified designer and submitted to OCC for approval.
- The existing hedgerow shall be reinstated with a suitable native mix upon completion of construction of the windfarm.
- The turning area hardstand shall be sufficiently secured during construction works to prevent it being used as a location for nuisance parking.

Internal Cable Route

- Any works involving the installation of internal cabling across the N62 shall take place without the prior approval of OCC.
- Any works are to be outlined in the final construction management plan and agreed with OCC.
- Reinstatement works to be carried out in accordance with guidelines for managing openings in public roads.
- The developer shall however relay the bound macadam surface on the N62 for a distance of 25m either side of the cable crossing.
- Makeup of the bound macadam surface to be agreed with OCC in advance of the works.

Staff Vehicle Movements – Construction Phase

- Due to the narrow nature of the local roads in the vicinity of the east and west entrances, construction staff vehicle movements shall be restricted to only the temporary construction entrances on the N62.

Turbine Component Deliveries

- Delivery movements of oversize turbine components shall be restricted to nighttime hours to minimise disruption to the national road network.

Site Entrances

- Visibility site distances for all entrances, both temporary and permanent shall be in accordance with DMS-097 and DMS-098 of the current Offaly County Development Plan.
- Hedges in the vicinity of sight distance shall be trimmed regularly to maintain sight distance for the duration of construction and operation of the wind farm.
- Bound surface at the western entrance (on the L30033 public road) shall be extended back to the entrance gates to further mitigate debris on the public road.
- In addition to the use of a wheel wash at the construction entrances the following measures to reduce debris on the public road shall be deployed:
  - A bound macadam surface, suitable for the traffic levels expected, shall be installed at each construction entrance for a distance of 25m from the edge of the public road. The wheel wash shall be located at the interface of the unbound and bound surface.
  - A mechanical road sweeper shall be provided daily at the temporary entrance on the N62 to ensure debris is removed from the public road in a timely manner.

Surface Water

- It is the responsibility of the applicant to ensure that all surface water run-off generated by the site shall be attenuated and catered for within the site in a manner which is appropriately designed and consistent with best practice.
- The site shall allow surface water from the public road to enter the site intermittently along its roadside boundaries and at entrance-ways.

Wildlife Act and Bird Nesting Season

- The planned removal of any trees, hedges, or other vegetation as part of this development shall only be permitted to take place in accordance with the provisions of the Wildlife Act and in consideration of the Bird Nesting Season.

Road Opening Licence

- The applicant shall note that no excavation of the public road (which includes the roadside verges, hard shoulders, and footpaths) shall take place without having obtained a valid Road-Opening Licence through the online MapRoad system in advance.

Temporary Traffic Management (TTM) for Construction Phase

- The applicant shall ensure that specific Temporary Traffic Management Plans are designed and installed to cater for the various phases of the project. Items that may be considered along with the General Principles of Prevention, could include, but not exclusively, some of the following:
  - The prevailing traffic speeds and traffic volumes. Busy commuter routes.
  - Horizontal and vertical alignments of the road(s). Visibility. Obstacles. Undulations.
  - Presence of existing entrances in the vicinity/ existing turning movements/ existing slow-moving traffic areas.
  - Grass verges – shall be kept in check by the developer to ensure that TTM signage is visible at all times.
  - Appropriate TTM Plan and risk assessments shall be in place for all activities on the public roads.

- Housekeeping: All public roads affected by the development shall be kept free of loose materials, dust, mud, spillages, and debris.
- For excavation works at entrances – the safety zone requirements and available residual road widths shall be considered as part of the Design Process.
- The impact that (i) queuing of delivery vehicles on the road before entry to the site, and (ii) slow-moving vehicles exiting the site, could have on traffic safety.
- The Provision of Variable Message Signs (VMS) for the duration of the project, or at specific phases of the project.

Financial Deposits

- Kilcormac - such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project, and with the agreement of OCC that any repairs to the footpath deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:

  - Assuming 75m2 of footpath at €50/m2 to reinstate = €3,750
  - 3No. trees @ €600/each plus irrigation bag, ground anchoring and 25 cubic meter "stratacell" root system at €6,800/each
  - Total = €18,550.00

- N52/N62 Junction - such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project, and with the agreement of OCC that any repairs to the street furniture deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:

  - Possible reinstatement of Light pole: €3,000
  - Replacement of signage: €2,000.00
  - Replacement of existing native hedge: assuming 40m at €50/m: €2,000.00
  - Total = €7,000.00

- Damage to Haul Routes - assuming haulage of stone and other fill material from Loughnanes Concrete to the application site. The roads in the subject area are primarily built on peat subsoils and are therefore prone to subsidence. As the proposed development will increase HGV movements on the N52 and N62 routes such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project, and with the agreement of OCC that any repairs to the road deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:
  - 1.65km on N52 at average width of 14m = 23,100m2
  - 2.7km on N62 at average width of 7.2m = 19,440m2
  - Assuming 10% of area requires resurfacing: (23,100+19,440) x 0.1 = 4,250m2
  - Market rate to reinstate base course and wearing course = €35/m2
  - Deposit total = 4250x35 = €148,750.00

- Internal cable route crossing N62. Such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project,

and with the agreement of OCC that any repairs to the road deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:

- Strengthening of road above cable crossing: Assume 1.5m wide trench, 1m deep and 10m long = 15m3.
- Assuming cost of €500/m3 x 15m3 = €7,500.00
- Resurfacing of 50m of roadway at 7.2m wide = 360m2
- Market rate to reinstate base course and wearing course = €35/m2
- Deposit total = (360x35) + 7,500 = €20,100.00

Road Design

General Requirements

- A Construction Management Plan shall be submitted to Offaly County Council (OCC). Contents to include implementation of planning conditions and EIS requirements.
- OCC to be advised of details of PSDP, PSCS and contractors involved in the development.
- A road opening licence will be required from OCC.
- Insurances provided to OCC for reference.
- Performance bond in place prior to commencement of works.
- A dedicated liaison engineer shall be appointed by the developer and all associated costs covered by the developer.
- Long term damage fee or works in lieu.
- Developer to consult with An Garda Síochána, emergency services and bus operators in relation to each stage of the works.
- Developer to liaise with all affected Planning Authorities and Transport Infrastructure Ireland (TII).
- Developer to arrange for liaison with the public, residents, businesses and schools.
- Allow for briefing of Elected Members in affected Municipal Districts.

Turbine Delivery Routes

- Developer to liaise with TII, Birr Municipal District & Offaly County Council in relation to deliveries.
- Detailed programme of deliveries to be submitted to OCC in advance of commencement of deliveries. Details to include dates and times, number of loads, weights, road closure and diversion routes, support vehicles, etc.
- Identification of landowners at all nodes and entry/exit points requiring temporary or permanent works. If OCC consider that the land used for any temporary or permanent works would be beneficial for the improvement of the existing road, then the developer shall carry out a design for the improvement and implement same.
- Pre-condition survey of delivery routes, consisting of a video survey and photographs, and a detailed survey of all node locations to be carried out and a copy submitted to OCC. Survey at nodes to include drainage, landscaping, surfacing, boundary fences/hedges/gates and signage.
- Where OCC consider a proposed delivery route is not in a suitable condition, the developer shall upgrade the road or junction in advance of delivery operations.

- Any damage caused to the road shall be repaired to its previous condition, to the satisfaction of OCC.
- Developer to consult with all service providers (including Uisce Éireann) in relation to turbine delivery routes. OCC to be advised of any alterations required.
- Developer to consult with An Garda Síochána and emergency services in relation to the turbine deliveries.
- Design and construction details for temporary modifications at node points to be submitted for approval by OCC. Details to include arrangements for both delivery phases and road open phases. Road Safety Audits in accordance with TII Road Safety Audit Guidelines, GE-STY-01027, December 2017 to be carried out. OCC may request all EIS requirements to be achieved.
- Abnormal load permits will be required.
- Any alterations affecting the width of the existing road shall be reinstated to the original width, unless otherwise agreed with OCC. Where roads are widened, the specification shall be that of the existing road as a minimum.
- An emergency plan shall be submitted.
- Liaison with local groups such as Tidy Towns, etc.
- Liaison with the TII and OCC for transportation on the National Road Network.
- All areas affected by the works shall be fully reinstated to their original condition. Where landscaping has been removed, similar plants of similar maturity shall be used for reinstatement. Where it is not possible to replace mature trees, younger trees plus additional landscaping shall be provided in lieu to enhance the area. Where hedging is removed and new hedging planted as reinstatement, suitable fencing shall be provided for the protection of the hedge, and maintenance shall be provided until the hedge is established. Where grass is replaced with new seeding, the grass shall be maintained until it is established. Full reinstatement shall be completed within one month of the final delivery.

Materials Delivery Routes

- Developer to liaise with TII, Birr Municipal District & Offaly County Council in relation to deliveries.
- Detailed programme of deliveries to be submitted to OCC for prior approval in advance of commencement of deliveries. Details to include number of movements per day, weights.
- Traffic management plan to be submitted for haulage of materials, including at entry/exit points.
- Pre-condition survey of delivery routes, consisting of a video survey and photographs, a Road Condition Survey, and an FWD Survey where required, to be carried out and a copy submitted to OCC.
- Where OCC consider a proposed haul route is not in a suitable condition, the developer shall upgrade the road or junction in advance of haulage operations.
- Any defects that appear during the haulage period shall be rectified by the developer.
- Any damage caused to the road shall be repaired to its previous condition, to the satisfaction of OCC.
- Public roads shall be kept free of mud, dust, spillages and debris. Any necessary measures shall be put in place at site entry/exit points.

Cable Routes

- Details of cable installation to be submitted to OCC in advance of commencement of works. Details to include works programme, construction details, cross-sections for each road showing location of trench in road and existing road width, existing services.
- Where road closures are required, an application must be submitted to OCC at least 8 weeks in advance.
- Where road works speed limits are required, an application shall be submitted to OCC at least 8 weeks in advance. Signs to be erected by the developer.
- Diversion routes to be maintained whilst the diversion is in place.
- Traffic management plans to be submitted for each stage of the works.
- Pre-condition survey of cable routes, consisting of a video survey of the full route and photographs at every entrance and boundary structure to be carried out and a copy submitted to OCC. Any damage caused to the road or adjacent properties shall be repaired to its previous condition, to the satisfaction of OCC and/or landowner.
- Pre-condition structural surveys on adjacent properties shall be carried out where necessary.
- All works shall be in accordance with the TII Specification for Road Works unless otherwise specified.
- Reinstatement of the trench in local and regional roads shall be in accordance with the latest version of "Guidelines for the Opening, Backfilling and Reinstatement of Trenches in Public Roads" (The Purple Book), except where noted otherwise.
- Reinstatement of the trench in national roads shall be in accordance with the latest version of "Specification for the Reinstatement of Openings in National Roads", except where noted otherwise.
- After temporary reinstatement of the trench:
  - A full width overlay shall be provided on all local roads.
  - A half road permanent reinstatement shall be provided on regional roads > 6.0 metres wide.
  - National road – to be agreed with TII and OCC.
- All permanent restoration shall be agreed with OCC.
- Ironworks shall be raised & reset as necessary and road markings and road studs reinstated.
- All existing watercourse crossings/bridges shall be identified and detailed designs submitted to indicate how these will be crossed.
- The developer shall allow in his programme for accommodation of local events, such as charity walks and cycles.
- A defects liability period of 2 years shall apply. This shall commence when written notification has been given that the permanent reinstatement/overlay has been completed.

11.2 Environment and Water Services Report

The OCC Environment and Water Services Department have reviewed the planning documentation associated with this proposal and have provided the following comments/observation below.

Environment & Water Services consider that further consideration should be given to:

- The soil type through ground investigation, including hydro-geological investigations where appropriate, and a detailed evaluation of the nature of the peat, its geotechnical properties and the associated risk of surface water and groundwater management during construction and operation of the wind energy development including:
  - the construction of turbine bases and the environmental impact of control and/or pumping of water from bases.
  - the provision of hardstanding areas and removal of forestry and impacts on surface water flow paths.
  - The design and appropriate consents required for proposed water crossing and upgrade crossing to ensure safe access and egress to the proposed development.
- The assessment of low frequency noise for the proposed development and environment impacts.
- The development of site restoration plan to address various stages in the lifetime of the development, including initial commissioning and final decommissioning of the windfarm, and restoration works to be undertaken in the event of partial decommissioning of the windfarm.

11.3 Architect Report

The OCC's Senior Executive Architect has reviewed the planning documentation associated with this proposal and provided the following comments/observation below:

- There appears to be 5 Protected structures between 1 and 2km from the Proposed Wind Turbines which are:
  - NIAH No. 14930003 RPS No. 49-01 Saint James's Roman Catholic Church. c. 1900.
  - NIAH No. 14930004 RPS No. 49-02 Eglish Castle. c. 1770, also RMP OF030-015 + OF030-016001.
  - NIAH No. 14930005 RPS No. 49-03 Eglish Church of Ireland Church c. 1839.
  - NIAH No. 14930006 RPS No. 49-04 Detached two-bay single-storey thatched house c.1800.
  - NIAH No. 14930009 RPS No. 49-05 Detached three-bay single-storey over basement house c.1830.

- The Environmental Impact Assessment Report states that *"There are no Protected Structures recorded in the Offaly County Development Plan within the wind farm site or within 1km of the wind farm site. There are c. 370 no. Protected Structures recorded in the Offaly County Development Plan within 5km of the wind farm site, the majority of which are located in Birr" (see extract image above).*

- In addition to the proposed Wind Turbine Site there is a small 2nd Area located south of the Site outlined in red where the N52 and N62 meet, this will be used as a Temporary turning head to allow transportation of the oversize turbine components from the N52 onto the N62. Hedgerow, fence and access track to be reinstated after the wind farm has been constructed.

- 8 no. Wind Turbines are to be constructed and each with a total height of 200m. These are vast wind turbines, and the site is also elevated, which will increase their impact on the surrounding locality. They will impact on significant protected structures at a further distance including,

Whigsborough House (14930001), Woodfield Tullanisk (14935003 National Significance), Birr Castle (14819256 National Significance) and the town of Birr.

- Note the owners of these properties may have concerns regarding location, heights, noise and shadow flicker and they may make submissions or observations to An Bord Pleanála.

- Photomontages: with regard to photomontages supplied,
  - They are all taken in summer with full leaf growth on hedgerows and from a point relatively low to the ground, at roadside locations. A winter view would be very different and the turbines far more evident.
  - Photomontages in Birr Demesne are taken within areas of extensive landscaping, The impact would be far more significant from the second or third floor of Birr Castle for instance. Turbines located in Tipperary are visible from the Music Room. This is a Nationally significant property dating from the start of the thirteenth century and it is imperative that its character or setting are not impacted by such proposals.
  - The Emmet Street photomontage (22) is also taken at a slightly obscure angle, with the turbines almost hidden behind a chimney and telegraph poles, slightly further up the road, the impact would be more significant. This is a worrying area within the centre of the historic town of Birr, filled with protected structures, significant streetscapes and parks. It is essential that its character is not adversely affected by the proposal, that the number, scale and proximity of the turbines are considered with this in mind.
  - Similarly, all of the surrounding protected structures should be considered, those in between 1 and 2km listed above and significant structures in close proximity including Whigsborough House (14930001), Woodfield Tullanisk (14935003 National Significance.

11.4 Others

- Chief Fire Officer – file referred.

Note: copies of internal reports are provided as Appendix 1 of this report.

12 THIRD PARTY OBSERVATIONS/SUBMISSION SUBMITTED TO AN BORD PLEANALA

The Planning Authority has not received copies of any third-party submissions or referrals from prescribed bodies which may have been submitted to the Board.

13 PLANNING AUTHORITY'S ASSESSMENT AND VIEWS

The principle of the proposed wind farm development in this area is considered acceptable, given that the development is in line with national and regional energy and climate action policies, and largely complies with the objectives and policies set out in the current County Development Plan 2021 – 2027 (OCDP). Notwithstanding this, there are a number of items that require addressing in order to safeguard the amenities of the residents of the area and general landscape amenities.

The proposed development is considered generally to have had regard to the Wind Energy Guidelines 2006 and the Draft Revised Wind Energy Development Guidelines 2019 in terms of siting and landscape suitably for large wind farm developments, given the proposed location on an extensive parcel of peatland with a stated development area of 290ha.

The proposed windfarm is located in close proximity to the permitted Meewaun, Cloghan and Derrinlough Wind Farm developments. The Meewaun Wind Farm development includes 5 no. wind turbines with a tip height of 169m, to date, 4 no. of the permitted turbines have been constructed on-site. The Cloghan Wind Farm comprises of 9 no. turbines with an amended turbine tip height of 169m and has been operational since early 2023. The Derrinlough Wind Farm which will have a turbine tip height of 185m is currently under construction.

In terms of distance from neighbouring dwellings, the closest dwelling to the proposed Cush Wind Farm is located approx. 590m from the nearest proposed turbine. It is noted that the owners of this residence have an economic involvement with the proposal.

Turbine Design

The principle dimensions of the proposed wind turbines are as follows:

- Maximum Tip height of 200m from top of foundation.
- Maximum Hub height of 114m from top of foundation.
- Maximum Rotor Diameter of 172m.

It is considered that the Board should examine the ratio of rotor diameter to hub height. A ratio in the order of 1:1 – 1.3 gives rise to the typical tall, slender and proportional appearance of the machines. When the rotor diameter exceeds by a significant margin the hub height, the entire structure can become excessively dominant and chunky in views. In this regard the board's attention is brought to figure 53 in the submitted photomontages.

A consistent approach in the design of the proposed nacelles needs to be considered given the proximity of the wind farm developments, both proposed and permitted, in order to present a coherence visual appearance on the landscape. The Planning Authority also consider that no livery, stripes etc. whatsoever should be painted or attached to the turbines in order to keep them as visually clean as possible. This is particularly relevant with the sample turbine as put forward in the application.

Cumulative Visual Impact

A total of 42 no. turbines would be located in the immediate locality, taking account of the Derrinlough (21 no.), Cloghan (9 no.) and Meewaun (4 no.) wind farms and the proposed Cush Wind Farm subject to this planning application. This number increases to 44 no. turbines if the Leabeg wind development is included. In addition, Chapter 2 of the submitted EIAR makes reference to the omission of 3 no. omitted wind turbines to facilitate their potential development at a future date, which would be subject to a separate consenting process. This could potentially result in a cumulative number of 47 no. turbines in the area. (See section 2.3.4 of the EIAR).

While the EIAR stated that these developments would read as one on the landscape given their proximity and similarity in terms of design, Offaly County Council considers that this is an issue that requires careful consideration in relation to the cumulative visual impact of the proposal.

32 no. viewpoints were selected as part of the Landscape & Visual Impact Assessment (LVIA) however, it is considered that given the potential cumulative impact of the proposal taken in conjunction with the other wind farm developments, additional/revised viewpoints should be provided to assist in assessing cumulative visual impact of the proposal.

As outlined in Section 11.3 of this report, the OCC's Senior Executive Architect has provided their comments on the photomontages submitted as part of the application. It is considered that additional photomontages are required in order to fully assess the potential cumulative visual impact. A non-exhaustive list of sites include outside the Cherry Tree Bar, Melsop Street in Birr, adjoining Loughnanes Centra, Tullamore Road Birr, adjoining Lidl on the Tullamore Road, Birr and at the Northern junction of Oxmantown Mall and Townsend Street in Birr.

Cultural Heritage

There are no protected structures recorded in the Offaly RPS within the wind farm site or within 1km of the wind farm site. The EIAR states that there are c. 370 no. protected structures recorded in the Offaly RPS within 5km of the wind farm site, the majority of which are located in Birr.

The below Heritage policies are relevant in this regard:

- *BHP-30 It is Council policy to discourage development that would lead to a loss of, or cause damage to, the character, the principle components of, or the setting of Country Houses, Gardens and Demesnes.*
- *BHP-31 It is Council policy to consider the "Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings" published by Cork County Council 2006 in the appraisal and description of the impacts of proposed developments in County Offaly within or in close proximity to country houses and demesnes on historic designed landscapes, demesnes and gardens.*

The proposed development comprises of 8 no. wind turbines with a total tip height of 200m. As a result of their height and siting, the development has potential to impact on significant protected structures at a further distance including, Whigsborough House (14930001), Woodfield Tullanisk (14935003 National Significance), Birr Castle (14819256 National Significance) and the historical town of Birr. It is considered that the potential impact on such protected structures and Birr Town needs to be more carefully considered.

The Planning Authority advise that an application has been made by Dunsink and Armagh observatories and the Birr Scientific and Heritage Foundation seeking designation as UNESCO World Heritage sites.

Noise

A total of 106 Noise Sensitive Locations have been identified surrounding the site at varying distances with the nearest to the proposed turbine locations (and associated foundations & crane hard standings). The closest is H057 at a distance of c. 590m.

OCC's Environment and Water Services Department has sought further information with regard to the assessment of low frequency noise for the proposed development and environment impacts.

The Planning Authority note that a map shows the location of the Noise Sensitive Locators has not been submitted with the application. In addition, it is noted that the dwelling locations as indicated on noise contour maps, presented in Appendix 11.7 are illegible due to the scale and quality of the map.

Monitoring Mast

It is considered that the 1 no. proposed permanent anemometry monitoring masts should be limited to the duration of any permission and the Applicant should be asked to contribute to sharing of information to minimise the need for such masts in the area.

Transportation and Traffic

OCC's Road Design Department and the Birr Area Engineer have included an extensive range of requirements with respect to transportation and traffic components of the proposed development. Please refer to Section 11.1 of this report, in this regard.

Hydrology and Hydrogeology

OCC's Environment and Water Service Department has requested further information in relation to a number of items with respect to the soil type through ground investigation, including hydro-geological investigations where appropriate, and a detailed evaluation of the nature of the peat, its geotechnical properties and the associated risk of surface water and groundwater management during construction and operation of the wind energy development. Please refer to Section 11.2 of this report, in this regard:

- The development of site restoration plan to address various stages in the lifetime of the development, including initial commissioning and final decommissioning of the windfarm, and restoration works to be undertaken in the event of partial decommissioning of the windfarm.

Appropriate Assessment under the Habitats Directive

The Appropriate Assessment Screening Report concluded that it cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would **not** be likely to have a significant effect on the following sites: Ridge Road, SW of Rapemills SAC, River Shannon Callows SAC, Lough Derg, North-east Shore SAC, Dovegrove Callows SPA, River Little Brosna Callows SPA, All Saints Bog SPA, Middle Shannon Callows, Slieve Bloom Mountains SPA, Lough Derg (Shannon) and River Suck Callows SPA in the absence of mitigation.

As a result, a Natura Impact Statement (NIS) was prepared in respect of the proposed development in order to assess whether the proposed development would adversely affect the above European sites.

The submitted NIS states on page 125 that post construction "If monitoring indicates potentially significant levels of collusion mortality for SCI birds, potential mitigation measures will be developed and implemented (including turbine curtailment) and further monitoring will also be identified, to ensure that there are no significant effects on any SCI birds. Proposed mitigation and monitoring measures will be agreed with the planning authority prior to implementation."

The NIS states that following an examination, evaluation and analysis, in light of best scientific knowledge and the conservation objectives of the sites, and, on the basis of objective information, having taken into account the relevant mitigation measures, it can be concluded that the proposed development will not have an adverse impact on any European Site and cannot contribute to any cumulative or in-combination effect when considered alongside any other plan or project.

14 PLANNING AUTHORITY'S VIEW ON COMMUNITY GAIN

The Community Gain Fund proposed with respect to this project is stated as being €2 per megawatt hour (MWh) produced which is in accordance with the Wind Energy Ireland (WEI) best practice and shall be awarded via the Renewable Energy Support Scheme (RESS). The submitted documentation note that this amounts to an investment of approximately €37,000 per turbine per year for up to 15 years. A fixed level of funding (based on the installation capacity of the wind farm) will be available each calendar year for community-led projects in the vicinity of proposed development site.

A second component of the fund involves the implementation of a 'Near Neighbour Scheme' whereby an annual contribution towards the cost of electricity bills will be paid to residents within a prescribed distance of a wind turbine. In addition, the Scheme will offer a contribution to participants with respect to the completion of energy measures on their properties and/or education support.

Notwithstanding the information above, is considered that the submitted planning documentation is light on details in relation to the breakdown for the various funding elements of the Community Fund and on the specifics on actual implementation and selection criteria associated the Community Gain schemes for this Cush Wind Farm development. The Planning Authority consider that further information should be sought in this regard.

In terms of potential amenity improvements proposed by the project, it is stated in Chapter 4 (pg. 20) of the submitted EIAR that while the project does not include for any provision of amenity trails, the Developer has provided Offaly County Council (at preplanning stage) with a firm commitment to work with them in order to increase amenity infrastructure and connectivity in the project site area, insofar as possible.

This commitment by the Applicant is welcome and the Planning Authority seeks a commitment by the Applicant to investigate the potential of amenity trails within the subject site. The Planning Authority note that there is possibly potential to utilise the old railway line/trackway along the north /

northeastern boundary of the subject site as a potential cycleway (as part of a larger scheme) which could connect the national routes, N52 and N62.

The provision of such would largely tie-in with and complement the objectives and the cycle routes identified in the 'Feasibility Study on the Development of a Major Cycling Destination in the Midlands of Ireland' document and 'Connecting People - Connecting Places - A Strategy for Walking and Cycling in Offaly' document.

15 DEVELOPMENT CONTRIBUTIONS

As per Table 2 – Levels of Contributions – Other Categories of Development of the Offaly County Council Development Contribution Scheme 2021 – 2025, a development contribution of €20,000 per MW of capacity (where tip height is greater than 175m) should apply.

With regard to the proposed structures comprising of 131m², a rate of €15 per m² of floor area industrial / commercial development shall apply (ref. Table 1a: Level of Contribution – Residential & Industrial / Commercial Development in all other areas).

16 SPECIAL DEVELOPMENT CONTRIBUTION

An annual special development contribution is required in order to facilitate the mitigation measures in the submitted NIS.

It is noted that the submitted NIS indicates that curtailment or other operational changes may be required in the event of excessive bird strikes of species resident in nearby European sites.

The NIS indicates that in the event of excessive collision mortality in the first three years of operation "If monitoring indicates potentially significant levels of collision mortality for Sci birds, potential mitigation measures will be developed"

It would appear that this would require agreement with the planning authority regarding these mitigation measures.

In order to facilitate this mitigation measure OCC will require external expertise in ecology and other matters. On this basis it is recommended that an annual special development contribution is imposed, for the operational life of the wind farm, to fund ecological monitoring on behalf of OCC.

17 BONDS

The Roads Design Section have recommended that a bond be attached with the amount of the bond in the region of the cost of the overlay of the national and local routes for the construction route.

18 PLANNING AUTHORITY'S VIEW ON CONDITIONS

Recommendations for planning conditions include:

- Timescale for completion, operation and decommissioning.
- Turbines not to be replaced without consent.
- Construction and Environmental Management Plan.
- Pre-roads surveys and reinstatement costs.
- Noise levels during construction and operation, including monitoring.
- Archaeological recording, reporting and any further mitigation arising from same.
- Navigation lighting.
- A dedicated liaison engineer to be appointed for the duration of the construction phase
- Mitigation measures in the EIAR to be applied.
- Bird monitoring & kill record (subject to NPWS report).
- Surface water monitoring and management.
- Development contributions.
- Community Gain.
- Anemometry Masts limited to lifetime of the wind farm.
- No Signage/Livery.
- Colour – standard off-white / light grey.
- Bonds.
- Conditions suggested by OCC Roads and Area Engineer.
- Commitment by the Applicant to investigate (within a specific period) the potential of amenity trails/links within the subject site.

19 RECOMMENDATION

Notwithstanding Section 18 above, the Planning Authority requests that further information be requested of the Applicant to address the points / concerns raised in Sections 11, 13 and 14 of the report before a decision is made.

Úna McCafferkey (Executive Planner) — 12th February 2024 Date

Ed Kelly (A/Senior Executive Planner) — 13th February 2024 Date

Lorraine Mitchell (A/Senior Planner) — 14th February 2024 Date

Anna-Marie Delaney (Chief Executive) — 14th February 2024 Date

Appendix A – Internal Reports

To:	**Planning**
File Reference:	**SID Cush Wind Farm – ABP 318816**
Applicant:	**Cush Wind Limited**
Site Address:	**Cush, Galros West, Boolinarig Big, Eglish, and Ballindown**
Date of Memo:	**01/02/2024**
Subject Matter:	**Submission to ABP**

Comhairle Chontae Uibh Fhaili
Offaly County Council

10 year planning permission for wind energy development consisting of 8 no. wind turbines and all associated works

Following a review of the above applications documentation, Birr Municipal District note the following comments for inclusion in the Offaly County Council response to An Bord Pleanála.

1. Condition of public road network

Due to the increase in traffic volumes caused by the construction activities and the peat foundation of the roads in the area, any sections of the N52 and N62 as well as regional roads identified as part of final haul routes shall be included in the condition surveys mentioned in point 6 of section 13.2.5.1 of the EIAR. The local roads in the area are not suitable for use as haul routes. The pre and post condition surveys on all routes shall consist of a Video Survey, Photographic Survey, Road Condition Survey, and a Falling Weight Deflectometer (FWD) Survey. Within three months of the cessation of the use of each public road and haul route to transport material to and from the site, the post condition road survey and scheme of works detailing works to repair any damage to these routes shall be submitted to the planning authority for approval. Any repair works required to haul routes during or post construction are to be carried out at the developers expense. Should the decommissioning of the wind farm extend to the removal of existing access tracks, i.e the removal of the stone roadmaking materials from site, pre and post condition surveys for the decommissioning phase shall also apply.

2. Haul Route Temporary works – Kilcormac

Item 7.5.1 of Annex 3.5 notes that the tractor unit will utilise the existing footpath to complete the oversize HGV movement at this location. The developer shall complete a pre works survey of the footpath and assessment of its capability to carry the required HGV axle loadings. Any temporary works required at this location shall be agreed in advance with Offaly County Council. The footpath shall remain in operation at all times outside of turbine component delivery movements. The footpath is to be returned to original state (or as agreed with Offaly County Council) upon completion of turbine component deliveries. Reinstated trees to be replanted with irrigation bag, ground anchoring and 25 cubic meter "stratacell" root system. Replanted trees to be monitored by applicant for 12 month period starting from date of planting. Any replanted trees which fail within this period shall be replaced by the applicant with a tree of similar age and species. Any replacement trees are to be subject to the same 12 month monitoring period.

3. Haul Route Temporary works – N52/N62 Junction (Kennedys Cross)

Any road signage and other street furniture which requires removal to facilitate turbine component deliveries shall be removed and reinstalled in suitable retention sockets prior to commencement of deliveries. Signage and street furniture shall only be uninstalled from these sockets immediately before turbine component deliveries and reinstated immediately afterwards. Signage and road furniture shall remain in place at all times outside of

these reversing movements. The applicant shall relocate, at its own expense any existing public light poles which will hinder vehicle movements at this location. A public lighting design shall be completed by a suitably qualified designer and submitted to OCC for approval. The existing hedgerow shall be reinstated with a suitable native mix upon completion of construction of the windfarm. The turning area hardstand shall be sufficiently secured during construction works to prevent it being used as a location for nuisance parking.

4. Internal Cable Route.

Any works involving the installation of internal cabling across the N62 has take place with the prior approval of OCC. Any works are to be outlined in the final construction management plan and agreed with OCC. Reinstatement works to be carried out in accordance with guidelines for managing openings in public roads. The developer shall however relay the bound macadam surface on the N62 for a distance of 25m either side of the cable crossing. Makeup of the bound macadam surface to be agreed with OCC in advance of the works.

5. Staff Vehicle Movements – Construction Phase

Due to the narrow nature of the local roads in the vicinity of the east and west entrances, construction staff vehicle movements shall be restricted to only the temporary contruction entrances on the N62.

6. Turbine Component Deliveries

Delivery movements of oversize turbine components shall be restricted to nighttime hours to minimise disruption to the national road network.

7. Site Entrances

Visibility site distances for all entrances, both temporary and permanent shall be in accordance with DMS-097 and DMS-098 of the current Offaly County Development Plan. Hedges in the vicinity of sight distance shall be trimmed regularly to maintain sight distance for the during of construction and operation of the wind farm. Bound surface at the western entrance (on the L30033 public road) shall be extended back to the entrance gates to further mitigate debris on the public road. In addition to the uuse of a wheel wash at the construction entrances the following measures to reduce debris o the public road shall be deployed: 1. A bound macadam surface, suitable for the traffic levels expected, shall be installed at each construction entrance for a distance of 25m from the edge of the public road. The wheel wash shall be located at the interface of the unbound and bound surface. 2. A mechanical road sweeper shall be provided daily at the temporary entrance on the N62 to ensure debris is removed from the public road in a timely manner.

8. Surface Water:

It is the responsibility of the applicant to ensure that all surface water run-off generated by the site shall be attenuated and catered for within the site in a manner which is appropriately designed and consistent with best practice. The site shall allow surface water from the public road to enter the site intermittently along its roadside boundaries and at entrance-ways.

9. Wildlife Act and Bird Nesting Season:

The planned removal of any trees, hedges, or other vegetation as part of this development shall only be permitted take place in accordance with the provisions of the Wildlife Act and in consideration of the Bird Nesting Season.

10. Road Opening Licence:

The applicant shall note that no excavation of the public road (which includes the roadside verges, hard shoulders, and footpaths) shall take place without having obtained a valid Road-Opening Licence through the online MapRoad system in advance.

11. Temporary Traffic Management (TTM) for Construction Phase

The applicant shall ensure that specific Temporary Traffic Management Plans are designed and installed to cater for the various phases of the project. Items that may be considered along with the General Principles of Prevention, could include, but not exclusively, some of the following:

- The prevailing traffic speeds and traffic volumes. Busy commuter routes.
- Horizontal and vertical alignments of the road(s). Visibility. Obstacles. Undulations.
- Presence of existing entrances in the vicinity/ existing turning movements/ existing slow-moving traffic areas.
- Grass verges – shall be kept in check by the developer to ensure that TTM signage is visible at all times.
- Appropriate TTM Plan and risk assessments shall be in place for all activities on the public roads.
- Housekeeping: All public roads affected by the development shall be kept free of loose materials, dust, mud, spillages, and debris.
- For excavation works at entrances – the safety zone requirements and available residual road widths shall be considered as part of the Design Process.
- The impact that (i) queuing of delivery vehicles on the road before entry to the site, and (ii) slow-moving vehicles exiting the site, could have on traffic safety.
- The Provision of Variable Message Signs (VMS) for the duration of the project, or at specific phases of the project.

12. Financial deposits

- Kilcormac. Such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project, and with the agreement of OCC that any repairs to the footpath deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:

  Assuming 75m2 of footpath at €50/m2 to reinstate = €3,750
  3No. trees @ €600/each plus irrigation bag, ground anchoring and 25 cubic meter "stratacell" root system at €6,800/each
  Total = €18,550.00

- N52/N62 Junction. Such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project, and with the agreement of OCC that any repairs to the street furniture deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:

  Possible reinstatement of Light pole: €3,000
  Replacement of signage: €2,000.00
  Replacement of existing native hedge: assuming 40m at €50/m: €2,000.00
  Total = €7,000.00

- Damage to Haul Routes. Assuming haulage of stone and other fill material from Loughnanes Concrete to the application site. The roads in the subject area are primarily built on peat subsoils and are therefore prone to subsidence. As the proposed development will increase HGV movements on the N52 and N62 routes. Such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project, and with the agreement of OCC that any repairs to the road deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:

1.65km on N52 at average width of 14m = 23,100m2
2.7km on N62 at average width of 7.2m = 19,440m2
Assuming 10% of area requires resurfacing: (23,100+19,440) x 0.1 = 4,250m2
Market rate to reinstate base course and wearing course = €35/m2
Deposit total = 4250x35 = €148,750.00

- Internal cable route crossing N62. Such a deposit shall be paid prior to commencement of the development, and shall be refundable after 12 months of satisfactory completion of the project, and with the agreement of OCC that any repairs to the road deemed necessary by OCC have been carried out at the expense of the developer. Deposit is calculated as follows:

  Strengthening of road above cable crossing: Assume 1.5m wide trench, 1m deep and 10m long = 15m3.
  Assuming cost of €500/m3 x 15m3 = €7,500.00
  Resurfacing of 50m of roadway at 7.2m wide = 360m2
  Market rate to reinstate base course and wearing course = €35/m2
  Deposit total = (360x35) + 7,500 = €20,100.00

Report by:

Niall Hogan
Executive Engineer
Birr Municipal District

Approved by:

John Mitchell
Senior Executive Engineer
Birr Municipal District

ROAD DESIGN COMMENTS

To:	***Planning***
From:	Celine Greaney, Executive Engineer
Date:	7th February 2024

Planning Ref. No. ABP 318816	***Road Class: N52, N62 and regional roads in Birr area.***
Applicant:	Cush Wind Limited
Agent:	Galetech Energy Services
Proposed Development:	SID - EIAR Scoping: 10 year planning permission for wind energy development consisting of 8 No. wind turbines and all associated works.
Site Address:	Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, Co. Offaly.

In reference to the above application, I have reviewed all documentation submitted and comment as follows:

General Requirements

- A Construction Management Plan shall be submitted to Offaly County Council (OCC). Contents to include implementation of planning conditions and EIS requirements.
- OCC to be advised of details of PSDP, PSCS and contractors involved in the development.
- A road opening licence will be required from OCC. Insurances provided to OCC for reference. Performance bond in place prior to commencement of works.
- A dedicated liaison engineer shall be appointed by the developer and all associated costs covered by the developer.
- Long term damage fee or works in lieu.
- Developer to consult with An Garda Síochána, emergency services and bus operators in relation to each stage of the works.
- Developer to liaise with all affected Planning Authorities and Transport Infrastructure Ireland (TII).
- Developer to arrange for liaison with the public, residents, businesses and schools.
- Allow for briefing of Elected Members in affected Municipal Districts

Turbine Delivery Routes

- Developer to liaise with TII, Birr Municipal District & Offaly County Council in relation to deliveries.
- Detailed programme of deliveries to be submitted to OCC in advance of commencement of deliveries. Details to include dates and times, number of loads, weights, road closure and diversion routes, support vehicles, etc.
- Identification of landowners at all nodes and entry/exit points requiring temporary or permanent works. If OCC consider that the land used for any temporary or permanent

works would be beneficial for the improvement of the existing road, then the developer shall carry out a design for the improvement and implement same.

- Pre-condition survey of delivery routes, consisting of a video survey and photographs, and a detailed survey of all node locations to be carried out and a copy submitted to OCC. Survey at nodes to include drainage, landscaping, surfacing, boundary fences/hedges/gates and signage.
- Where OCC consider a proposed delivery route is not in a suitable condition, the developer shall upgrade the road or junction in advance of delivery operations.
- Any damage caused to the road shall be repaired to its previous condition, to the satisfaction of OCC.
- Developer to consult with all service providers (including Uisce Éireann) in relation to turbine delivery routes. OCC to be advised of any alterations required.
- Developer to consult with An Garda Síochána and emergency services in relation to the turbine deliveries.
- Design and construction details for temporary modifications at node points to be submitted for approval by OCC. Details to include arrangements for both delivery phases and road open phases. Road Safety Audits in accordance with TII Road Safety Audit Guidelines, GE-STY-01027, December 2017 to be carried out. OCC may request all EIS requirements to be achieved.
- Abnormal load permits will be required.
- Any alterations affecting the width of the existing road shall be reinstated to the original width, unless otherwise agreed with OCC. Where roads are widened, the specification shall be that of the existing road as a minium.
- An emergency plan shall be submitted.
- Liaison with local groups such as Tidy Towns, etc.
- Liaison with the TII and OCC for transportation on the National Road Network.
- All areas affected by the works shall be fully reinstated to their original condition. Where landscaping has been removed, similar plants of similar maturity shall be used for reinstatement. Where it is not possible to replace mature trees, younger trees plus additional landscaping shall be provided in lieu to enhance the area. Where hedging is removed and new hedging planted as reinstatement, suitable fencing shall be provided for the protection of the hedge, and maintenance shall be provided until the hedge is established. Where grass is replaced with new seeding, the grass shall be maintained until it is established. Full reinstatement shall be completed within one month of the final delivery.

<u>Materials Delivery Routes:</u>

- Developer to liaise with TII, Birr Municipal District & Offaly County Council in relation to deliveries.
- Detailed programme of deliveries to be submitted to OCC for prior approval in advance of commencement of deliveries. Details to include number of movements per day, weights.

- Traffic management plan to be submitted for haulage of materials, including at entry/exit points.
- Pre-condition survey of delivery routes, consisting of a video survey and photographs, a Road Condition Survey, and an FWD Survey where required, to be carried out and a copy submitted to OCC.
- Where OCC consider a proposed haul route is not in a suitable condition, the developer shall upgrade the road or junction in advance of haulage operations.
- Any defects that appear during the haulage period shall be rectified by the developer.
- Any damage caused to the road shall be repaired to its previous condition, to the satisfaction of OCC.
- Public roads shall be kept free of mud, dust, spillages and debris. Any necessary measures shall be put in place at site entry/exit points.

Cable Routes:

- Details of cable installation to be submitted to OCC in advance of commencement of works. Details to include works programme, construction details, cross-sections for each road showing location of trench in road and existing road width, existing services.
- Where road closures are required, an application must be submitted to OCC at least 8 weeks in advance.
- Where road works speed limits are required, an application shall be submitted to OCC at least 8 weeks in advance. Signs to be erected by the developer.
- Diversion routes to be maintained whilst the diversion is in place.
- Traffic management plans to be submitted for each stage of the works.
- Pre-condition survey of cable routes, consisting of a video survey of the full route and photographs at every entrance and boundary structure to be carried out and a copy submitted to OCC. Any damage caused to the road or adjacent properties shall be repaired to its previous condition, to the satisfaction of OCC and/or landowner.
- Pre-condition structural surveys on adjacent properties shall be carried out where necessary.
- All works shall be in accordance with the TII Specification for Road Works unless otherwise specified.
- Reinstatement of the trench in local and regional roads shall be in accordance with the latest version of "Guidelines for the Opening, Backfilling and Reinstatement of Trenches in Public Roads" (The Purple Book), except where noted otherwise.
- Reinstatement of the trench in national roads shall be in accordance with the latest version of "Specification for the Reinstatement of Openings in National Roads", except where noted otherwise.
- After temporary reinstatement of the trench: A full width overlay shall be provided on all local roads.
- A half road permanent reinstatement shall be provided on regional roads > 6.0 metres wide.
- National road – to be agreed with TII and OCC
- All permanent restoration shall be agreed with OCC.

- Ironworks shall be raised & reset as necessary and road markings and road studs reinstated.
- All existing watercourse crossings/bridges shall be identified and detailed designs submitted to indicate how these will be crossed.
- The developer shall allow in his programme for accommodation of local events, such as charity walks and cycles.
- A defects liability period of 2 years shall apply. This shall commence when written notification has been given that the permanent reinstatement/overlay has been completed.

Please also refer to the Municipal District Engineers report in relation to the proposed development.

Celine Greaney

Celine Greaney
Executive Engineer
Roads Section

Date: 7th February 2024

Offaly County Council
Water Services

Planning Conditions

To: Planning

Planning Ref: Section 37(E) Application to ABP

Date: 7th February 2024

Application for;

1 0-year planning permission for a proposed development generally described as follows:-

- 8 no. wind turbines with hub height of 114 metres, a rotor diameter of 172 metres and an overall tip height of 200 metres;

Applicant; Cush Wind Ltd

Location; Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, County Offaly.

Report sent to Irish Water:	No	x	Yes		FI	x	Conditions		Refusal	

Environment Department are seeking the further condisation on the information submitted as follows :

Further consideration should be given to:

1. The soil type through ground investigation, including hydro-geological investigations where appropriate, and a detailed evaluation of the nature of the peat, its geotechnical properties and the associated risk of surface water and groundwater management during construction and operation of the wind energy development including:

    - the construction of turbine bases and the environmental impact of control and/or pumping of water from bases.
    - the provision of hardstanding areas and removal of forestry and impacts on surface water flow paths.
    - The design and appropriate consents required for proposed water crossing and upgrade crossing to ensure safe access and egress to the proposed development.

2. The assessment of low frequency noise for the proposed development and environment impacts.

3. The development of site restoration plan to address various stages in the lifetime of the development, including initial commissioning and final decommissioning of the windfarm, and restoration works to be undertaken in the event of partial decommissioning of the windfarm.

Report and Approved by:

Maria Treacy

Senior Executive Engineer

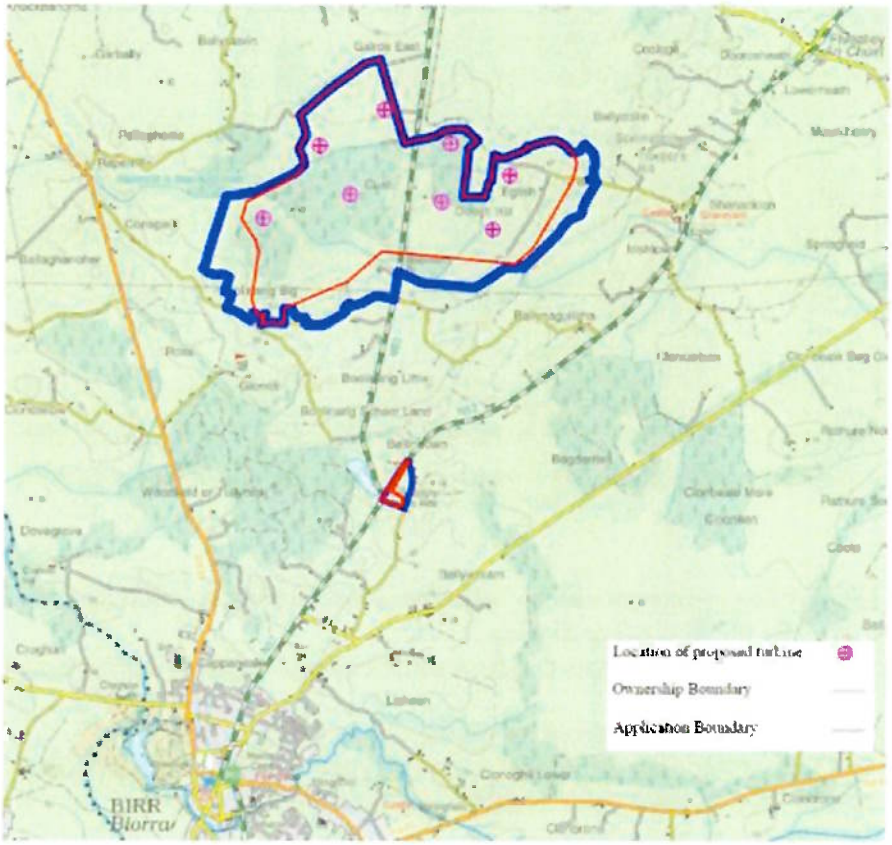
Environment & Water Services

Internal Memo 313778-22_24005_N01_Cush Wind Farm Development.docx

PA Ref:	**ABP-313778-22**	**PA Name:**	Cush Wind Limited
PA Address:	Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, County Offaly..	**Agent:**	Galetech Energy Services
Date Received:	15 January 2024	**Report Date:**	07 February 2024
NIAH No:	NA	**RPS No:**	NA
Description:	Cush Wind Limited has applied on 21/12/2023 for Planning for a wind energy development and all associated works at Cush, Galros West, Boolinarig Big, Eglish, and Ballindown, County Offaly.		

General comments:

Site Location



Comments:

Extract below from Environmental Impact Assessment Report Chapter 10: Cultural Heritage.

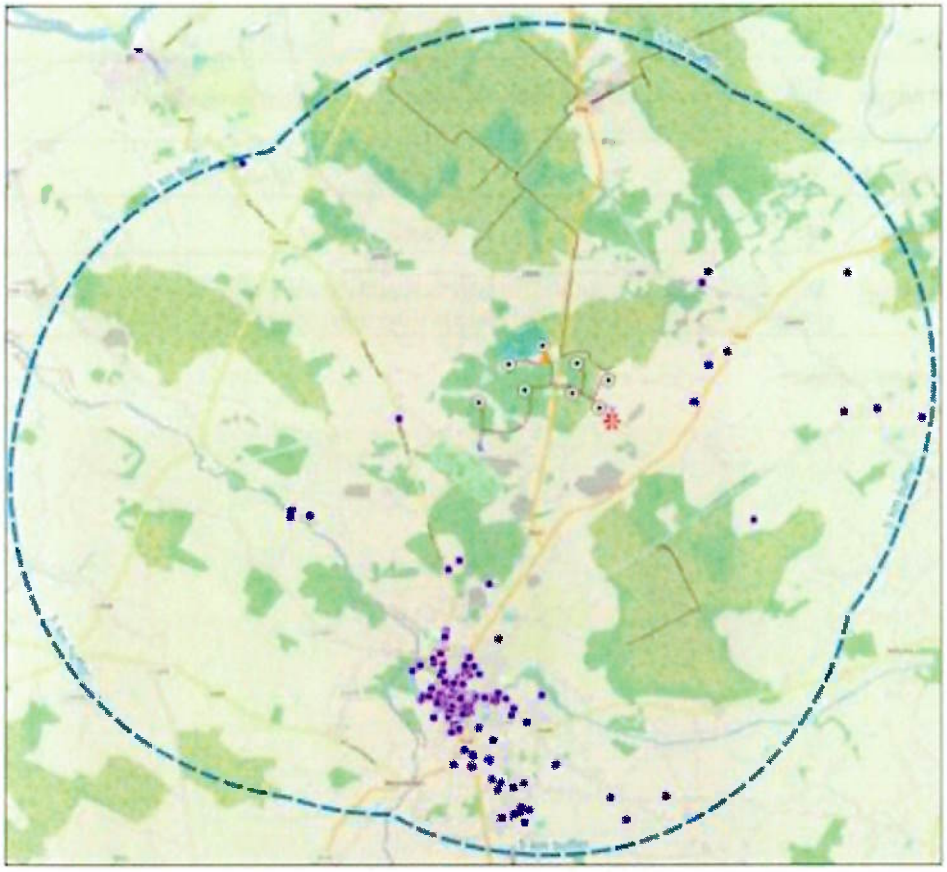


Figure 10.10: Protected Structures Recorded in the Offaly County Development Plan within 5km of the Project Site

Due to time constraints and current workload a brief report only is possible – outlining protected structures within the vicinity of this application.

There appears to be 5 Protected structures between 1 and 2km from the Proposed Wind Turbines which are:

NIAH No. 14930003 RPS No. 49-01 Saint James's Roman Catholic Church. c. 1900.
NIAH No. 14930004 RPS No. 49-02 Eglish Castle. c. 1770, also RMP OF030-015 + OF030-016001.
NIAH No. 14930005 RPS No. 49-03 Eglish Church of Ireland Church c. 1839.
NIAH No. 14930006 RPS No. 49-04 Detached two-bay single-storey thatched house c.1800.
NIAH No. 14930009 RPS No. 49-05 Detached three-bay single-storey over basement house c.1830.

The Environmental Impact Assessment Report states that *"There are no Protected Structures recorded in the Offaly County Development Plan within the wind farm site or within 1km of the wind farm site. There are c. 370 no. Protected Structures recorded in the Offaly County Development Plan within 5km of the wind farm site, the majority of which are located in Birr" (see extract image above).*

In addition to the proposed Wind Turbine Site there is a small 2ha Area located south of the Site outlined in red where the N52 and N62 meet, this will be used as a Temporary turning head to allow transportation of the oversize turbine components from the N52 onto the N62. Hedgerow, fence and access track to be reinstated after the wind farm has been constructed.

8 no. Wind Turbines are to be constructed and each with a total height of 200m. These are vast wind turbines, and the site is also elevated, which will increase their impact on the surrounding locality. They will impact on **significant protected structures** at a further distance including, Whigsborough House (14930001), Woodfield Tullanisk (14935003 National Significance), Birr Castle (14819256 National Significance) and the town of Birr.

Note the owners of these properties may have concerns regarding location, heights, noise and shadow flicker and they may make submissions or observations to An Bord Pleanála.

Photomontages: With regard to photomontages supplied,

- They are all taken in summer with full leaf growth on hedgerows and from a point relatively low to the ground, at roadside locations. A winter view would be very different and the turbines far more evident.
- Photomontages in Birr Demesne are taken within areas of extensive landscaping, The impact would be far more significant from the second or third floor of Birr Castle for instance. Turbines located in Tipperary are visible from the Music Room. This is a Nationally significant property dating from the start of the thirteenth century and it is imperative that its character or setting are not impacted by such proposals.
- The Emmet Street photomontage (22) is also taken at a slightly obscure angle, with the turbines almost hidden behind a chimney and telegraph poles, slightly further up the road, the impact would be more significant. This is a worrying area within the centre of the historic town of Birr, filled with protected structures, significant streetscapes and parks. It is essential that its character is not adversely affected by the proposal, that the number, scale and proximity of the turbines are considered with this in mind.
- Similarly, all of the surrounding protected structures should be considered, those in between 1 and 2km listed above and significant structures in close proximity including Whigsborough House (14930001), Woodfield Tullanisk (14935003 National Significance.

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