S. 37

File With _____

SECTION 131 FORM

Appeal NO:_ABP 310789-21 **Defer Re O/H**

☐

TO:SEO

Having considered the contents of the submission dated/ received 5/8/2021 from

PA I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):. No New plan Issue – [illegible]

E.O.: Rosa O **Date:** 18/8/21

To EO:_____

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.:_____ **Date:**_____

S.A.O:_____ **Date:**_____

M _____

Please prepare BP _____ **- Section 131 notice enclosing a copy of the attached submission**

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP_____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 310789

M Sutton

Please treat correspondence received on 5/8/2021 **as follows:**

1. Update database with new agent for Applic ant/Appellant _____	
2. Acknowledge with BP 20	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter ☐	2. Keep Envelope: ☐
	3. Keep Copy of Board's letter ☐

Amendments/Comments
PA's Response to Appeals

4. Attach to file	
(a) R/S ☐ (d) Screening ☐	**RETURN TO EO** ☐
(b) GIS Processing ☐ (e) Inspectorate ☐	
(c) Processing ☐	

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: Lorcha Skelly	**AA:**
Date: 6/8/21	**Date:** 17/08/21

Eoin O'Sullivan

From:	Finbarr Keaney <fkeaney@leitrimcoco.ie>
Sent:	Thursday 5 August 2021 12:52
To:	Appeals2
Cc:	Bord
Subject:	Appeal reference ABP-310789-21
Attachments:	ABP-310789-21 submission response.pdf; ABP-310789-21 Submission response 05.08.2021.pdf

Appeal reference: ABP-310789-21
Our reference: P.20-120
Applicant: Coillte CGA

A Chairde,
Please find attached our response submission in the above appeal, a scanned copy and readable pdf are attached. A hard copy has also issued by registered post today.

Kind regards
Finbarr

Finbarr Keaney
Staff Officer
Planning
Leitrim County Council
Carrick on Shannon
Co. Leitrim

Phone: 071-9620005 Ext. 504
Email: fkeaney@leitrimcoco.ie

Comhairle Contae Liatroma
Leitrim County Council

Áras an Chontae
Cora Droma Rúisc
Contae Liatroma
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Follow us on

This matter is being dealt with by: Finbarr Keaney **071 9620005** **Ext.** 504

5th August 2021 **P.20/120** **ABP-310789-21**

REGISTERED POST

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

Appeal Re: **Planning Authority Submission response to 1st party and 3rd Party appeals**

Coillte CGA - Planning Application for PERMISSION for development located in the townlands of Bargowla, Boleymaguire, Braudphark, Derreens, Derrybofin, Derrycullinan, Derrycullinan Beg, Drummanacappul, Garvagh, Garvagh Glebe, Glassalt, Lisfuiltaghan, Seltan, Sheena and Tinnybeg, County Leitrim consisting of : (a) Construction of 8 No. Wind turbines with a maximum overall blade tip height of up to 170 metres, and associated hard-stand areas; (b) 1no. 38kV permanent electrical substation including a control building with welfare facilities, all associated electrical plant and equipment, security fencing, all associated underground cabling, waste water holding tank and all ancillary works; (c) all associated underground electrical and communications cabling connecting the turbines to the proposed wind farm substation; (d) all works associated with the connection of the proposed wind farm to the national electricity grid, via underground cabling to the existing Garvagh substation; (e) upgrade of existing tracks and roads, provision of new site access roads and hard-stand areas; (f) the partial demolition and alteration of two agricultural buildings in the townlands of Sheena and associated junction access and road works to the existing yard, agricultural buildings and agricultural lands in the townlands of Sheena and Derrybofin to provide link road primarily for construction traffic off the R280. this link road will be for the delivery of abnormal roads to the site during the construction period and may be used during the operational period if necessary or to facilitate the decommissioning of the wind farm. Following construction, access to the link road will be closed off and the yard / agricultural building will revert to its use for agricultural purposes except if and when required for delivery of abnormal loads during the operation period of the wind farm or to facilitate the decommissioning of the wind farm (g)1 no. borrow pit; (h) 2 no. peat and spoil repository areas; (i)2 no. temporary construction compounds; (j) recreation and amenity works including marked trails, boardwalk and viewing area, provision of a permanent amenity car park, and associated recreation and amenity signage; (k) site drainage; (l) permanent signage, (m) ancillary forestry felling to facilitate construction and operation of the proposed development and (n) all associated site development works. An Environment Impact Assessment Report (EIAR) and a Natura Impact Statement have been prepared in respect of the proposed development at Townlands as above.

Beidh Failte roimh freagra tre Ghaeilge

A Chairde,

I refer to your letters dated 9th, 12th & 14th July, 2021 in regard to the first party and third party appeals received in the above application

Leitrim County Council would respond the 1st and 3rd Party Appeals as follows:

First Party Appeal
In essence, the First Party Grounds of Appeal are in response to concerns arising from the recent High Court decision with regard to the proposed Derryadd Wind Farm development specifically in relation to the turbine dimensions / parameters and the details of same submitted with the planning application plans and particulars. The Planning Authority would accept the determination of the Board on this matter noting the provisions of Article 73 of the Planning and Development Regulations 2001, as amended, which would allow for the Board to request the submission of revised plans or other particulars providing for the modification of the development the subject of the appeal. The Planning Authority are satisfied that the relevant assessments submitted as part of the application documentation with particular reference to the EIAR and NIS considered a hub height of 100 - 105 metres, a blade length of 65 - 70 metres and a tip height of 165 - 170 metres. This was clearly outlined as the worst-case scenario in terms of the consideration of potential impacts arising. It is respectfully considered that the difference in assessment arising from such a limited range of parameters would be *de minimis*.

The Planning Authority would concur with the conclusion drawn on the bottom of page 7 of the appeal submission that the decision which was made only granted planning permission for turbines within this range of parameters and that until the recent High Court decision would have been considered the norm for making and deciding of planning applications for wind turbine developments. On that basis, the Planning Authority has no objection to the clarity suggested with respect to condition no. 1 of the permission which issued by Leitrim County Council should the Board be agreeable to same.

Third Party Appeal - Peter Sweetman & Associates and of behalf of Wind Ireland Defence
The Planning Authority has considered the submitted grounds of appeal. The Grounds of Appeal sets out the tasks now assigned to the Board in adjudicating on the planning appeal, namely, to consider the proposed development against the requirements of the Planning and Development Acts and Regulations, the EIA Directive and the Habitats Directive. The Statement of Grounds then state that the application does not comply with the requirements of the Planning and Development Regulations with reference to matters considered from the aforementioned Derryadd Wind Farm High Court decision. The appealsubmission states that the submitted EIAR is not compliant with the EIA Directive, that the Planning Authority failed to carry out a proper Environmental Impact Assessment and that the Planning Authority failed to carry out an Appropriate Assessment. In each instance, the appeal submission does not elaborate on or provide a reasoned basis for these stated opinions. As the proposed development must now be considered *de novo* by An Bord Pleanala as correctly stated at the end of the appeal submission, the Planning Authority would simply reiterate that it was satisfied on the basis of the accepted norm for wind farm development applications that the submitted application adhered to the requirements set out in the Planning and Development Regulations 2001, as amended. This is now qualified by noting the findings of the recent High Court decision and the potential implications of this decision on future wind turbine applications should the precedence of this decision be accepted by the wider judiciary.

The Planning Authority is satisfied that this issue of clarity can be remedied should the Board consider necessary by requesting the submission of revised plans or other particulars providing for the modification of the development the subject of the appeal and / or the amended wording to condition no. 1. The Planning Authority undertook an Environmental Impact Assessment and Appropriate Assessment of the proposed development as evident from the detailed assessment undertaken by the assigned case planner(s) and in the decision which issued from the Planning Authority. As no detailed grounds have been outlined to substantiate the contentions outlined in the appeal submission, the Planning Authority decline to make further comment in this regard.

Third Party Appeal - Environmental Management Services, Environmental and Planning Consultants on behalf of Wind Aware Dromahair

The Planning Authority has carefully considered the submitted substantial grounds of appeal. The Board must now consider the application against the proper planning and sustainable development of the area, against the existing policy framework for such developments including the current County Development Plan 2015-2021 and must undertake an Environmental Impact Assessment and Appropriate Assessment of the proposed development. A number of specific matters arise which are outlined in the very detailed and lengthy appeal submission where in effect one firm of specialised experts disagrees with the findings and conclusions of other firms of specialised experts who prepared elements of the technical assessments submitted with the planning application documentations. This includes not accepted elements of the detailed response to the lengthy request for Further Information which issued by Leitrim County Council. The Planning Authority relied heavily on the expertise of various Statutory Bodies to assist the Planning Authority in our consideration of these complex issues and the basis for the reasoning of the assigned Planning Officers are presented in their respective reports in which these submissions were considered carefully. The Planning Authority will therefore refer the Board to the various submissions from statutory referees and from the technical officers of the Council which were considered by the Planning Authority in reaching our decision on these matters. It is not the intention of the Planning Authority to reconsider these issues on the basis of the appeal submission as with respect, this is now the function of the Board.

There are, however, certain issues which the Planning Authority would consider merit in providing some comment and perhaps clarity on.

It is stated in the appeal submission that the proposed wind farm is industrial in nature and is disproportionate in size for the planned site and in combination with other nearby wind farms would have the effect of transforming the character of the landscape. The Planning Authority would respond that the development is sited in an area which could best be described as constituting an existing windmill landscape as there is a cluster of existing wind farms albeit of smaller scale in terms of height in the general vicinity of the development. This was a substantive consideration by the Planning Authority in considering the visual impact of the proposal on the receiving landscape as evident from examination of the assigned Planning Officer's assessment. Indeed, the appeal submission would appear to contradict this point at a later stage in their submission when it refers to the "*scenic and elevated area within which the proposed wind farm would be located already hosts too high a concentration of very large wind turbines...*"

The Planning Authority does not dispute factual statements in relation to the quantities of materials which would have to be brought to the site inclusive of the quantity of existing materials which would have to be excavated, transported and deposited to another location in order to facilitate the proposed development. The Planning Authority would however state that this is to be expected in any commercial wind farm development proposal of similar scale. Similarly, the felling of 55.1

hectares of commercial forestry would be required as clearly outlined which forestry would have to be replanted elsewhere in line with the clear stated requirements of the Forest Service on such matters. This requires a separate consent process which is not a matter of consideration by this Planning Authority.

The Planning Authority considers that the issues raised on page 10 of the appeal submission are essentially the same as those referred to in the First Party Appeal and the other Third Party Appeal regarding the lack of definitiveness of the proposed wind turbines as outlined in the submitted plans and particulars. This matter has already been replied to by the Planning Authority.

The appeal submission states that the general area has been designated as an area of High Visual Amenity. This is considered misleading. Of the 15 townlands in which the proposed development or part thereof is located within Co. Leitrim, 4 townlands or parts thereof are contained within an area designated as being of High Visual Amenity. The Board can satisfy itself in this regard by examining the designations in the County Development Plan. The subject lands are not identified in the Leitrim County Development Plan 2015-2021 as being within Areas of Outstanding Natural Beauty or Areas of High Visual Amenity. The policy framework of the County Development Plan seeks to preserve and enhance these areas, as far as is practicable, by careful management and by the operation of special controls over development in these areas. The policy framework does not seek to manage the effect of development outside of these areas in terms of the effect from within these designated landscaped. The County Development Plan does not therefore seek to introduce development management restrictions within the area of the proposed development based on visual considerations. This is considered a critical consideration in conjunction with the 2006 Wind Energy Guidelines.

The appeal submission outlines in detail the requirements of a competent authority to undertake an Appropriate Assessment (Section 8.2 refers). It is stated that Leitrim County Council failed in our duty to comply with the stated legal standard when deciding to grant planning permission. Whilst the preceding section provides commentary in somewhat of a dramatic fashion with regard to the language used, the contention that the Planning Authority failed to comply with the requirement to undertake an Appropriate Assessment is not substantiated in any meaningful manner.

Whilst the appeal submission in Section 10 raises an interesting issue in relation to a project requiring the undertaking of an Environmental Impact Assessment extending into the functional area of 2 separate Planning Authorities as in this instance, it is contended that this is not a rare occurrence with many Motorway Schemes or Railway Schemes extending beyond one Local Authority administrative area. The use of transboundary in the context of Irish counties or individual Planning Authorities should not be conflated with separate projecting extending into or impacting on different states or countries. The Planning Authority is satisfied that the submitted EIAR extended to the full extent of the project disregarding the existence of an administrative boundary between counties Leitrim and Sligo in this instance. Leitrim County Council undertook an Environmental Impact Assessment of the project as required under legislation and this is clearly outlined in the assigned case planners report.

In relation to the contention that Project Ireland 2040 – the National Planning Framework does not support further onshore wind, this is considered simply a nonsense. In the stated 10 no. National Strategic Objectives and in reference to the need to 'Transition to a Low Carbon and Climate Resilient Society' on Page 14 is the following narrative – "*New energy systems and transmission grids will be necessary for a more distributed, renewables-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 to the major sources of [illegible]land". National Policy Objective 55 seeks to "*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*". It also states that the "*development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will also facilitate informed decision making in relation to onshore renewable energy infrastructure.*"

The references to the National Development Plan 2018-2027 again seem to deviate from the actual text and introduce subjective commentary to support the submitted argument. The actual text from the National Development Plan states "*A significant proportion of this renewable power generation is being delivered from wind energy but, given the intermittent nature of this technology, a proportion of Ireland's electricity needs will likely continue to be generated from gas over the medium, to longer term. It will therefore remain necessary for a certain level of gas fired generation to continue to be available to ensure continuity of supply and the integrity of the electricity grid during the transition towards a low-carbon energy system.*" This explains the rationale behind the national target of electricity production being 70% by renewable sources rather than 100%. There is no reference to a multiplicity of small scale producers using solar and wind as outlined in the submitted appeal submission?

The Planning Authority would strongly contend any arguments presented in the appeal submission which would suggest that national planning policy does not strongly support all forms of renewable energy which includes the continued role and importance of onshore wind. It is accepted that off shore wind is likely to play an increasingly important role in the future but that at present, the policy framework strongly recognises and supports further on shore wind developments such as that proposed.

In relation to the RSES, again the commentary provided is subjective. The appeal makes no reference to the following narrative from the RSES - "*The forthcoming Renewable Electricity Policy and Development Framework will aim to identify strategic areas for the sustainable development of renewable electricity projects of scale, in a sustainable manner, compatible with environmental and cultural heritage, landscape and amenity considerations. The development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will also facilitate informed decision making, in relation to renewable energy infrastructure.*"

Regional Policy Objective 4.16 requires that "*The NWRA shall co-ordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and other stakeholders within 3 years of the adoption of the RSES. The identification of such sites (which may extend to include energy storage solutions) will be based on numerous site selection criteria including environmental matters, and potential grid connections*". There has been no indication that this will exclude on shore wind energy proposals.

To conclude that the RSES provides no policy support for the current proposed development is simply without foundation as clearly articulated above.

The Planning Authority is satisfied that the rationale or necessity for the proposed wind farm has been clearly outlined in the submitted EIAR. The Planning Authority notes with interest the commentary outlined in relation to the consideration of alternatives but is satisfied that the consideration of alternatives adhered to the guidance provided by the Department in this regard (Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018) refers).

The Directive requires that information provided by the developer in an EIAR shall include a description of the reasonable alternatives studied by the developer. These are reasonable alternatives which are relevant to the project and its specific characteristics. The developer must also indicate the main reasons for the option chosen taking into account the effects of the project on the environment.

Reasonable alternatives may relate to matters such as project design, technology, location, size and scale. The type of alternatives will depend on the nature of the project proposed and the characteristics of the receiving environment. For example, some projects may be site specific so the consideration of alternative sites may not be relevant. It is generally sufficient for the developer to provide a broad description of each main alternative studied and the key environmental issues associated with each. A 'mini- EIA' is not required for each alternative studied.

The Planning Authority would accept that based on submissions received, a number of issues in relation to the stability of peat were included in the Further Information request to enable the Planning Authority to make an informed decision. Both Planning Authorities were satisfied in relation to the responses submitted on these matters as both recommended the granting of planning permission. I would also refer the Board to the assessment undertaken by the Senior Engineer in Capital Projects inclusive of suggested conditions which were included in the decision which issued by this Planning Authority. It is considered that the Consultant Engineers more than demonstrated the range and scope of their experience in such matters in the submitted reports.

In relation to water quality, the appeal submission refers to concerns contained in the report by the Executive Engineer, Environment Department but fails to acknowledge anywhere in their 64 page submission and appendices that a schedule of conditions was outlined in said report rather than a recommendation to refuse planning permission. The Planning Authority would ask the Board to take this important fact into consideration. The decision of the Planning Authority had regard to the recommendation received from the Environment Department which is outlined in considerable detail in the report prepared by the assigned case planner. It is the role of the Planning Authority to take into consideration all information presented to it in the formulation of its decision.

In relation to the issues raised with respect to potential effects on fisheries, fish populations and fish spawning areas, the Planning Authority would direct the Board to consider the detailed submissions received from the IFI and the DAU, neither of whom recommended that planning permission be refused but outlined a number of conditions to be included in the event of permission being granted which were largely included in the schedule of condition included in the decision to grant planning permission.

The Board can satisfy themselves that the basis for the inclusion of the items of Further Information in relation to the impacts of the proposed wind farm on protected or vulnerable bird species was that of the initial detailed submission received from the DAU. Again, the subsequent response received from the DAU following receipt of the response to the Further Information request whilst still raising concerns did not conclude by recommending a refusal of planning permission but rather suggested conditions for inclusion in the event of permission being forthcoming.

The Planning Authority are satisfied that adequate consideration was given to the potential effects of the proposed development on human beings as evident from an examination of the assessment

undertaken by the assigned case planner and regard to the existing and interim Wind Energy Guidelines.

With regard to the alleged noise nuisance from the existing Garvagh Glebe windfarm, the Planning Authority would respectfully point out that the operators are co-operating with the Local Authority in ascertaining whether the Garvagh Glebe windfarm continues to operate within the noise levels outlined in their respective planning application. The Planning Authority would also state that until the recent past (summer of 2019) and approximately 9 years after the commissioning of the Garvagh Glebe windfarm, no issues had previously been notified to the Local Authority from local residents regarding noise impact arising from the existing windfarm.

Conclusion

The Planning Authority would respectfully request An Bord Pleanàla to have regard to the contents of this appeal submission response in addition to the detailed assessment carried out by the Planning Authority at planning application stage.

The Planning Authority remains satisfied that the decision to grant planning permission for the proposed development adheres to the policy framework presented at a national, regional and local level with regard to renewable energy generally and specifically in relation to on shore wind energy, is in accordance with the policy framework of the County Development Plan 2015-2021 in all respects, is not considered to have the potential to cause adverse impacts to the existing levels of amenity enjoyed by property in the vicinity and adheres to the proper planning and sustainable development of the area. The Planning Authority, assisted by statutory referees, was also satisfied that the proposed development would not result in an adverse impact upon the receiving environment or on the qualifying interests / conservation objectives of any designated European sites in the proximity of the proposed development.

The Planning Authority respectfully recommends to An Bord Pleanàla to uphold the decision of Leitrim County Council to grant planning permission.

Yours faithfully,

Finbarr Heaney

pp **Administrative Officer**
Planning Department
MS/FK

This matter is being dealt with by: Finbarr Keaney **071 9620005** **Ext.** 504

5th August 2021 **P.20/120** **ABP-310789-21**

REGISTERED POST

An Bord Pleanála,
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Dublin 1,
D01 V902.

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Planning Authority is satisfied that this issue of clarity can be remedied should the Board consider necessary by requesting the submission of revised plans or other particulars providing for the modification of the development the subject of the appeal and / or the amended wording to condition no. 1. The Planning Authority undertook an Environmental Impact Assessment and Appropriate Assessment of the proposed development as evident from the detailed assessment undertaken by the assigned case planner(s) and in the decision which issued from the Planning Authority. As no detailed grounds have been outlined to substantiate the contentions outlined in the appeal submission, the Planning Authority decline to make further comment in this regard.

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Whilst the appeal submission in Section 10 raises an interesting issue in relation to a project requiring the undertaking of an Environmental Impact Assessment extending into the functional area of 2 separate Planning Authorities as in this instance, it is contended that this is not a rare occurrence with many Motorway Schemes or Railway Schemes extending beyond one Local Authority administrative area. The use of transboundary in the context of Irish counties or individual Planning Authorities should not be conflated with separate projecting extending into or impacting on different states or countries. The Planning Authority is satisfied that the submitted EIAR extended to the full extent of the project disregarding the existence of an administrative boundary between counties Leitrim and Sligo in this instance. Leitrim County Council undertook an Environmental Impact Assessment of the project as required under legislation and this is clearly outlined in the assigned case planners report.

In relation to the contention that Project Ireland 2040 – the National Planning Framework does not support further onshore wind, this is considered simply a nonsense. In the stated 10 no. National Strategic Objectives and in reference to the need to 'Transition to a Low Carbon and Climate Resilient Society' on Page 14 is the following narrative – "*New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as*

...d, wave and solar and connecting the richest sources of that energy to the major sources of demand". National Policy Objective 55 seeks to "*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*". It also states that the "*development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will also facilitate informed decision making in relation to onshore renewable energy infrastructure.*"

The references to the National Development Plan 2018-2027 again seem to deviate from the actual text and introduce subjective commentary to support the submitted argument. The actual text from the National Development Plan states "*A significant proportion of this renewable power generation is being delivered from wind energy but, given the intermittent nature of this technology, a proportion of Ireland's electricity needs will likely continue to be generated from gas over the medium, to longer term. It will therefore remain necessary for a certain level of gas fired generation to continue to be available to ensure continuity of supply and the integrity of the electricity grid during the transition towards a low-carbon energy system.*" This explains the rationale behind the national target of electricity production being 70% by renewable sources rather than 100%. There is no reference to a multiplicity of small scale producers using solar and wind as outlined in the submitted appeal submission?

The Planning Authority would strongly contend any arguments presented in the appeal submission which would suggest that national planning policy does not strongly support all forms of renewable energy which includes the continued role and importance of onshore wind. It is accepted that off shore wind is likely to play an increasingly important role in the future but that at present, the policy framework strongly recognises and supports further on shore wind developments such as that proposed.

In relation to the RSES, again the commentary provided is subjective. The appeal makes no reference to the following narrative from the RSES - "*The forthcoming Renewable Electricity Policy and Development Framework will aim to identify strategic areas for the sustainable development of renewable electricity projects of scale, in a sustainable manner, compatible with environmental and cultural heritage, landscape and amenity considerations. The development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will also facilitate informed decision making, in relation to renewable energy infrastructure.*"

Regional Policy Objective 4.16 requires that "*The NWRA shall co-ordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and other stakeholders within 3 years of the adoption of the RSES. The identification of such sites (which may extend to include energy storage solutions) will be based on numerous site selection criteria including environmental matters, and potential grid connections*". There has been no indication that this will exclude on shore wind energy proposals.

To conclude that the RSES provides no policy support for the current proposed development is simply without foundation as clearly articulated above.

The Planning Authority is satisfied that the rationale or necessity for the proposed wind farm has been clearly outlined in the submitted EIAR. The Planning Authority notes with interest the commentary outlined in relation to the consideration of alternatives but is satisfied that the consideration of alternatives adhered to the guidance provided by the Department in this regard (Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018) refers).

The Directive requires that information provided by the developer in an EIAR shall include a description of the reasonable alternatives studied by the developer. These are reasonable alternatives which are relevant to the project and its specific characteristics. The developer must also indicate the main reasons for the option chosen taking into account the effects of the project on the environment.

Reasonable alternatives may relate to matters such as project design, technology, location, size and scale. The type of alternatives will depend on the nature of the project proposed and the characteristics of the receiving environment. For example, some projects may be site specific so the consideration of alternative sites may not be relevant. It is generally sufficient for the developer to provide a broad description of each main alternative studied and the key environmental issues associated with each. A 'mini- EIA' is not required for each alternative studied.

The Planning Authority would accept that based on submissions received, a number of issues in relation to the stability of peat were included in the Further Information request to enable the Planning Authority to make an informed decision. Both Planning Authorities were satisfied in relation to the responses submitted on these matters as both recommended the granting of planning permission. I would also refer the Board to the assessment undertaken by the Senior Engineer in Capital Projects inclusive of suggested conditions which were included in the decision which issued by this Planning Authority. It is considered that the Consultant Engineers more than demonstrated the range and scope of their experience in such matters in the submitted reports.

In relation to water quality, the appeal submission refers to concerns contained in the report by the Executive Engineer, Environment Department but fails to acknowledge anywhere in their 64 page submission and appendices that a schedule of conditions was outlined in said report rather than a recommendation to refuse planning permission. The Planning Authority would ask the Board to take this important fact into consideration. The decision of the Planning Authority had regard to the recommendation received from the Environment Department which is outlined in considerable detail in the report prepared by the assigned case planner. It is the role of the Planning Authority to take into consideration all information presented to it in the formulation of its decision.

In relation to the issues raised with respect to potential effects on fisheries, fish populations and fish spawning areas, the Planning Authority would direct the Board to consider the detailed submissions received from the IFI and the DAU, neither of whom recommended that planning permission be refused but outlined a number of conditions to be included in the event of permission being granted which were largely included in the schedule of condition included in the decision to grant planning permission.

The Board can satisfy themselves that the basis for the inclusion of the items of Further Information in relation to the impacts of the proposed wind farm on protected or vulnerable bird species was that of the initial detailed submission received from the DAU. Again, the subsequent response received from the DAU following receipt of the response to the Further Information request whilst still raising concerns did not conclude by recommending a refusal of planning permission but rather suggested conditions for inclusion in the event of permission being forthcoming.

The Planning Authority are satisfied that adequate consideration was given to the potential effects of the proposed development on human beings as evident from an examination of the assessment

dertaken by the assigned case planner and regard to the existing and interim Wind Energy Guidelines.

With regard to the alleged noise nuisance from the existing Garvagh Glebe windfarm, the Planning Authority would respectfully point out that the operators are co-operating with the Local Authority in ascertaining whether the Garvagh Glebe windfarm continues to operate within the noise levels outlined in their respective planning application. The Planning Authority would also state that until the recent past (summer of 2019) and approximately 9 years after the commissioning of the Garvagh Glebe windfarm, no issues had previously been notified to the Local Authority from local residents regarding noise impact arising from the existing windfarm.

Conclusion
The Planning Authority would respectfully request An Bord Pleanàla to have regard to the contents of this appeal submission response in addition to the detailed assessment carried out by the Planning Authority at planning application stage.

The Planning Authority remains satisfied that the decision to grant planning permission for the proposed development adheres to the policy framework presented at a national, regional and local level with regard to renewable energy generally and specifically in relation to on shore wind energy, is in accordance with the policy framework of the County Development Plan 2015-2021 in all respects, is not considered to have the potential to cause adverse impacts to the existing levels of amenity enjoyed by property in the vicinity and adheres to the proper planning and sustainable development of the area. The Planning Authority, assisted by statutory referees, was also satisfied that the proposed development would not result in an adverse impact upon the receiving environment or on the qualifying interests / conservation objectives of any designated European sites in the proximity of the proposed development.

The Planning Authority respectfully recommends to An Bord Pleanàla to uphold the decision of Leitrim County Council to grant planning permission.

Yours faithfully,

Finbarr Heaney

pp **Administrative Officer**
Planning Department
MS/FK

Comhairle Contae Liatroma
Leitrim County Council

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Follow us on

This matter is being dealt with by: Finbarr Keaney **071 9620005** **Ext.** 504

5th August 2021 **P.20/120** **ABP-310789-21**

REGISTERED POST

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

Appeal Re: Planning Authority Submission response to 1st party and 3rd Party appeals

Coillte CGA - Planning Application for PERMISSION for development located in the townlands of Bargowla, Boleymaguire, Braudphark, Derreens, Derrybofin, Derrycullinan, Derrycullinan Beg, Drummanacappul, Garvagh, Garvagh Glebe, Glassalt, Lisfuiltaghan, Seltan, Sheena and Tinnybeg, County Leitrim consisting of : (a) Construction of 8 No. Wind turbines with a maximum overall blade tip height of up to 170 metres, and associated hard-stand areas; (b) 1no. 38kV permanent electrical substation including a control building with welfare facilities, all associated electrical plant and equipment, security fencing, all associated underground cabling, waste water holding tank and all ancillary works; (c) all associated underground electrical and communications cabling connecting the turbines to the proposed wind farm substation; (d) all works associated with the connection of the proposed wind farm to the national electricity grid, via underground cabling to the existing Garvagh substation; (e) upgrade of existing tracks and roads, provision of new site access roads and hard-stand areas; (f) the partial demolition and alteration of two agricultural buildings in the townlands of Sheena and associated junction access and road works to the existing yard, agricultural buildings and agricultural lands in the townlands of Sheena and Derrybofin to provide link road primarily for construction traffic off the R280. this link road will be for the delivery of abnormal roads to the site during the construction period and may be used during the operational period if necessary or to facilitate the decommissioning of the wind farm. Following construction, access to the link road will be closed off and the yard / agricultural building will revert to its use for agricultural purposes except if and when required for delivery of abnormal loads during the operation period of the wind farm or to facilitate the decommissioning of the wind farm (g)1 no. borrow pit; (h) 2 no. peat and spoil repository areas; (i)2 no. temporary construction compounds; (j) recreation and amenity works including marked trails, boardwalk and viewing area, provision of a permanent amenity car park, and associated recreation and amenity signage; (k) site drainage; (l) permanent signage, (m) ancillary forestry felling to facilitate construction and operation of the proposed development and (n) all associated site development works. An Environment Impact Assessment Report (EIAR) and a Natura Impact Statement have been prepared in respect of the proposed development at Townlands as above.

AN BORD PLEANÁLA
LDG- _____
ABP- _____
06 AUG 2021
Fee: € _____ Type: _____
Time: _____ By: Reg Post

A Chairde,

I refer to your letters dated 9th, 12th & 14th July, 2021 in regard to the first party and third party appeals received in the above application

Leitrim County Council would respond the 1st and 3rd Party Appeals as follows:

First Party Appeal
In essence, the First Party Grounds of Appeal are in response to concerns arising from the recent High Court decision with regard to the proposed Derryadd Wind Farm development specifically in relation to the turbine dimensions / parameters and the details of same submitted with the planning application plans and particulars. The Planning Authority would accept the determination of the Board on this matter noting the provisions of Article 73 of the Planning and Development Regulations 2001, as amended, which would allow for the Board to request the submission of revised plans or other particulars providing for the modification of the development the subject of the appeal. The Planning Authority are satisfied that the relevant assessments submitted as part of the application documentation with particular reference to the EIAR and NIS considered a hub height of 100 - 105 metres, a blade length of 65 - 70 metres and a tip height of 165 - 170 metres. This was clearly outlined as the worst-case scenario in terms of the consideration of potential impacts arising. It is respectfully considered that the difference in assessment arising from such a limited range of parameters would be *de minimis*.

The Planning Authority would concur with the conclusion drawn on the bottom of page 7 of the appeal submission that the decision which was made only granted planning permission for turbines within this range of parameters and that until the recent High Court decision would have been considered the norm for making and deciding of planning applications for wind turbine developments. On that basis, the Planning Authority has no objection to the clarity suggested with respect to condition no. 1 of the permission which issued by Leitrim County Council should the Board be agreeable to same.

Third Party Appeal - Peter Sweetman & Associates and of behalf of Wind Ireland Defence
The Planning Authority has considered the submitted grounds of appeal. The Grounds of Appeal sets out the tasks now assigned to the Board in adjudicating on the planning appeal, namely, to consider the proposed development against the requirements of the Planning and Development Acts and Regulations, the EIA Directive and the Habitats Directive. The Statement of Grounds then state that the application does not comply with the requirements of the Planning and Development Regulations with reference to matters considered from the aforementioned Derryadd Wind Farm High Court decision. The appeal submission states that the submitted EIAR is not compliant with the EIA Directive, that the Planning Authority failed to carry out a proper Environmental Impact Assessment and that the Planning Authority failed to carry out an Appropriate Assessment. In each instance, the appeal submission does not elaborate on or provide a reasoned basis for these stated opinions. As the proposed development must now be considered *de novo* by An Bord Pleanala as correctly stated at the end of the appeal submission, the Planning Authority would simply reiterate that it was satisfied on the basis of the accepted norm for wind farm development applications that the submitted application adhered to the requirements set out in the Planning and Development Regulations 2001, as amended. This is now qualified by noting the findings of the recent High Court decision and the potential implications of this decision on future wind turbine applications should the precedence of this decision be accepted by the wider judiciary.

The Planning Authority is satisfied that this issue of clarity can be remedied should the Board consider necessary by requesting the submission of revised plans or other particulars providing for the modification of the development the subject of the appeal and / or the amended wording to condition no. 1. The Planning Authority undertook an Environmental Impact Assessment and Appropriate Assessment of the proposed development as evident from the detailed assessment undertaken by the assigned case planner(s) and in the decision which issued from the Planning Authority. As no detailed grounds have been outlined to substantiate the contentions outlined in the appeal submission, the Planning Authority decline to make further comment in this regard.

Third Party Appeal - Environmental Management Services, Environmental and Planning Consultants on behalf of Wind Aware Dromahair

The Planning Authority has carefully considered the submitted substantial grounds of appeal. The Board must now consider the application against the proper planning and sustainable development of the area, against the existing policy framework for such developments including the current County Development Plan 2015-2021 and must undertake an Environmental Impact Assessment and Appropriate Assessment of the proposed development. A number of specific matters arise which are outlined in the very detailed and lengthy appeal submission where in effect one firm of specialised experts disagrees with the findings and conclusions of other firms of specialised experts who prepared elements of the technical assessments submitted with the planning application documentations. This includes not accepted elements of the detailed response to the lengthy request for Further Information which issued by Leitrim County Council. The Planning Authority relied heavily on the expertise of various Statutory Bodies to assist the Planning Authority in our consideration of these complex issues and the basis for the reasoning of the assigned Planning Officers are presented in their respective reports in which these submissions were considered carefully. The Planning Authority will therefore refer the Board to the various submissions from statutory referees and from the technical officers of the Council which were considered by the Planning Authority in reaching our decision on these matters. It is not the intention of the Planning Authority to reconsider these issues on the basis of the appeal submission as with respect, this is now the function of the Board.

There are, however, certain issues which the Planning Authority would consider merit in providing some comment and perhaps clarity on.

It is stated in the appeal submission that the proposed wind farm is industrial in nature and is disproportionate in size for the planned site and in combination with other nearby wind farms would have the effect of transforming the character of the landscape. The Planning Authority would respond that the development is sited in an area which could best be described as constituting an existing windmill landscape as there is a cluster of existing wind farms albeit of smaller scale in terms of height in the general vicinity of the development. This was a substantive consideration by the Planning Authority in considering the visual impact of the proposal on the receiving landscape as evident from examination of the assigned Planning Officer's assessment. Indeed, the appeal submission would appear to contradict this point at a later stage in their submission when it refers to the "*scenic and elevated area within which the proposed wind farm would be located already hosts too high a concentration of very large wind turbines...*"

The Planning Authority does not dispute factual statements in relation to the quantities of materials which would have to be brought to the site inclusive of the quantity of existing materials which would have to be excavated, transported and deposited to another location in order to facilitate the proposed development. The Planning Authority would however state that this is to be expected in any commercial wind farm development proposal of similar scale. Similarly, the felling of 55.1

hectares of commercial forestry would be required as clearly outlined which forestry would have to be replanted elsewhere in line with the clear stated requirements of the Forest Service on such matters. This requires a separate consent process which is not a matter of consideration by this Planning Authority.

The Planning Authority considers that the issues raised on page 10 of the appeal submission are essentially the same as those referred to in the First Party Appeal and the other Third Party Appeal regarding the lack of definitiveness of the proposed wind turbines as outlined in the submitted plans and particulars. This matter has already been replied to by the Planning Authority.

The appeal submission states that the general area has been designated as an area of High Visual Amenity. This is considered misleading. Of the 15 townlands in which the proposed development or part thereof is located within Co. Leitrim, 4 townlands or parts thereof are contained within an area designated as being of High Visual Amenity. The Board can satisfy itself in this regard by examining the designations in the County Development Plan. The subject lands are not identified in the Leitrim County Development Plan 2015-2021 as being within Areas of Outstanding Natural Beauty or Areas of High Visual Amenity. The policy framework of the County Development Plan seeks to preserve and enhance these areas, as far as is practicable, by careful management and by the operation of special controls over development in these areas. The policy framework does not seek to manage the effect of development outside of these areas in terms of the effect from within these designated landscaped. The County Development Plan does not therefore seek to introduce development management restrictions within the area of the proposed development based on visual considerations. This is considered a critical consideration in conjunction with the 2006 Wind Energy Guidelines.

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To conclude that the RSES provides no policy support for the current proposed development is simply without foundation as clearly articulated above.

The Planning Authority is satisfied that the rationale or necessity for the proposed wind farm has been clearly outlined in the submitted EIAR. The Planning Authority notes with interest the commentary outlined in relation to the consideration of alternatives but is satisfied that the consideration of alternatives adhered to the guidance provided by the Department in this regard (Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018) refers).

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Conclusion
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The Planning Authority remains satisfied that the decision to grant planning permission for the proposed development adheres to the policy framework presented at a national, regional and local level with regard to renewable energy generally and specifically in relation to on shore wind energy, is in accordance with the policy framework of the County Development Plan 2015-2021 in all respects, is not considered to have the potential to cause adverse impacts to the existing levels of amenity enjoyed by property in the vicinity and adheres to the proper planning and sustainable development of the area. The Planning Authority, assisted by statutory referees, was also satisfied that the proposed development would not result in an adverse impact upon the receiving environment or on the qualifying interests / conservation objectives of any designated European sites in the proximity of the proposed development.

The Planning Authority respectfully recommends to An Bord Pleanàla to uphold the decision of Leitrim County Council to grant planning permission.

Yours faithfully,

Finbarr Heaney

pp **Administrative Officer**
Planning Department
MS/FK