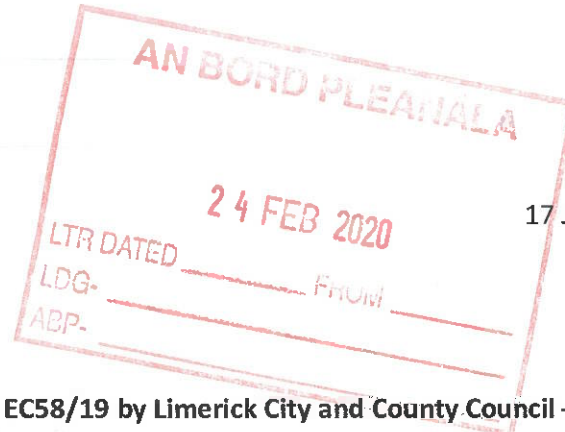


Glenduff,
Ashford,
Ballagh,
Co. Limerick.

An Bord Pleanála,
64 Marlborough St.,
Rotunda,
Dublin 1 D01 V902.



17 January 2020.

**RE: Review of Section 5 Declaration EC58/19 by Limerick City and County Council –
Whether the removal of a tree-line at Glenduff, Ballagh, Co. Limerick is or is not
development, or is or is not authorized development?**

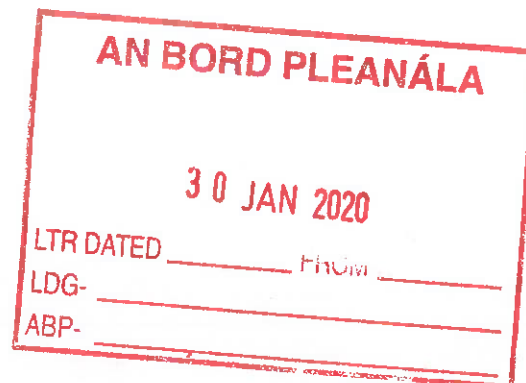
Dear Sir/Madam,

I wish to request the Board to review the decision of Limerick City and County Council (2 January 2020, attached) that cutting of a tree-line at Glenduff, Co. Limerick was development, and was authorized development under PL13.240910.

In particular, I dispute the second part of the decision that it was authorized development on the grounds of the function of the tree-line as a visual and noise barrier from the nearest turbine (circa 190m from my residence) referred to in the An Bord Pleanála Inspectors Report, and that an exclusion zone was included in the maps accompanying the planning application.

Yours sincerely,

Liam Lenihan





Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Seirbhíse Pleanála agus Comhshaoil,
Comhairle Cathrach agus Contae Luimnigh,
Tuar an Daill,
Luimneach

Planning and Environmental Services,
Limerick City and County Council,
Dooradoyle,
Limerick

AN BORD PLEANÁLA

30 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

EIRCODE V94 WV78

t: +353 (0) 61 556 000
f: +353 (0) 61 556 001

PLANNING & DEVELOPMENT ACTS 2000 (as amended)

PLANNING & DEVELOPMENT REGULATIONS, 2001 (as amended)

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC58/19

Name and Address of Applicant:

Liam Lenihan, Glenduff, Ballaugh, Co. Limerick.

Agent:

N/a

Whether the the removal of trees along the side of the roadway at Glenduff, Ballaugh, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 19th November 2019

AND WHEREAS the Planning Authority has concluded that the removal of trees along the side of the roadway at Glenduff, Ballaugh, Co. Limerick is development and is permitted development under Planning Permission reference 12/379 An Bord Pleanála reference PL 13.240910.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is Permitted Development under Planning Permission reference 12/379 An Bord Pleanála reference PL13.240910.**

Signed on behalf of the said Council

Patricia Reedy

Date:

2nd January 2020

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.

AN BORD PLEANÁLA

24 FEB 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Tuar an Daill, Luimneach
Dooradoyle, Limerick

✉ customerservices@limerick.ie
🌐 www.limerick.ie
🐦 @LimerickCouncil
☎ 061 - 556 000

borrow pits is found unsuitable material will be imported that is inert or of similar geo-chemistry to the local geology. Excavated tracks will be adopted throughout the site. This type of construction involves excavation and removal of the surface material and other unsuitable material to a depth of about 300mm and placement of crushed rock. The track construction type anticipated to be adopted at the site is shown in Figure 2.8.

- 2.7.5 Internal access tracks will be constructed to each turbine from the site entrance. Approximately 3,300 metres of access track (consisting of 300m of constructed track and 3,000m of new track sections) will be needed to reach all infrastructure. Where possible the access track and hardstandings are adjacent to minimise impacts. Moulding alongside the access tracks (or berms) will be included, on sections of track where appropriate, to reduce landscape and visual impact.
- 2.7.6 The access tracks and crane hardstandings shall be retained throughout the operational life of the wind energy scheme for the maintenance and decommissioning of the wind farm. The crane hardstandings will be grassed over (where not used as access track) and returned to grazing use (where applicable); a small area of hardstanding surface beside each turbine will be kept clear for access by maintenance vehicles.
- 2.7.7 The layout of the wind farm infrastructure has been modified based on feedback from the various specialist consultants that were retained to prepare this EIS. In order to minimise the impact of the development where possible infrastructure has also been sited to remain close to field boundaries and access routes routinely used during farming activities.

2.8 ACCESS TO SITE

- 2.8.1 Access to the site for the wind turbine components will be from either the port of Foynes, Co. Limerick or from Dublin Docks or similar port with access to the national motorway network. The route from Foynes port is via the N69 – R521 – N21 – R522 – R515 – unclassified third class roads to the site entrances. The route from Dublin Port would be via the M50 – N7 – M7 – M20 – N21 – R522 – R515 – unclassified third class roads to the site entrances. Figure 2.9 shows a plan of the route from Foynes.
- 2.8.2 There will be need for some road modifications to accommodate abnormal loads over the last 1.5km to the site, from the R515 onto the local third class roads. The environmental impacts of these upgrades are included in this EIS. All modifications to public roads which are required will only be carried out after consultation and agreement with the relevant county roads engineer.
- 2.8.3 The first upgrade is to allow abnormal loads, approaching the site from the east from Broadford, to turn off the R515. There were two upgrade options assessed, one to the north of the junction and one to the southwest of the junction. The R515 north access improvement will entail the removal of an existing farm building to make available the necessary space for abnormal loads to traverse the corner. The R515 southwest access improvement will entail the removal of existing field hedgerows to make available the necessary space for abnormal loads to traverse the corner.
- 2.8.4 The second corner is to access the site from the local third class road accessed from the R515. It will be a right hand turn and will require the removal of existing field hedgerows to make available the necessary space for abnormal loads to traverse the corner.
- 2.8.5 Both corners will be used for turbine components and other large loads to access the site and will be reinstated at the completion of the construction phase. Both corners will need to be available for the operational phase for the unforeseen possibility that abnormal load deliveries to site will be required. The corners will also be needed for the decommissioning phase to remove abnormal loads from site. Both corners will be reinstated after any use during the operational and decommissioning phases and such works will be notified to and agreed with the Limerick County Roads Engineer.

24 FEB 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

30 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

placed in a manner that would smother vegetation. The calculated areas of habitat loss are shown in Table 7.9. The calculations are based on an excavation for 16 m x 16 m turbine bases and 22 m x 45 m for each hard-standing necessary for the operation of cranes to erect turbines. The calculation of habitat loss for access tracks is based on a total width of 9 m to include for the track itself and adjacent verges, side slopes and drainage (if required). The total length of new access road to be constructed is ca 2.83 km with ca 0.12 km to be reinstated from previous wind farm developments on site.

Table 7.9: Areas of habitat likely to be directly impacted by proposed development.

Location	Area (ha)	Habitat Type (% cover)
Turbine 1 (incl. hard standing)	0.1	Improved agricultural grassland
Turbine 2 (incl. hard standing)	0.1	Improved agricultural grassland
Turbine 3 (incl. hard standing)	0.1	Improved agricultural grassland
Turbine 4 (incl. hard standing)	0.1	Improved agricultural grassland
Turbine 5 (incl. hard standing)	0.1	Improved agricultural grassland
Turbine 6 (incl. hard standing)	0.1	Improved agricultural grassland
Substation	0.1	Improved agricultural grassland
New Access Tracks	2.5	Improved agricultural grassland
Total	3.2 ha	Improved agricultural grassland

AN BORD PLEANÁLA
30 JAN 2020
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

The total area of habitat directly impacted by the location of the turbines, meteorological mast, substation, access roads is approximately 3.2 ha of the improved agricultural grassland that occurs within the site (see Table 7.9). In most instances, the habitat loss will be permanent and irreversible although in the case of road verges, the impact will be short term as it is foreseen that vegetation will be re-instated in these areas following construction. Similarly, an additional area of ca 0.68 ha will be temporarily impacted during the construction phase due to the construction compound, off-site access, and borrow pit. The magnitude of the impact is low based on the restricted area and low ecological importance of the affected habitat. The impact of direct habitat loss resulting from the proposed wind-farm is a near certain impact deemed to be an imperceptible negative significance.

There will be no loss of semi-natural habitat associated with the grid connection as the underground cable route will follow existing road infrastructure throughout its length (see Figure 2.10 in Chapter 2 of the EIS).

Secondary Habitat Impacts

The construction of the wind-farm will necessitate the insertion of a site drainage system along access roads and surrounding hardstand areas. As there are no habitats sensitive to hydrological change in proximity to the footprint of the proposed development no adverse impacts are foreseen.

The impacts on freshwater habitats during the construction phase include siltation and deterioration of water quality due to siltation and potential spillages. Further details on the potential impacts on water quality are addressed in the hydrology section of the EIS.

Birds and Mammals

The loss of habitat may cause the loss of foraging and breeding sites, however based on the area and type of habitat and the utilization of these habitats by birds and mammals this impact is deemed to be negligible. Potential exists for

24 FEB 2020
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

The proximity of wind farms to each other and the physical placement of the turbines, whether in lines or clusters, may have a cumulative negative impact on birds and other wildlife. The impact of displacement of Hen Harrier from 3.2 ha of potentially suitable Hen Harrier habitat throughout the course of the proposed development in itself may not be a significant impact considering the extent of the SPA (56,000 ha) and the total area of suitable Hen Harrier habitat in the surroundings. However, when assessed together with the effects of other wind turbines in the surroundings the impact is more likely to be of significance.

Considering the location, habitats and scale of the proposed wind farm development and the predicted impacts of the proposed development on ecology; it is considered that the potential for other cumulative impacts is negligible and no significant cumulative impacts on habitats are foreseen.

7.5.2.5 Do Nothing Scenario

In the case of no development occurring at the site, it is most likely that the site would continue to be managed further for agriculture and the potential ecological impacts associated with this would be neutral. Possible changes in management could include further agricultural intensification and or afforestation.

7.6 MITIGATION

This section provides recommendations for measures, which can mitigate some of the predicted ecological impacts of the proposed wind-farm.

7.6.1 Mitigation by Avoidance

Repeated appraisals of design options has led to the current proposed design that is deemed to have the least ecological impact taking account all other site location factors and constraints. Existing road infrastructure is being used wherever possible. The minimum length of access road is to be constructed in order to access turbine sites. The most sensitive and ecologically valuable habitats on site (scrub and woodland) are avoided.

To avoid potential disturbance to Hen Harrier (and other breeding birds) it is recommended that construction works be limited to the period outside of the breeding season or only allowed within the breeding season after a hen harrier nesting survey to rule out breeding pairs within 500m of any construction works.

Settlement ponds will be used to prevent siltation of watercourses in or surrounding the study area. Mitigation for impacts to watercourses is dealt with in more detail in the hydrology section of the EIS. All excavated material will be used on site for landscaping or for remediation measures. Other wastes will be removed for disposal at an appropriate licensed waste disposal facility.

7.6.2 Mitigation by Reduction

Impacts will be minimised by limiting the extent of the works to the development footprint. All Cable and ducting will follow the access roads to limit land take.

Access roads will be upgraded / constructed first and turbine areas after. This will ensure that all construction related vehicles and machinery are restricted to the footprint of the proposed development.

AN BORD PLEANÁLA

24 FEB 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

AN BORD PLEANÁLA

30 JAN 2020 23

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Condition 4

EIS

6.4.

- Transmission lines between individual turbines and the substation will be placed underground;
- Counter rotation of blade sets will be avoided;
- The number and extent of new access tracks will be kept to a minimum and properly landscaped immediately following completion of works. Such landscaping will include reinstating original vegetation along verges and repairing any wheel ruts;
- Special care will be taken to preserve any features, which contribute to the landscape character of the study area; and

A high standard of design will be applied to all structures associated with the substation considering not only its function but also the aesthetic quality, in order to minimise any sense of intrusion. The proposed development will provide colour harmony and adequate screening of the substation using vegetation in order to mitigate its impact.

6.5 RESIDUAL IMPACTS

Landscape and visual mitigation measures have been incorporated into the design of the scheme from its early stages. Therefore, the proposed wind farm presented as the subject of this application already incorporates any substantial landscape and visual mitigation measures. Unlike for many of the other EIA topics, the residual impacts of the proposal are essentially the same as assessed in the predicted landscape and visual impacts section (6.3) above.

6.6 CONCLUSION

A summary table is provided below, which collates the assessments of landscape and visual impacts. A discussion of the results is provided thereafter.

Table 12-11: Summary Impact Assessment

Landscape Impact			
	Landscape Sensitivity	Landscape Impact	Landscape impact Significance
Site and immediate surrounds (2-3km)	Medium	Medium	Moderate
Wider Study Area (3-20km)	Medium	Low	Minor

Visual Impact			
VRP	Visual Receptor Sensitivity	Magnitude of visual impact	Visual Impact Significance
DRI	High	Low	Moderate-minor
DR2	Medium	Medium	Moderate
LC1	Low	Medium	Minor
LC2	Medium	High	Major-moderate
LC3	Low	High	Moderate -Minor
LC4	Medium	Medium	Moderate
LC5	Low	Medium	Minor
LC6	Low	Negligible	Negligible

AN BORD PLEANÁLA
 24 FEB 2020
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

AN BORD PLEANÁLA
 30 JAN 2020
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

Condition 12 states that "details of the road network to be used by construction traffic and by the long term maintenance traffic shall be submitted to, and agreed in writing in writing with, the planning authority prior to commencement of the development"

It seems from the lack of material on the file that this was not submitted and agreed by the planning authority. if this is the case developer is not in compliance with condition 12.

A blue ink signature that has been heavily scribbled over, rendering it illegible.A blue ink signature that has been heavily scribbled over, rendering it illegible.

AN BORD PLEANALA
24 FEB 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

AN BORD PLEANÁLA
30 JAN 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

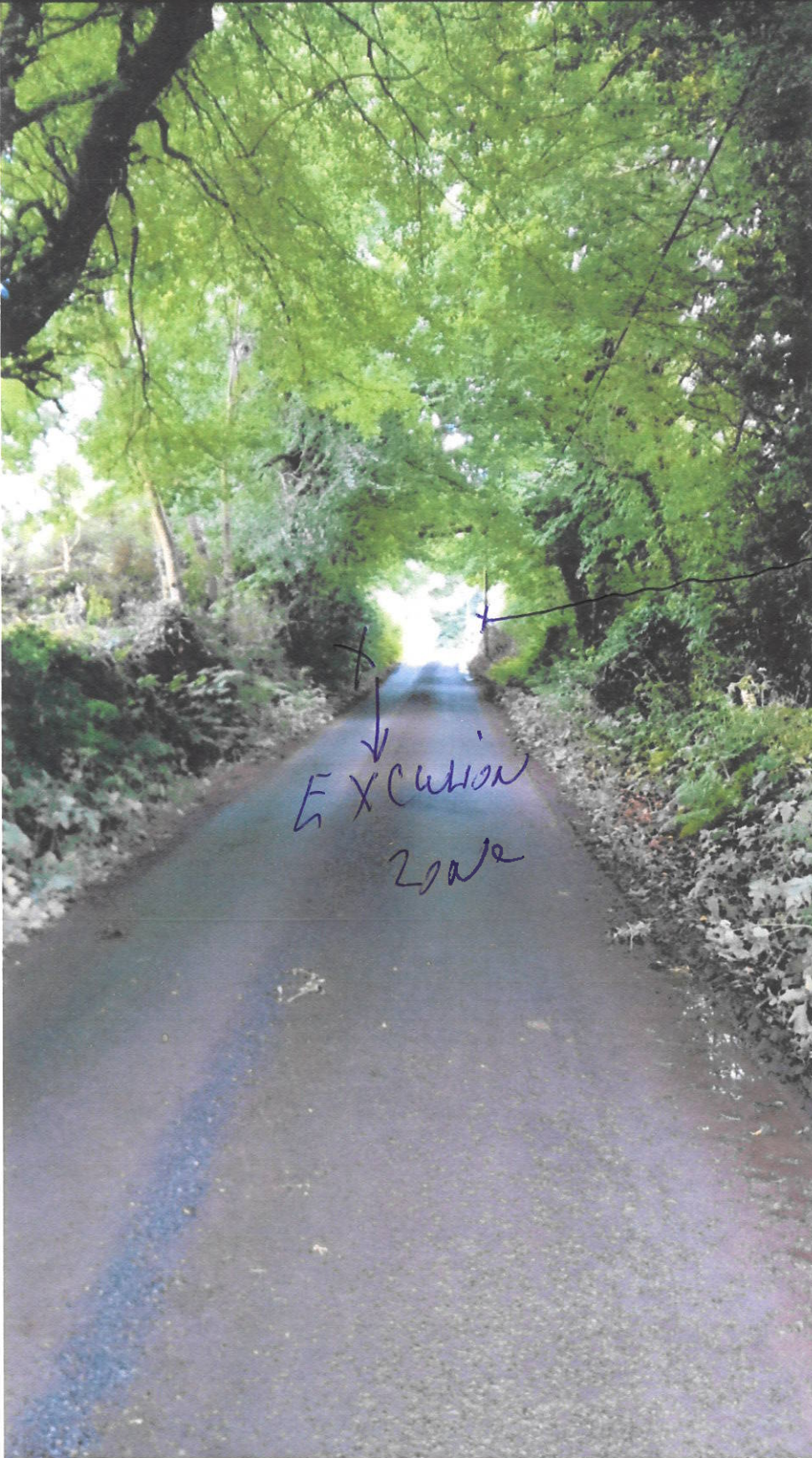
09:27

91%



DSC_1027.JPG

2.6 MB



EXCLUSION
zone

→ My House

please see
condition
12.

NOT in
compliance with
12

AN BORD PLEANÁLA

30 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____





AN BOND PLANAŁA

12 JAN 2020

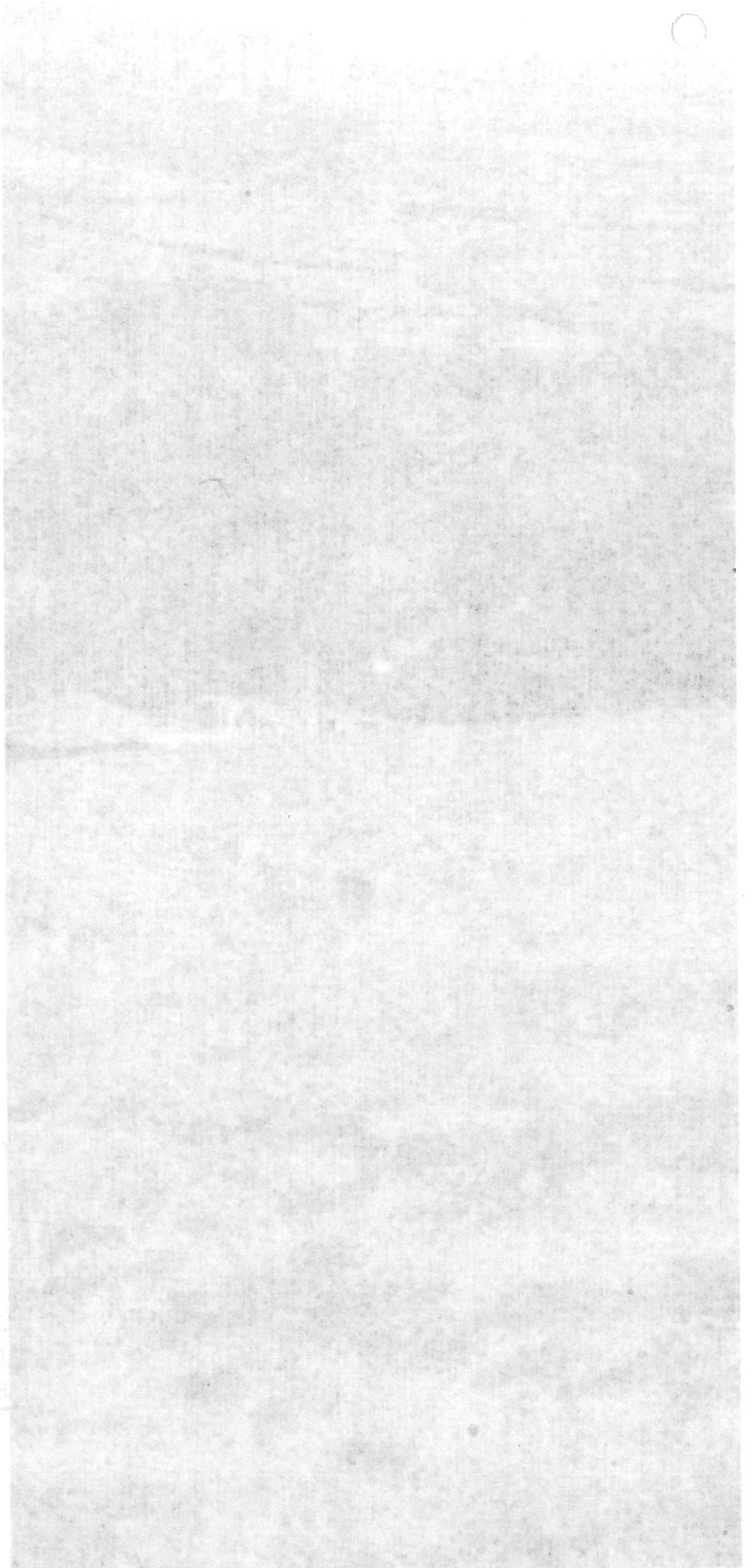
LIBRARY



→ a/s/w.

AN BORD PLEANÁLA
24 FEB 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

AN BORD PLEANÁLA
30 JAN 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____



AN BORO PLEANAIA
 27 JAN 2020
 TR DATE
 CP
 BP



EXCLUSION ZONE

AN BORD PLEANÁLA

24 FEB 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

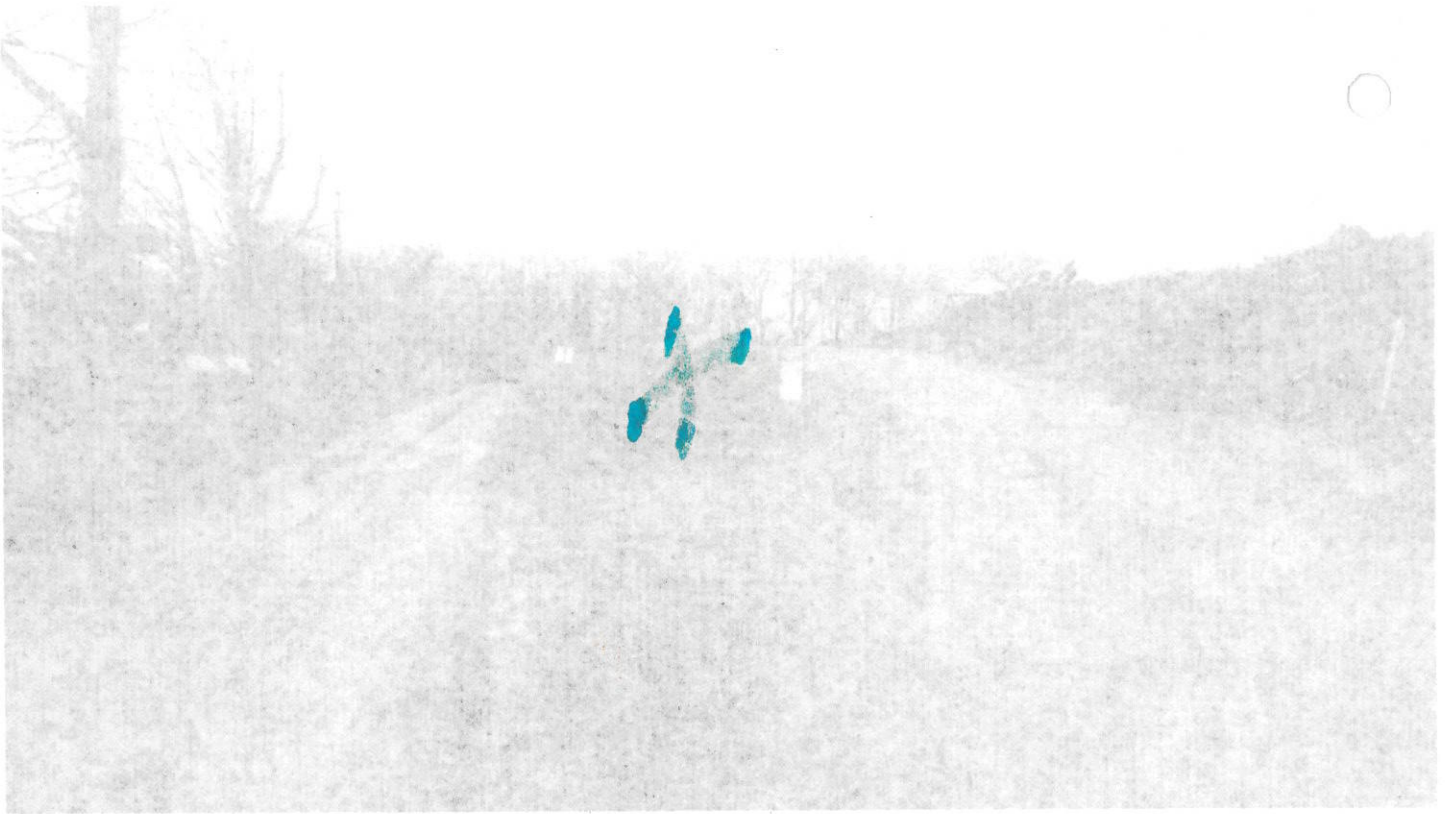
AN BORD PLEANÁLA

30 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



AN BORO PLEANAŁA

10 JAN 2020

LIB DATE

LOG

ABP



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Seamus Martin, Development Inspector
16th May 2019
16th May 2019
16th May 2019

16th May 2019
16th May 2019
16th May 2019

EIRCODE V91 W979

t: +353 (0)1456 21000
f: +353 (0)1456 21001

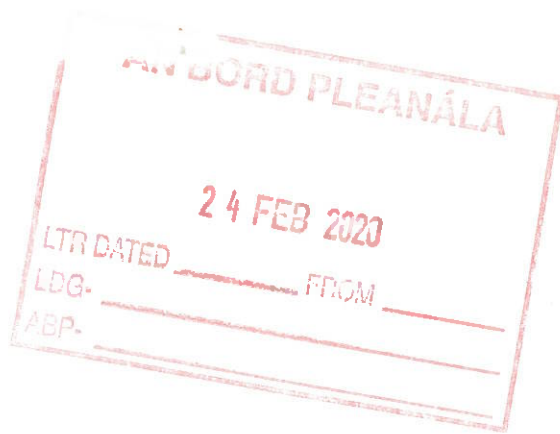
PLANNING & ENVIRONMENTAL SERVICES

DC-132-19/SM/CL

16th May 2019

Liam Lenihan
Glenduff
Ashford
Ballugh
Co. Limerick.

RE: **Planning Reference 12/379**



Dear Sir,

I refer to your correspondence received in connection with the above and wish to confirm that this matter has been investigated by the Planning Authority.

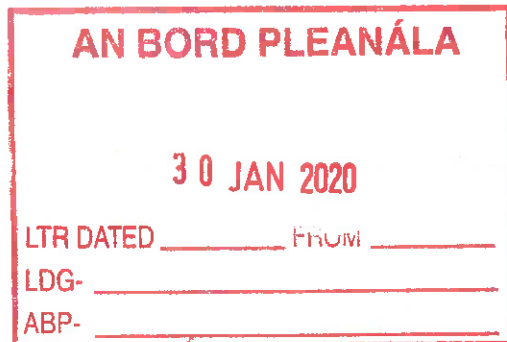
The issue regarding the felling of the trees is not a Planning issue and should be dealt with by the Department of Agriculture and Marine.

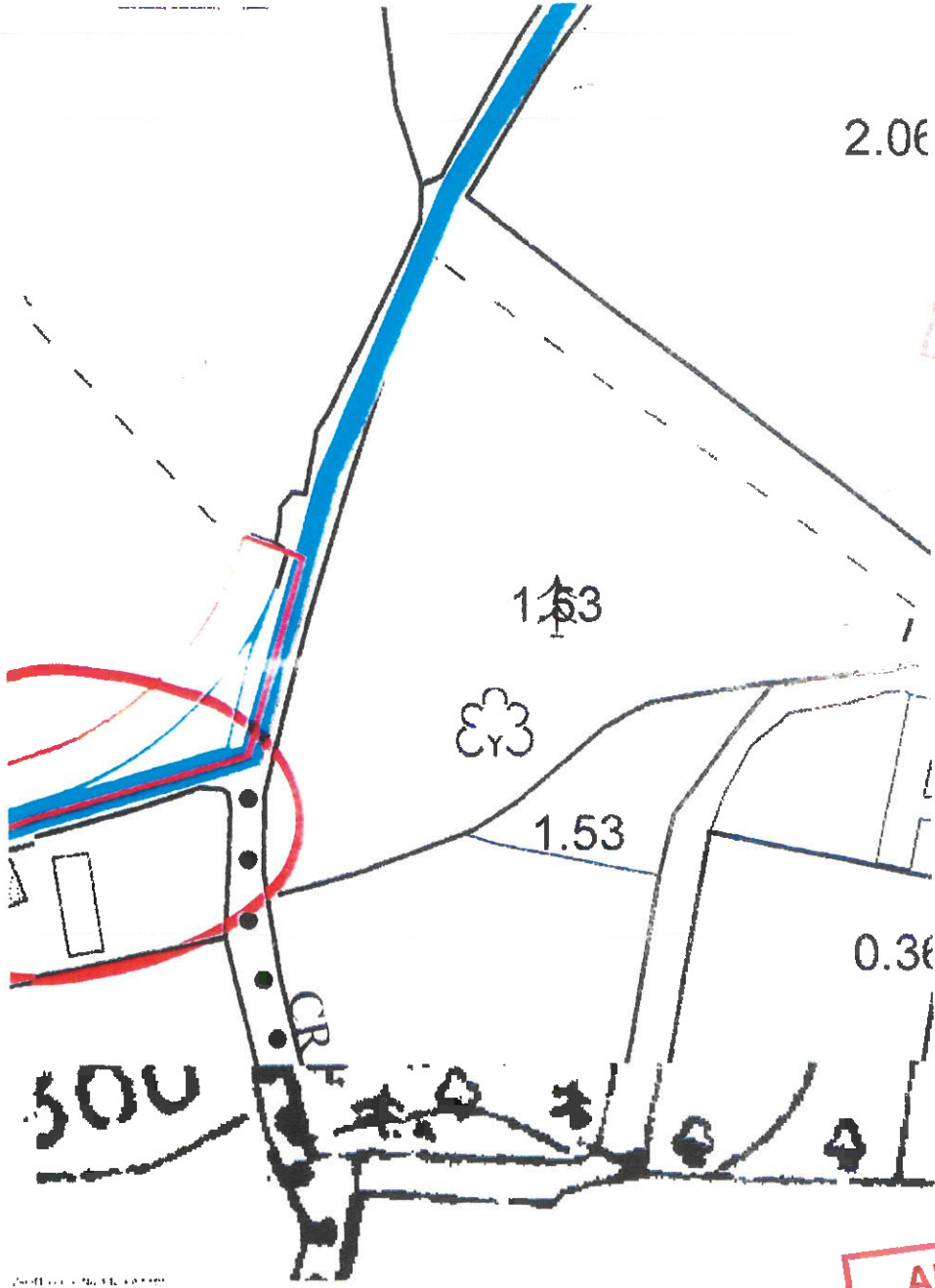
Accordingly, the Planning Authority will be taking no further action on this matter.

Any further queries in relation to this matter should be addressed to Seamus Martin, Development Inspector.

Yours faithfully,

S. Coome
For Director of Service
Planning & Environmental Services





2.06

AN BORD PLEANÁLA

LTR DATED **24 FEB 2020**

LDG- _____ FROM _____

ABP- _____

N

ASHFORD WIND FARM

AN BORD PLEANÁLA

LTR DATED **30 JAN 2020**

LDG- _____ FROM *Appleby*

ABP- **306736.20**

Scale 1:1000 (approximate)

HILLMILLAN 4
(PART 1 OF 2)

