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The Secretary,
 An Bord Pleanála,
 64 Marlborough Street,
 Dublin 1.

AN BORD PLEANÁLA	
Received	5/9/16
Fee:	€9,000 (Rq)
Receipt No.	B135120

5th September 2016

RE: First Party Appeal by DunoAir Windpark Curraheen Limited against decision of Tipperary County Council to refuse permission for development at site in the townlands of Curraghadobbin, Macreary, Ballinurra, Poulmaleen, Newtown Upper, Lissadober, Ballynacloona, Mayladstown, Kylanoreashy, Butlerstown and Ballydine, Co. Tipperary. The development will consist of the construction of a windfarm which comprises 8 No. turbines (max blade tip height not exceeding 126.5m), construction of approx. 6km of new access roads within the wind farm site, an electrical sub-station (62.9sq.m.), meteorological mast (80m), 38kV underground grid connection (approx 13.9km) running in the public road from the wind farm site to Ballydine, associated drainage and site development works. The proposed wind farm is located on Curraghadobbin Hill (3 No. turbines) and Carrigadoon Hill (5 No. Turbines). Vehicular access/egress to/from the site is from a relocated and upgraded entrance on the county road to the east of Carrigadoon Hill (at Newtown Upper) and from a new access to Carrigadoon Hill from the county road to the south of the hill (Curraghadobbin). An Environmental Impact Statement has been prepared and is submitted with the application.

Tipperary County Council Reference: 16/600552
 Date of Decision: 08.08.16

AN BORD PLEANÁLA	
TIME	BY Hand
05 SEP 2016	
LTR-DATED	5/9 FROM RK
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Dear Sir,

RPS, Innishmore, Ballincollig, Co. Cork is instructed by DunoAir Windpark Curraheen Limited, 3rd Floor, Blackrock Hall, Skehard Road, Blackrock, Co. Cork to lodge this first party appeal against the decision of Tipperary County Council to refuse permission for the above described development. We enclose a cheque for €9,000 which is the appropriate appeal fee.

1.0 Introduction

The application was refused by Tipperary County Council for 4 No. reasons. We refer to each of these conditions hereunder and outline the reasons and considerations under which we suggest that these matters should not give rise to a refusal of permission in this instance. At the outset however we set out the reasons for the development in the first instance.

Ireland has a legally binding target, set by the European Commission, to source 16% of our total energy needs from renewables by 2020. To achieve this, the Irish Government has set a target of providing 40% of our electricity from renewables by that year. Wind generated energy accounted for 15.3% of electricity demand in Ireland in 2012. Most of the renewable energy to be produced will be generated by wind. Up to 2020, 3.5 GW of wind energy capacity will need to be installed in Ireland to



meet the Irish renewable energy target. The majority of these projects will be connected under the Gate 3 programme.

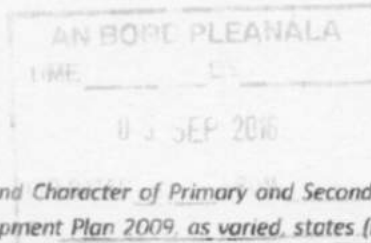
Wind will be the main driver in the transformation to a low carbon energy future and will help to contribute to the South Tipperary goal to have 20% of its energy supply produced in the county from renewable energy sources.

The project comprises of 8 No. 3 MW turbines which will be located in an upland area on Coillte commercial forestry lands in co. Tipperary. The site is suitable for a wind park due to good average wind speeds at the site. The project will have an output of 24 WM. It will supply enough clean energy equivalent to meet the electricity needs of approximately 15,000 homes or almost half of the homes in South Tipperary and will help to meet both Irish and South Tipperary renewable energy targets.

The proposed windfarm will generate electricity for use by homes and businesses in Ireland, it will be locally generated and will provide clean energy for local use. The project will create and sustain jobs locally in consultation, operation and maintenance of the windpark.

Savings from wind generation in the Republic of Ireland in 2012 were estimated at €177 million in displaced fossil fuels and €11 million in reduced CO₂ emissions.

2.0 Reason No. 1



Reason for Refusal No. 1 states as follows:

"Policy LH2" (Protection of Visual Amenity and Character of Primary and Secondary Amenity Areas) of the South Tipperary County Development Plan 2009, as varied, states (in summary) that it is the policy of the Council to ensure the protection of visual amenity, landscape quality and character of designated Primary and Secondary Amenity areas. Developments which would have an adverse material impact on the visual amenities of the area will not be permitted. Policy LH 16 (Archaeology and Cultural Heritage) states (in summary) that it is the policy of the Council to safeguard sites, features and objects of archaeological interest, including monuments on the Sites and Monuments record and the Record of Monuments and Places. This policy also provides that the Council will have regard to the advice and recommendation of the Department of Arts, Heritage and the Gaeltacht.

The proposed windfarm development is located within an elevated, unspoilt upland location in a rural scenic landscape at Curraghdobbin Hill and Carrigadoon Hill. This landscape forms part of the Slievenamon Mountain mosaic and is identified as a Secondary Amenity Area under the South Tipperary County Development Plan 2009, as varied. The landscape also contains a number of inter-related archaeological and built heritage sites of national significance that enjoy prominent uninterrupted settings. It is considered that the proposed development would form a visually obtrusive feature in this sensitive landscape and would adversely impact on the nationally significant archaeological and built heritage sites in the wider area of the development. The proposed development would, therefore, be contrary to Policies LH2 (Protections of Visual Amenity and Character of Primary and Secondary Amenity Areas) and

Policy LH16 (Archaeology and Cultural Heritage) of the South Tipperary County Development Plan 2009, as varied, and would be contrary to the proper planning and sustainable development of the area."

This reason for refusal is grounded in two policies of the Development Plan. The first relating to general visual impact on the protection of areas of secondary amenity and the second relating to a policy which seeks to safeguard sites, features and objects of archaeological interest and to have regard to the advice and recommendations of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. For clarity these policies are produced in full hereunder.

Policy LH2 - Protection of Visual Amenity and Character of Primary and Secondary Amenity Areas

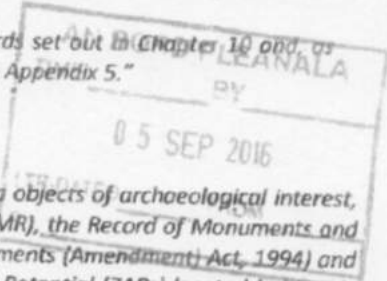
"It is the policy of the Council to ensure the protection of the visual amenity, landscape quality and character of designated Primary and Secondary Amenity Areas. Developments which would have an adverse material impact on the visual amenities of the area will not be permitted. New development shall have regard to the following:

a) Developments should avoid visually prominent locations and be designed to use existing topography to minimise adverse visual impact on the character of primary and secondary amenity areas.

b) Buildings and structures shall ensure that the development integrates with the landscape through careful use of scale, form, finishes and colour.

c) Existing landscape features, including trees, hedgerows and distinctive boundary treatment shall be protected and integrated into the design proposal.

d) Developments shall comply with the development standards set out in Chapter 16 and, as appropriate, the Rural Housing Design Guidelines contained in Appendix 5."



Policy LH16: Archaeology and Cultural Heritage

"It is the policy of the Council to safeguard sites, features and objects of archaeological interest, including monuments on the Sites and Monuments Record (SMR), the Record of Monuments and Places (as established under Section 12 of the National Monuments (Amendment) Act, 1994) and archaeological remains found within Zones of Archaeological Potential (ZAPs) located in historic towns and other urban and rural areas. In safeguarding such features of archaeological interest, the Council will seek to secure the preservation (i.e. preservation in situ or in exceptional circumstances preservation by record) and will have regard to the advice and recommendation of the Department of Arts, Heritage and the Gaeltacht.

Where developments, due to their location, size or nature, may have implications for archaeological heritage, the Council may require archaeological assessment to be carried out. This may include for a requirement for a detailed Visual Impact Assessment of the proposal and how it will impact on the character or setting of adjoining archaeological features. Such developments include those that are located at or close to an archaeological monument or site, those that are extensive in terms of area (1/2 ha or more) or length (1 kilometre or more), those that may impact the underwater environment and developments that require an Environmental Impact Statement."

In terms of this reason for refusal then which is grounded in two specific development plan policies, the potential visual impact of the development must be considered from two perspectives; firstly the Landscape Character Visual Impact on the general landscape character of the area and secondly the Archaeological / Cultural Heritage Visual Impact.

2.1 Landscape Character Visual Impact and Provisions of Policy LH2

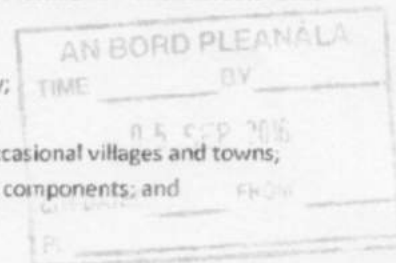
The report of the Planning Officer of Tipperary County Council dated 03.08.16 describes the assessment of the planning authority with regard to Landscape Visual Impact. The report states as follows:

"The site includes Carrigadoon Hill and Curraghadobbin Hill which is located on an upland range extending east from the southern side of Slievenamon. I consider the subject area to be [sic] represent undulating to hilly farmland in character, as understood by the Planning Guidelines – Wind Farm Development published in June 2006, by the Department of Environment Heritage and Local Government (DoEHLG) (see pages 36-37). I consider the proposed development would significantly and adversely alter the existing landscape character and the full extent of same would be particularly visible from the public roadways immediate to the site and from lands to the west, south and east for a substantial distance".

2.1.1 Windfarm Development Planning Guidelines

The Windfarm Development Planning Guidelines identify six landscape character types which are considered to represent most situations, of which one is 'hilly and flat farmland'. The characteristics of this landscape are:

- Intensively managed farmland, whether flat, undulating or hilly;
- A patchwork of fields delineated by hedgerows varying in size;
- Farmsteads and houses are scattered throughout, as well as occasional villages and towns;
- Roads, and telegraph and power lines and poles are significant components; and
- A working and inhabited landscape type.



We note that the guidelines acknowledge that hilly and flat farmland type landscape is usually not highly sensitive in terms of scenery. It does note however that due regard must be given to houses, farmsteads and centres of population.

With reference to the proposed development and its site context, we agree that these characteristics do describe the area including and surrounding Curraghadobbin and Carrigadoon Hills in general, though it is noted that the site of the proposed wind turbines itself comprises intensively managed forestry rather than intensively managed farmland. Otherwise this would represent the general landscape into which the proposed development will sit.

The siting and design guidance for hilly and flat farmland as provided in the Guidelines encourage the location of turbines on ridges or plateaux to maximise exposure and ensure adequate distance from dwellings. They also note that elevated locations are more likely to achieve optimum aesthetic effect. The proposed development at Curraghadobbin and Carrigadoon Hills has been laid out with the turbines located on elevated positions on the hills and at suitable distances from dwellings. The turbines however are not positioned at the ridges or highest points of the hills which serves to set them into the landscape, as indeed does their location within an area of forestry. This approach also has cognisance to the fact that the lands are designated secondary amenity area.

Thus, the Planning Guidelines encourage exposure and elevated positions for wind energy developments within hilly and flat farmland. Such locations would of course result in visible turbines

from the wider area, so on this basis the Guidelines clearly acknowledge that visibility is not inconsistent with this landscape type.

While the Planning Officers report referred to the Guidelines, it does not appear to take cognisance of these particular provisions and indeed appears to conclude that by reason of the development being visible from roadways and surrounding lands that it would 'significantly and adversely alter the existing landscape character'. This assessment of the Planning Authority then appears to conflict with the Planning Guidelines.

2.1.2 Criteria for Consideration under Policy LH2

With specific reference to policy LH2 we note that it requires new development to have regard to a number of criteria. These are now considered hereunder with reference to the proposed development which is located within a secondary amenity area.

a) Developments should avoid visually prominent locations and be designed to use existing topography to minimise adverse visual impact on the character of primary and secondary amenity areas.

The development site is located within an area designated as both 'open for consideration' for wind energy development and secondary amenity area. It is reasonable to assume therefore that wind energy developments under the provisions of the County Development Plan are not in principle inconsistent with, or in conflict with, a secondary amenity area designation. Within the context then of a proposal for a wind energy development on lands designated as both 'open for consideration' for wind farms and designated secondary amenity area, the approach adopted for the layout of the windfarm has been to locate the turbines at lower elevations to the top of the hills. This approach seeks to sit the turbines into the site and thereby to minimise the visual impact of this type of development within the landscape.

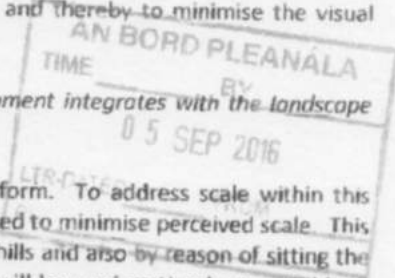
b) Buildings and structures shall ensure that the development integrates with the landscape through careful use of scale, form, finishes and colour.

By their nature a wind turbine has a particular scale and form. To address scale within this context the proposed turbine siting approach has been adopted to minimise perceived scale. This is achieved through positioning at specific elevations on the hills and also by reason of sitting the turbines into existing woodland. The colour of the turbines will be semi-matt pale grey to blend with the skyline background, minimising visual impact and to sit comfortably within this landscape and with reference to Irish climatic conditions.

c) Existing landscape features, including trees, hedgerows and distinctive boundary treatment shall be protected and integrated into the design proposal.

The immediate landscape features of the subject site are dominated by forestry cover. The proposed development will require some forestry clearance for roads and turbine locations it is noted that tree felling is in any case a natural occurrence of forestry. Replanting of trees will also be undertaken in appropriate areas following completion of the construction works.

d) Developments shall comply with the development standards set out in Chapter 10 and, as appropriate, the Rural Housing Design Guidelines contained in Appendix 5."



Reason for refusal No. 4 identified the detailed design of the two access points as not complying with the provisions of Chapter 10. This matter has now been addressed by way of a revised design proposal which is discussed in more detail below. Other requirements of Chapter 10 are provided for in the proposed development proposals and development application.

2.1.2 Conclusion in respect of Landscape Visual Impact and Policy LH2

With reference to both the Wind Energy Planning Guidelines then and the various provisions of the County Development Plan we respectfully submit that the proposed development complies with policy LH2.

The further discussion of the planning authority with respect to impact on Landscape Visual Impact is not confined to Landscape Visual Impact but introduces the matter of Archaeological / Cultural Heritage Visual Impact. It states as follows:

"Section 10.4.2 of the EIS discusses the visual impact arising from the development and assesses the impact from the 12 no. photomontage viewpoints. In discussing the visual impact of the turbines the EIS continually refers to the integrity and unity of the existing landscape in the area as having been altered and compromised, primarily by coniferous planting. While I acknowledge the impact such planting can have on an areas character I fail to see how same has compromised the integrity and unity of the traditional landscape in the area, which is characterised by a clear inter-relationship between landscape and archaeological heritage. This is evident with the existence of hillforts on top of Carrigadoon and Curraghadobbin, the relationship between these hills and Knockroe and the alignment relationship between Knockroe, Baunfree and Slievenamon."

In attempting to assess the specific provisions of LH2 and LH16 in a distinct and concise manner, we have considered this assessment of the Planning Authority firstly in the context of LH2 and the secondary landscape amenity designation of the site only. In this regard and with reference to Landscape Visual Assessment only, the Planning Authority appears to accept that the presence of coniferous planting on the site has already altered and compromised its character. The Landscape and Visual Impact Assessment contained within the EIS has therefore appropriately referred to the presence of forestry on the site as this is an integral element of the current landscape character and of many of the views of Carrigadoon and Curraghadobbin Hills. In terms of Landscape Visual Impact and the setting of the proposed development at the subject site, the archaeological heritage sites referred to in the extract of the Planning Officers report above do not form or read as defining features within the overall landscape. The hillfort remains on Carrigadoon and Curraghadobbin Hills are not visible within the landscape. These site remains are currently surrounded by forestry. The archaeological features at Knockroe, Baunfree and Slievenamon similarly do not present as notable landscape features within wide views of the subject site. In terms of Landscape Visual Impact specifically then and with reference to the Wind Energy guidelines for Planning Authorities and with reference to the assessment and findings of the Landscape and Visual Impact Assessment provided in the EIS we respectfully submit that the proposed development will not result in any significant adverse Landscape Visual Impact and that it can be appropriately accommodated within this general landscape type. On this basis we reject the first element of Reason for Refusal No. 1 that the proposed development would be contrary to the provisions of LH2.





2.2 Cultural Heritage Visual Impact

We recognise however that the issue of views from these archaeological features and the visual settings of these features is in its own right of importance and must be considered for this development proposal. This aspect of the proposal and its consideration is guided by policy LH16 as quoted above.

Policy LH16 has two strands to it. The first relates primarily to direct or physical impact on features of archaeological interest. The second to the visual impact of the development on the character or setting or adjoining archaeological features. Reason for Refusal No. 1 relates to the second strand of this policy only. We therefore address this aspect hereunder, but please note that the first strand is also addressed with reference to Reason No. 3 below.

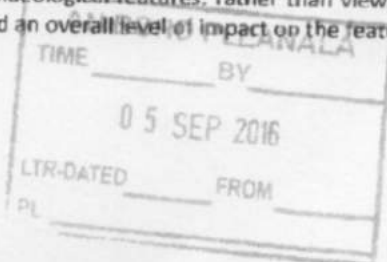
The relevant provisions of Policy LH16 then with reference to reason or refusal no. 1 are how the development will visually impact on the character or setting of adjoining archaeological features, and having regard to the advice and recommendations of the Department of Arts, Heritage and the Gaeltacht.

2.2.1 Impact on Character or Setting of Adjoining Archaeological Features

The EIS submitted with the application identifies a number of archaeological features, the settings of which may be moderately to significantly or significantly impacted upon by reason of the proposed development. In all cases these impacts on setting identified relate to 'views from' the archaeological features towards or across the subject site, rather than the 'setting of views of the monuments' themselves from nearby surrounding areas. This is an important distinction to make and should be given due regard in the overall assessment of this development, by An Bord Pleanála.

With reference to setting in the context of 'views of' the monuments of archaeological interest, obviously depending on the specific viewer location of the feature the proposed development may or may not be visible in the background. The key sites of interest which may be impacted in this regard are Knockroe Passage Tomb, Baunfree Passage tomb, Kilkieran High Crosses and Kilcash Castle and Church. In views focussed on these sites and including the subject site within the background viewshed, the proposed development will appear as a new development within the overall landscape backdrop. Given the distances between the proposed windfarm site and these archaeological sites the proposed turbines will be visible within a wider landscape view in the middle or far distance rather than the near or immediate distance. This aspect of impact on setting of archaeological features has not been identified within the EIS as being of significant impact. Furthermore, many views of these features will be from other directions or locations and will not have the subject site as part of the landscape backdrop.

The EIS does note that the setting of archaeological features in terms of the views 'from' the particular site towards or across the windfarm site may have moderate to significant or significant impact. While we discuss these specific items below it is important to again reiterate that the identified moderate to significant and significant impacts relate specifically to the impact on views out from the archaeological features, rather than views towards or focussed on the archaeological features or indeed an overall level of impact on the features in terms of the entirety of their value.



The particular features as identified in the EIS as having possible moderate to significant impact in terms of 'views from' were also identified by the NPWS which is of relevance to our overall consideration of compliance with Policy LH16. These are:

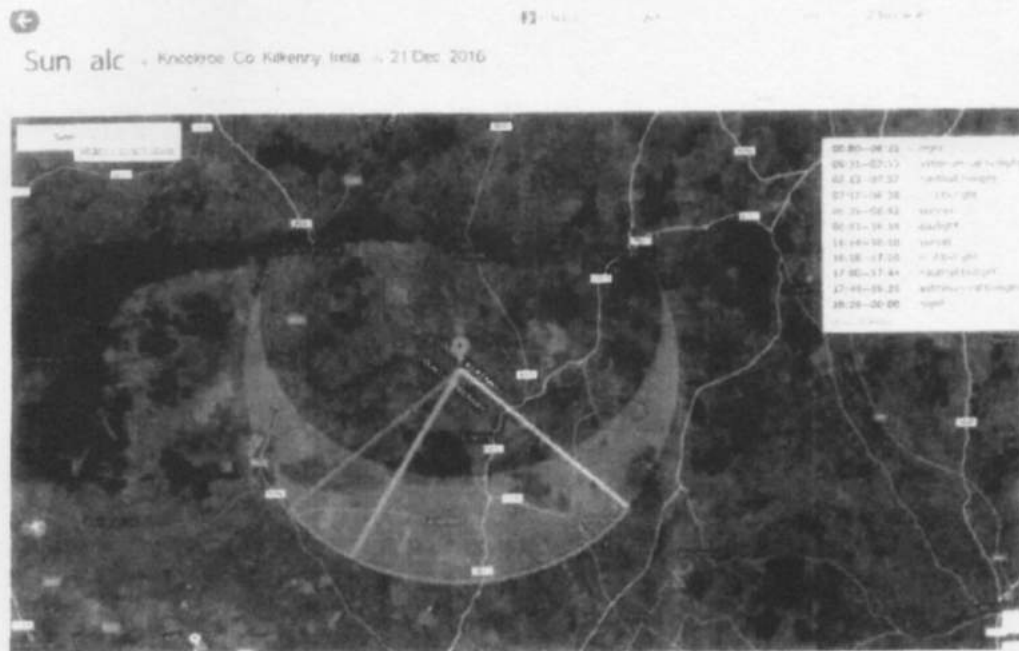
- Knockroe Passage Tomb,
- Baunfree Passage Tomb,
- Kilkieran High Crosses, and
- Kilcash Castle and Church.

Knockroe Passage Tomb

View No. 4 of the Photomontages presented in the application is representative of the view from Knockroe Passage tomb. The view is taken from the public road adjacent to the archaeological site. The turbines appear in view over the hills but their impact is mitigated by virtue of the fact that they are located below the ridge / peak levels on the opposite side of the hill.

The report of the DAHRRGA discusses the impact of the proposed development on the views from Knockroe. It notes that the monument is aligned at the point where the sun sets during the winter solstice on the ridge between Curraghadobbin and Carrigadoon Hills, and states that any large structure on the horizon in the vicinity of Knockroe will have a serious visual impact on the monument and its alignment. The DAHRRGA report notes that "no assessment has been made as to whether the actual location of the turbines themselves will affect the point at which the sun sets at the time of the solstice"

In this regard please see below screengrab showing the sun alignments viewed from Knockroe on 21st December 2016. The sunset line is identified in orange for the period 16.14 to 16.18.



In this regard Turbines 1 and 2 will be located close to the sunpath around the time of solstice sunset. It should be noted however that the turbines are slender features and will not block the sun. The other turbines proposed do not sit within this sunpath line and will not affect the line of sun at winter solstice sunset. It is also proposed that all turbines would be turned off at sunset time on this day.

Baunfree Passage Tomb

This Neolithic tomb has a recorded alignment towards a cairn monument on top of Slievenamon to the west and this sight-line also extends across the proposed development site. In this regard the impact on the view from Baunfree Passage tomb to Slievenamon is identified in the EIS as significant. It should be noted however that views of Slievenamon will remain visible albeit altered. It is also worth noting that the distance between Baunfree Passage Tomb and the Cairn on Slievenamon is approx. 12.5km and in this regard the features themselves are not visible with the naked eye at this distance.

Kilkieran High Crosses

The proposed turbines will be visible from the Kilkieran high crosses, which are located in a graveyard 1.5km to the east of the site. The proposed wind development will be visible from the high crosses and in this regard the EIS identifies the visual intrusion on the setting in terms of views from the Kilkieran high crosses as a moderate to significant negative visual impact.

The Board should note however while the impact in terms of visibility from the high crosses is rated as moderate to significant negative visual impact, this particular view is not part of a historic view alignment connecting to other monuments or sites.

Kilcash Castle and Church

The southern slopes of both hillsides are also visible from Kilcash Castle and Church located 4km to the west. The EIS identifies that visual intrusion on the setting of these monuments in terms of views from them will be considered to be a moderate to significant negative visual impact.

As is the case for the Kilkieran High Crosses however, the Board should note that while the impact in terms of visibility from the high crosses is rated as moderate to significant negative visual impact, this particular view is not part of a historic view alignment connecting to other monuments or sites.

Having regard to the foregoing then, it is acknowledged that the proposed development has potential for moderate to significant and significant impact on the setting of a number of archaeological sites in the area, predominantly in terms of views out from these features, rather than views of the monuments themselves per se. In terms of the implications of these specific impacts on a Cultural Heritage Visual Impact however, the actual existing level of visual interconnectedness of these sites and indeed the degree of their combined visibility within a wider landscape view must also be considered as a baseline condition before considering the impacts thereon. In this regard, while there is an historic visual alignment between Baunfree Passage Tomb and Slievenamon Cairn and to the winter solstice setting sun from Knockroe, all of these features do not sit within or appear as visible within a single wide landscape view. The distances between the various sites also means that they are not visible to the naked eye within many longer distance landscape views.

In this regard, we would request that An Bord Pleanála in its assessment and consideration of Reason for Refusal No. 1 bears in mind the specific focus of the negative setting impacts identified in terms of views out from various archaeological sites and bears in mind the current level of visibility of these sites within wider landscape views.



3.0 Reason No. 2

Reason for refusal No. 2 states as follows:

"Policy ED 8 (Equine Industry) of the South Tipperary County Development Plan 2009, as varied, states that it is the policy of the Council, where new developments are proposed, to balance the need for rural based activity, with the need to protect, promote and enhance the viability and environmental quality of existing equine operations and high quality agricultural land. The application site is located in an area of importance for the bloodstock industry and in proximity to a number of established horse training and breeding businesses. It is considered that a development of the nature and scale proposed would be incompatible with the existing equine related activities in the vicinity and would be prejudicial to the viability of the equine industry in this area (including undermining confidence therein). It is considered that the proposed development would, therefore, be contrary to the Policy ED8 (Equine Industry) of South Tipperary County Development Plan 2009, as varied and to the proper planning and sustainable development of the area."

As reason for refusal No. 2 is grounded in Policy ED8 of the County Development Plan, it is important at the outset to consider the scope and meaning of the policy. In this regard, the policy as stated in the Plan is as follows:

"It is the policy of the Council, where new developments are proposed, to balance the need for rural based activity, with the need to protect, promote and enhance the viability and environmental quality of existing equine operations and high quality agricultural land."

The policy then seeks to achieve a 'balance' between rural based activity and the need to protect the 'viability' and 'environmental quality' of 'existing' equine operations. The policy seeks to achieve balance. It does not give priority to the needs of the equine industry over other rural based activities. It also relates specifically to the 'viability' and 'environmental quality' of 'existing' operations, and not some future potential equine operations.

The closest existing equine establishments within the immediate vicinity of the proposed wind farm are to the north of Carrigadoon Hill and to the south of Curraghadobbin Hill, just to the southeast of the new proposed access point to Curraghadobbin Hill.

As noted in the EIS submitted with this application, wind farm development could potentially have impacts with respect to noise during the construction period with respect to the equine industry. According to the British Horse Society 'Advice Note on Wind Turbines and Horses - Guidance for Planners and Developers' (see Appendix 4.1 of the EIS submitted with the application), it is recommended that separation distances of 200m or three times blade tip height (378m in this instance) or whichever is greater should be provided between wind turbines and any route used by horses or a business with horses. With reference to the specific proposals at the site, the closest equine horse gallop to the site is located in Raheens to the north west of the site and is located over 750m from the nearest wind turbine (T1). Therefore no significant impacts are likely in this regard. There is also a stud facility located to the south of Curraghadobbin Hill but this is further removed from the proposed turbines at a distance of approx. 1km from the closest turbine.



There are no other potential impacts to 'environmental quality' aspects identified with potential to impact on existing equine operations.

We note that this matter was discussed in further detail in the Tipperary County Council Planning Officers report dated 03.08.16. In the report the Planning Officer notes that there was a high concentration of equine enterprise in the area and that a number of third party submissions received in relation to the application referred to potential impacts due to spooking of horses and associated safety concerns. The planning officer however concluded that he/she was "not satisfied given the proximity of the turbine to the equine enterprises identified that the development, in itself, would cause horses to spook".

We would concur with this assessment, and are unaware of any robust evidence that wind turbines have an impact on horses. Turbine blades do not make sudden movements or generate bursts of noise which may give rise to visual or aural stimuli that would startle a horse. It is also noted that horses have a demonstrated capacity to acclimatise to noise and unusual events, as shown by reason of horses travelling from Ireland by road to race meetings in the UK for example. In terms of potential construction related noise, it is considered that rural areas already contain a range of comparable noise sources which are usually located close to equine facilities such as traffic noise or noise from agricultural machinery.

In further discussion of this matter the Planning Officers report states that he/she considers:

"there is a tangible relationship between the viability of the equine industry and the quality of the environment in which same is located and I accept that damage to the environment (whether perceived or real) may impact on the industry. The issue here, as I see it, is whether the wind turbine would damage the visual amenity or landscape character of the area to such a degree that would impact on investment in the equine industry. The matter of impact on the landscape was discussed earlier in this report where it was considered that same would have a negative impact on the landscape character of the area. The development therefore has the potential to impact negatively on the equine industry at this location."

Thus the aspect of 'environmental quality' which the Planning Authority considers to have impact on the viability of the equine industry is impact on the visual character of the area. As noted above however, we do not agree that the proposed development is incompatible with this landscape type. While we of course acknowledge that the turbines will be visible and will represent a change in the landscape, this is also of course ever the case for any wind energy development within any landscape character area. The Landscape and Visual Impact Assessment submitted as part of the EIS considered that while the wind farm would introduce a change to the landscape, given its particular landscape characteristics that it could be absorbed. In this context we also do not consider that such a change in the landscape could give rise to significant indirect adverse impacts on equine operations.

The discussion in the Planning Officers report quoted above questions how potential damage to the visual amenity or landscape character of the area could impact "on investment in the equine industry". While it is not completely clear, this would appear to suggest that the concerns of the Planning Authority relate to potential future new investment in equine related industry in the area rather than concern over existing equine operations only. In this regard, we would remind the Board that policy ED8 on which Reason for Refusal No. 2 is based, relates to viability and environmental quality of 'existing' equine operations.

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In any case however, even in terms of potential future new equine investment there appears to be a suggestion in this reason for refusal that the equine industry is incompatible with visibility of wind turbines and that it is reliant on landscapes of secondary amenity value or indeed of cultural heritage value. With reference to this particular issue of potential impact of a wind energy development on the equine industry in general, and of particular relevance to the context of the current development we refer the Board to a recent application for a wind energy development application by North Meath Wind Farm Ltd, c/o Element Power Ltd. in County Meath which was the subject of a Strategic Infrastructure Development application to An Bord Pleanála (Ref. 17. PA0038). This application was for the development of 46 turbines each up to 169m in height. In that case a number of submissions were received by The Board from a significant number of horse trainers in the vicinity of the site and the wider county, suggesting that there would be a negative economic impact on the bloodstock industry which would have significant adverse impacts for Ireland. There were submissions suggesting that this would arise from the mere perception of horse owners that the proximity of turbines lessened the utility of an equine facility. In discussing this matter in his report, the An Bord Pleanála Inspector stated as follows:

"The submissions from several of the observers stressed the economic value of the bloodstock industry to the area and the country, and the importance of maintaining a perception of a quality environment in the eyes of horse owners to protect that economic value. However I would advise the board that it would be more appropriate for a competent authority under the EIA and planning regimes to address the issue on the basis of evidence and rationality with regard to environmental impacts, rather than following an approach based on unsupportable anxieties."

We note also that in terms of direct potential impact from turbines on horses, the Inspector stated that,

"Wind turbines do not move in a sudden or irregular manner and for this reason they do not give rise to impulsive or startling noises or visual effects. The impact of the proposed development on flight animals such as horses from noise and movement is therefore likely to be less than that which would result from the use of agricultural machinery or vehicles that already occurs in the area."

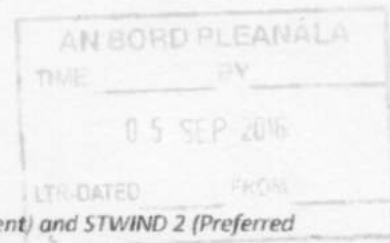
While the application for the development in County Meath was ultimately refused by the Board we note that it did not include any reasons relating either to direct impacts on horses or to the perceptions of the equine industry in general.

For all of the reasons outlined above then we request that An Bord Pleanála disregard Reason for Refusal No. 2.

4.0 Reason No. 3

Reason for refusal No. 3 states as follows:

"Policy STWIND 1 (General Policy Statement on Wind Energy Development) and STWIND 2 (Preferred Areas for Wind Energy Development) of the Sough Tipperary County Development Plan 2009, as varied, state (in summary) that it is the policy of the Council to support wind energy development at appropriate locations within the county. Having regard to:



- *The lack of site specific data regarding the available wind resource at this site,*
- *The absence of an adequate assessment in the submitted environmental Impact Assessment of the inter-relationship between the visual amenity impact, landscape impact and archaeological/cultural heritage impacts of the development and,*
- *The significant adverse impacts that the proposed development would have on archaeology and cultural heritage of this area and on landscape and visual amenity,*

it has not been demonstrated to the satisfaction of the Planning Authority that the development is justifiable at this location and that environmental impacts associated with the proposed development are low. The proposed development is therefore contrary to Policy STWIND 1 (General Policy Statement on Wind Energy Development) and STWIND 2 (Preferred Areas for Wind Energy Development) of the South Tipperary County Development Plan 2009, as varied, and to the proper planning and sustainable development of the area."

As this Reason for Refusal is grounded in two policies of the Development Plan, for clarity we set out each of these policies hereunder.

STWIND1 states that,

"It is the policy of the Council to support, in principle and in appropriate locations, the development of wind energy resources in South Tipperary. The Council recognises that there is a need to promote the development of 'green electricity' resources and to reduce fossil fuel dependency and green house gas emissions in order to address the global issue of climate change, and to comply with European and international policies with regards to renewable and sustainable energy resources. It will be an objective of the Council to ensure the security of energy supply by accommodating the development of wind energy resources in appropriate areas in the County."

STWIND2 states as follows:

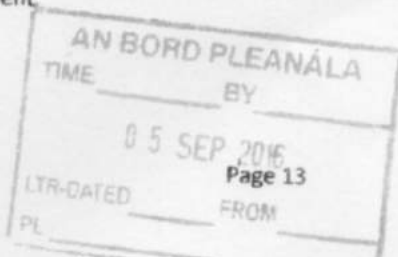
It is the policy of the Council to ensure that wind energy development shall only be permitted in the areas identified on the associated wind energy maps:

***Preferred Areas** – wind energy development in these areas shall generally be considered to be acceptable in principle, subject to proper planning and sustainable development, and the guidelines set out in this policy document.*

***Areas Open for Consideration** – wind energy development in these areas may or may not be appropriate, depending on the character of the landscape and the potential impact of the proposed development. Any impact on the environment must be low and subject to proper planning and sustainable development, and the guidelines set out in this policy document.*

***Unsuitable Areas** – wind energy development in these areas is not permitted. These areas either have a special or unique landscape character, and the main objective is conservation."*

Taking these two policies together then, as they relate to the proposed development and the subject site, wind energy in the first instance is supported in principle 'in appropriate locations' and secondly in 'Areas Open for Consideration' (which is the case with the subject site), wind energy may or may not be considered appropriate depending on the character of the landscape and the potential impact of the development.





Reason for refusal No. 3 questions the suitability of the site and accordingly its compliance with policies STWIND1 and STWIND2 on three grounds. We refer to each of these separately hereunder.

Lack Of Site Specific Data Regarding The Available Wind Resource At This Site

As noted in the Planning Report submitted with the planning application, the Applicant has recorded wind data at the site for a year and half and also has obtained wind data from previous recordings undertaken on lands to the north with a similar wind profile for 16 months in 2006 and 2007. On this basis the applicant is satisfied that suitable wind conditions are available at the subject site to warrant the substantial investment to be made and that it is a viable economic proposal.

In the event that the Board requires more detailed information on the findings of the wind data recordings, we now enclose with this appeal submission further information on the wind recordings undertaken at the site.

Absence of an adequate assessment in the submitted environmental Impact Assessment of the inter-relationship between the visual amenity impact, landscape impact and archaeological/cultural heritage impacts of the development

The EIS submitted contained a consideration of the inter-relationships between these aspects in a number of places. Within the Archaeological and Cultural Heritage assessment, consideration was not given only to direct impacts on sites or features but also to their settings in terms of visual impact. The Landscape and Visual Impact assessment in turn identified the contribution of items of archaeological significance to the overall landscape as appropriate. Finally the EIS noted and identified a potential interaction between human beings, cultural heritage and Landscape visual impact.

The significant adverse impacts that the proposed development would have on archaeology and cultural heritage of this area and on landscape and visual amenity

We have already addressed matters relating to impact on the visual setting aspects of archaeology and cultural heritage above. As regards direct impacts on archaeology the site layout has been designed to avoid all known archaeological features on the site and to provide buffer zones around same to address possible unknown subsurface remains associated with same. We note that the DAHRRGA also questions the setting of these monuments stating that they will be compromised. In this regard, it is important for the Board to note the current settings of these monuments are defined by surrounding forestry. These settings will not be altered by the proposed development. With reference to any other unknown archaeological remains that may exist in the site, protocols for development works are included as mitigation measures to ensure any such features are dealt with appropriately and in consultation with DAHRRGA.

With reference to the foregoing then we respectfully submit that the proposed development does not conflict with STWIND1 or STWIND2 as suggested in Reason No. 3.

14 SEP 2015
TR DATE: 1501



5.0 Reason No. 4

Reason for Refusal No. 4 states as follows:

"Policy DM 1 (Development Standards) of the South Tipperary County Development Plan 2009, as varied, states that it is a policy of the Council to require development to comply with the relevant standards identified in Chapter 10. Table 10.1 sets out the sightline requirements for new development. Having regard to the failure of the applicant to demonstrate that adequate sight lines and forward stopping sight distances can be achieved at the proposed entrances onto the L20601-2 and the L2606-0, and the precedent that a grant of permission for the proposed development would create for other, similar developments in the vicinity it is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development is therefore considered to be contrary to Policy DM 1 (Development Standards) of the South Tipperary County Development Plan 2009, as varied, and contrary to the proper planning and sustainable development of the area."

Table 10.1 of the County Development Plan is as follows:

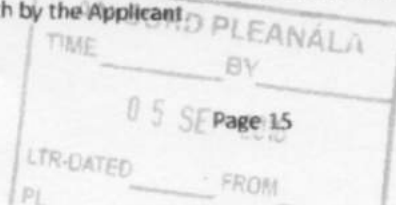
Type of Road	Minimum 'Y' Distance
Roads with 100 Km/h Speed Limits	215 m
Regional Roads	160 m
Local Roads Greater than 4.25m wide	90m
Local Roads 4.25m or less and all local tertiary roads	70m

The application as submitted identified sightlines of 70m from a 2m setback at the proposed entrances to the site.

We note that the District Engineers report of Tipperary County Council in its consideration of the application stated that 90m sightlines from a 4.5m setback were required for the entrance at Curraghadobbin and 70m sightlines were required from a 4.5m set back at the Newtown Upper entrance.

On this basis we now submit revised drawings of both entrances showing a 90m setback at 4.5m from the Curraghadobbin entrance and 70m at 4.5m setback from the Newtown Upper entrance. These are Drwg Nos. MCE0760/PL2033 Rev A03 and MCE0760/PL2034 Rev A03.

The entrance point at Curraghadobbin has been moved slightly eastwards. The area of land which is affected and in which some hedgerow removal is required is in the ownership of Mr. Gerard Brett who has entered into an agreement with the Applicant and who has consented to the making of this application and to the use of his land for the purposes of providing an access point. The area of the development application has extended slightly to accommodate this revision. The revised proposals then can be complied with by the Applicant.





Any necessary works within the 70m sightline at 4.5m set back affects lands only within the ownership of Coillte which is the owner of the majority of the overall wind farm lands and which has an agreement with the Applicant and provided the appropriate letter of consent with the application. This revised proposal then can be complied with by the Applicant.

No other concerns in relation to the safety of these access points was raised in the Planning Officers report or the reason for refusal. On the basis of these proposed changes then we request that An Bord Pleanala disregard the Reason for Refusal No. 4 and condition that the junctions be constructed in accordance with these revised design details.

6.0 Conclusion

Having regard to all of the foregoing, it is our submission that the reasons for refusal issued by Tipperary County Council should be disregarded and we request that An Bord Pleanala grant permission for this renewable energy project which is identified in principle as a use open for consideration at the subject site and which development types are supported in principle by Tipperary County Council.

Yours faithfully,

Maria Lombard

