

Planning Department,
Kilkenny County Council,
County Hall,
John Street,
Kilkenny,
Co. Kilkenny

9 March 2021

RE: Draft Kilkenny City and County Development Plan 2021-2027

Dear Sir/Madam

This submission is made on behalf of Whisperview Trading and Carriganog Racing, Carriganog, Owing Hill, Piltown, County Kilkenny, in response to Kilkenny County Council's notice pursuant to Section 12(1)(b) of the Planning and Development Acts 2000 (as amended), inviting submissions to the Draft Kilkenny City and County Development Plan 2021-2027 (the Draft Plan).

1. OVERVIEW – PROPOSED AMENDMENT: WIND ENERGY DEVELOPMENT STRATEGY 2021 (APPENDIX K)

This submission relates to the part of the county referred to as the Lingaun Valley, located to the south-west of the County. The Lingaun River which rises on the slopes of Slievenamon Mountain in County Tipperary flows through the valley forming the boundary between Tipperary and Kilkenny. Slievenamon Mountain and the Lingaun Valley provide a distinctive and dramatic setting with scenic views from both the peaks and the surrounding landscape. The area is rich in archaeological features, influenced by the landscape and visual links between monuments. A particular feature of this landscape is the extensive areas of natural and unspoilt topography which remain untouched by modern development. The flatlands of the Lingaun Valley are characterised by better quality grazing lands, much of which have been laid out as pasture to serve the surrounding equine industry.

Our Clients operate a number of significant equine facilities in the area which is generally characterised by a high concentration of strategically important thoroughbred breeding and racing establishments. The equine industry is of critical and systemic importance to the local rural economy and social structure, the wider County and national economies, and the international profile of Ireland as a world leader in breeding and training. Our Clients business's alone provides close to 200 direct jobs in the small rural area surrounding the Lingaun Valley.

Lingaun Valley is extremely sensitive to environmental change due to the high concentration of equine facilities. The potential for encroachment of energy developments, and particularly wind energy, into areas accommodating a high concentration of equine facilities has significant potential to impact on the ongoing operation of these establishments, and to compromise and damage the perception and reputation of the area as an international centre of excellence for breeding and training.

This submission strongly opposes the designation of the area which encloses the Lingaun River Valley to the east as an area within which wind energy will be 'acceptable in principle'. This area is designated as 'unsuitable' for wind farm development in the current Kilkenny County Development 2014-2020 due to its rich archaeological heritage and its relationship with Slievenamon.

This submission requests that the current 'unsuitable' status (not normally permissible under the Draft Plan) is reinstated in the Draft Development Plan, and that the area designated as unsuitable for wind farm development is further extended westwards to the County boundary, including the lower ridges of the Lingaun River Valley. It is considered that these amendments are appropriate given the extended area's intrinsic relationship with Slievenamon Mountain, the exceptional value of the surrounding landscape, and established land uses, including equine.

1.1 Proposed Amendments

Accordingly, this submission proposes the following amendments to the Wind Energy Development Strategy 2021 (as contained in Appendix K), identification of the Lingaun Valley and the enclosing hills as an area in which wind farm development will 'not normally be permissible', and the inclusion of an appropriate policy to protect the equine industry in the County.

PROPOSED AMENDMENT 1: The area comprising the Lingaun River Valley, part of which is identified as 'unsuitable' for wind energy development in the current Development Plan, should be designated as 'not normally permissible' for wind farm development in the Wind Energy Development Strategy 2021 (as contained in Appendix K of the Draft Plan), as identified in Figure 1 below.

PROPOSED AMENDMENT 2: Given the importance of the bloodstock industry nationally, regionally and locally, and the sensitivity of equine facilities to environmental change and impacts, the following policy should be included in the county development plan renewable energy strategy:

All renewable energy within the county, and particularly wind energy developments, shall include a detailed assessment of potential impacts on all equine facilities within a 5 km radius of the application site boundaries. Any proposed development that has the potential to adversely impact the industry or the perception of the industry, will not be permitted.

This amendment is supported by reference to Kilkenny County Council's submission to Tipperary County Council's Development Plan Review in respect of the archaeological and historical significance of the landscape, its relationship with the Slievenamon Mountain and its particular relationship with a high concentration of strategically important equine facilities. (Refer to Section 3.2 below).

The proposed amendments will assist in providing an appropriate level of protection to the high concentration of equine facilities in the area from potential and substantial threats associated with renewable energy developments and in particular wind energy.

The core Breeding and Racing industry is estimated to generate €1.05 billion gross expenditure, which results in economic input of €914m into the Irish economy....'

The industry benefits from enthusiastic support from the Irish public and has become a source of national pride as Ireland is globally renowned for its excellence in breeding and training, with Irish horses and jockeys ranked among the best in the world.

In 2009, President Mary McAleese referred to racing and breeding as *'an industry that puts Ireland on the map right around the world... we are very, very proud of it.... it's a vision for our country to be the best and to keep on being the best'*.

An Ipsos MRBI opinion poll carried out in March 2013 identified enormous public support for the racing industry in Ireland, stating: *'Horse racing is a source of national pride as Ireland is globally renowned for its excellence in breeding and training, with Irish horses and jockeys consistently ranked among the best in the world'*. In the Ipsos MRBI survey, 80% of people 'strongly agreed' or 'agreed' that *'horse racing plays an important role in Irish heritage'* and 78% of people 'strongly agreed' or 'agreed' that they *'feel proud when an Irish horse or jockey wins a big race overseas'*. Similarly, horse racing has ranked second only to rugby as the sport which provides Ireland with the most international prestige.

Ireland has many natural advantages for breeding horses, and it also faces significant disadvantages. It is an extremely competitive global market, and as such Ireland is highly dependent on international investment and confidence. A Report on the Analysis of the Economic Impact of the Irish Thoroughbred Industry, commissioned by the Irish Thoroughbred Breeders' Association, October 2013 (the ITI Report 2013) notes that:

'There are many factors that contribute to foreign investment in the thoroughbred industry in Ireland - our world class expertise, highly skilled professionals, rich biodiversity and soil quality and beautiful, unblemished countryside.'

It is critical that the safe and continued operation of thoroughbred studs, stables and training yards are protected from incompatible and inappropriate forms of development that have the potential to directly affect the operation of the facilities, or give rise to a perception that the operations may be compromised.

2.1 Importance in Rural Employment

The thoroughbred industry is a significant rural employer both directly and indirectly. The ITI Report 2013 notes that:

'Racehorse owners are the key drivers of wider industry economic activity. Their activity supports the direct economic activity of hundreds of breeding and training operations spread throughout the country as well as supporting the indirect economic activity of the off-course betting industry.'

The Report notes that although there are a few notable exceptions which are large scale operations employing hundreds of people, the industry is mainly composed of a large number of small scale operations spread throughout the country. The Report goes on to highlight the importance of the thoroughbred industry to rural economies:

'One of the major advantages of the industry is that it provides significant employment and economic activity in rural areas where there can be a shortage of other employment opportunities.'

The largest concentrations of industry participants are in the counties of Tipperary, Kildare, Cork, Wexford and Meath'.

Similarly, the Deloitte Report notes that the relatively high rural proportion of the Irish population means agriculture is an important employer, with breeding and racing a key part of that. Whilst the industry is spread across the island, there are a number of areas where it is particularly prominent, often providing significant direct and associated employment in rural areas with otherwise high unemployment rates.

In addition to those employed directly in Kilkenny, the thoroughbred industry also provides significant economic activity in ancillary and associated sectors. The industry supports thousands of additional jobs in the provision of auxiliary services to the industry including high quality jobs in feed and bedding suppliers, veterinary services, regulation, farriers, research and development, educational establishments, administration organisations, insurance providers and transportation and further multiplier effects which support to the local economy.

The Draft Development Plan recognises the role and importance of the equine industry and in particular the breeding, rearing and training of thoroughbred horses and seeks to support the improvement and expansion of the equine industry within the county

2.2 Concentration of Equine Facilities

The flatlands to the south of the Slievenamon and the Linguan Valley are characterised by high quality grazing lands. The area benefits from distinctive characteristics including a tranquil rural setting, high quality soils, limestone bedrock and highly mineralised water supply, which combine to provide conditions which are well suited to the equine industry.

There are 357 registered breeders in Kilkenny, the sixth highest nationally, and 34 licenced trainers, also sixth highest, demonstrating the importance of the industry to the county.

Our Clients operate the following facilities, comprising approximately 365 hectares (900 acres), within the area immediately surrounding the Linguan Valley which act as feeder facilities for the Ballydoyle Racing Stables at Rosegreen, Co. Tipperary:

- a) Kilmacoliver, Co. Kilkenny - for the breeding and rearing of thoroughbred foals.
- b) Faugheen, Co. Tipperary - for the breeding and rearing of thoroughbred foals.
- c) Cregg, Co. Tipperary - for the breeding and rearing of thoroughbred stock.
- d) Owing Hill, Piltown, Co. Kilkenny – for the breeding and training of racehorses.
- e) Tullahought, Piltown, Co. Kilkenny – for the breeding, rearing and rehab of racehorses.
- f) Mount Richard Stud, Co. Tipperary – for the breeding and training of thoroughbred stock.

Ballydoyle Racing Stables is internationally renowned as a thoroughbred racehorse nursery of excellence. The primary objective at Ballydoyle is to produce Grade 1 winners and the sires of the future for Coolmore Stud at Fethard, County Tipperary. Coolmore Stud is acknowledged as the world's largest, and arguably best, thoroughbred racehorse breeding operation.

Accordingly, the equine industry in the immediate surrounding area of the Linguan Valley is of critical and systemic importance to the local rural economy as well as the wider County and national economies, and Ireland's international profile as a world leader in breeding and training. Our Clients interests alone in the area provide in the order of 200 direct jobs to the rural economy.

It is critical that this area is protected from unsuitable energy development which have potential to compromise and damage the perception and reputation of the area as an international centre of

excellence for breeding and training.

3 BASIS OF SUBMISSION & REQUESTED AMENDMENTS

As noted, the equine industry is of critical and systemic importance to the local rural economy and social structure, the wider County and national economies, and the international profile of Ireland as a world leader in breeding and training. National and County level policy protect and support the ongoing development of the industry. It is imperative that the operation and perception of the industry is protected from incompatible and inappropriate forms of development that have the potential to impact its safe and efficient operation.

The following proposed amendments will assist in providing an appropriate level of protection to the high concentration of equine facilities in the area from potential and substantial threats associated with renewable energy developments and in particular wind energy proposals.

3.1 Proposed Amendment No. 1

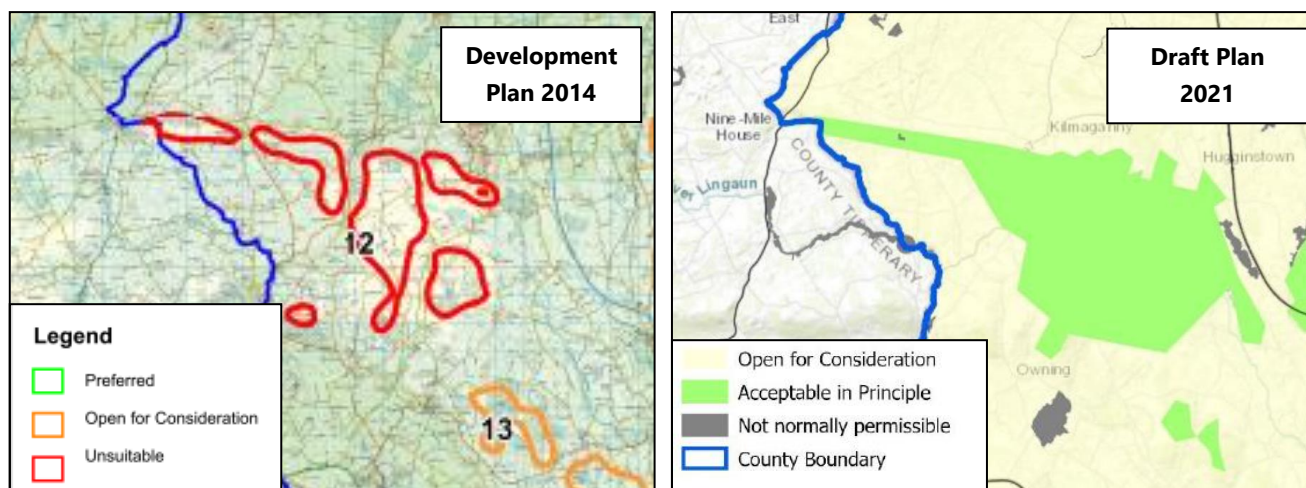
The area comprising the Lingaun River Valley, part of which is identified as 'Unsuitable' for Wind Energy Development in the current Development Plan, should be designated as an 'Area Unsuitable for Wind Energy Development' in Variation 3, as identified in Figure 1

The Lingaun River Valley is characterised by an undulating, rural landscape with a traditional farmland patchwork delineated by mature hedgerows. The wider Valley is enclosed by a rim of hills and Slievenamon, resulting in a relative isolation from the surrounding landscape. The settlement pattern in the area is dispersed and relatively unaffected by modern development. Dwellings in the area are generally traditional farmsteads with associated out-buildings and sheds. There is a high concentration of equine facilities in the immediate vicinity due to the high-quality grazing of the lands associated with the Lingaun Valley.

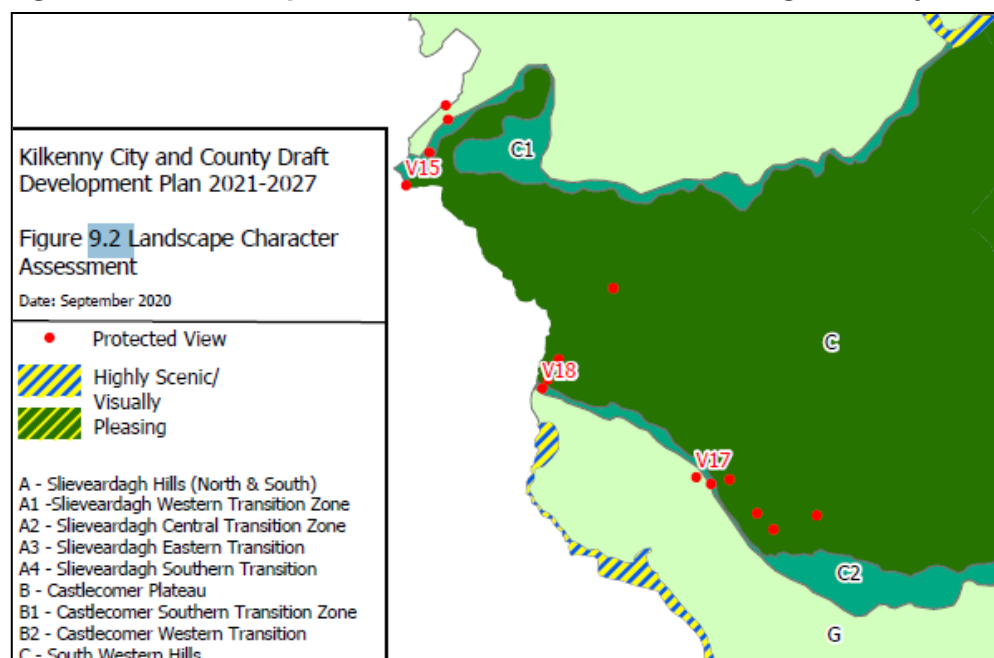
The Kilkenny Landscape Character Assessment 2003 (Appendix C, Kilkenny County Development Plan 2008) notes that terrain to the east of the Lingaun Valley dramatically rises, steeply sloping from the Kilkenny basin and the south Kilkenny lowlands. The area encompasses an undulating landscape of several hills, with primary and secondary ridgelines at an average elevation of approximately 300m above sea level. The elevated nature of the of South Western Uplands provide a defined skyline and significant scenic views.

Under the current Kilkenny County Development Plan 2014, the hills forming the northern and western edge of the Lingaun Valley are identified as unsuitable for wind farm development. The Wind Strategy notes that *'this area is rich in heritage and has a relationship with highly prominent feature of Slievenamon mountain'*. The Wind Strategy references the similar 'unsuitable' designation for the border area in Tipperary. It is considered that the current designation, as unsuitable for wind farm development, is correct and appropriate given landscape sensitivity of the area and its rich archaeological heritage.

However, the Draft Plan designates an area, including the previously 'unsuitable' area, as 'acceptable in principle' for wind farm development. No rationale is provided as to why an area previously considered unsuitable for wind farm development, and which is designated as a priority archaeological landscape in the Draft Development Plan, is now considered an appropriate location for wind farm development.

Figure 2: Current Development Plan and Draft Plan Wind Strategy Designations

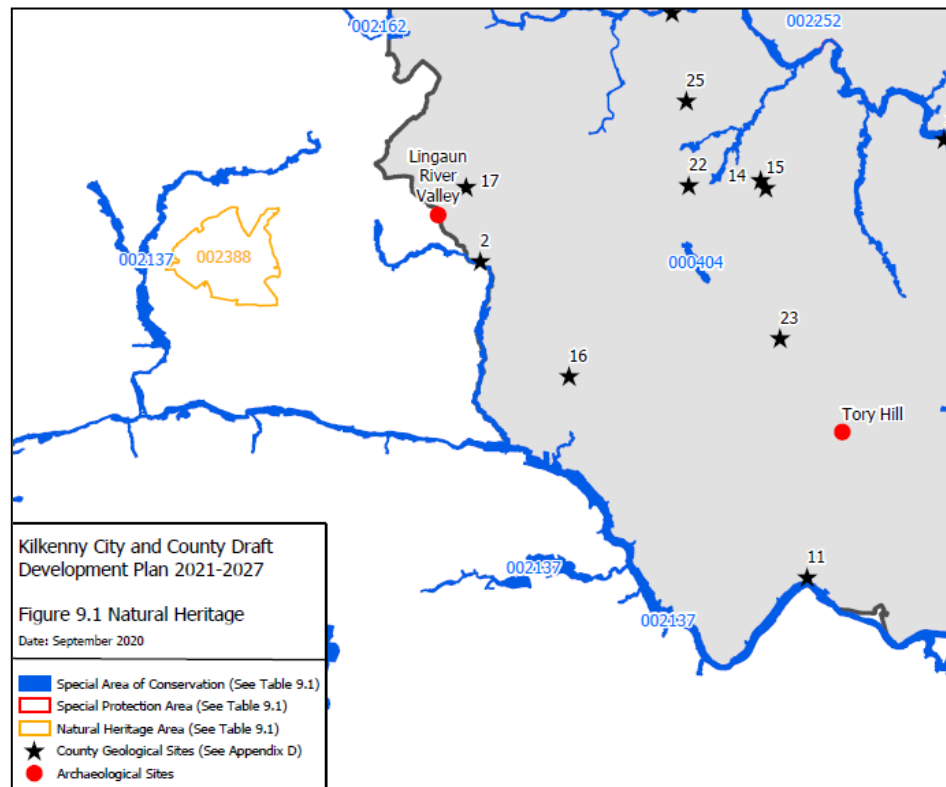
The scenic combination of the dramatic scale of the mountain landscape and the relative intimacy of scale of the enclosed Lingaun Valley, along with the area's rural community resulting a distinct image and sense of place. Consistent with this, the Figure 9.2 of the Draft Development Plan identifies a number of protected views throughout the valley including views west into County Tipperary from the Callan/Clonmel Road N76 (V15); Views south, southwest and west over the Suir valley on Templeorum/Barrabehey Road No. LP 1040 (V17) and views west into County Tipperary on Kilmacoliver/Scough Road No. LS5097 (V18).

Figure 3: Draft Development Plan - Protected Views in the Lingaun Valley

In addition to the traditional, rural settlement pattern, the Valley also includes a number of important archaeological features. The Valley is characterised by a long history of settlement and benefits from a rich cultural heritage. In this respect, Section 9.3.1.1 of the Draft Development Plan identifies the Lingaun River Valley as an **archaeological landscape which has been selected as a priority for**

protection, with specific reference to the megalithic monuments and the relationships between them. The Draft Plan notes the strong visual interconnectedness or sightlines associated with the landscape, which can be sensitive to inappropriate development.

Figure 4: Draft Development Extract Figure 9.1 Natural Heritage



The significance of the Lingaun River Valley, and the sensitivity of the megalithic monuments within it to insensitive development was raised in the Kilkenny County Council submission to Tipperary County Council, in respect of the pre-draft stage of the Tipperary County Development Plan.

The submission acknowledges the significance of a range of archaeological features located within the Lingaun River Valley including the Western Ossory High Crosses, a group of seven high crosses comprising Ahenny, Killamery, Kilree and Kilkieran; Knockroe and Baunfree passage tombs. From prehistoric times the landscape has influenced the siting of these monuments and the visual links between the sites are significant.

The submission makes particular reference to the setting of the passage tomb at Knockroe, the submission notes:

'Knockroe is part of a prehistoric landscape and its setting is fundamental to its importance for the following reasons:

- It lies on the boundary between parishes, counties, provinces, dioceses and the ancient boundary between the Eoghanacht dynasty and the ancient Kingdom of Osraige*
- Its location in the valley of the Lingaun River is deliberate and influenced by the presence of Slievenamon to the west.*
- It is one of a group of tombs located in the region, all of which are aligned with the large mound on the summit of Slievenamon*

- *Knockroe, along with other archaeological sites at Mangan, Co. Tipperary and Frankfort and Baunfree, Co. Kilkenny, from the eastern perimeter of a prehistoric landscape focused on Slievenamon to the west*
- *It is aligned to the rising sun on mid-winter day*
- *The wider context of Knockroe extends to a second cluster of passage tombs located 60 kilometres to the west and flanking the Aherlow River. Both Shrough in the Aherlow Group and Baunfree in the Lingaun Group are aligned directly to the cairn on the summit of Slievenamon*

The submission goes on to state that *'having regard to the significance of the setting of the above archaeological heritage sites and their relationship to additional archaeological sites within Tipperary and with Slievenamon, it is considered that significant developments, such as wind farms, in this area have the potential to have significant negative impact on these protected site and the historic landscapes in which they are sited'* [emphasis added].

The submission requests that the Tipperary Wind Energy Strategy is reviewed to ensure that the protected views, heritage sites and sensitive landscapes of the adjoining areas in County Kilkenny are fully addressed in the development plan policy.

It is requested that the Lingaun River Valley and surrounding hills are afforded the same level of protection as was requested by Kilkenny County Council in its submission on the preparation of the Tipperary Development Plan. As outlined in the submission, the area forms part of a unique, historic, and sacred archaeological landscape which should be afforded the highest level of protection. The draft Wind Energy Strategy fails to acknowledge the significant negative impacts wind farm development would have on the protection of these sites and in particular the relationship between them.

In this respect, it is noted that in recent years a number of wind turbines proposals have been proposed on the Tipperary side of the valley and refused by Tipperary County Council and An Bord Pleanála for reasons relating to the quality of the landscape and impacts on the setting of archaeological and built heritage sites. Under TCC Reg. Ref. 15600699, permission was refused by Tipperary County Council for the development of 1 no. turbine overlooking Knockroe for reasons including:

'The proposed development is located on a site within an elevated and unspoilt upland location in a rural scenic landscape at Curraghadobbin Hill. This landscape forms part of the Slievenamon Mountain Mosaic and 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 a landscape not identified of such development and negatively impact on the nationally significant archaeological and built heritage sites in the wider area of the development'.

A further application for 8 no. turbines was refused by Tipperary County Council under TCC Reg. Ref. 16600552 for reasons including the following:

'The proposed windfarm development is located within an elevated unspoilt upland location in a rural scenic landscape..... 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.....'

An Bord Pleanála upheld the decision to refuse permission citing the following reason:

'Having regard to the cultural and historic significance of the landscape in this area, and the planning history of the site, this designation is considered reasonable and consistent with national policy as set out in the Wind Energy Guidelines issued by the Department of the Environment, Heritage and Local Government in 2006. It is considered that the proposed development, because of its location on a prominent ridge within a nationally important landscape framed by Slievenamon mountain and within sight of a number of historic monuments (including Baunfree and Knockroe passage tombs and early Christian and medieval sites), in addition to Castletown Cox demesne, would have unacceptable visual and landscape impacts in such a sensitive area.'

The Lingaun Valley contains a rich and varied landscape with a wealth of heritage assets that form the basis for the high level of amenity in the county. Quality environment, amenity and heritage all play a vital role in sustaining vibrant community and places to live and a major consideration in attracting inward investment. This considered critical that the Council will have regard to the capacity of the landscape to absorb appropriate development and protects its intrinsic value as an important resource.

Section 5.2.8 of the Draft Development Plan provides that Kilkenny County Council will continue to develop tourism offering in the County specifically referencing the Lingaun Valley.

The Lingaun Valley has a significant aesthetic amenity, is a landscape of regional significance and importance, and has potential for significant recreational and tourism value which has not been realised to date. Tourism and heritage sites of importance include Kilmacoliver Megalithic tomb, Kilmackoliver walking loop, Carricktriss Gorse, Castlemorris walking loop, South Leister Way, Western Ossory High Crosses, proximity and relationship with Slievenamon, Knockroe Passage Tomb, Windgap Village walking loop and the Beana Breac walking loop. The area has been, and is currently, subject to a number of Kilkenny Leader led studies and research groups which seeks to realise the potential of the area for the development of a landscape, heritage and amenity resource.

In this respect, it is considered that conservation of the areas' special character and historic assets is of critical importance at a local and regional level. Scenic views within the area and the intimacy and scale of much of its landscape pattern, results in significant aesthetic, and potential tourism and recreational amenity value.

No rationale for the change in the Wind Energy Strategy designation for the capacity of the landscape to absorb wind development has been identified in the Draft Development Plan. The unexplained and unsupported revision of Wind Energy Strategy for the hills surrounding Lingaun Valley results in the area no longer being identified as an area as 'unsuitable' for wind development. It is submitted that the appropriate and correct designation of the hill as designated as 'not normally permissible', and that the area is extended to include the entire Lingaun Valle to ensure that protected views, heritage sites and sensitive landscapes are appropriately protected.

The Lingaun Valley is characterised by the Lingaun River, a tributary of the River Suir. The Lower River Suir, including the Lingaun River, are designated as a Special Area of Conservation (SAC), Site Code 002137, due to the presence of a wide range of habitats or species listed on Annex I / II of the EU Habitats Directive. The site supports a diverse range of habitats, including marsh, reedbeds, wet and dry grasslands, broad-leaved semi-natural woodlands, salt marshes, tidal rivers and estuarine

channels. It is considered that obligations under the Habitats Directive (92/43/EEC), with respect to listed habitats and species, are a material consideration in the identification of areas suitable for wind energy development.

The area benefits from distinctive characteristics including a tranquil rural setting, high quality soils, limestone bedrock and highly mineralised water supply, which combine to provide conditions which are particularly suited to the equine industry. The area is characterised by a high concentration of strategically important thoroughbred breeding and racing establishments which are critical to the local economy and Irelands reputation for thoroughbred breeding.

It is considered that the proposed Wind Energy Strategy has failed to adequately consider the landscape character of the area in accordance with the Draft Revised Wind Energy Development Guidelines December 2019 which provides that '*factors that can inform landscape sensitivity to wind energy development include scenic quality, rarity, uniqueness, natural and cultural heritage and environmental considerations*'.

The area comprising the Lingaun Valley, part of which is identified as Unsuitable for Wind Energy Development in the current Development Plan, should be designated in full as a 'Not Normally Permissible' area for the purposes of Wind Energy Development on the basis of:

- **The area forms part of a prehistoric landscape with a high concentration of ancient sites of local, regional and national significance which extends beyond the county boundary into Tipperary**
- **The setting of archaeological features, and the relationship between them, is fundamental to their importance**
- **The area has been designated as a priority archaeological priority landscape in the Draft Development Plan**
- **The landscape quality and the significant scenic views are acknowledged in the Landscape Character Assessment 2003 and further reinforced by the designation of a number of Protected Views in the Draft Plan**
- **The current designation of part of the area as unsuitable for wind energy;**
- **The submission of Kilkenny County Council made on the preparation which states that '*it is considered that significant developments, such as wind farms, in this area have the potential to have significant negative impact on these protected site and the historic landscapes in which they are sited*'**
- **The visual and physical attributes of the Lingaun Valley, the scenic views within the area and the intimacy and scale of much of its landscape pattern, the abundance of archaeological heritage sites result in significant aesthetic, recreational and cultural amenity as acknowledged in the Draft Plan which seeks to develop the Lingaun Valleys tourism offer.**
- **The high concentration of strategically important equine facilities in the area.**

3.2 Proposed Amendment No. 2:

Given the importance of the bloodstock industry nationally, regionally and locally, and the sensitivity of equine facilities to environmental change and impacts, the following policy should be included in the county development plan renewable energy strategy:

All renewable energy within the county, and particularly wind energy, shall include a detailed assessment of potential impacts on all equine facilities within a 5 km radius of the application site boundaries. Any proposed development that has the potential to adversely impact the industry or the perception of the industry, will not be permitted.

The Draft Plan recognises the very significant contribution that the thoroughbred industry makes to the rural economy. Section 7.2.5 of the Draft Plan provides that *'the Council recognises the role and importance of the equine industry as part of the wider agriculture sector and in particular the breeding, rearing and training of thoroughbred horses and will support the improvement and expansion of the equine industry within the county'*.

It is considered that in order to protect these assets any proposals for non-agriculture-related development which might have a negative impact on the viability of existing stud farms or stables will not be favourably considered.

It is submitted that significant concerns in respect of the safety of both thoroughbred horses and personnel due to the risk associated with horses being spooked by noise and particularly shadow flicker associated with wind turbines due to their highly evolved flight response has been well documented by highly regarded industry sources.

The British Horse Society has issued advice on wind turbines which notes that *'horses are most likely to react to the noise made by wind turbines, the movement of blades, or movement of shadows cast by the blades'*.

The BHE issued Advisory Statement No. 20 which states that *'the natural instinct of a horse when faced with perceived danger is flight so its reaction depends very much, on, in that first split second, the horse's perception of the hazard, and equally as important the riders / drivers [sic] ability to handle the horse...when faced with unexpected circumstances.'* The BHE Advisory Statement relates to horses generally as opposed to thoroughbred horses. It is noted that the 'flight' reaction is especially heightened in thoroughbred horses, of which there is a significant concentration in the surrounding area. Thoroughbred horses are highly strung and are more easily "spooked" than other horses as they have been bred to accentuate the 'flight' reaction and consequently, they are, and must be treated as, highly sensitive animals.

It is clear from the BHE Advisory Statement that sudden and unpredictable noises (in some instances accompanied by a continuous noise) are those which may result in potentially dangerous reactions from horse. Specifically, it advises that:

'A horse and rider unfamiliar with the area may react in a potentially dangerous manner to any of the following characteristics which can arise from the operation of a wind turbine:

'The low frequency noise emitted by the turbines punctuated by the "whoomph" as the blades pass the nadir point and sometimes said to be felt rather than heard

'The unexpected starting up of the turbine if the wind builds up as a horse approaches.'

Accordingly, there are three aspects of wind energy developments which have the significant potential to result in significant risks to the safety of horses and personnel: (i) the movement of blades when they suddenly come into view; (ii) flicker which has been known to spook horses and is particularly pertinent in thoroughbred horses; and (iii) the noise, particularly at start up. Any of these characteristics could potentially trigger a 'flight' reaction in any of the thoroughbred horses at surrounding equine facilities.

It is not possible to provide specific thoroughbred horse based studies or reports in respect of these harmful effects. This is due to a combination of obvious animal welfare and financial factors. It is unacceptable on simple animal welfare grounds as well as completely impractical and uneconomical for any risk to be taken in respect of such high value bloodstock

A precautionary approach must be taken as even a perception of risk to the safety of thoroughbred horses, and the equine industry in general, can have an enormously damaging impact and such risk is therefore completely unacceptable to the equine industry. Such an approach is particularly pertinent in order to continue to promote Kilkenny as a recognised centre of excellence for the bloodstock industry.

Allied to the significant safety concerns, the visual encroachment of wind turbine developments on stud farms and training yards has the potential to result in a flight of investment from Irish studs and stables. The visual context and presentation, perception and image of stud farms, trainings stables and associated lands are highly significant. A submission to the Targeted Review of the Wind Energy Development Guidelines by the Irish Thoroughbred Industry¹ states that:

'Foreign and national investors and clients associated with the thoroughbred industry expect properties to have a rural idyll landscape, with highly maintained lush green pastures and high quality amenities to support the facilities' brand and reputation for providing elite thoroughbred horses. Investors, clients and visitors to Irish stud farms and training stables are greeted with manicured grounds, high quality facilities and picturesque rural views and the national and international reputation and brand recognition of Irish Stud Farms and training stables is reinforced by the undisturbed rural landscape. This combination of elements is critical at an enterprise level and this rural image is highly sensitive to landscape changes of an incompatible nature, such as the proposed new generation of massive industrial and wind turbines. Any decline in the visual amenity of the surrounding rural area has the potential to negatively affect how stud farms and training stables in Ireland and received national and internationally. In other words, stud farms in Ireland, as well as our competitors abroad, make use of the scenic amenity values of the surrounding landscapes as part of their business image. The landscape of stud farm and stables is of special and possibly unique sensitivity to impacts on the scenic values of their settings and the pastoral image of stud farms and training stables is highly valuable to redirect and indirect visual impacts.' [Emphasis added]

The potential for piecemeal and haphazard encroachment of wind energy development into areas accommodating a high concentration of equine facilities has significant potential to compromise and damage the perception and reputation of the area as an international centre of excellence for breeding and training. This is particularly pertinent in an area such as the Linguan Valley which is defined by its distinctive and dramatic setting; the extensive natural areas and its general remoteness due to an absence of modern development.

¹ Joint submission made 17 February 2014 by Irish Thoroughbred Breeders' Association (ITBA), the Irish Jockeys Association (IJA), the Irish Racehorse Trainers Association (IRTA) and the Associated of the Irish Racehorse Owners (AIRO)

It is submitted that An Bord Pleanála has also clearly established that developments that would impact or could be perceived to potentially impact the equestrian industry are inappropriate and should be refused permission. Of significant relevance is the Board's Decision in July 2008 to refuse permission for the construction of biogas and biodiesel production facilities at Rosegreen, County Tipperary, in an area characterised by a similar concentration of equine facilities (An Bord Pleanála Ref. PL23 .225138).

The Board's Inspector's Report dated 10 July 2008 noted the following in relation to development in a rural environment:

'My observations in relation to this policy [referring to South Tipperary County Council's policy to support the equine industry] are that the policy is reasonable given the importance of the industry to the area. The equine industry is a rural based industry and compatible with a rural area. Given the ongoing changes in agriculture and diversification away from traditional form of agricultural production this gives stronger weighting to the ongoing development of the equine industry. Therefore the onus is on any new development in the rural area and in particular non-agricultural development, which for reasons already outlined is not specifically locationally dependent to a rural area to demonstrate that it will not have a negative impact on the viability of existing stud farms or stables and that it is reasonable to consider the development in this context.'

The Inspector's Report also considered a number of submissions which referred to the perception of risk to the equine industry, and concluded as follows:

'It is also a reasonable presumption I consider on the basis of the evidence presented to examine perception in this regard in addition to measurable or quantifiable criteria. The equine industry and in particular the bloodstock industry is a highly competitive commercial industry, which needs a high quality in relation to environmental standards and what could best be described as a clean image. This area of County Tipperary has developed a niche industry comparable with other bloodstock areas as for example Newmarket and Kentucky with major financial benefits to the area and any consideration of permitting development must have consider policy ENV 11 [referring to the then-current South Tipperary County Council's policy to support the equine industry], for proposals for non-agriculture related development.'

The Board subsequently refused permission for the proposed development in its entirety, having determined that the development would be incompatible with equine related activities in the vicinity and would be prejudicial to the viability of the equine industry in the area, including undermining confidence.

The Board's Reason for refusal states:

*'The site of the proposed development is located in open countryside in an area of national importance for the bloodstock industry alongside a major horse training establishment. It is the policy of the planning authority, as set out in the current South Tipperary Development Plan, to support the equine industry. It is also the policy of the Government to support the equine sector. It is considered that the proposed development of this large scale industrial type facility at this location, employing the particular technology on the scale proposed, having regard to its nature, scale and visual impact, **would be incompatible with equine related activities in the vicinity and would be prejudicial to the viability of the equine industry in this area (including undermining confidence therein).** Notwithstanding the desirability of providing such facilities, it is considered that the proposed development would seriously injure the amenities of the area and property in the vicinity, would be incompatible with the surrounding land uses, and would, therefore, be contrary to the said*

Development Plan objectives and to national policy and to the proper planning and sustainable development of the area'. [Emphasis added]

It is noted that the Tipperary County Council refusal under TCC Reg. Ref. 16600552 included a similar reason for refusal stating *'the application site is located in an area of importance for the bloodstock industry and in proximity to a number of 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)'*. While this reason for refusal was not included in An Bord Pleanála's determination (ABP Ref. PL92.247190), the Inspector's Report assessing the appeal noted *'I consider it reasonable of the planning authority to have had regard to possible impacts on the bloodstock industry in their most recent amendment to the Development Plan, and as such I would regard it as one of the relevant considerations in recommending a refusal of the proposed development for policy reasons'*.

It is submitted that wind energy proposals are incompatible with the continued operation and growth of viable and established thoroughbred breeding and training facilities in south-west Kilkenny. Wind turbine proposals give rise to unacceptable risks to the safety of thoroughbred horses and stud farm and training stable personnel, and the visual perception impacts in turn affect investment decisions. It is considered that these should be recognised and acknowledged as material planning considerations in the assessment of any wind energy development proposal.

It is considered that given the importance of the bloodstock industry nationally, regionally and locally, that a specific policy should be included in the Renewable Energy Strategy, which requires all renewable energy proposal within the County, and particularly wind energy developments, to include a detailed assessment of potential impacts on equine facilities within a 5km radius. Any development which is found to be prejudicial to the viability of the equine industry in this area should be refused permission.

Given the importance of the bloodstock industry nationally, regionally, and locally, and the sensitivity of equine facilities to environmental change and impacts, a specific policy should be included in the Renewable Energy Strategy that requires any renewable energy proposal within the County to include a detailed assessment of potential impacts on equine facilities within a 5km radius. Any proposed development that has the potential to adversely impact the industry or the perception of the industry, will not be permitted.

3 CONCLUSION

The equine industry is of significant importance to the local rural economy and social structure, the wider County and national economies, and the international profile of Ireland as a world leader in breeding and training. National and County level policy protect and support the ongoing development of the industry from incompatible and inappropriate forms of development that have the potential to impact its safe and efficient operation.

The potential for encroachment of renewable energy development into areas accommodating a high concentration of equine facilities has significant potential to compromise and damage the perception and reputation of the area as an international centre of excellence for breeding and training. The nature, scale and visual impact of such proposals would be incompatible with equine related activities

in south-west Kilkenny and would be prejudicial to the viability of the equine industry in this area including undermining confidence therein.

National policy supports wind energy development, the protection of heritage assets, and the equine industry. These objectives must be balanced in statutory land use plans. Given the importance of the Lingaun Valley and the equine industry supported in the area, it is considered that wind energy proposals have the potential to seriously injure the heritage and landscape character and amenities of the area and property in the vicinity, would be incompatible with the surrounding equine land uses, and would, therefore, be contrary to the said Development Plan policy to protect the equine industry.

Accordingly, it is of critical importance that the adopted Wind Energy Strategy and associated documents affords sufficient protection to the equine industry from unsuitable renewable energy development.

This submission strongly opposes the designation of the area which encloses the Lingaun River Valley to the east as an area within which wind energy will be 'acceptable in principle'. This area has been deemed to be 'unsuitable' for wind farm development under the current Kilkenny County Development 2014-2020 due to its rich archaeological heritage and its relationship with Slievenamon.

This submission request that the entire areas comprising the Lingaun Valley is designated as '*not normally permissible*' for wind farm development in the Wind Energy Development Strategy 2021 contained in Appendix K of the Draft Plan. These amendments are appropriate given the extended areas archaeological and historical significance, its relationship with the Slievenamon Mountain and its particular relationship with a high concentration of strategically important equine facilities.

Finally, it is requested that a specific policy is included in the Renewable Energy Strategy that requires any renewable energy proposal within the County, and particularly wind energy development, to include a detailed assessment of potential impacts on equine facilities within a 5 km radius. Any proposed development that has the potential to adversely impact the industry or the perception of the industry, will not be permitted.

We trust that the Council will afford due regard to this Submission and will ensure that an appropriate policy context is put in place to adequately and appropriately protect and support the equine industry from incompatible and inappropriate forms of development that have the potential to compromise and damage the perception and reputation of the area as an international centre of excellence for breeding and training.

Yours sincerely



Declan Brassil

Declan Brassil & Co.