

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Fingal County

Planning Register Reference Number: F09A/0310

An Bord Pleanála Reference Number: PL 06F.236423

APPEAL by Donabate Portrane Community Council of Donabate Portrane Community Centre, Portrane Road, Donabate, County Dublin and by John and Maeve Riordan of KSA of Unit 5C and 5D, Fingal Bay Business Park, Balbriggan, County Dublin against the decision made on the 3rd day of March, 2010 by Fingal County Council to grant subject to conditions a permission to Tesco Ireland Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of two number 850 kW turbines of 100 metres in height and associated works at Tesco Dry Grocery Distribution Centre located north of Hearse Road, south of Turvey and Lanestown House (a protected structure) and west of Newbridge Demesne, Donabate, County Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to national and EU policy relating to the development of sustainable development resources and to the general stability of the site for a wind powered electricity generating facility, together with relevant development plan policies and objectives relating to wind farm development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the landscape character of the area, would be acceptable in terms of traffic safety and convenience, would not have a significant detrimental effect on protected species and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 25th day of November, 2009 and the 5th day of February, 2010 and as further revised by drawings received by the Board on the 14th day of September, 2010, for one turbine only as shown in drawing numbers P01, P02 and P03, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The hub height of the wind turbine shall have a maximum height of 60 metres and the overall height shall be no more than 86 metres.

Revised drawings showing compliance with this requirement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

4. This permission shall be for a period of 12 years from the date of the commissioning of the turbine.

Reason: To enable the planning authority to review its operation in the light of the circumstances then prevailing.

5. The wind turbine including mast and blades shall be finished externally in a light grey colour.

Reason: In the interest of visual amenity

6. (a) Cables within the site shall be laid underground.
- (b) Transformers associated with the turbine and mast shall be located either within the turbine mast structure or at ground level beside the mast.

Reason: In the interest of visual amenity.

7. Facilities shall be installed to minimise interference with radio or television reception in the area. Details of the facilities to be installed which shall be at the developer's expense shall be submitted to and agreed in writing with the planning authority prior to commissioning of the turbines.

Reason: In the interest of residential amenity.

8. Details of aeronautical requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Subsequently, the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the as constructed position of the turbine and the highest point of the turbine to the top of the blade spin.

Reason: In the interest of air traffic safety.

9. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority, written certification by the Irish Aviation Authority that the alternative low level route proposed to be used by Search and Rescue helicopters is operational and that the proposed development will not interfere with Search and Rescue helicopter routes.

Reason: In the interest of clarity and to ensure that effective control can be maintained over the proposed development and in the interest of public safety.

10. The developer shall carry out post-construction monitoring of this site in relation to the various species of birds. This shall include:
- (a) Bird-use survey data for the months October to March inclusive for three consecutive seasons, in all weather conditions and including night time;
- (b) further estimates of flight height made during the bird-use surveys to produce estimates of the proportion flying at collision heights;
- (c) corpse searches undertaken post-construction and on-site, during all appropriate months for three consecutive years; and

- (d) appropriate scavenger and detection rate calibration surveys, using birds of an appropriate size.

This information shall be forwarded to the planning authority and the National Parks and Wildlife Service, for three consecutive years post construction, following the undertaking of the survey as required above.

Reason: In the interest of the proper planning and sustainable development of the area.

11. Shadow flicker associated with the proposed turbine shall not exceed 30 hours per year or 30 minutes per day for any of the dwellings located within 500 metres from either Turbine 1 or Turbine 2.

Reason: To safeguard the residential amenities of adjoining dwellings.

12. The developer shall ensure that due care is taken with regard to the storage and disposal of fuel, solvents or oils on site associated with the proposed development. Any such material shall be stored in bunded tank(s) as necessary.

Reason: To protect the amenities of the area and protect surface and ground water sources.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall include details of intended construction practice for the development, including delivery of components to the site, management of car parking during construction, hours of working and noise management measures.

Reason: In the interest of public safety and residential amenity.

14. Noise associated with the proposed turbine shall not exceed levels of 43 dB(A) during night time hours (2200 hours to 0700 hours) and 45 dB(A)10 or a maximum increase of 5 dB above background noise at the nearest noise sensitive location (as identified in Figure 2, Technical Report, Noise Impact Assessment, October, 2007, submitted to the planning authority on the 15th day of June, 2009) during day time hours (0700 hours to 2200 hours).

Reason: To safeguard the residential amenities of adjacent dwellings.

15. On full or partial decommissioning of the turbine or if the turbine ceases operation for a period of more than one year, the mast and turbine including foundations shall be removed and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To ensure satisfactory reinstatement of the site upon cessation of the project.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer, or in default of such agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of road safety and the proper planning and sustainable development of the area.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such satisfactory reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer, or in default of such agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2010.