



## Board Direction

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**Ref: PL04.247396**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22<sup>nd</sup> February 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

### Reasons and Considerations

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code: 004161), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector, the Board concluded that, on the basis of the information available, the proposed development would not be likely to have a significant effect on any European site, either individually or in combinations with other plans and projects.

Having regard to the planning history and the established use on the existing landholding and to the overall scale, design and height of the proposed development, it is considered that subject to compliance with the conditions set out below that the proposed development would not seriously injure the amenities in the area, 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, and as amended by plans and particulars submitted to Cork County Council on 4<sup>th</sup> April 2016, and amended on the 19<sup>th</sup> August 2016, and, 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 comply with the terms and conditions of Planning Authority reg. no. 04/8354 and ABP ref. no. 04.210685 and Planning Authority ref. no. 11/5249 relating to the overall development of the lands save where amended by the terms and conditions of the present grant of permission.

3. The technician facilities building, service yard and access road and all related ancillary facilities shall be removed from the site and the site restored to its natural state within 6 months of the decommissioning of the wind farm permitted under Planning Authority ref. no. 04/8354 and ABP ref. no. 04.210865 as amended by Planning Authority ref. no. 11/5246 unless a further grant of permission has been obtained in respect of the development.

**Reason:** In the interest of orderly development.

4. Where works are to be undertaken in the period between mid-March and mid-August a survey for breeding hen harriers shall first be undertaken by a suitably qualified and experienced ornithologist within an area within 500m of the works. No construction works shall be undertaken within 500m of a pre-nesting breeding site and/or nest.

**Reason:** To avoid disturbance to breeding hen harriers, a species listed in Annex I of the EU Birds directive.

5. Prior to commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, offsite disposal of construction/demolition waste.

**Reason:** In the interest of amenities, environmental protection and public safety.

6. No polluting matter shall be allowed to drain from the site and enter any waters on, adjacent to or around the site.

**Reason:** To safeguard the amenities of the area.

7. All waste generated on the site shall be disposed through appropriately licensed collection and disposal contractors.

**Reason:** To safeguard the amenities of the area.

8. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to the

planning authority for agreement.

**Reason:** In the interest of orderly development and the visual amenities of the area.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

11.

That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

12.

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

**Reason:** To ensure the satisfactory reinstatement of the site.

13.

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member: \_\_\_\_\_ Date: 22<sup>nd</sup> February 2017  
G.J. Dennison