



An
Bord
Pleanála

Board Direction
BD-005757-20
ABP-304056-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- (a) national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouses gases including;
- (b) the provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006,
- (c) the policies of the planning authority as set out in the OffalyCounty Development Plan 2014-2020,
- (d) the characteristics of the site and of the general vicinity,
- (e) the nature and scale of the proposed development,
- (f) pattern of existing and permitted development in the area
- (g) the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report submitted,

(h) the report of the Planning Inspector.

The Board considered, that subject to compliance with the conditions set out below, the proposed development would be in accordance with national policy and local policy on renewable energy, would have an acceptable impact on the environment and on amenities of the areas, would not pose a risk to traffic safety and convenience and would therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission because of the potential for adverse impacts on the N62 arising from differential settlement, the Board considered that potential impacts could be addressed through the agreement of the detailed construction and reinstatement methodology following a programme of pre-construction site investigations between the development and the planning authority which could be satisfactorily addressed by condition. In reaching this conclusion the Board noted that the Inspector was satisfied that there were no unacceptable environment impacts on material assets but that the recommendation for refusal related to traffic safety, carrying capacity and the operational efficiency of the material asset (road). Furthermore, the Board did not consider that the proposed development would materially contravene Policy STAP-17 of the Offaly County Development Plan 2014-2020 by causing adverse impacts on the capacity and efficiency of National Roads.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- The nature, scale and extent of the proposed development;
- The Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application;
- The submissions from the Planning Authority and others in the course of the application; and
- The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers the proposed development and also adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows.

- Short term and limited negative impacts on human health and population due to noise and dust disturbance. The impacts will be mitigated by reason of their limited duration and use of dust suppression measures.
- Positive long term socio-economic impacts.
- Short term negative visual impact on the landscape. No specific mitigation measures are proposed. However, the visual impact of the over ground wirescape should dissipate with time as human perception of the wirescape dissipates with time.
- No specific deterioration in habitat or on biodiversity anticipated during the construction phase and no impact during the operational phase. No specific mitigation measures proposed.
- Negative Noise and Dust impacts arise during the construction phase from construction activities. These impacts will be mitigated through adherence to best practice construction measures.
- Negative short term impacts in terms of transport & access due to disruption to traffic flows during the construction phase of the underground grid connection (beneath the N62 and other local roads). These impacts will be mitigated by traffic management measures to minimise disruption to traffic

flows and protect the safety of construction workers and other road users. No impact is predicted following construction of the grid connection and during the operation phase of the Wind Farm. Construction of the overhead section of the grid connection will have no impact.

The Board considered and agreed with the Inspector's reasoned conclusions, that the proposed development is not likely to have significant effects on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Screening for Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives.

The Board noted that the grid connection route crossed some minor watercourses that were hydrologically linked to European sites comprising Little Brosna Callows Special Protection Areas (Site Code: 004086), The River Shannon Callows Special Area of Conservation (Site Code: 000216), the Middle Shannon Callows Special Protection Area (Site Code: 004096) and the Dovegrove Callows Special Protection Area (Site Code: 004137) European Sites. The Board was satisfied based on the limited carrying capacity, low gradient and small size of the streams and their overall separation distance to European sites that the proposed development, either

individually or in combination with other plans or projects (including the permitted Cloghan Wind Farm development), would not be likely to have a significant effect on the Little Brosna Callows Special Protection Areas (Site Code: 004086), The River Shannon Callows Special Area of Conservation (Site Code: 000216), the Middle Shannon Callows Special Protection Area (Site Code: 004096) and the Dovegrove Callows Special Protection Area (Site Code: 004137) European Sites, or any other European site, in view of the site's Conservation Objectives.

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 on the 30th day of November 2018 and by the further plans and particulars received by An Bord Pleanála on the 26th day of March, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the Environmental Impact Assessment Report and associated documentation shall be implemented in full.

Reason: In the interest of clarity and to protect the environment.

3. All works impacting national road structures shall be carried out in compliance with TII Publications (Standards). Details for the construction and reinstatement works on the N62 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

4. 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 provide details of intended construction practice for the development, including hours of working, traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

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

5. 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 agreement, shall be referred to An Bord Pleanála for determination.

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

6. 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, as amended. The contribution shall be paid prior to 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

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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: 15/05/2020

Maria FitzGerald