



An
Bord
Pleanála

Board Direction
BD-014200-23
ABP-309121-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/10/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the totality of information on the file and to the following:

European legislation, including:

- The Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- the EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy,

National planning, related policy and guidance, including:

- National policy including the Climate Action Plan 2023, with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,
- Project Ireland 2040 National Planning Framework,

- 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, and the Draft Wind Energy Guidelines published by the Department of Housing Local Government and Heritage in December 2019.

Regional and local level policy, including:

- The Regional Spatial Economic Strategy for the Southern Region 2020,
- the Cork County Development Plan 2022-2028,
- the Waterford City and County Development Plan 2022-2028,

other matters, including:

- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the documentation submitted with the planning application, including the Natura Impact Statement and the Environmental Impact Assessment Report and the further information furnished to the Board,
- the submissions made to An Bord Pleanála in connection with the planning application and the submissions made to the further information response,
- the report and recommendation of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1

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

In completing the screening for appropriate assessment, the Board accepted and adopted the screening assessment and conclusion reached in the Inspector's report that the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170), Blackwater Estuary Special Protection Area (Site Code: 004028) and Ballymacoda Bay Special Protection Area (Site Code: 004023) are the European Sites for which there is a possibility of significant effects and which, must, therefore, be subject to appropriate assessment.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170), Blackwater Estuary Special Protection Area (Site Code: 004028) and Ballymacoda Bay Special Protection Area (Site Code: 004023), in view of the Sites' Conservation Objectives. The Board was satisfied that the information before it was sufficient to allow for a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field and reach complete, precise and definitive conclusions in respect of appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular the following:

- (a) The site-specific conservation objectives for the relevant European Sites,
- (b) the current conservation status, threats and pressures of the qualifying interest features,
- (c) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (d) the mitigation measures which are included as part of the proposal,
- (e) the views contained in the submissions.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the integrity of the European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives and there is no reasonable doubt remaining as to the absence of such effects.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development considering:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application, including the further information,
- (c) the submissions received during the course of the application, and
- (d) the Inspector's report.

The Board was satisfied that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately 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 during the planning application. The Board was satisfied that the information was reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and, where appropriate would be mitigated, as follows:

Population and Human Health:

- Shadow flicker during the operational phase such as would impact negatively on sensitive receptors and populations in the vicinity of the site. These impacts are proposed to be mitigated by a curtailment strategy for all turbines that have the potential to cause an exceedance in the existing daily and annual shadow flicker limits.
- Noise impact will arise from construction activities such as site preparation and construction of the turbine foundations, roads and substation. A suite of mitigation measures to manage noise during the construction phase are set out in the Environmental Impact Assessment Report. Predicted operational noise levels will be within the relevant best practice noise criteria for windfarms. Post commissioning monitoring will be necessary to ensure the operational noise levels comply with the relevant day and night-time criteria.

Landscape and Visual:

- Localised visual impacts of the proposed development from sections of the local roads in the vicinity and on local properties. These impacts will not be avoided, mitigated, or otherwise addressed by means of condition. The impact is balanced by the nature of the landscape which is considered to be a moderated, working landscape and which is robust.

Biodiversity:

- Habitat loss associated with construction will impact on habitats of generally low ecological value with no rare or protected species recorded. Potential impacts to habitats and faunal species (including badger, bats, marsh fritillary), aquatic fauna and invertebrates and avian species would be mitigated by the implementation of the measures during the construction and operational

phases as set out in the Environmental Impact Assessment Report and overseen by a project ecologist.

Water:

- Potential indirect effects could be caused by the increase in run-off, soil erosion and sediment release into the receiving water courses and potential for impact on sources of public water supplies if unmanaged. Impacts to surface water and ground water would be mitigated by the implementation of the measures set out in the Environmental Impact Assessment Report and the Construction Environmental Management Plan. The proposed surface water management system would be integrated with the existing forestry drainage system, with additional treatment and attenuation provided.

Material Assets:

- Impacts on roads and traffic will be mitigated during construction by the measures set out in the Environmental Impact Assessment Report and by a Traffic Management Plan. The main impacts will occur during the construction stage which. Having regard to the nature of the development, significant impacts during the operational stage would not arise.

Air and Climate:

- Positive environmental impacts will arise during the operational phase from the generation of renewable energy with the displacement of CO₂ from the atmosphere arising from fossil fuel energy production.

Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the localised visual impacts, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development, and having regard to the context which is that of a moderated working landscape.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with

other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper planning and sustainable development

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning policy, would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2023, would be acceptable in terms of impact on the visual amenities and landscape character of the area, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would not pose a risk to water quality and would be acceptable in terms of traffic safety. The proposed development 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 the further plans and particulars received by the Board on the 11th day of October 2022, 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 authorities, the developer shall agree such details in writing with the planning authorities 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. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. This permission shall be for a period of 30 years from the date of the commissioning of the wind turbines. The wind turbines and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.

Reason: To enable each of the two planning authorities Cork County Council and Waterford City and County Council to review the operation of the windfarm in the light of the circumstances then prevailing.

4. The following design requirements shall be complied with:
 - (a) The hub height shall be within the range of 83.5 metres to 93.5 metres, and the blade length shall be in the range of 56.5 metres to 66.5 metres. The overall tip height shall be 150 metres and the height of the permanent meteorological mast shall be within the range of 100 metres to 112 metres. Details of the turbine design, hub height, blade length, tip height and meteorological mast complying with these limits, shall be submitted to, and agreed in writing with each of the planning authorities prior to commencement of the development. The wind turbines, including tower and blades, shall be finished externally in a light grey colour.
 - (b) The permanent meteorological mast shall be 112 metres in height.
 - (c) Cables within the site and connecting the two clusters shall be laid underground.
 - (d) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
 - (e) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

Reason: In the interests of clarity and visual amenity.

5. The substation shall be connected to the national electricity grid by connecting the 110kV substation within the site to the 110kV loop-in connection to the

existing 110kV network at the existing Knockraha-Woodhouse overhead 110kV line by way of two new lengths, 40 metre of overhead line from two 13 metre high angle masts as shown on Drawing Number 170749-22 _ 05664-DR-202, titled Loop in Station Battery Storage and Layout Plan, that was submitted with the application.

Reason: In the interest of clarity.

6. The location of Turbine Number 5 shall be in accordance with the details and plans received by An Bord Pleanála on the 11th day of October 2022.

Reason: In the interest of clarity.

7. The hedgerow within the 50 metre buffer of the blade width of Turbine Number 16 shall be removed and details of replacement hedgerow planting shall be submitted and agreed in writing with the relevant planning authority prior to commencement of development.

Reason: In the interests of clarity and to protect the ecology of the area.

8. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report, the Natura Impact Statement and associated documentation are implemented in full, by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the following conditions. Prior to the commencement of development, the developer shall submit to, and agree in writing with, each planning authority, a schedule of these mitigation measures and monitoring commitments, and details of a time schedule for implementation of the mitigation measures and associated monitoring.

Reason: In the interests of clarity and protection of the environment during the construction and operational phases of the proposed development.

9. The developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance and mitigation measures relating to the protection of flora and

fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the National Parks and Wildlife Service and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to each planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

10. The construction of the proposed development shall be managed in accordance with a final Construction Environment Management Plan, which shall be submitted to, and agreed in writing with each planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

11. A continuous water quality monitoring programme to include turbidity and hydrocarbon monitoring on the Tourig and Glendine Rivers shall be prepared for the construction, operational and decommissioning phases of the proposed development. The monitoring programme, which shall include details on reporting requirements and procedures, shall be submitted to and agreed in writing with Uisce Éireann prior to commencement of development.

Reason: In the interest of protecting water quality.

12. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:
 - (a) Between the hours of 0700 and 2300:
 - (i) the greater of 5 dB(A) $L_{90,10min}$ above background noise levels, or 45 dB(A) $L_{90,10min}$, at standardised 10 metre height above ground level wind speeds of 7m/s or greater,

- (ii) 40 dB(A) $L_{90,10min}$ at all other standardised 10 metre height above ground level wind speeds.
- (b) 43 dB(A) $L_{90,10min}$ at all other times.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authorities a noise compliance monitoring programme for the proposed development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with International Organization for Standardization Recommendation R 1996 "Assessment of Noise with Respect to Community Response," as amended by International Organization for Standardization Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authorities within six months of commissioning of the wind farm.

Reason: In the interest of residential amenity.

13. The developer shall comply with the following shadow flicker requirements:
 - (a) Cumulative shadow flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.
 - (b) The proposed development shall be fitted with appropriate equipment and software to control shadow flicker in accordance with the above requirement. Details of these control measures shall be submitted to, and agreed in writing with, each planning authority prior to the commencement of development.
 - (c) A report shall be prepared by a suitably qualified person in accordance with the requirements of each planning authority, indicating compliance with the above shadow flicker requirements at dwellings. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, each planning authority. The

developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested at reasonable intervals thereafter by each planning authority.

Reason: In the interest of residential amenity.

14. Details of the materials, colours and textures of all the external finishes of the proposed substation building and enclosing fence shall be submitted to and agreed in writing with the relevant planning authority, prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

15. Details of aeronautical requirements shall be submitted to and agreed in writing with the planning authorities prior to commencement of the development. Prior to the commissioning of the turbines, the developer shall inform the planning authorities and the Irish Aviation Authority of the as-constructed tip heights and co-ordinates of the turbines and the wind monitoring mast and shall notify the Irish Aviation Authority of intention to commence crane operations at least 30 days prior to the erection.

Reason: In the interest of aviation safety.

16. The details of any blasting, including blast design and implementation, the quantum and timing under which blasting is proposed and a protocol for alerting neighbouring properties, in respect of any blasting from the identified borrow pits as shown on Figure 4-1 and on the detailed site layout plans included as Appendix 4-1 to this Environmental Impact Assessment Report and any turbine base locations as set out in section 13.6.2.3 Borrow Pits of Chapter 13 Noise and Vibration of the Environmental Impact Assessment Report, shall be agreed in writing with the relevant planning authority at least one month prior to commencement of development.

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

17. The delivery of large-scale turbine components for the construction of the windfarm shall be managed in accordance with a finalised Traffic Management Plan, which shall be submitted to, and agreed in writing with each planning authority prior to commencement of development. This plan shall provide details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

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

18. In the event that the proposed development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing, with the planning authorities prior to commissioning of the turbines and following consultation with the relevant authorities.

Reason: In the interests of the protection of telecommunications signals and of residential amenity.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
 - (a) notify each planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to each planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 20. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the turbines and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation. These reinstatement works shall be completed to the written satisfaction of the planning authorities within three months of decommissioning or cessation of operation.

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

- 21. Prior to commencement of development, the developer shall lodge with the planning authorities a cash deposit, a bond of an insurance company, or other such security as may be acceptable to the relevant 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 relevant planning authority to apply such security or part thereof to the satisfactory reinstatement of the public roads. The form and amount of the security shall be as agreed between the relevant planning authority and the developer or, in default of agreement shall be referred to An Bord Pleanála.

Reason: To ensure the satisfactory reinstatement of the delivery routes.

- 22. Prior to commencement of development, the developer shall lodge with each planning authority a cash deposit, a bond of an insurance company, or other

such security as may be acceptable to the planning authorities, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering each planning authority to apply such security or part thereof to such reinstatement of the site. The form and amount of the security shall be as agreed between each planning authority and the developer or, in default of agreement shall be referred to An Bord Pleanála.

Reason: To ensure the satisfactory reinstatement of the site.

23. The developer shall pay to the planning authorities a financial contribution in respect of public infrastructure and facilities benefiting development in the area of each 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 the commencement of development or in such phased payments as each 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 each 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.

24. Prior to the commencement of development, the details of the proposed community benefit scheme as outlined in section 4.5 of Chapter 4 Community Benefit Fund of the Environmental Impact Assessment Report shall be submitted to each planning authority for their written agreement.

Reason: In the interest of clarity.

Board Member

Patricia Calleary
Patricia Calleary

Date: 19/10/2023