

An  
Bord  
Pleanála

**Board Direction**  
**BD-011320-22**  
**ABP-309412-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/09/2022.

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**

Having regard to:

- (a) European legislation including 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; EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy
  
- (b) national policies to increase the proportion of energy that is generated from alternative, indigenous and renewable energy sources including wind and the minimisation of emissions of greenhouse gases, as set out in the National Climate Action Plan, 2021,
  
- (c) 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 Draft Amendments to these guidelines, 2019

- (d) the policies set out in the Regional Spatial & Economic Strategy for the Southern Region 2020,
- (e) the policies of the planning authority as set out in the Waterford County Development Plan 2022-2028,
- (f) the provisions of the Renewable Energy Strategy for Waterford City and County 2016 -2030 as contained at Appendix 7 of the Waterford City and County Development Plan, 2022-2028,
- (g) the nature and scale of the proposed development comprising an amendment to an existing permitted development of 8 no. turbines with no change to the number or location of turbines permitted,
- (h) the distances of the proposed development to dwellings or other sensitive receptors,
- (i) the contents of the Environmental Impact Assessment Report, Appropriate Assessment Screening and revised Environmental Impact Assessment Report and Natura Impact Statement reports submitted by the applicant,
- (j) the separation distance from the site of the proposed development to sites designated as part of the Natura 2000 network and the nature of the connections between them,
- (k) the topography and character of the landscape of the area in the vicinity of the site,
- (l) the planning history of the site and the pattern of existing and permitted development in the area, including the permitted grid connection,

(m) the submissions made in connection with the application, and

(n) the report 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, renewable energy, other and related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Appropriate Assessment:**

- The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River (Cork / Waterford) SAC Site Code 002170, the Blackwater Callows SPA Site Code 004094, the Blackwater Estuary SPA Site Code 004028, the Dungarvan Harbour SPA Site Code 004032 and the Ballymacoda Bay SPA Site Code 004023 are the only European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.
- The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives for the Blackwater River (Cork / Waterford) SAC Site Code 002170, the Blackwater Callows SPA Site Code 004094, the Blackwater Estuary SPA Site Code 004028, the Dungarvan Harbour SPA Site Code 004032 and the Ballymacoda Bay SPA Site Code 004023. The Board

considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

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

- (i) Site Specific Conservation Objectives for four of these five European Sites,
- (ii) Current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iv) mitigation measures which are included as part of the current proposal,

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

#### **Environmental Impact Assessment:**

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

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Reports (EIARs) and associated documentation submitted in support of the application,



- (c) the submissions received from the prescribed bodies and observers, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report dated February 2021, 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 this environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The proposed development would have a significant positive impact on climate as it would result in the generation of additional renewable energy with consequent positive impacts for reduction in CO2 emissions and climate benefits.
- Regarding ecology, the proposed amended turbines the subject of the subject application will not result in any additional turbines, relocation of permitted turbine locations or additional excavations with the result that the impact on hydrology and terrestrial habitats and species are not considered likely to be significant. While some additional impact on birds is considered possible, the results of surveys for this project and previous applications on the site indicate that the more vulnerable species to such impact are not present on the site in significant numbers and that suitable habitat for such species are not widespread in the vicinity of the windfarm site.
- The proposed development would have the potential to impact negatively on human health arising from the emission of noise, and potential impact in terms of shadow flicker from the larger turbines proposed. Emissions to air are not considered to be significantly negative post mitigation and would be within the limits prescribed in the existing permission for the windfarm on the site. The

proposed development is not therefore considered likely to have significant impacts on human health.

- The proposed development would have potential negative impacts on the landscape and views in the vicinity of the site. Having regard to the extant permission for a windfarm in this location, to the nature and extent of the amendment proposed which relates to the same number and layout of turbines and met mast as permitted and by the limited additional height proposed in the context of the existing landscape and views assessed, it is concluded that any such impacts would not be significant and would be acceptable in this context.

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 EIAR, and the implementation of the measures proposed in the Environmental Management Plan 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.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 10<sup>th</sup> day of February, 2021 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 conditions attached to An Bord Pleanála Ref. PL93.244006 shall be complied with in the development except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interests of clarity.

3. The period during which the development hereby permitted is constructed shall be 10 years from the date of this order.

**Reason:** In the interests of clarity.

4. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report dated February 2021, Natura Impact Statement dated February 2021 and associated documentation are implemented in full, save as may be required by conditions set out below.

**Reason:** In the interest of protection of the environment.

5. The following design requirements shall be complied with:

- (a) The wind turbine dimensions will be in accordance with the detail as set out in Drawing KWF-PLT-05, 'Typical Turbine Elevations' as submitted to the planning authority. Specifically, the overall tip height shall be 155 metres, the hub height shall be 91.65 metres and the rotor diameter shall be 126.7 metres..
- (b) Cables within the site shall be laid underground.
- (c) 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 interest of visual amenity.

6. Prior to commencement of development, a transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan shall incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of roads, 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

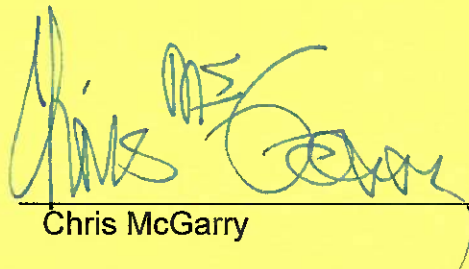
delivery of oversized loads. Any works, including reinstatement works, to existing junctions on the national road network shall comply with Transport Infrastructure Ireland (TII) standards as outlined in TII Publications and shall be subject to Road Safety Audit as appropriate.

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

7. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than one year, the wind monitoring mast, the turbines concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, all to be complete to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

**Reason:** To ensure satisfactory reinstatement of the site upon full or partial cessation of the project.

**Board Member**



Chris McGarry

**Date:** 26/09/2022