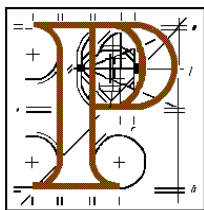


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 14/06578

An Bord Pleanála Reference Number: PL 04.245644

APPEAL by Peter Sweetman and Associates of 14 Postnet, 113 Lower Rathmines Road, Dublin against the decision made on the 23rd day of September, 2015 by Cork County Council to grant subject to conditions a permission to Glentanemacelligot Windfarm Limited care of RPS Planning and Environment of Innishmore, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of (a) the construction of two new sections of forest road (of approximately 25 metres and 98 metres in length) along with associated turning circles, to facilitate clearfelling, (b) the clearfelling, fallowing and replanting of existing conifer plantation within five number felling coupes on a cumulative afforested area of approximately 62.62 hectares to prevent turbulence effects at the permitted Phase II of Glentanemacelligot Wind Farm (Cork County Council planning register reference number 08/10248 and An Bord Pleanála appeal reference number PL04.235930), and (c) all ancillary site works including drainage works, temporary compound and temporary spoil stockpile area, all on an overall site of 73.9 hectares. A Felling Licence will be sought from the Forest Service of the Department of Agriculture, Food and the Marine for the proposed felling operation. All at Glennakeel West, Glennakeel South, Glentanemacelligot and Glennamucklagh West, Newmarket, County Cork.

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 the nature and scale of the proposed development, to the planning history of the site and to the location of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and would not have an adverse impact on the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted the Appropriate Assessment Screening report and Natura Impact Statement submitted with the application, together with the additional documentation submitted in response to the further information request of the planning authority (including the addendum to the Natura Impact Statement), and the submissions on file generally (including the submissions of the Department of Arts, Heritage and the Gaeltacht). The Board also noted the Appropriate Assessment report carried out by planning authority's ecologist and the reports of the authority's planners. The Board noted the Appropriate Assessment carried out by its Planning Inspector. The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development.

Having regard to the nature, scale and location of the subject development, and the planning history of the site (including the grant of planning permission for a windfarm development on this site under planning authority register reference number 08/10248 (An Bord Pleanála appeal reference PL04.235930)), the Board undertook an Appropriate Assessment in relation to the effects of the subject development on the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Bog Special Protection Area (Site Code 004161), the Lower River Shannon Special Area of Conservation (Site Code 002165) and the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170). The Board adopted the report of the

Inspector in this respect, and concluded that, subject to compliance with the mitigation measures proposed as part of the application, the proposed development, by itself, and in combination with other plans or projects, would not be likely to have significantly effects on the Hen Harrier, which is a qualifying interest for the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Bog Special Protection Area (Site Code 004161), and would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code 002165) and the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170) or any other European Sites, in view of the site's conservation objectives.

Environmental Impact Assessment

The Board noted the Environmental Impact Statement, together with the additional documentation submitted in response to the further information request of the planning authority (including the addendum to the Environmental Impact Statement), the documentation submitted with the application generally, the planning history of the site (including the grant of planning permission for a windfarm development on this site under planning authority register reference number 08/10248 (An Bord Pleanála appeal reference number PL04.235930)), and the submissions on file generally. The Board also noted the Environmental Impact Assessment carried out by the planning authority's planner. The Board noted the Environmental Impact Assessment carried out by its Planning Inspector.

Having regard to the nature, scale and location of the subject development, it is considered that the Environmental Impact Statement, including the Addendum, identifies and describes adequately the direct and indirect effects on the environment of the proposed development. The Board adopted the Environmental Impact Assessment carried out by its Planning Inspector and concurred with his conclusions. Having regard to the mitigation measures proposed for implementation in the Environmental Impact Statement, the Board was, therefore, satisfied that the proposed development, by itself and cumulatively with other development in the vicinity, would not be likely to have significant effects on the environment.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans, documents and particulars lodged with the application, as amended by further documentation submitted on the 30th day of July 2015, 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 of the mitigation measures set out in the submitted documentation shall be implemented in full.

Reason: In the interest of environmental protection and to protect the amenities of the area.

3. Prior to the commencement of development, a final draft of a Construction and Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall set out a construction method statement and timetable for all works involved in the construction phase. The plan shall incorporate all mitigation measures set out in the Environmental Impact Statement, Natura impact statement, draft Construction and Environmental Management Plan and shall incorporate any additional measures required to comply with environmental conditions attached to this permission and shall include detailed schedules of all water quality and economical monitoring which shall apply both during the construction phase and for an appropriate period post construction. The plan shall also provide for a schedule of drainage system maintenance visits. The Construction and Environmental Management Plan shall clearly outline the roles and personnel responsible for the implementation of the Construction and Environmental Management Plan.

Reason: In the interest of environmental protection and to protect the amenities of the area.

4. A revised soil stability management plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The plan shall take account of the construction and operational phase of the development.

Reason: In the interest of protecting the environment.

5. Monitoring of the construction phase shall be carried out by a suitably qualified environmental scientist/engineer to ensure that all Environmental mitigation measures contained in the Environmental Impact Statement and the draft Construction and Environmental Management Plan are implemented. In implementing the Construction and Environmental Management Plan, the scientist/engineer shall audit the construction process in accordance with the audit protocols outlined in the Construction and Environmental Management Plan on a monthly basis during the earthworks programme and quarterly thereafter. Within three months of the completion of the construction report containing the results of monitoring shall be submitted to the planning authority.

Reason: To ensure full implementation of mitigation measures.

6. Prior to the commencement of development, an Environmental Management Plan for the operational phase of the project shall be submitted to, and agreed in writing with, the planning authority. The Environmental Management Plan shall be audited annually once the facility is operational by a suitably qualified/experienced environmental scientist/engineer, and audits shall be submitted to the planning authority and the Department of Arts, Heritage and the Gaeltacht on an annual basis for the duration of the scheme.

Reason: In the interests of orderly development and to safeguard the amenities of the area.

7. Prior to works being carried out between mid-March and mid-August, a survey for breeding hen harriers shall be carried out by a competent, experienced ornithologist. The survey shall cover the area within a boundary of 500 metres of the works to be carried out during the above period. The survey will be the responsibility of the ornithologist, based on his/her experience and/or professional opinion, to ensure that the survey methodology is sufficient to ensure that a hen harrier breeding site will not be overlooked. Taking into account the results of this survey, no construction works shall be carried out during the above period within 500 metres of a pre-nesting breeding site and/or nest.

Reason: To avoid disturbance to breeding Hen Harrier, a species listed in Annex I of the EU Birds Directive.

8. Replanting proposals and silvicultural management of the portion of this site which lies within the Blackwater Catchment, will be required to comply with Forestry Measures (17a) as set out in the draft Munster Blackwater River Basin District Sub-basin Freshwater Pearl Mussel Plan, and with the Catchment Forestry Management Plan which is to be prepared for the Blackwater Catchment under these measures, in the event of this plan being adopted during the lifetime of the windfarm.

Reason: To ensure compatibility with the Conservation Objectives which apply to the Blackwater River Special Area of Conservation.

9. Noise levels emanating from the proposed development when measured at Noise Sensitive Receptors shall not exceed 55dBA (30 minute Leq) between 0800 hours and 2000 hours, Monday to Friday and 0800 hours to 1800 hours on Saturday, and shall not exceed 45 dBA (15 minute Leq) at any other time. All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R1996 1 and 2 "Description and Measurement of Environmental Noise" as appropriate". If noise contains a discrete, continuous tone (whine, hiss, screech, hum), or if there are distinctive impulses in the noise (bangs, click, clatters thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5dBA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.

Reason: To safeguard the amenities of the area and control noise emissions from the development.

10. Archaeological Monitoring shall consist of the following;
- (a) The developer shall engage the services of a suitably qualified Archaeologist to monitor all clear felling of forestry, and of all ground works associated with the development.
 - (b) Should archaeological material be found during the course of monitoring, the Archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Local Authority with regard to any necessary mitigating action (e.g. preservation in situ, and/or excavation). The developer shall facilitate the archaeologist in recording any material found.
 - (c) The planning authority shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

11. All drainage arrangements, including the disposal of surface water, and all provisions to prevent the release of silt and other contaminants, shall comply with the detailed requirements of the planning authority.

Reason: In the interests of protecting the environment, and of traffic safety.

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

Dated this day of 2016.