

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: NA/151405

An Bord Pleanála Reference Number: PL 17.247007

APPEAL by Braccanby Irish Farm LLC care of Ivor Fitzpatrick and Company of 44-45 Saint Stephens Green, Dublin and by Michael and Anna Mills and Brendan and Catherine McKenna of Ardraccan, Navan, County Meath against the decision made on the 7th day of July, 2016 by Meath County Council to grant subject to conditions a permission to Boliden Tara Mines Limited of Knockumber, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of one 1.5 megawatt electricity generating wind turbine with a hub height of up to 60 metres, a rotor diameter of up to 66 metres (a total overall height of up to 93 metres), a tower base, a crane hardstanding area, underground cabling to onsite electrical substation and all related ancillary site development works. The electricity generated will be utilised on site. The wind turbine will be an upwind, horizontal axis turbine. The visible components will include a cylindrical tower, nacelle and three blades. Access to the site will be from existing site entrance along the R147, all at Knockumber, Navan, County Meath.

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:-

- (a) national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions of greenhouses gases,
- (b) the guidelines issued by the Department of Environment, Heritage and Local Government in 2006 on Wind Energy Development,
- (c) the provisions of the current Meath County Development Plan,
- (d) the nature of the proposed development which provides for the generation of renewable energy for use within an existing industrial site, thereby enhancing the environmental sustainability of the development,
- (e) the character of the landscape and the topography surrounding the site, and
- (f) the distance to dwellings or other sensitive receptors from the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect on the landscape or the visual or residential amenities of the area, would not adversely affect the natural heritage or the integrity of any Natura 2000 sites or any protected species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board completed an Appropriate Assessment in relation to potential impacts on Natura 2000 Sites and having regard to the Natura Impact Statement submitted and the Inspector's report and submissions on file, the Board concluded that, on the basis of the information available, the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne and Blackwater Special Area of Conservation and Special Protection Area, (code number 002299) and the River Boyne and Blackwater Special Protection Area (code number 004232) in view of those sites' conservation objectives.

The Board agreed with the Inspector that given the scale of the proposal an Environmental Impact Statement was not necessary.

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 to the planning authority on the 13th day of June 2016, 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. The permitted wind turbine shall operate for no more than 25 years from the date on which electricity is first generated from it or until the mine ceases operation, whichever is the sooner. Upon cessation of the use, the turbine and all associated development shall be dismantled and removed from the site, and the site shall be restored to its existing condition.

Reason: To clarify the nature of authorised development in accordance with the details submitted with the application.

3. The developer shall ensure that all construction methods and mitigation measures set out in the Environmental Report, the further information submitted and the Natura Impact Statement are implemented in full, except as may otherwise be required by the attached conditions.

Reason: In the interest of protection of the environment.

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

5. The permitted turbine shall have a maximum hub height of 60 metres and a maximum tip height of 93 metres. Details of the turbine design, height and colour shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. Cables from the turbine to the substation shall be placed underground.

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

6. Shadow flicker arising from the proposed development shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors. Prior to the commissioning of the wind turbine, the developer shall agree in writing with the planning authority a shadow flicker monitoring programme to determine actual flicker effects at agreed locations following commissioning of the turbine, and shall implement an agreed programme to mitigate the impact on these receptors, and any other impacted receptors following a review of the monitoring programme.

Reason: In the interest of residential amenity.

7. The developer shall comply with any mitigation measures deemed necessary by the planning authority including the intermittent switching off of the turbine as a result of the monitoring.

Reason: In the interest of residential amenity.

8. Prior to commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority –
- (a) a Transport Management Plan, including details of the road network/haulage routes and the vehicle types to be used to transport materials and parts on and off site,
 - (b) a condition survey of the roads and bridges along the haul routes to be carried out at the developer's expense by a qualified engineer both before and after construction of the proposed development. This survey shall include a schedule of required works to enable the haul routes and, in particular, regional and local roads to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development,
 - (c) detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority,
 - (d) detailed arrangements for temporary traffic arrangements/controls on roads, and
 - (e) a programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.

All works arising from the aforementioned arrangements shall be completed at the developer's expense, within 12 months of the cessation of each road's use as a haul route for the proposed development.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

9. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the 'as constructed' positions of the turbine and the highest point of the turbine.

Reason: In the interest of air traffic safety.

10. Soil, rock or peat excavated during construction shall not be left stockpiled onsite following completion of works. Details of treatment of stockpiled materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. 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 authority following consultation with the relevant authorities.

Reason: In the interest of protecting telecommunications signals and of residential amenity.

12. 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.

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

Dated this day of 2016.