

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Cork County**

**Planning Register Reference Number: 15/06632**

An Bord Pleanála Reference Number: PL 04.247396

**APPEAL** by Patrick Cremins care of viaFulcrum Unit 10A, South Ring Business Park, Kinsale Road Roundabout, Kinsale Road, Cork against the decision made on the 15<sup>th</sup> day of September, 2016 by Cork County Council to grant subject to conditions a permission to Knockacummer Windfarm Limited care of David Eves of Brookfield, 5<sup>th</sup> Floor, City Quarter, Lapps Quay, Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a new technician facilities building of total gross floor area 371 square metres and maximum height 5.546 metres. The single storey accommodation block shall consist of welfare facilities (toilets, showers and kitchen) and office and meeting space for record keeping and planning of site operations. The adjoining storage block shall store equipment, spare parts, consumables and lubricants for the turbines. A service yard will be provided adjacent to the storage block to facilitate the loading and unloading of items from site vehicles and delivery vehicles. A designated parking area will also be provided outside the building to cater for 14 technicians' vehicles and visitors' vehicles at Knockacummer Windfarm, in the townland of Meentiny West, Rockchapel, 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 planning history and the established use on the existing landholding and to the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (site code: 004161), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector, the Board concluded that, on the basis of the information available, the proposed development would not be likely to have a significant effect on any European site, either individually or in combination with other plans and projects.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by plans and particulars submitted to the planning authority on the 4<sup>th</sup> day of April, 2016, and the further plans and particulars received on the 19<sup>th</sup> day of August, 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 proposed development shall comply with the terms and conditions of An Bord Pleanála appeal reference number PL 04.210685 (planning register reference number 04/8354) and planning register reference number 11/5249 relating to the overall development of the lands save where amended by the terms and conditions of the present grant of permission.

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

3. The technician facilities building, service yard and access road and all related ancillary facilities shall be removed from the site and the site restored to its natural state within six months of the decommissioning of the wind farm permitted under An Bord Pleanála appeal reference number PL 04.210685 (planning register reference number 04/8354), as amended by planning register reference number 11/5249, unless a further grant of permission has been obtained in respect of the development.

**Reason:** In the interest of orderly development.

4. Where works are to be undertaken in the period between mid-March and mid-August, a survey for breeding hen harriers shall first be undertaken by a suitably qualified and experienced ornithologist within an area within 500 metres of the works. No construction works shall be undertaken within 500 metres of a pre-nesting breeding site and/or nest.

**Reason:** To avoid disturbance to breeding hen harriers, a species listed in Annex I of the EU Birds directive.

5. Prior to commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, offsite disposal of construction/demolition waste.

**Reason:** In the interest of amenities, environmental protection and public safety.

6. No polluting matter shall be allowed to drain from the site and enter any waters on, adjacent to or around the site.

**Reason:** To safeguard the amenities of the area.

7. All waste generated on the site shall be disposed through appropriately licensed collection and disposal contractors.

**Reason:** To safeguard the amenities of the area.

8. Prior to commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of orderly development and the visual amenities of the area.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

11. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the site. The form and amount of the security shall be agreed between the planning authority and the developer, and in default of such agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site.

13. 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 the 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 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.

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

**Dated this                      day of                      2017.**