



An
Bord
Pleanála

Board Order
ABP-306497-20

Planning and Development Acts 2000 to 2020

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 19/369

Appeal by Niamh Reynolds care of Reid Associates of 2 Cannaught Place Crofton Road, Dún Laoghaire, County Dublin, by Knocknamona Windfarm Limited of Zetec House, IDA Purcellsinch Business Park, Kilkenny, and by Others against the decision made on the 18th day of December, 2019 by Waterford City and County Council to grant subject to conditions a permission to Knocknamona Windfarm Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development of Knocknamona Windfarm Grid Connection (KNWF Grid Connection) which comprises (a) 1,940 metres of underground medium voltage electrical cabling (up to 33 kV), in Keereen Upper and Knocknamona townlands, linking Knocknamona Windfarm (to be constructed) and Woodhouse 110 kV substation (operational). (b) Works within the existing Woodhouse 110 kV substation compound in Keereen Upper, comprising a new control building 5.3 metres by 3.8 metres by 4.6 metres high; main 110 kV transformer circa six metres in height, with associated plinth and bund; a 110 kV transformer bay; two number lightning masts 17.5 metres in height and ancillary electrical equipment. Works will also

include a new access track 17 metres long and 4.5 metres in width; additional palisade gateway 4.9 metres wide by 2.6 metres in height with palisade fencing within the compound and two number gateways in the existing perimeter fence; (c) A link road, 190 metres in length and 4.5 metres in width connecting the existing forestry road network at Knocknamona Windfarm to the existing Woodhouse Windfarm roads. It is proposed to use this link road and the existing Woodhouse Windfarm roads to facilitate the delivery of the main wind turbine components to Knocknamona Windfarm. (d) The widening of 960 metres of existing forestry road by one metre in Knocknamona townland to facilitate the delivery of the main wind turbine components to Knocknamona Windfarm; and (e) Ancillary site works, all at Keereen Upper/Woodhouse or, Tinakilly/Knocknamona Townlands, Dungarvan, County Waterford. The proposed development was revised by further public notices received by the planning authority on the 30th day of October, 2019.

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

Environmental Impact Assessment

In compliance with section 172 of the Planning and Development Act 2000, as amended, the Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development,
- the Environmental Impact Assessment Report (EIAR) and associated documentation submitted with the application,
- the submissions on file, and
- the Inspector's report.

The Board considered that the EIAR, supported by the information submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant, and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation and are incorporated into the Board's decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Reasoned Conclusion on Significant Effects

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

- The construction phase of the proposed development has some slight potential for siltation and pollution of watercourses that are located in the vicinity of the site and consequent impact on aquatic habitats in the vicinity of the site. In addition to the mitigation provided by the separation distance of these watercourses from the proposed works area, and which are considered to be such that no significant impacts on surface water quality would be likely to arise, such impacts would be mitigated by the proposed use of silt fencing and good construction practice around the storage of materials and equipment.
- The operation phase of the proposed development has some potential for direct impacts in the form of noise at sensitive locations in the vicinity of the site. Noise impacts at noise sensitive locations in the vicinity of the site are predicted to be mitigated by way of attenuation by distance, with the result that the predicted noise impacts at the closest noise sensitive locations are lower than the surveyed background noise levels at these locations. Given these impacts, no potential for significant cumulative noise impacts are considered likely.

- The proposed development would have an indirect positive impact on climate arising from the proposed development enabling the connection of the Knocknamona Windfarm which has an output of 70.5 million KW/hrs of energy to the grid.
- The proposed development would have a potential direct negative impact on the landscape particularly during the operational phase. These impacts would be mitigated by the underground design of the cable connection, and assimilation into the existing landscape due to the limited scale and extent of the proposed additional substation equipment and location in an existing compound. No significant direct or cumulative landscape or visual impacts are therefore considered likely to arise.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Proper Planning and Sustainable Development

Having regard to -

- (a) European and 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 Renewable Energy Directive 2009/28/EC and the National Climate Action Plan and the National Planning Framework,
- (b) the policies set out in the Regional Spatial and Economic Strategy for the Southern Region,



- (c) the policies of the planning authority as set out in the Waterford County Development Plan 2011-2017 (as extended and varied),
- (d) the provisions of the Renewable Energy Strategy for Waterford City and County 2016 -2030,
- (e) the nature of the proposed development that comprises infrastructure that facilitates the connection of a permitted wind energy development that is located in an area identified in the Waterford County Council Development Plan as a 'Strategic Area' where it is the policy of the planning authority to facilitate the development of appropriate wind energy proposals,
- (f) the distances of the proposed development to dwellings or other sensitive receptors,
- (g) the nature and scale of the proposed development, and the contents of the Environmental Impact Assessment Report, Screening for Appropriate Assessment Report and further information submitted by the applicant,
- (h) the range of mitigation measures set out in the documentation received, including the Environmental Impact Assessment Report and further submissions from the Applicant to the Board in the course of the appeal,
- (i) 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,

- (j) the topography and character of the landscape of the area, and the character of the landscape through which the indicated grid connection would be provided,
- (k) the planning history of the site, and the pattern of existing and permitted development in the area, and
- (l) the submissions made in the course of the planning application and appeal,

it is considered that, subject to compliance with the conditions set out below, that the proposed development:

- would be in accordance with national and regional policy on wind energy, wind energy infrastructure and the facilitation of renewable energy projects,
- would be in accordance with the provisions of the Waterford County Development Plan, 2011-2017, including the policies relating to wind energy, and the protection of landscapes and scenic amenity,
- would not seriously injure the visual amenities of the area, or have a significant negative impact on the landscape,
- would not seriously injure the amenities or depreciate the value of properties in the vicinity of the site,
- would not give rise to a risk of pollution,
- would not detract from archaeological features or from architectural heritage,

- would be acceptable in terms of traffic safety and convenience, and
- would not be prejudicial to public health.

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, as amended by the further plans and particulars submitted on the 22nd day of October 2019, 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 mitigation measures and environmental monitoring requirements identified in the Environmental Impact Assessment Report (EIAR) and other plans and particulars submitted with the application shall be complied with in the development.

Reason: In the interests of clarity and the protection of the environment.

3. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

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

4. Soil, subsoil and rock excavated during construction shall not be left stockpiled on site 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, off-site disposal of construction/demolition waste, measures for the storage of oils and fuels on site, and measures for the protection of ground and surface waters.

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

6. 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 the 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 the 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.

DECISION QUASHED



7. 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.

8. 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 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, 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.



John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *10th* day of *FEBRUARY* 2021.

DECISION QUASHED