

An  
Bord  
Pleanála

Board Order  
ABP-306500M-20

Planning and Development Acts 2000 to 2020

Amendment of Board Order

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1534

**Development Concerned:** Development of a wind farm, recreation amenity trail and all associated works and will consist of the following: up to 12 number wind turbines with a tip height of up to 169 metres and all associated foundations and hardstanding areas; one number on-site electricity substation; two number temporary construction compounds; all associated underground electrical and communication cabling connecting the turbines to the proposed on-site electricity substation; underground electricity cabling including joint bays on the public road connecting the proposed on-site electricity substation to the existing Dunfieth substation within the townland of Dunfieth via the L1004 public road; upgrade and extension to an existing recreation amenity trail and installation of signage, picnic tables and bicycle stands; upgrade of existing site entrance from the L5025 public road and use of one number existing site entrance on the L5012 public road; provision of new site access tracks and associated drainage; upgrade of existing access tracks and associated drainage; tree felling; and all associated site development works including landscaping. Permission is sought for a period of 10 years and an operational life of 30 years from

the date of commissioning of the entire wind farm. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) accompany this planning application, all within the townlands of Ballynamullagh, Coolree, Drehid, Dunfierth, Killyon, Kilmurry and Mulgeeth, County Kildare. Further public notices were received by the planning authority on the 25<sup>th</sup> day of October, 2019 with significant further information consisting of changes in regard to the Environmental Impact Assessment Report (EIAR) and Natura Statement Impact (NIS) submitted.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, in relation to the above-mentioned development by Order dated the 7<sup>th</sup> day of September, 2020:

**AND WHEREAS** it has come to the attention of the Board that due to a clerical error the wording of condition number 12 is incorrect,

**AND WHEREAS** the Board considered that the correction of the above-mentioned error would not result in a material alteration of the terms of the development, the subject of the decision,

**AND WHEREAS** having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had made submissions or observations in relation to the appeal, the subject of this amendment,

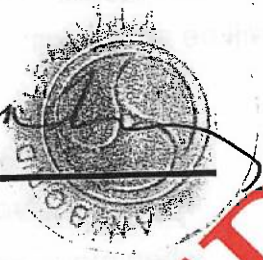
**NOW THEREFORE** in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision so that condition number 12 of its order and the reason therefor shall be as follows:

12. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:
- (a) Between the hours of 7am and 11pm:
    - (i) the greater of 5 dB(A)  $L_{90,10min}$  above background noise levels, or 45 dB(A)  $L_{90,10min}$ , at standardised 10m height above ground level wind speeds of 5m/s or greater,
    - (ii) 40 dB(A)  $L_{90,10min}$  at all other standardised 10m height above ground level wind speeds.
  - (b) 43 dB(A)  $L_{90,10min}$  at all other times.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with Respect to Community Response", as amended by ISO Recommendations R 1996 "Assessment of Noise with Respect to Community Response", as amended by ISO Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the wind farm.

**Reason:** In the interest of residential amenity.

*John Connolly*



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

Dated this 18<sup>th</sup> day of NOVEMBER 2020

**DECISION QUASHED**