

An
Coimisiún
Pleanála

Commission Order

ABP-308210-20

(Original number 248153)

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 146760

Appeal by Jerome Cahalan and Geraldine Hanley of Gurraneigh, Lisarda, County Cork and by Barna Wind Action Group care of Noonan Linehan Carroll Coffey of 54 North Main Street, Cork against the decision made on the 3rd day of November 2015 by Cork County Council to grant, subject to conditions, a permission to Barna Wind Energy (BWE) care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 10 year planning permission for the construction of six wind turbines, with a maximum tip height of up to 131 metres and associated turbine foundations and hardstanding areas, one number permanent meteorological mast up to 90 metres in height, upgrade of existing and provision of new site tracks and associated drainage, new access junction and improvements to public road to facilitate turbine delivery, one number borrow pit, underground electrical and communications cables, permanent signage and other associated ancillary infrastructure. This application is intended to replace the development already granted permission under

PL04.219620 (05/5907) and subsequently extended under 11/6605, all in the townlands of Lackareagh and Garranereagh, Lissarda and Barnadivane (Kneeves) Teerelton, 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.

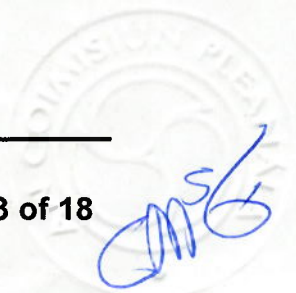
Reasons and Considerations

The Commission made its decision consistent with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2025 and the furtherance of the national climate objective.

In coming to its decision, the Commission had regard to the following:

- European legislation, including of particular relevance:
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition.
 - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU.

- National and regional planning and related policy, including:
 - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases. Particularly the NPF First Revision 2025 and National Policy Objective 70.
 - Wind energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
 - Regional Spatial Economic Strategy for the Southern Region.
 - Cork County Development Plan 2022-2028.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The reports of the local planning authority and the further information provided by the applicant to the local planning authority received in 2014.
- The further information provided by the applicant to An Bord Pleanála received on 10th March 2023.
- The submissions made on the planning application to the local authority and to An Bord Pleanála in connection with the appeals.



- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment, as well as the specialist ecologist report for The Commission relating to the same.

Appropriate Assessment: Stage 1:

The Commission noted that the proposed wind farm development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with further information and the report and screening assessment completed by the Inspector. The Commission agreed with the inspector's assessment and conclusion that The Gearagh Special Protection Area (SPA) (Site Code 004109) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application and appeal, the mitigation measures contained therein, the submissions and observations on file, and carried out an Appropriate Assessment of the implications of the proposed wind farm development in view of the conservation objectives for The Gearagh Special Protection Area (Site Code 004109). The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment and to allow it to reach complete, precise and definitive conclusions for Appropriate Assessment.

In completing the assessment, The Commission considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with the other plans and projects (including all aspects of the entire windfarm project, including the substation, as addressed in the Inspector's assessment) and taking into account any mitigation measures which are included as part of the current proposal, in view of the conservation objectives for the European Site.

The Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report with respect to the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

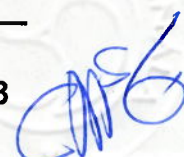
In overall conclusion, The Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, (including all aspects of the entire windfarm project as addressed in the inspector's assessment) would not adversely affect the integrity of any European Site, in view of the conservation objectives of such sites and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance, (including all aspects of the entire windfarm project as addressed in the Inspector's assessment) and took into account all submissions received during the course of the application and appeal.

Environmental Impact Assessment

The Commission completed an Environmental Impact Assessment of the proposed development together with the substation, taking into account:

- (a) The nature, scale, location and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted;



- (c) The submissions received during the course of the appeal; and
- (d) The Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant during the course of the appeal, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report, and associated documentation submitted by the applicant and submissions made in the course of the planning appeal.

Reasoned Conclusion of the Significant Effects

The Commission considered that the Environmental Impact Assessment Report and supporting documentation submitted by the applicant during the course of the appeal, provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of Directive 2011/92/EU as amended by EU Directive 2014/52/EU amending. The Commission considered that the main significant direct and indirect effects of the proposed development (including the windfarm and substation) on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:

Population and human health

Implementation of a Construction Environmental Management Plan (CEMP) during construction and decommissioning phases to mitigate direct negative effects. Designed in mitigation include screen planting and measures to mitigate impact from shadow flicker. Application of best practice and safety measures during operation of the project. No significant negative effects.

Direct, significant and long-term positive impact arising from the Community Benefit Fund for the project.

Biodiversity

The proposed development will result in the loss of habitat on the site and generates potential for risk of collision / injury to bats and birds. With the implementation of mitigation, including hedgerow re-instatement, protection of watercourses, pre-clearance and pre-construction surveys, measures to reduce collision risk (including curtailment), and monitoring, there will be no significant negative residual effects upon biodiversity.

Land, soils, geology, water, air quality or climate

Mitigation is formed of measures to reduce and manage impact upon land, soils, geology, water, air quality and climate, including implementation of a CEMP, as well as surface water management and water quality monitoring. With the implantation of mitigation, no significant residual negative impacts. During operation, residual impact will be positive upon air quality and climate due to the avoidance of emissions from fossil fuel generators.

Noise and vibration

No significant residual effects are predicted with respect to noise and vibration. Mitigation includes adherence to regulations for the control and abatement of noise during construction and the implementation of a CEMP, as well as a condition setting noise limits during operation and providing for a Noise Compliance Monitoring Programme.

Material assets

Mitigation has been designed-in to minimise potential effects, with additional mitigation including implementation of a construction and waste management plan as part of the CEMP for the project. Tailored mitigation for telecommunications including a protocol to be signed between 2RN (telecommunications) and the developer setting out the developer's obligation to correct any deterioration in television and radio signal reception. Mitigation related to aviation includes aeronautical obstacle lighting. With the implementation of mitigation, no significant residual negative impacts.

Traffic and Transportation

Mitigation will reduce impact upon traffic movements arising during the construction and decommissioning phase from HGV movements and transportation of abnormally large loads. Impact will be over a short-term, temporary period and will not be significant. During operation impact will be imperceptible.

Archaeology and cultural heritage

Mitigation primarily involves archaeological monitoring to avoid impact upon currently unknown features. Additional mitigation ensures preservation (by record or in-situ) in the event of discovery of unknown / unexpected features during construction. With the application of mitigation, no significant residual impact.

Landscape and visual impacts

In relation to the central study area, residual impact of moderate significance with respect to landscape impact. In relation to the wider study area, the significance of this landscape impact is slight, reducing to imperceptible at increasing distances from the subject site. In terms of visual effect, the significance of visual impacts for all receptors (including from Scenic Routes), is generally in the mid to low range, with the exception of a small number of

local community views. The existing landscape is not highly susceptible to development (evidenced by the 'Low' sensitivity classification in the Cork County Development Plan) and the development will be assimilated without significant residual negative visual effect.

Having regard to the above, The Commission is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Commission is satisfied that the reasoned conclusion is up to date at the time of making the decision. The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and 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 Commission adopted the report and conclusions of the reporting Inspector.

Proper Planning and Sustainable Development

It is considered that the proposed development would accord with the relevant European, national and regional policy provisions. Furthermore, it is considered that, by reason of its scale, form and extent, and subject to compliance with the following conditions, the proposed development would be in accordance with the relevant provisions of the Cork County Development Plan 2022-2028, would not seriously injure the amenities of the area including the visual amenities or the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not adversely affect natural heritage and would constitute an appropriate form of development in accordance with statutory development plan policy which affirms that this form of use is acceptable in principle at this location. In addition, the proposed development would contribute to the renewable energy resource of the country and to the resilience of the overall energy supply

network, would make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future and in this regard would be consistent with the national climate ambitions and with the relevant provisions of the Climate Action Plans 2024 and 2025. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars of the application to the planning authority on the 26th day of September 2014, as amended by the submissions received by the planning authority on the 9th day of December 2014 and the further details received by An Bord Pleanála, including further information received on the 10th March 2023, 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 interests of clarity and of proper planning and sustainable development of the area.

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

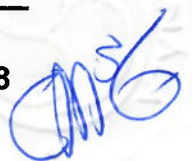
Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The permission shall be for a period of 30 years from the date of the commissioning of the wind turbines. The wind turbines and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been applied for and granted for their continuance for a further period.

Reason: To enable the relevant planning authority to review the operation of the wind farm in the light of the circumstances then prevailing.

4. The following design requirements shall be adhered to:
 - (a) The wind turbines shall be designed to a hub height of 72.5 meters, a rotor blade diameter of 117 metres and an overall blade tip height of 131 meters, in accordance with the proposed development assessed in the environmental impact assessment report and the Natura Impact Statement together with the other application documentation.
 - (b) The wind turbines, including masts and blades, and the wind monitoring mast, shall be finished externally in a light grey colour.
 - (c) Cables within the site shall be laid underground.
 - (d) No advertising material shall be placed on or otherwise affixed to any structure on the site without a prior grant of planning permission.

Reason: In the interest of clarity and visual amenity.



5. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

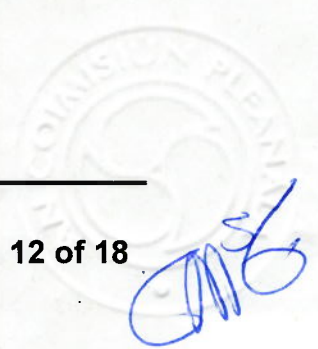
Reason: To protect the environment.

6. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

7. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed final Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The final CEMP shall reflect measures included in the EIAR submitted with further information. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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



8. Noise levels generated by the windfarm following commissioning, by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at existing noise sensitive locations, shall not exceed the lower of, the noise limits as set out in the EIAR (Table 9.17), as received by An Bord Pleanála on the 10th day of March 2023:, or
- (a) For the daytime period 0700 to 2300 hours, in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 40dB(A)L90 T10,
 - (b) For the daytime period, 0700 to 2300 hours, where the background noise level exceeds 30dB(A)L90 T10, the greater of 45dB(A)L90 T10, or 5dB(A) above background levels,
 - (c) For the nighttime period 2300 to 0700 hours, for all noise environments, 43dB(A)L90 T10.

Prior to the commissioning of the windfarm, the developer shall submit and agree in writing with the planning authority a Noise Compliance Monitoring Programme (NCMP) for the operational windfarm. The NCMP shall include a detailed methodology for all sound measurements including Amplitude Modulation (AM) and tonal noises, including frequency of monitoring and recording of results, which shall be made publicly available. The results of the initial noise compliance monitoring to be submitted to and agreed in writing with the planning authority within 12 months of commissioning of the wind farm. The NCMP shall be fully implemented during the operation of the windfarm.

Reason: In order to protect the amenities of existing noise sensitive properties in the vicinity of the development.



9. The measures outlined in the EIAR as received by An Bord Pleanála on 10th day of March 2023, shall be carried out by the wind energy developer or operator to eliminate shadow flicker.

Reason: In the interest of residential amenity.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit and obtain written agreement from the Planning Authority for a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

11. All mitigation measures in relation to archaeology and cultural heritage as set out in the EIAR for the appeal shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

12. The delivery of large-scale turbine components for the construction of the wind farm shall be managed in accordance with a Construction Traffic Management Plan (CTMP), which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of the road network to be used by construction traffic, including over-sized loads, detailed proposals for 'Access Point' sightlines (including those to be retained after the construction phase), and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of procedures for notification by the developer to the local community in advance of the delivery of oversized loads.

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

13. On full or partial decommissioning of the turbines, or if the turbines cease operation for a period of more than one year, the mast and the turbine concerned shall be removed and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, within three months of decommissioning.

Reason: To ensure satisfactory reinstatement of the site upon cessation of the project.



14. In the event that the proposed development causes interference with telecommunications signals (including wireless internet), 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 prior to commissioning of the turbines and following consultation with the relevant authorities.

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

15. The Biodiversity Enhancement and Management Plan shall be implemented in accordance with the commitments outlined therein.

Reason: In the interest of biodiversity.

16. Commissioning and construction works shall be limited to between 0700 and 1900 hours Monday to Friday and 0800 and 1400 hours on Saturday and shall not be permitted on Sundays or public holidays.

Reason: To protect the amenities of nearby residential properties.

17. 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 Coimisiún Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

18. 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 satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 Coimisiún Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

19. 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 Coimisiún 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.


Chris McGarry

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this  day of  2025