

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 20/845

Appeal by Wild Irish Defence Company care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin and by Michael and Gianni Alen Buckley care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin and by Knocknamona Windfarm Limited care of Ecopower Developments Limited of Zetec House, IDA Purcellsinch Business Park, Kilkenny against the decision made on the 14th day of January, 2021 by Waterford City and County Council to refuse permission to Knocknamona Windfarm Limited for the proposed development.

Proposed Development: Amendments to Knocknamona Windfarm previously authorised under An Bord Pleanála appeal reference number PL 93.244006 (Waterford City and County Council planning register reference number 14/600109). The amendments consist of: 1. An increase in the uppermost tip height of the eight previously authorised wind turbines from up to 126 metres to up to 155 metres. 2. Amend the height and design of the previously authorised meteorological mast from a tubular tower mast up to 80 metres in height to a lattice tower mast up to 99 metres in height at Knocknaglogh Lower/Barranastook Upper/, Knocknamona/Woodhouse or

Tinakilly/, Monageela/Killatoor townlands, Dungarvan, County Waterford.
Further public notices were received by An Bord Pleanála on the 27th day of
May, 2021.

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

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

- (a) European legislation including Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy,
- (b) 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 National Climate Action Plan, 2021,
- (c) the provisions of the “Wind Energy Development Guidelines - Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in June 2006, and Draft Amendments to these guidelines, 2019,

- (d) the policies set out in the Regional Spatial and Economic Strategy for the Southern Region 2020,
- (e) the policies of the planning authority as set out in the Waterford City and County Development Plan 2022-2028,
- (f) the provisions of the Renewable Energy Strategy for Waterford City and County 2016-2030 as contained at Appendix 7 of the Waterford City and County Development Plan, 2022-2028,
- (g) the nature and scale of the proposed development comprising an amendment to an existing permitted development of eight number turbines with no change to the number or location of turbines permitted,
- (h) the distances of the proposed development to dwellings or other sensitive receptors,
- (i) the contents of the Environmental Impact Assessment Report, Appropriate Assessment Screening and revised Environmental Impact Assessment Report and Natura Impact Statement reports submitted by the applicant,
- (j) 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,
- (k) the topography and character of the landscape of the area in the vicinity of the site,
- (l) the planning history of the site and the pattern of existing and permitted development in the area, including the permitted grid connection,

(m) the submissions made in connection with the application, and

(n) the report of the Inspector.

Appropriate Assessment Screening

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the

- Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170),
- Blackwater Callows Special Protection Area (Site Code: 004094),
- Blackwater Estuary Special Protection Area (Site Code: 004028),
- Dungarvan Harbour Special Protection Area (Site Code: 004032) and
- Ballymacoda Bay Special Protection Area (Site Code: 004023)

are the only European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives for the

- Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170),
- Blackwater Callows Special Protection Area (Site Code: 004094),
- Blackwater Estuary Special Protection Area (Site Code: 004028),
- Dungarvan Harbour Special Protection Area (Site Code: 004032) and
- Ballymacoda Bay Special Protection Area (Site Code: 004023).

The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) Site Specific Conservation Objectives for four of these five European Sites,
- (ii) Current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking account of:

- the nature, scale, location and extent of the proposed development on site,
- the Environmental Impact Assessment Reports (EIARs) and associated documentation submitted in support of the application,
- the submissions received from the prescribed bodies and observers, and
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report dated February 2021, supported by the documentation submitted by the applicant, 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 Board agreed with the examination, set out in the Inspector's report, of the information contained in this Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- (a) The proposed development would have a significant positive impact on climate as it would result in the generation of additional renewable energy with consequent positive impacts for reduction in CO2 emissions and climate benefits.
- (b) Regarding ecology, the proposed amended turbines the subject of the subject application will not result in any additional turbines, relocation of permitted turbine locations or additional excavations with the result that the impact on hydrology and terrestrial habitats and species are not

considered likely to be significant. While some additional impact on birds is considered possible, the results of surveys for this project and previous applications on the site indicate that the more vulnerable species to such impact are not present on the site in significant numbers and that suitable habitat for such species are not widespread in the vicinity of the windfarm site.

- (c) The proposed development would have the potential to impact negatively on human health arising from the emission of noise, and potential impact in terms of shadow flicker from the larger turbines proposed. Emissions to air are not considered to be significantly negative post mitigation and would be within the limits prescribed in the existing permission for the windfarm on the site. The proposed development is not, therefore, considered likely to have significant impacts on human health.
- (d) The proposed development would have potential negative impacts on the landscape and views in the vicinity of the site. Having regard to the extant permission for a windfarm in this location, to the nature and extent of the amendment proposed which relates to the same number and layout of turbines and meteorological mast as permitted and by the limited additional height proposed in the context of the existing landscape and views assessed, it is concluded that any such impacts would not be significant and would be acceptable in this context.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report and the implementation of the measures proposed in the Environmental Management Plan, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the

vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional and local planning, renewable energy, other and related policy, would not have an unacceptable impact on the landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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, and by the further plans and particulars received by An Bord Pleanála on the 10th day of February, 2021, 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 conditions attached to An Bord Pleanála appeal reference number PL 93.244006 shall be complied with in the development, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

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

Reason: In the interest of clarity.

4. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report dated February 2021, Natura Impact Statement dated February 2021 and associated documentation are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment.

5. The following design requirements shall be complied with:
- (a) The wind turbine dimensions shall be in accordance with the detail as set out in Drawing KWF-PLT-05, 'Typical Turbine Elevations' as submitted to the planning authority. Specifically, the overall tip height shall be 155 metres, the hub height shall be 91.65 metres and the rotor diameter shall be 126.7 metres.
 - (b) Cables within the site shall be laid underground.
 - (c) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

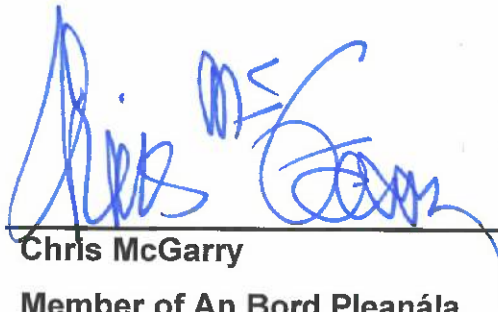
Reason: In the interest of visual amenity.

6. Prior to commencement of development, a transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan shall incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of roads, bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads. Any works, including reinstatement works, to existing junctions on the national road network shall comply with Transport Infrastructure Ireland (TII) standards as outlined in TII Publications and shall be subject to Road Safety Audit as appropriate.

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

7. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the wind monitoring mast, the turbines concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, all to be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

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



Chris McGarry

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



Dated this 28th day of September 2022.