

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22/407

Appeal by Michael and Giancarla Alen Buckley care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by Niamh and John Reynolds care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by others against the decision made on the 5th day of July, 2022 by Waterford City and County Council to grant subject to conditions a permission to Knocknamona Windfarm Limited of Zetec House, Purcellsinch IDA Business Park, Dublin Road, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Junction and bend widening works comprising road widening at the junction of the L2024 with the L2022 in Carronahyla townland; widening of the junction of the L2022 with the L6077 and widening of two bends along the L6077 in Knocknaglogh Upper townland; and ancillary works. The proposed development will facilitate the delivery of wind turbine blades along the roads from Pulla crossroads on the N25 to Knocknamona Windfarm Site Entrance at Knocknaglogh Lower on the L6077, all at Carronahyla and Knocknaglogh Upper townlands, Dungarvan, County Waterford.

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

Having regard to:

- (a) the nature and scale of the proposed development, the planning history, including the recently permitted increase in length of turbine blades in the Knocknamona Windfarm, and the pattern of existing and permitted development in the area,
- (b) National and regional policies promoting renewable energy use and generation,
- (c) the policies and objectives of the Waterford County Development Plan 2022-2028, including the landscape designations,
- (d) the separation between the proposed development and dwellings or other sensitive receptors,
- (e) the contents of the Environmental Impact Assessment Screening Report and the Appropriate Assessment Report submitted by the applicant,
- (f) the separation of the sites from any European Sites and the nature of the connections between them,
- (g) the topography and landscape character of the area,
- (h) the submissions made in connection with the planning application and the appeal, and
- (i) the report and recommendation of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, National, regional and local planning, renewable energy and other related policies, would not have an unacceptable impact on 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.

Appropriate Assessment: Stage 1:

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) is the only European Site for which there is a possibility of significant effects and must therefore be subject to appropriate assessment.

Appropriate Assessment: Stage 2:

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 the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) in view of the site's conservation objectives. 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) the site-specific conservation objectives for the European Site,
- (ii) the current conservation status, threats and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iv) the 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 Site, 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 the European Site 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 Screening:

The Board completed an environmental impact assessment screening of the proposed development and concluded as follows:

Having regard to:

- (i) the limited nature and scale of the proposed development, which is not of a development class identified in Schedule 5 of the Planning and Development Regulations 2001, as amended, and which would not meet the criteria set out in paragraph 13 of Part 2 of Schedule 5 thereof,
- (ii) the location of the site at a remove from any sensitive location identified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended, and the absence of any likely significant effects thereon,
- (iii) the guidance set out in the Environmental Impact Assessment Guidelines for Consent Authorities regarding sub-threshold Development published by the Department of the Environment, Heritage and Local Government (2003), and
- (iv) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,

the Board concluded that the proposed development would not be likely to have any significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed 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 reference numbers PL 93.244006 and ABP-309412-21 shall be complied with in the proposed development, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity.

3. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Screening Report and the Appropriate Assessment Report (April 2022) and associated documentation are implemented in full, save as may be required by the conditions of this Order.

Reason: In the interest of the protection of the environment.

4. Reinstatement of the site shall be completed within 12 months following decommissioning of the windfarm permitted under planning register reference number 14/600109 (An Bord Pleanála reference number PL 93.244006). Details in this regard shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and orderly development.

5. Construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be consistent with any construction management plans agreed with the planning authority in respect of the associated wind energy development under An Bord Pleanála reference numbers PL 93.244006 and ABP-309412-21. Matters to be addressed in the plan shall include details of intended construction practice for the proposed development, including the treatment of stockpiled materials, the timing of works and hours of working.

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

6. Water supply and drainage arrangements, including the attenuation and 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.

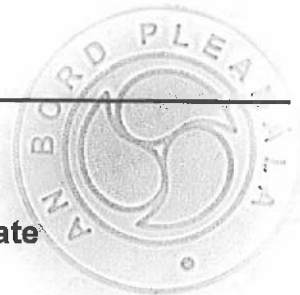
7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (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 the removal of any archaeological material which the planning 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.


Michelle Fagan

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



Dated this 7th day of December 2022.