



An  
Bord  
Pleanála

**Board Order**  
**ABP-314517-22**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 21/254**

**Appeal** by Cyril Murphy care of Peter Sweetman and Associates of Shangri La, Newtown, Bantry, County Cork and by Emma Bolger and Thomas Millar care of Noonan Linehan Carroll Coffey Solicitors of 54 North Main Street, Cork against the decision made on the 9<sup>th</sup> day of August, 2022 by Carlow County Council to grant subject to conditions a permission to Joe Hughes care of Peter Bolger Consulting Limited of Newton House, Bachelors Walk, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The erection of one number wind turbine (hub height 65 metres, blade length 23.5 metres) and the construction of a 25 square metres electrical substation, site access road, and all ancillary works at Kildreenagh, Bagenalstown, County Carlow. A further public notice was received from the planning authority on the 13<sup>th</sup> day of July, 2022 as follows: (a) revised wind turbine and substation location, (b) revised red line application boundary, (c) the submission of impact assessments for landscape, noise and shadow flicker and (d) the identification of proposed cabling routes.

## 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

It is considered that, subject to compliance with the conditions set out below, the proposed development is supported by policies and objectives (RE P1 and RE O1) of the Carlow County Development Plan 2022-2028 for the production of energy from renewable resources including wind power. Furthermore, the proposed development would be acceptable in terms of the landscape character and visual amenities of the area, would not seriously injure the amenities of property in the vicinity, would not significantly impact on biodiversity or the archaeological resource, would be acceptable in terms of traffic safety and convenience and 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 lodged with the application, as amended by the further plans and particulars submitted on the 1<sup>st</sup> day of June, 2022 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. (a) This permission shall be for a period of 30 years from the date of first commissioning of the wind turbine. The turbine and related ancillary structures shall then be removed unless, prior to the end of that period, planning permission shall be granted for their retention for a further period.
- (b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the wind turbine, and all related infrastructure shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To enable the planning authority to review the operation of the wind turbine in the light of circumstances then prevailing and in the interest of orderly development.

3. The wind turbine shall have a tip height of 88.5 metres, a hub height of 65 metres and a blade length of 23.5 metres as detailed on drawing number J734-PL04A-001 submitted to the planning authority on the 1<sup>st</sup> day of July, 2022.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

4. This permission shall not be construed as any form of consent or agreement to connection to the national grid or to the routing or nature of any such connection.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

5. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), 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 intended construction practice for the development, including: -
- (a) location of the construction compound including the area identified for the storage of waste,
  - (b) location of areas for construction site office and welfare facilities,
  - (c) details of on-site parking facilities for site workers during the course of construction,
  - (d) details of the location of the sediment features/barriers required to protect water quality during construction,
  - (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (f) containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater, and
  - (g) an Invasive Species Management Plan.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be retained for inspection by the planning authority.

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The mitigation measures identified in the Construction and Environmental Management Plan and other plans and particulars submitted with the application shall be implemented in full.

**Reason:** In the interest of clarity and the protection of the environment.

6. Prior to commencement of development, a traffic management plan for the construction phase shall be submitted to and agreed in writing with the planning authority. The traffic plan shall incorporate the following:
  - (a) details of the road network/haulage routes and the vehicle type to be used to transport materials to and from the site and a schedule of control measures for exceptionally wide and heavy delivery loads,
  - (b) a condition survey of the roads and bridges along the haul routes shall be carried out at the developer's expense by a suitably qualified person both before and after the construction of the proposed development. This survey shall include a schedule of required works to cater for constructed related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development,
  - (c) detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority,
  - (d) details of construction related directional and road safety signage, and
  - (e) all works arising from the aforementioned arrangements shall be completed at the developer's expense.

**Reason:** To protect the public road network.

7. Construction works shall be confined to between 0800 and 1800 hours Monday to Friday inclusive and between 0800 hours and 1600 hours on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To safeguard the amenities of property in the vicinity.

8. 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 in respect of both the construction and operation phases of the development.

**Reason:** In the interests of environmental protection and public health.

9. The developer shall comply with the following shadow flicker requirements:
  - (a) Cumulative shadow flicker arising from the proposed wind turbine shall not exceed 30 minutes in any day of 30 hours in any year at any dwelling.
  - (b) The proposed turbine shall be fitted with appropriate equipment and software to control shadow flicker at dwellings

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

10. The operation of the proposed wind turbine, by itself or in combination with other permitted wind energy development, shall not result in noise levels when measures externally at nearby noise sensitive locations, which exceed:
  - (a) Between the hours of 0700 and 2300:
    - (i) the greater of 5 dB(A) L90, 10 mins above background noise levels, or 45 dB(A) L90, 10 mins, at standardised 10-metre height above ground level wind speeds of 8m/s or greater,

- (ii) 40 dB(A) L90,10 mins at all other standardised 10-metre height above ground level wind speeds.

- (b) 43 dB(A) L90,10 mins, 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. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within three months of the commissioning of the wind turbine.

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

- 11. The wind turbine, including mast and blades shall be finished externally in a light grey colour.

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

- 12. Details of the materials, colours and textures of all the external finishes to the proposed substation building and enclosing fence shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

**Reason:** In the interest of the visual amenities of the area.

- 13. All lighting within the site shall be cowled to prevent overspill outside the site.

**Reason:** To reduce impacts on local biodiversity.

14. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. Prior to the commissioning of the turbine, the developer shall inform the planning authority and the Irish Aviation Authority of the as constructed tip height and co-ordinates of the turbine.

**Reason:** In the interest of air traffic safety.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist on 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) in relation to the development,
  - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.
  - (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.



16. In the event that the proposed development causes interference with telecommunications signals, 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 turbine and following consultation with the relevant authorities.

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

17. 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.

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**Reason:** It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring a contribution in accordance with Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this 12 day of September 2023