

An
Bord
Pleanála

Board Order ABP-317265-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Waterford City and County Council

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement lodged with An Bord Pleanála on the 6th day of June 2023 by Myrick Hill Wind Farm Limited care of Jennings O'Donovan and Partners Limited of Finisklin Business Park, Finisklin, Sligo.

Proposed development: The proposed development is for a fifteen-year permission that comprises the following:

- Erection of 12-number 5.0-7.2-megawatt wind turbines (Note* this is the current output available for turbines of this size. It is possible that with improvements in technology, the output may increase at the time of construction.) with an overall ground tip height of 185 metres. The candidate wind turbines will have a 162-meter rotor diameter and a hub height of 104 metres;
- Construction of Crane Hardstand areas and Turbine Foundations;
- Construction of new internal site access tracks and upgrade of existing site roads, to include passing bays and all associated drainage;
- Construction of a new wind farm site entrance with access onto the R671 regional road in the townlands of Lickoran;
- Improvement of existing site entrances with access onto local roads in the townlands of Broemountain;

- Improvements and temporary modifications to existing public road infrastructure to facilitate delivery of abnormal loads and turbine delivery;
- Construction of one temporary construction compound with associated temporary site offices, parking area and security fencing;
- Development of on-site borrow pit;
- Installation of one Permanent Meteorological Mast with an overall height of 104 metres;
- Development of a site drainage network;
- Construction of one permanent 110 kilovolts Substation;
- All associated wind farm internal cabling connecting the wind turbines to the wind farm substation;
- All works associated with the connection of the wind farm to the national electricity grid, which will be via 110 kilovolts underground cable connection approximately 16 kilometres in length to the existing Dungarvan 110 kilovolts Substation;
- Upgrade works on the turbine delivery route from Waterford Port; and
- Ancillary forestry felling to facilitate construction and operation of the Development,

all within the townland of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Chonogale, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

Decision

Refuse permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Reasons and Considerations

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

1. Having regard to Policy Objective OTE 13 of the Waterford City and County Development Plan 2022-2028, which seeks to facilitate and encourage proposals for renewable energy generation '...developed fully in accordance with the Waterford Renewable Energy Strategy (RES), the wind energy designation map (Appendix 2 of the RES), the Waterford Landscape and Seascape Character Assessment (LSCA) undertaken to inform this Development Plan and the National Wind Energy Guidelines, or any subsequent update/review of these', and given the proposed development site falls within an area identified as 'Exclusion Zone' on the RES Wind Energy Strategy Maps for new wind energy developments, it is considered that, notwithstanding broad policy support for the development of wind energy in the county area, by reference to European, national, regional and local policy, the specific policy context as set out in the Waterford City and County Development Plan 2022-2028 has equally provided for defined locations where wind energy projects may variously be supported, deemed open for consideration or excluded. The proposed development is in an identified exclusion zone for



wind energy. In this context, it is considered that the proposed development would materially contravene Policy Objective UTL 13 of the Waterford City and County Development Plan 2022-2028.

Furthermore, having regard to the totality of the documentation on file, including submissions received, the Board determined that no evidence has been provided which would support a material contravention of the Waterford City and County Development Plan 2022-2028 in this case. In reaching this conclusion, the Board considered relevant renewable energy policy in the statutory development plan, and in applicable European, national and regional policy and guidance, and determined that a refusal of permission in this case, would not militate against the wider ability for planning consent to be secured for wind energy proposals in County Waterford, subject to the principles of proper planning and sustainable development and consistent with applicable development plan policy and objectives, and accounting for European, national and regional policy and guidance, including consistency with the national Climate Action Plan. In this regard it is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject site is located within and adjacent to an upland area designated 'Most Sensitive' in the Waterford Landscape and Seascape Character Assessment undertaken to inform the development plan, in an area of scenic value. The proposed development by virtue of its layout and scale would adversely interfere with the intrinsic character, integrity and distinctive qualities of the landscape setting which it is considered necessary to preserve under the Waterford City and County Development Plan 2022-2028. The proposed development would be contrary to Policy Objective LO2 'To protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape

character units'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would result in the direct loss of 3.5 hectares of dry heath (4030) habitat, which is included in Annex I of the European Union Habitats Directive of 1992. This area of dry heath located on Broemountain forms part of a wider habitat area across the commonage area of Broemountain and across the Knockmealdown Mountains which supports nationally declining species, including Annex 1 species protected under the EU Birds Directive of 2009/147/EC, including hen harrier and golden plover, as well as other bird species of high and medium conservation concern. Having regard to the direct loss of 3.5 hectares of Dry Heath habitat and the lack of interrogation of the implications for the hen harrier recorded in the area, in addition to associated risk of displacement caused by the proposed turbines to hen harrier and golden plover in this area, the Board is not satisfied that the proposed development will not result in a significant loss of biodiversity. It is considered that the proposed development would be contrary to objectives ENV01, BD01 and BD02 of the operative development plan which seek to protect habitats listed in Annex I of the Habitats Directive, protect biodiversity and ecological connectivity, and achieve net gain in biodiversity enhancement and creation, and would be contrary to Article 4(4) of the Birds Directive (2009/147/EC) to avoid deterioration of habitats affecting protected birds. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

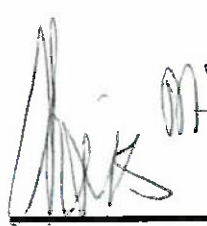
DECISION QUASHED



Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is **€49,146**

A breakdown of the Board's costs is set out in the attached Appendix 1.



Chris McGarry

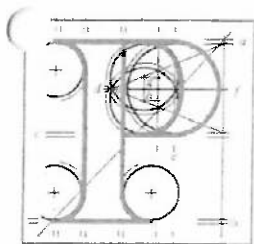
Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 3rd day of April 2024



DECISION QUASHED



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Board Order –
Appendix 1

ABP-317265-23

Strategic Infrastructure Development

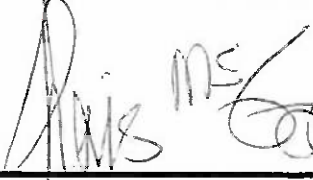
Costs of determining the Application

Case Number: ABP-317265-23

Proposed Development:

Construction of Dyrick Hill Windfarm comprising 12 no. wind turbines and related works. Townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield) and others, Co. Waterford.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €3,346 Inspector 2 (application) €53,058	€56,404
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€56,404
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €4,500	€104,500
(4)	Observer fees paid	€1,050
	Total	€105,550
	Net amount due to be refunded to applicant	€49,146


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 30th day of October 2024

DECISION QUASHED