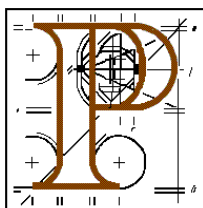


An Bord Pleanála



STRATEGIC INFRASTRUCTURE DEVELOPMENT

PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

An Bord Pleanála Reference Number: 19.PA0047

(Planning Authority: Offaly 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 statement and a Natura impact statement, lodged with An Bord Pleanála on the 27th October, 2016 by Bord Na Mona Powergen Limited care of McCarthy Keville O'Sullivan Limited of Block 1, Galway Financial Services Centre, Moneenageisha Road, Galway.

PROPOSED DEVELOPMENT: Permission for a period of 10 years and a 30-year operational life from the date of commissioning of the entire wind farm. The proposed development will consist of the following elements:

- 21 number wind turbines with an overall blade tip height of up to 170 metres and all associated hard-standing areas.
- One number borrow pit.
- One number permanent anemometry mast up to a height of 120 metres.
- Provision of new site access roads and associated drainage.
- One number 110kV electrical substation, which will be constructed at one of two possible locations on site: either Option A in Ballykilleen Townland or Option B in Cloncreen Townland. The electrical substation will have two number control buildings, associated electrical plant and equipment, and waste water holding tank.

- Two number temporary construction compounds, one of which will be located in the townland of Esker More and the other at one of two possible locations: either Option A in Ballykilleen Townland or Option B in Cloncreen Townland.
- All associated underground electrical and communications cabling connecting the turbines to the proposed substation at either Ballykilleen or Cloncreen Townland.
- All works associated with the connection of the proposed wind farm to the national electricity grid, which will be either to the existing Cushaling Substation via underground cable (Option A) or to the existing Thornsberry/Cushaling 110kV line via overhead line (Option B).
- Demolition of existing canteen 'tea centre' building.
- Removal of existing telecommunications mast.
- Removal of existing meteorological mast.
- New access junctions, improvements and temporary modifications to existing public road infrastructure to facilitate delivery of abnormal loads and construction access, including temporary upgrade of R420/R402 junction, temporary road widening at one number location on R402 in Ballinagar, upgrade of R402/L1003 junction, road upgrade along the L1003 and new construction phase site entrance, and upgrade of existing site entrance on R401.
- All associated site development works.

All in the townlands of Esker More, Clongarret, Cloncreen, Ballykilleen, Ballynakill, Ballinrath, Rathvilla or Rathclonbrackan, Ballina and Ballinagar, County Offaly.

DECISION

GRANT permission under section 37G of the Planning and Development Act, 2000, as amended, 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.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included the submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

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

- (a) national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions of greenhouse gases,
- (b) 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,
- (c) the policies set out in the Midland Regional Planning Guidelines, 2010 – 2022,
- (d) the policies of the planning authority as set out in the Offaly County Development Plan 2014 – 2020 including the Wind Energy Strategy for County Offaly Methodology Statement 2014,
- (e) the location of the wind farm site in an area which is identified in the development plan as an area ‘Open for Consideration’ where it is the policy of the planning authority to facilitate the development of appropriate wind energy proposals,

- (f) the character of the landscape in the area and the absence of any ecological designation on or in the immediate environs of the wind farm site,
- (g) the characteristics of the site and of the general vicinity,
- (h) the pattern of existing and permitted development in the area, including other windfarms,
- (i) the distance to dwellings and other sensitive receptors from the proposed development,
- (j) the environmental impact statement,
- (k) the Natura impact statement,
- (l) the submissions made in connection with the planning application, and
- (m) the Inspector's report and recommendation.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment and an environmental impact assessment in respect of the proposed development.

Appropriate Assessment Screening:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development, including the proposed grid connection options, would not be likely to have a significant effect on any European Site in view of the site's conservation objectives, with the exception of the River Barrow and River Nore SAC (site code 002162) and that this was the only site requiring a Stage 2 Appropriate Assessment.

Appropriate Assessment:

The Board undertook an Appropriate Assessment in relation to the effects of the proposed development on the River Barrow and River Nore Special Area of Conservation (site code: 002162). Having regard to the nature, scale and location of the proposed development, the submitted Natura impact statement, including the mitigation measures proposed, the submitted environmental impact statement, including mitigation measures proposed, the Inspector's

report and the submissions on file, the Board concluded that the proposed development, by itself or in combination with other plans or projects, including other existing and permitted windfarms and the grid connection options, would not be likely to adversely affect the integrity of the European Site, in view of the site's conservation objectives. In doing so, the Board concurred with the conclusions of the Inspector and adopted her report in this respect.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and location of the proposed development,
- (b) the environmental impact statement and associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

It is considered that the environmental impact statement, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board completed an environmental impact assessment in relation to the proposed development and concluded that, by itself and in combination with other development in the vicinity, including other existing and permitted wind farms, and, subject to the implementation of the mitigation measures proposed, the proposed development, including the proposed grid connection options, would not be likely to have significant effects on the environment. 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 not have a significant adverse impact on the landscape, the visual or residential amenities of the area, or upon its archaeological or cultural heritage, would be acceptable in terms of the safety and operation of Clonbulloge Airfield and would be acceptable in terms of traffic safety and convenience of road users. 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 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. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. This permission shall be for a period of 25 years from the date of the first commissioning of the wind farm.

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 complied with:

- (a) The wind turbines, including masts and blades, and the wind monitoring mast, shall be finished externally in a light grey colour.
- (b) Cables within the site shall be laid underground.
- (c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
- (d) 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.

5. Within one year of the commissioning of the wind farm, details of amenity and public access arrangements and the timescale for their realisation shall be submitted to the planning authority for its written agreement.

Reason: In the interest of advancing the recreational amenities of the area.

6. The mitigation measures identified in the environmental impact statement and other particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. Prior to commencement of development, the developer shall submit a schedule of mitigation measures identified in the environmental impact statement and the Natura impact statement to the planning authority for its written agreement.

Reason: In the interest of clarity and the protection of the environment during construction and operational phases of development.

7. Prior to commencement of development, a detailed environmental management plan for the construction stage shall be submitted, generally in accordance with the proposals set out in the environmental impact statement, for the written agreement of the planning authority. The environmental management plan shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise management measures, construction hours and the management of construction waste,
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,
- (c) an emergency response plan, and
- (d) proposals in relation to public information and communication.

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

Reason: In the interest of environmental protection and orderly development.

8. (a) Noise levels emanating from the proposed development following commissioning, by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at third party noise-sensitive locations, shall not exceed the greater of 43dB(A) $L_{90,10 \text{ min}}$ or 5 dB(A) above background levels.
- (b) All sound measurements shall be made in accordance with ISO 1996: Acoustics – Description and Measurement of Environmental Noise.
- (c) Prior to commencement of development the developer shall arrange for a noise compliance monitoring programme for the operational wind farm.
- (d) Details of the nature and extent of the monitoring programme shall be submitted to, and agreed in writing with, the planning authority.

Reason: To protect the amenities of property in the vicinity of the site.

9. The following shadow flicker requirements shall be complied with:
 - (a) Cumulative shadow flicker arising from the proposed development shall not exceed 30 minutes in any day or 30 hours in any year at any dwelling.
 - (b) The proposed turbines shall be fitted with appropriate equipment and software to control shadow flicker at dwellings.
 - (c) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a shadow flicker compliance monitoring programme for the operational wind farm.

Reason: In the interest of residential amenity.

10. Prior to commencement of development, the developer shall agree a protocol for assessing any impact on radio and television or other telecommunications reception in the area. In the event of interference occurring, the developer shall remedy such interference according to a methodology to be agreed in writing with the relevant planning authority, following consultation with other relevant authorities and prior to the commissioning of the turbines.

Reason: In the interest of orderly planning and residential amenity.

11. Details of any aeronautical requirements shall be submitted to, and agreed in writing with, the relevant planning authority prior to commencement of development. Prior to commissioning of the turbines, the developer shall inform the relevant planning authority, the Irish Aviation Authority and the Department of Defence of the as-constructed tip heights and co-ordinates of the turbines and wind monitoring masts.

Reason: In the interest of air traffic safety.

12. (a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, Offaly County Council and, where relevant, with Westmeath County Council:
- (i) A Transport Management Plan, including details of the road network/haulage routes and the vehicle types to be used to transport materials on and off site and a schedule of control measures for exceptionally wide and heavy delivery loads.
 - (ii) 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 construction of the proposed development. This survey shall include a schedule of required works to enable the haul routes to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority / authorities prior to commencement of development.
 - (iii) Detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority.

- (iv) Detailed arrangements for the protection of bridges to be crossed.
 - (v) Detailed arrangements for temporary traffic arrangements / controls on roads.
 - (vi) A phasing programme indicating the timescale within which it is intended to use each public route to facilitate construction of the proposed development.
 - (vii) Within three months of the cessation of the use of each public road and haul route to transport material to and from the site, a road survey and scheme of works detailing works to repair any damage to these routes shall be submitted to the planning authority.
- (b) All works arising from the aforementioned arrangements shall be completed at the developer's expense within 12 months of the cessation of each road's use as a haul route for the proposed development.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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 operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. On full or partial decommissioning of the wind farm, or if the wind farm 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. These reinstatement works shall 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 cessation of the project.

15. 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 relevant 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 relevant 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 relevant planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the delivery route.

16. Prior to commencement of development, the developer shall lodge with the relevant planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the relevant planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the relevant 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 relevant planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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 **€31,512**.

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

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

Dated this day of 2017.