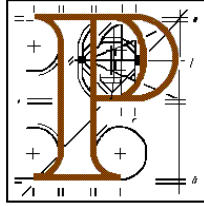


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

An Bord Pleanála Reference Number: 04.RP.2121 (appeal reference number PL 04.217191, planning register reference number 06/4439)

WHEREAS by order dated the 18th day of December, 2006 An Bord Pleanála, under appeal reference number PL 04.217191, granted subject to conditions a permission to Kemar Limited of 3 Woods Place, York Street, Cork for development comprising construction of a windfarm comprising six number wind turbines (hub height 80 metres, blade diameter 82 metres); electrical control building; construction of new, and extension of existing internal site tracks, storage compound; and associated works at Foiladaun, Rockchapel, County Cork in the townlands of Foiladaun and Glennaknockane, County Cork:

AND WHEREAS condition number 12 attached to this permission required the developer to submit to and agree in writing with the planning authority proposals in relation to vehicle types and the use of public roads in the area during the construction phase:

AND WHEREAS the developer and the planning authority failed to agree on the above details in compliance with the terms of this condition and the matter was referred by the developer to An Bord Pleanála on the 6th day of November, 2015 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the road improvement works along the proposed haul route are not within the scope of condition number 12 of An Bord Pleanála appeal reference number PL 04.217191 (planning register reference number 06/4439).

REASONS AND CONSIDERATIONS

The Board considered that the proposed road improvement works come within the parameters of the mitigation works as specified in Section 4.28 of the Environmental Impact Statement that accompanied the application. Regard is had to the fact that condition number 1 of the permission granted under appeal reference number PL 04.217191 requires that the development is be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with the planning authority on the 21st day of February, 2006 and the 14th day of March, 2006, except as may otherwise be required in order to comply with the conditions attached to the order. It is considered that condition number 12 of this permission required agreement between the planning authority and developer only in relation to vehicle types and the use of the public roads during the construction phase of the windfarm and did not require agreement in respect of road improvement works, as these works were the mitigation works that had been approved as part of the consent for the overall development.

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 any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2016.