

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork County

An Bord Pleanála Reference Number: **04.SU.0135**

APPLICATION FOR SUBSTITUTE CONSENT by Leonard Draper care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF WINDFARM: Garranure, Kilvinane and Carrigeen, Ballynacarriga, Dunmanway, County Cork.

BOARD DECISION

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

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.

REASONS AND CONSIDERATIONS

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

- (a) Council Directive 92/43/EEC on the Conservation and Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts, 2000 to 2016, and in particular Part XA,
- (c) the European and national policies to increase the proportion of energy that is generated from renewable sources including wind set out in the Renewable Energy Directive 2009/28/EC and the National Renewable Energy Action Plan which sets a target that 40% of the electricity generated in Ireland would be from renewable sources by 2020,
- (d) the Guidelines for Planning Authorities on Wind Energy Development issued by the Department of the Environment, Heritage and Local Government in June, 2006,
- (e) the provisions of the Cork County Council's renewable energy strategy,
- (f) the provisions of the Cork County Development Plan 2014 to 2020, including the designation of the area as one where wind energy development is open to consideration,
- (g) the character of the landscape of the area,
- (h) the distance to dwellings and other sensitive receptors from the proposed development,
- (i) the separation of the site of the proposed development from sites designated as part of the Natura 2000 network and the nature of the connections between them,
- (j) the planning history of the overall site,
- (k) the remedial Environmental Impact Statement and the revised remedial Environmental Impact Statement submitted to the Board during the course of the application for substitute consent and documentation generally on file,

- (l) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (m) the submissions made in accordance with regulations under section 177N of the Planning and Development act, 2000, as amended, and
- (n) the initial report of the Planning Inspector (26th day of January, 2016) and addendum report of the Planning Inspector (30th day of November, 2016).

Appropriate Assessment Screening

The Board accepted and adopted the Inspector's screening assessment as set out in the initial report and the addendum report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the turbines and the associated grid connection, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was satisfied that the development, either individually or in combination with other plans or projects, did not have and does not have a significant effect on the River Bandon Special Area of Conservation (Site code 002171) or any other European Site, in view of the sites' Conservation Objectives.

Environmental Impact Statement

The Board considered that the remedial Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the revised remedial Environmental Impact Statement incorporating the grid connection, the reports, assessment and conclusions of the Inspector with regard to this file, and other submissions on file, were adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the development on the environment.

The Board completed an Environmental Impact Assessment, and assessed the likely significant effects of the development including the potential impacts of the turbines and the grid connection, and concluded that the mitigation measures proposed and residual effects were acceptable. The Board considered that, subject to the implementation of the mitigation measures proposed, the effects on the environment of the proposed development have been and continue to be acceptable.

Conclusion

It is considered that, subject to compliance with the conditions set out below, the development has been and is in accordance with national energy policy and with national and local planning policy on wind energy development and the protection of landscapes and scenic routes, has not adversely affected and does not adversely affect the landscape, does not seriously injure the visual or residential amenities of the area and is acceptable in terms of traffic safety and convenience. The development for which substitute consent is sought has been and is, therefore, in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application, as amended by the further information received by An Bord Pleanála on the 2nd day of August, 2016 and the 23rd day of August, 2016, 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. The environmental mitigation measures set out in the remedial Environmental Impact Statement received by An Bord Pleanála on the 14th day of October, 2015 shall be implemented in full.

Reason: In the interest of environmental protection and to protect the amenities of the area.

3. The authorised windfarm shall operate for no more than 25 years from the date of this order.

Reason: To clarify the nature of authorised development in accordance with the details submitted with the application.

4. Details of 'as constructed' co-ordinates and elevations of the turbines shall be submitted to the Irish Aviation Authority. If required, warning lights shall be affixed to the turbines, at the developer's expense, in accordance with the requirements of the planning authority.

Reason: In the interest of aviation safety.

5. Wind turbine noise at dwellings or other sensitive receptors shall not exceed 40 dB(A) LA90 externally. Within 3 months from the date of this order, the developer shall agree a noise compliance monitoring programme for the operational wind farm with the planning authority. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with Respect to Community Response," as amended by ISO Recommendations R 1996-1. The results of the noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months from the date of this order, following agreement of the programme.

Reason: In the interest of residential amenity.

6. Within three months of the date of this order, the developer shall submit to and agree in writing with the planning authority details of a monitoring programme over a 12-month period in relation to shadow flicker. The details shall include the nature and extent of the monitoring following the commissioning of the wind farm. The monitoring results shall be submitted to the planning authority within one month of the completion of the programme and the developer shall comply with any mitigation measures considered necessary by the planning authority including the switching off of any turbines as a result of the monitoring.

Reason: In the interest of residential amenity.

7. Within three months of the date of this order, the developer shall submit to, and agreed in writing with the planning authority a protocol for assessing any impact on radio or television or other telecommunication reception in the area. In the event of interference occurring, it shall be the responsibility of the developer to mitigate such interference according to a methodology to be agreed with the planning authority.

Reason: In the interest of residential amenity.

8. Within three months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other such security as may be acceptable to the planning authority to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement of the site. The form and amount of the security shall be as agreed between the planning authority and the developer, or in default of such agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

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

Dated this day of 2017.