

Memorandum



To: Dolores McCague
Senior Planning Inspector

From: Robert Speer
Planning Inspector

Date: 29th August, 2014

Re: PA0029: Proposed Oweninny Wind Farm and associated works,
Bellacorrick, Co. Mayo.

Please find attached recommended conditions specifically pertaining to the issues of noise, shadow flicker and traffic & transport with regard to the aforementioned application (*N.B.* It is likely that some of these issues will also be addressed in part through the imposition of other standard Board conditions such as those which require the developer to compile an Environmental Management System and to fully implement all of the mitigation measures set out in the Environmental Impact Statement, Natura Impact Statement and other associated documentation).

1. Noise:

1.1 Construction Noise:

- The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Statement, Natura Impact Statement and associated documentation are implemented in full, except as may otherwise be required by the attached conditions.

Reason: In the interest of protection of the environment

- The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Provision of construction hours, including deliveries of materials to the site;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) 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;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soils, including peat;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

Reason: In the interest of amenities, public health and safety.

1.2 Operational Noise:

- Noise mitigation measures outlined in the environmental impact statement received by the Board on the 4th day of July, 2013, shall be carried out in full. The following conditions shall be complied with:

- 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 43dB(A)L90, 10 min; or a fixed lower limit of 37.5dB(A) at lower wind speeds in those low noise environments identified as Noise Sensitive Locations H36-H46 inclusive in Table 7-15 of the environmental impact statement.
- b) All noise measurements shall be made in accordance with I.S.O. Recommendations R1996/1, 2 & 3 “Acoustics – Description and Measurement of Environmental Noise”.
- c) The developer shall arrange for a noise compliance monitoring programme for the operational wind farm. Details on the nature and extent of the monitoring programme, including any mitigation measures such as the de-rating of particular turbines, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

2.0 Shadow Flicker:

- a) Turbine Nos. 45, 51, 66, 67, 68, 78, 79, 82, 87, 91, 92, 101 & 111 shall be fitted with appropriate equipment and software to suitably control shadow flicker at nearby dwellings, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- b) Shadow flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.
- c) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority, indicating compliance with the above shadow flicker requirements. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority.
- d) A shadow flicker compliance monitoring programme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

3.0 Traffic:

- All construction traffic shall access the site via the 3 No. existing site access points located on the N59 (Crossmolina – Bangor) National Road. No access to the site for construction purposes is permitted from any of the local roads adjoining the site.

Reason: In the interest of traffic safety.

- a) Full details of the upgrading works to the existing site access arrangements and the associated road improvement works to be undertaken along the public road, including any road widening and the provision of deceleration lanes, designed to facilitate the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
- b) Prior to the commencement of any further development works on the application site, the developer shall have completed, to the written satisfaction of the planning authority, the upgrading works to the existing site access arrangements and the associated road improvement works along the public road in accordance with point (a) above.
- c) The provision of the required upgrading of the existing site access arrangements and the associated road improvement works on the public road shall be undertaken at the expense of the developer.

Reason: In the interest of proper planning and sustainable development and in the interest of pedestrian and road traffic safety.

- Details of the proposed closure of an existing site entrance and its subsequent use for emergency access purposes only shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

- a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, Mayo County Council and, where relevant, with Sligo County Council:
 - i) a Transport Management Plan, including details of the road network/haulage routes, the vehicle types to be used to transport materials

on and off site, and a schedule of control measures for exceptional wide and heavy delivery loads.

- ii) a condition survey of the roads and bridges along the haul routes to be carried out at the developer's expense by a qualified engineer both before and after construction of the wind farm 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/authorities.
 - iv) detailed arrangements for temporary traffic arrangements/controls on roads.
 - v) a programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.
- 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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

- The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act, 2000 in respect of the repair and maintenance of public roads damaged by construction and maintenance traffic. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

Signed: _____

Robert Speer
Inspectorate

Date: _____