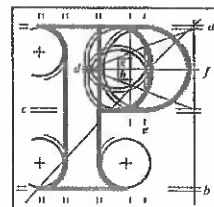


Our Case Number: ABP-317265-23



**An
Bord
Pleanála**

Waterford City and County Council
Planning Department
City Hall
The Mall
Waterford City
Co. Waterford

Date: 31 July 2023

Re: 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.

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,



Ashling Doherty
Executive Officer
Direct Line: 01-8737160

PA09

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

An Bord Pleanála,
64 Marlborough Street,
Dulbin 1
D01 V902

20th July, 2023



**Re:- Construction of Dyrick Hill Wind Farm comprising 12 Wind turbines and related works
Townlands of Ballymacmaque North, Ballymacmaque South, Ballynaguikie Lower, Ballynaguikes
Upper, Broemoutain, Carrigaun (Mansfield) and other Co Waterrick**

Your reference ABP-317265-23

A Chara,

Further to your letter dated 13th June, 2023 in connection with the above I now enclose the following:-

1. Planning Report dated 14th July, 2023.
2. Minutes of Special Meeting of Dungarvan & Lismore District Meeting held on 19th July, 2023 together with letter signed by the Meetings Administrator.

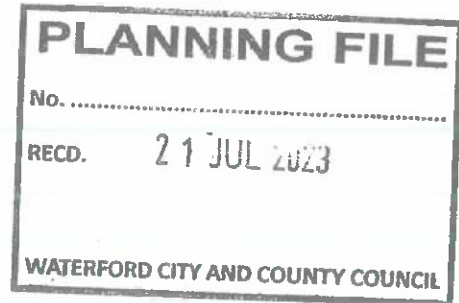
Mise le meas,

Elean Grace

For Director
Corporate Services Culture & Planning



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council



20th July 2023

To whom it may concern,

The members of the Dungarvan Lismore district of Waterford City & County Council met on Wednesday 19th July 2023 to discuss the Dyrick Hill Wind Farm proposal.

In accordance with Section 37E (7) of the Planning & Development Act 2000, as amended, the attached minutes are a record of the meeting and outline the views as expressed by the members of the proposed development.

Yours sincerely,

Honor Dunphy
Meetings Administrator



Strategic Infrastructure Development Planning Report

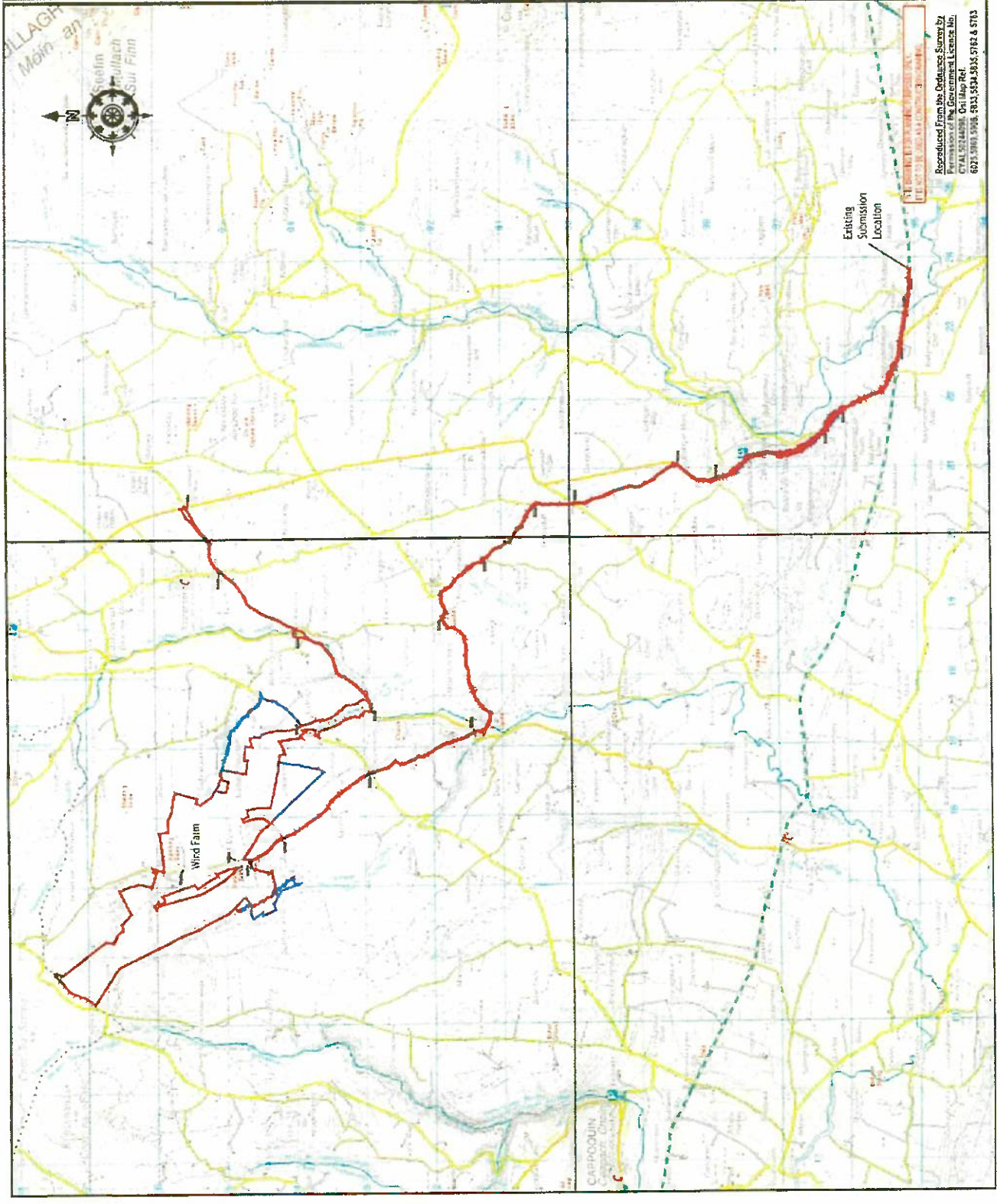
Bord Pleanála Case reference: ABP-317265-23

The Proposal

Application to An Bord Pleanála by **Dyrick Hill Wind Farm Limited**, in accordance with Section 37E of the Planning and Development Act 2000, as amended, for planning permission for a period of 15 years, for development comprising the construction of a wind farm and related works in the townlands of Ballymacmague North, Ballymacmague South, Ballynaguilkee Lower, Ballynaguilkee Upper, Broemountain, Carrigaun (Mansfield), Castlequarter, Clooncogaile, Colligan More, Colliganwood, Corradoon, Dyrick, Farnane Lower, Farnane Upper, Garryclone, Garryduff, Killadangan, Kilcooney, Knockaunnaglokee Langanoran, Lickoran, Lickoranmountain, Lisleagh, Lisleaghmountain, Lyrattin, Mountaincastle South, Scartmountain, Sleadycastle in County Waterford.

The proposed development will consist of the following:

- Erection of 12 no. 6.0-7.2 MW 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 185m. The candidate wind turbines will have a 162m rotor diameter and a hub height of 104m.
- 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 104m.
- Development of a site drainage network.
- Construction of one permanent 110 kV 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 kV underground cable connection approximately 16km in length to the existing Dungarvan 110 kV Substation.
- Upgrade works on the turbine delivery route from Waterford Port.
- Ancillary forestry felling to facilitate construction and operation of the Development.



Drawing No. 6497-PL-001	
Scale 1:25,000 (A1) & 1:50,000 (A2)	
Date 01.12.2022	
Project Proposed Wind Farm and Grid Connection at Dynack Hill, County Waterford.	
Title Planning Application	
Overall Site Location Map Discovery Mapping	
Client EAP Group EM Energy	

Reproduced from the Ordnance Survey by permission of the Government Licence No. 6025/5987/5908, 5931/5934/5935/5936 & 5937

The applicants are seeking a fifteen-year permission and a 40-year operational period from the date of overall commissioning of the entire wind farm.

This application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

Strategic Infrastructure Development (SID) Status Determination

Following consultations under section 37B of the Planning and Development Act 2000, as amended, An Bord Pleanála served notice on the 5th of April 2023 (under section 37B(4)(a) of the Act) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Act and that the proposed development would therefore be **Strategic Infrastructure** within the meaning of section 37A of the Act.

What this means in effect is that any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

The application was subsequently submitted to An Bord Pleanála on the 6th of June 2023 and was assigned the An Bord Pleanála case reference number: ABP-317265-23. This planning application is due to be determined by An Bord Pleanála by the 5th of December 2023.

Consultation

The applicants and their agents engaged in pre-planning consultation with the Planning Department of Waterford City and County Council on the 23rd of June 2021.

Waterford City and County Council also responded to an Environmental Impact Assessment (EIA) scoping request in relation to this proposed development on the 23rd of November 2022.

The planning application, EIAR and NIS were placed on public display on the 14th June 2023 in the offices of An Bord Pleanála, the offices of Waterford City and County Council and on a dedicated website: www.dyrickhillwindfarmplanning.ie.

Waterford City and County Development Plan 2022-2028

The Waterford City and County Development Plan 2022-2028 was adopted on Thursday 7th June 2022. This development plan came into effect on Tuesday 19th July 2022 and is the relevant statutory development plan applying to the site which is the subject of application ref: ABP-317265-23.

The planning authority's general policy in relation to Renewable Energy is set out in Policy Objective UTL 13 (Volume 1: Section 6.9):

It is the policy of Waterford City and County Council to promote and facilitate a culture of adopting energy efficiency/ renewable energy technologies and energy conservation and seek to reduce dependency on fossil fuels thereby enhancing the environmental, social and economic benefits to Waterford City and County. It must also be recognised that other sources of electricity generation such as natural gas, particularly renewable and indigenous gas, will continue to have a role to play in the transition to a low carbon economy. As such, renewable energy developments may require support from such sources in times of high energy demand. This will be achieved by:

- *Supporting the delivery of renewable energy to achieve the targets identified in Table 6.3 of the Development Plan.*
- *Facilitating and encouraging, where appropriate, proposals for renewable energy generation, transmission and distribution and ancillary support infrastructure facilities including the necessary infrastructure required for the development of offshore renewable energy developments developed fully in accordance with the Waterford Renewable Energy Strategy, the wind energy designation map (Appendix 2 of the RES), the Waterford Landscape and Seascape Character Assessment undertaken to inform this Development Plan, and the National Wind Energy Guidelines, or any subsequent update/ review of these*
- *The Council recognizes and supports the role that the County can play in facilitating the onshore infrastructure required for the construction, operation and maintenance of offshore wind farm developments. This infrastructure includes but is not limited to: construction facilities, storage and lay-down areas, cable landfalls, onshore cable routing to substations, port and harbour infrastructure and coastal operations and maintenance bases, as well as use, reuse or repowering of existing infrastructure where appropriate.*
- *The Wind Energy Designation Map and the Landscape and Seascape Character Assessment Map identify different landscape character areas and associated landscape sensitivities. These designations encompass the concept of buffers between areas of sensitivity which vary across the different landscape character types and their different locations. These buffers allow for a gradual change between contrasting landscape sensitivities and associated wind energy designations to be considered, as necessary, when determining any development proposal.*

- *Promote and encourage the use of renewable energy, and low carbon resources, namely solar photovoltaic, geothermal, heat pumps, district heating, solar thermal, hydro, tidal power, offshore and onshore wind, biomass as well as micro-generation among business, agriculture, education, health, and other sectors.*
- *Promoting, encouraging, ensuring, and facilitating community engagement, participation and implementation of/ in renewable energy projects.*
- *Implementing, including in the Council's own activities and in the provision of services/ works, the use and integration of low carbon, renewable energy infrastructure and technologies.*
- *Supporting appropriate options for, and provision of, low carbon and renewable energy technologies and facilities, including the development and provision of district heating (and/ or other low carbon heating technologies); anaerobic digestion and the extraction of energy and other resources from sewerage sludge.*
- *The preparation and implementation of a Climate Action Plan (including adaptation and mitigation measures) for Waterford.*
- *To support in conjunction with other relevant agencies, wind energy initiatives, both onshore and offshore, and wave energy, and onshore grid connections and reinforcements to facilitate offshore renewable energy development when these are undertaken in an environmentally acceptable manner.*

At initial design stage full consideration should be to reasonable alternatives and existing infrastructural assets. In this regard environmental assessments should address reasonable alternatives for the location of new energy developments, and where existing infrastructural assets such as sub-stations, power lines and roads already exist within proposed development areas, then such assets should be considered for sustainable use by the proposed development where the assets have capacity to absorb the new development.

All planning applications for Renewable Energy Projects such as wind farms and solar farms shall be accompanied by a Decommissioning and Restoration Plan (DRP) consistent with the Wind Energy Guidelines 2006 or any update thereof. Issues to be addressed shall include details of proposed restorative measures, the removal of above ground structures and equipment, the restoration of habitats, landscaping and/or reseeded roads etc.

Section 5.24 of Volume 2 of the Waterford City and County Development Plan 2022-2028 relates specifically to Development Management Standards for Renewable Energy Developments. That section states that:

The Council will support renewable energy developments in line with policy objective UTL 13 of the Development Plan (Volume 1: Section 6.9). All applications for wind energy developments should be compatible with the 2006 Wind Energy Development Guidelines issued by the DoEHLG (or any updated revision of same), the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), and the Waterford Renewable Energy Strategy (Appendix 7 of the Development Plan and in particular the wind energy designation map contained within the Strategy (Appendix 2 refers)) and the renewable energy targets set out in Table 6.3 of the Development Plan, while regard should also be had to the Waterford Landscape and Seascape Character Assessment (Appendix 8 of the Development Plan).

Assessment of landscape status and visual impact

It is a Strategic Objective of the Waterford City and County Development Plan (as set out at Chapter 10, Volume 1) to:

Protect our sensitive landscapes and seascapes which contribute to the distinctiveness of Waterford as a place

A Landscape and Seascape Character Assessment was prepared for Waterford City and County in 2020 (Figure 10.1 and Appendix 8) and identified seven landscape types; coastal landscapes, river corridor and estuary landscapes, farmed lowland landscapes, foothill landscapes, upland landscapes and urbanising landscapes. These landscapes are subject to varying forces for change and in turn have varying capacity to accommodate development that can impact on that particular landscape character.

Each unit of character is assigned an indicator of sensitivity, which indicates the extent to which the landscape will be vulnerable to change in its character. The categories (most sensitive, high sensitivity, low sensitivity and least sensitivity) reflect the criteria of the capacity to absorb new development as well as the potential to create disproportionate visual impacts.

The subject site is located in an area which is designed at “**Most Sensitive**”. As such, it has been determined by the planning authority that this area is characterised by very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.

It is the policy of the planning authority that, to be considered for permission, development in or in the environs of these areas must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. Particular

attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.

Cultural Heritage and Archaeological Protection

There are a significant number of sites on the Record of Monuments and Places which are included within, or which lie in close proximity to, the subject site. The policies and objectives of the planning authority in relation to the protection of our archaeological heritage are set out at section 11.17 of the current Waterford City and County Development Plan 2022-2028.

Natural Heritage and European Designations

The planning authority notes that the subject site is located in close proximity to the Blackwater River SAC.

It is also noted that the upper reaches of the Blackwater River catchment at Scartmountain are designed as a "Blue Dot" River Subbasin (Farnane 010).

Construction Impacts

The planning authority has very serious concerns regarding the carrying capacity and safety of road network serving the proposed development and the adequacy of the local road network to accommodate heavy construction traffic associated with the proposed development.

Adequacy, methodology adopted, conclusions etc. of the EIAR submitted with the application

The planning authority accepts that the EIAR submitted with the application complies with all relevant legislation and guidelines for the preparation of such assessment reports but strongly rejects the findings and conclusions contained as they relate to the visual impacts of the proposed development on this sensitive upland area, the nature and scale of the impact on the local road network during the construction phase of the proposed development and the conflicts between the proposal and the adopted policies and objectives of the planning authority in relation to the siting and location of large scale wind energy infrastructure.

Planning authority view on conditions which should be attached in the event of the Board deciding to grant permission

The planning authority does not recommend that planning permission be granted in this instance (see general recommendation below). However, in the event that An Bord Pleanála decides to grant planning permission, the planning authority requests that, at a minimum, the following conditions should be applied:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6th of June 2023, except as may otherwise be required in order to comply with the following conditions. In particular, the mitigation measures identified in the Environmental Impact Statement shall be implemented in full by the developer. Where the conditions below 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. Turbines numbers T04, T05 and T06 shall be omitted. This permission is for nine turbines only.

Reason: In order to prevent excessive injury to the visual amenities of this sensitive upland landscape in the interest of the proper planning and sustainable development of the area.

3. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered that 10 years was reasonable given the nature and complexity of the development concerned.

4. The permission shall be for a period of 25 years from the date of the commissioning of any wind turbines. The wind turbines and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.

Reason: To enable the planning authority to review its operation in the light of the circumstances then prevailing.

5. (a) The permitted turbines shall have a maximum tip height of 146 metres. Details of the turbine design and height shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The wind turbines, including tower and blades, shall be finished externally in a lightgrey 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.
- (e) The access tracks within the site shall be surfaced in gravel or hard-core, either from the borrow pits on site or imported to the site from nearby quarries, and shall not be hard topped with tarmacadam or concrete.
- (f) Roads, hard-standing areas and other hard-surfaced areas shall be completed to the written satisfaction of the planning authority within three months of the date of commissioning of the windfarm.
- (g) Soil, rock and other materials excavated during construction shall not be left stockpiled on site following completion of works. Excavated areas, including the borrow pits and areas of peat placement, shall be appropriately restored within three months of the date of commissioning of the wind farm, to details to be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual amenity, traffic safety and orderly development.

6. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, following consultation with the Irish Aviation Authority. Prior to the commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the coordinates of the as-constructed tip heights and co-ordinates of the turbines.

Reason: In the interest of air traffic safety.

7. Wind turbine noise arising from the proposed development, by itself or in combination with any other permitted wind energy development in the vicinity, shall not exceed the greater of:

- (a) 5 dB(A) above background noise levels or,
- (b) 43 dB(A) $L_{90,10min}$

when measured externally at dwellings or other sensitive receptors.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation 1996 "Acoustics – Description, measurement and assessment of environmental noise". The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the wind farm.

Reason: In the interest of residential amenity.

8. (a) The proposed development 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 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 at dwellings. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority. The developer shall outline proposed measures to address any recorded non-compliances, including control of turbine rotation if necessary. A similar report may be requested at reasonable intervals thereafter by the planning authority.

Reason: In the interest of residential amenity.

9. Prior to commencement of development, the developer shall agree with the planning authority a protocol for assessing any impact on radio or 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 planning authority, following consultation with other relevant authorities.

Reason: In the interest of residential amenity and orderly development, and to prevent any interference with such services.

10. (a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:

- (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 exceptionally wide and heavy delivery loads,
- (ii) a condition survey of the roads and bridges along the haul routes and grid connection route to be carried out at the developer's expense by a suitably qualified person 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 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, and
- (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 the use of each road as a haul route or grid connection 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.

11. Prior to commencement of development, a detailed reinstatement programme providing for the removal of all turbines and ancillary structures (but not turbine bases, access roads/tracks, cabling or the sub-station) shall be submitted to, and agreed in writing with, the planning authority. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the masts and turbines concerned shall be dismantled and removed from the site. The site shall be reinstated in accordance with the agreed programme and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To ensure satisfactory reinstatement of the site upon full or partial cessation of the project.

12. 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 or along the grid connection route. 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 or along the grid connection route.

13. All clear-felling of forestry associated with the development shall be undertaken in accordance with the appropriate Forest Service Guidelines. All necessary licences shall be obtained from the forest service for any felling operations on site.

Reason: In the interest of orderly development and to protect the amenities of the area.

14. The construction of the development shall be managed in accordance with a Construction Environmental 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 including areas identified for the storage of construction waste,
 - (b) location of area for construction site offices and staff facilities,
 - (c) measures providing for access for construction vehicles to the site, including details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include, in particular, proposals to facilitate and manage the delivery of over-sized loads,
 - (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (e) 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 or the laying of the grid connection,
 - (f) details of appropriate mitigation measures for construction-stage noise, dust and vibration, and monitoring of such levels,
 - (g) 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,
 - (h) appropriate provision for re-fuelling of vehicles,
 - (i) off-site disposal of construction waste and construction-stage details of how it is proposed to manage excavated soil/peat,
 - (j) means to ensure that surface water run-off is controlled in accordance with the mitigation measures proposed in the submitted documents, and
 - (k) details of the intended hours of construction.

Prior to commencement of construction, proposals for the environmental monitoring of construction works on site by an ecologist and by an environmental scientist or equivalent professional, including the monitoring of the implementation of construction-stage mitigation measures, and illustrating compliance with the requirements set out above, shall be submitted to, and agreed in writing with, the planning authority, together with associated reporting requirements.

Reason: In the interest of protection of the environment and of the amenities of the area.

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 planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site or by works carried out in relation to the laying of the grid connection, 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.

16. 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 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. 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 orderly development

17. 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, as amended, in respect of works to the public road in the vicinity of the site which are required to facilitate the proposed development and which are undertaken by the local authority. 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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of 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.

18. The developer shall pay to the Planning Authority a financial contribution of €10,000 per MW 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 relevant Development Contribution Scheme was adopted by Waterford City & County Council on 9th February 2023. The contribution shall be paid prior to the commencement of development.

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

Recommendation

Having regard to the foregoing, Waterford City and County Council recommends that planning permission be refused for the proposed development for the following reason:

Notwithstanding the general planning policy support for wind energy at national, regional and local policy level, including Policy Objective UTL 13 of the Waterford City and County Development Plan 2022-2028, which seeks to support where appropriate, proposals for renewable energy generation, transmission and distribution and ancillary support infrastructure facilities, in relation to the specific sites which is the subject of this application, that policy goes on to state that all such proposals shall be considered having regard to the wind energy designation map (Appendix 2 of the Renewable Energy Strategy) and the Waterford Landscape and Seascape Character Assessment which form an integral part of the development plan.

The subject site is located in an upland area which is designated as "most sensitive" with very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.

In addition, Landscape Policy Objective L 02 of the Waterford City and County Development Plan 2022-2028 states that protection of the landscape and natural assets of the county shall be a priority having regard to the character, integrity, distinctiveness or scenic value of specific areas by ensuring that development 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.

Furthermore, the Renewable Energy Strategy of the Waterford City and County Development Plan designates the site of the proposed development as an "exclusion zone" or a "no go area" for new wind energy developments.

The proposed development would be sited on lands that are located within an area where wind farm development is not normally permissible for reasons relating to landscape sensitivity and, accordingly, it is considered that the proposed development would materially contravene policies UTL 13 and L 02 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.



Liam McGree
Senior Planner
14th July 2023



Kieran Kehoe
Director of Services
14th July 2023



Michael Walsh
Chief Executive
14th July 2023

**DÚICHE DHÚN GARBHÁN AGUS LIOS MHÓR
DUNGARVAN AND LISMORE DISTRICT MEETING**

**HELD ON 19th July 2023
at 2.30pm in Civic Offices, Dungarvan.**

PRESENT:

Cllr. Pat Nugent (Cathaoirleach)
Cllr. Damien Geoghegan
Cllr. Tom Cronin
Cllr. John Pratt
Cllr. Declan Doocey
Cllr. Mairead Tobin
Cllr. Conor McGuinness
Cllr. Seamus O'Donnell
Cllr. Thomas Phelan

OFFICIALS IN ATTENDANCE:

Mr. Liam McGree, SP
Ms. Aisling O'Sullivan, SEP, Planning
Mr. Niall Kane, A/SEO, Environment
Ms. Honor Dunphy, Meetings Administrator

1. DYRICK HILL WIND FARM

Liam McGree, SP, outlined details of the application to An Bord Pleanála by Dyrick Hill Wind Farm Limited. He outlined that where a Strategic Development Infrastructure planning application is submitted to An Bord Pleanála that the planning authority must prepare and submit a report to the Board within 10 weeks of the making of the application. He outlined the Chief Executive's report to the members which recommends that planning permission be refused for the following reasons:

- Notwithstanding the general planning policy support for wind energy at national, regional and local policy level, including Policy Objective UTL 13 of the Waterford City and County Development Plan 2022-2028, which seeks to support where appropriate, proposals for renewable energy generation, transmission and distribution and ancillary support infrastructure facilities, in relation to the specific sites which is the subject of this application, that policy goes on to state that all such proposals shall be considered having regard to the wind energy designation map (Appendix 2 of the Renewable Energy Strategy) and the Waterford Landscape and Seascape Character Assessment which form an integral part of the development plan.
- The subject site is located in an upland area which is designated as "most sensitive" with very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area.
- Landscape Policy Objective L 02 of the Waterford City and County Development Plan 2022-2028 states that protection of the landscape and natural assets of the county shall be a priority having regard to the character, integrity, distinctiveness or scenic value of specific areas by ensuring that development 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 Renewable Energy Strategy of the Waterford City and County Development Plan designates the site of the proposed development as an "exclusion zone" or a "no go area" for new wind energy developments.
- The proposed development would be sited on lands that area located within an area where wind farm development is not normally permissible for reasons relating to landscape sensitivity and, accordingly, it is considered that the proposed development would materially contravene policies

UTL 13 and L 02 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

In the event that An Bord Pleanála grants permission he outlined a draft set of appropriate planning conditions that should be attached in the event of a grant of planning permission.

Cllr. Doocey noted inclusion in Development Plan to protect these areas and need to defend this plan in the submission to An Bord Pleanála. The current application contravenes the current Development Plan.

Cllr. Geoghegan outlined the Development Plan as the guiding document for all developments and needs to have an addendum to the report proposing that *'the members of the Dungarvan Lismore district council fully endorse the recommendation of the Chief Executive of Waterford City & County Council to refuse permission for the proposed windfarm at Dyrick Hill on the basis that the proposed development would materially contravene policies UTL 13 and L 02 of the Development Plan and would, be contrary to the proper planning and sustainable development of the area'*.

Cllr. McGuinness seconded Cllr. Geoghegan's proposal, welcomed members of the public to the meeting, noting that the CE report is a comprehensive and considered report and welcomed clear recommendation to reject application. He questioned if An Bord Pleanála will uphold the development plan that is in place and respect local democracy. Acknowledged the need to invest in renewable energy while respecting the rules and strategies in place. The development plan disqualifies the site in question on the grounds of the site has upland status and high sensitivity area, landscape policy L02's protection of the county's landscapes and natural assets and the site is in an exclusion zone.

Cllr. Phelan noted that is a well-informed document outlining legitimate reasons for An Bord Pleanála to not recommend this application. This application should not have been categorised as a SID and planning department should have dealt with it. Agree fully with the report and if An Bord Pleanála overrule, the conditions are good and would recommend reduction from 15 to 10 years for the period of the development to be carried out. It is only one year since the Development Plan was passed, this is first critical test of the Development Plan, and it needs to be adhered to, The Planning regulator, statutory agencies and the Department were satisfied with the Development Plan and needs to be adhered to.

Cllr. O'Donnell outlined his concern over the operation of An Bord Pleanála and what is agreed by them in relation to applications.

Cllr. Cronin noted his concerns where one off houses are refused planning permission yet this application will have serious consequences and impact for miles. The area is not zoned for wind turbine development and need to have the Development Plan adhered to.

Cllr. Pratt outlined that all councillors agree on the approach as proposed, noting that he is not in support of on land wind turbine development and supports need to have it offshore. This application should not have been accepted by An Bord Pleanála as it contravenes the Development Plan.

Cllr. Tobin noted that wary of the outcome as An Bord Pleanála as doesn't have respect for rural Ireland. There are further applications in the process and need to get the message out that not in favour of developments that contravene the Development Plan.

Cathaoirleach, Cllr. Pat Nugent thanked and acknowledged the CE report, it is important for the residents that are directly impacted that this development does not proceed due it's contravention of the Development Plan.

L. McGree, SP, outlined that the Development Plan is very clear, and a lot of time and effort went into it, it was as adopted and approved by all statutory agencies, the planning regulator and Department and deemed an example of good planning and appropriate policy for county. The wind farm policy in the plan is very clear and the proposed application is within an exclusion zone. The Board needs to have regard for the policy, it is a positive policy which acknowledges the place of renewable energy, there are areas for development and the policy is tailored and appropriate and there are instances where wind energy is not appropriate that need to be adhered to.

Agreed to append the resolution of council as proposed by Cllr. Geoghegan, seconded by Cllr. McGuinness and agreed by all.

Proposed by Cllr. Geoghegan, seconded by Cllr. Pratt that the minutes of today's meeting are attached as a record of the meeting prior to their approval at the September meeting. Agreed by all.