



## **Strategic Infrastructure Development (SID) Chief Executives Planning Report**

Bord Pleanála Case reference: ABP-PA93.318446-23

### **The Proposal**

Application to An Bord Pleanála by **Counmagappul Wind Farm Limited**, in accordance with Section 37E of the Planning and Development Act 2000, as amended, for planning permission for a period of 10 years (and 40 year operational life from date of commissioning), for development comprising the construction of a wind farm consisting of 10no. turbines and related works in the following townlands;

Bleantasourmountain, Carrigbrack, Coumagappul, Glennaneanemountain, Kilkeany, Kilkeany Mountain, Knocavanniamountain and Reanadampaun Commons, County Waterford.

The Grid Connection Route is within the townlands of Ballymacmague North, Ballymacmague South, Colligan More, Colliganwood, Eaglehill, Garryclone, Garryduff, Kilcooney, Killadangan, Knockacaharna, Knockboy, Lackandarra Upper, Reanadampaun Commons and Tinalira, County Waterford.

Accommodation works on the Turbine Delivery Route are within the townlands of Reanadampaun Commons and Clooncogaile, County Waterford.

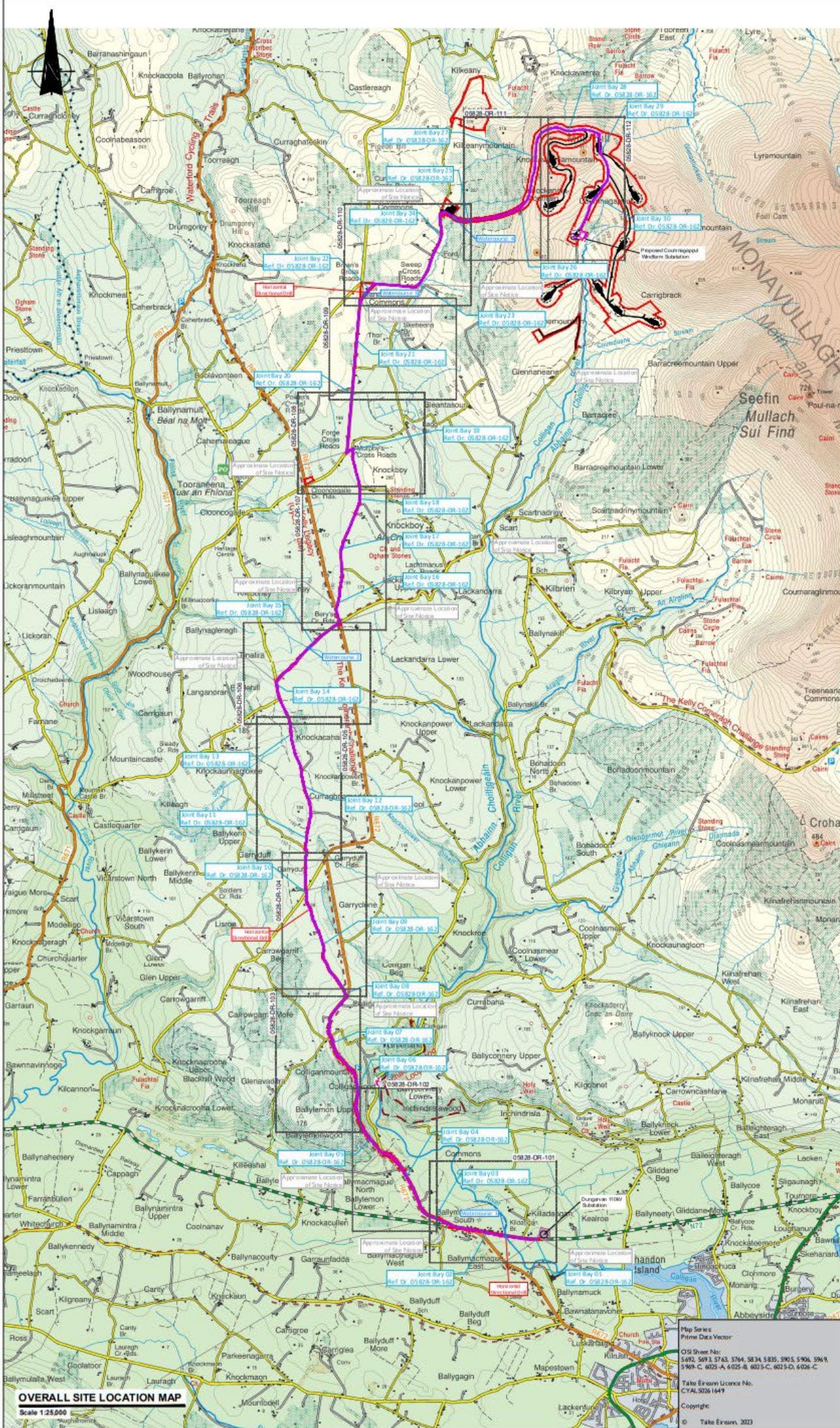
The Proposed Development for which consent is being sought will consist of the following:

- Construction of 10no. wind turbines with a blade tip height of 185m, a hub height of 104m and a rotor diameter of 162m;
- Construction of permanent turbine foundations and crane pad hardstanding areas and associated drainage;
- Construction of 25.43km of new internal access tracks and associated drainage infrastructure;
- Upgrading of 2,580m of existing tracks and associated drainage infrastructure;
- Creation of 1no. new construction and operation access to the wind farm Site;
- Creation of 1 no. new construction and operation access to the permanent meteorological mast;
- All associated drainage and sediment control including interceptor drains, cross drains, sediment ponds and swales;
- Installation of new watercourse crossings including a 15m single span bridge crossing, an open bottomed culvert and a piped culvert;
- Removal and replacement of existing culverted watercourse and drain crossings along the cable route;
- Construction of 1no. permanent onsite 110kV electrical substation and associated compound including:
  - Welfare facilities;
  - Electrical infrastructure;
  - Parking;

- Wastewater holding tank;
- Rainwater harvesting tank;
- Security fencing;
- All associated infrastructure, services and site works including excavation, earthworks and spoil management;
- Development of 1 no. on-site borrow pit (150m L X 100m W X 14m D) and associated ancillary drainage which will also act at a peat/spoil deposition area;
- 2 no. temporary construction compounds and associated ancillary infrastructure including parking;
- Forestry felling of 5.4ha (53,995m<sup>2</sup>) to facilitate construction and operation of the proposed development;
- Installation of medium voltage electrical and communication cabling underground between the proposed turbines and the proposed on-site substation and associated ancillary works;
- Installation of 22.47km of high voltage (110kV) and communication cabling underground between the proposed on-site substation and the existing Dungarvan Substation and associated ancillary works. The proposed grid connection cable works will include 6no. existing watercourse and drain crossings, three of which will be crossed by Horizontal Directional Drilling. The grid also includes the installation of 30no. pre-cast joint bays.
- Erection of 1no. permanent meteorological mast to a height of 110m above ground level with a 4m lightning pole on top.
- Temporary enabling works to accommodate turbine delivery
  - Load bearing surfaces and temporary watercourse and drain crossings
  - Temporary removal of road signage, utility poles, bollards and fencing.

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

A Site Layout is attached hereunder detailing both the location of the windfarm, associated works and the grid connection. The grid connection provides for c4.7km of on site underground cable and 17.8km from the site to the Dungarvan 110kV substation at Killadangan on the National Secondary Road, N72, immediately east of Radleys Industrial Complex.



**LEGEND:**

- Proposed Under Ground Cable (22.4 km) shown thus:
- Under Ground Cable within Wind Farm: 4.69km
- Under Ground Cable outside Wind Farm: 17.78km
- Red Line Boundary shown thus:
- Dunganree 110kV Substation:
- Required Substation Infrastructure:
- Future Substation Infrastructure (Open Only - Not being constructed as part of the planning application):

**NOTES:**

- Path of cable route and location of associated Joint Bays, Link Boxes and Correns Chambers may vary depending on site conditions.
- Other services may be encountered on the route.
- This drawing is to be used only for the purpose of the planning application and is subject to detailed design.
- Final section of Cable within Dunganree Substation to be confirmed and completed by ESB/Grid.

**tli GROUP**

Head Office:  
Boonagh,  
Abbeymealy,  
Dublin, Co. Kerry,  
Ireland.  
Tel: 01993 96 71 97/10

Regional Office:  
Bespoke Business Centre,  
Stevenson Road, Ballygarra,  
Hampshire,  
RG24 8LP, UK  
Tel: 01444 1256 006/4

**PROJECT**

**Comnagappul Wind Farm  
110kV Grid Connection**

**CLIENT**

**EMPower**

**CONSULTANTS**

**ISSUE/REVISION**

NO	DATE	DESCRIPTION
P0	02.10.2023	Issued for Planning
P5	23.08.2023	Issued For Planning
P4	26.07.2023	Issued For Planning
P3	05.07.2023	Issued For Planning
P2	12.05.2023	Issued For Planning
P1	13.01.2023	Issued For Planning
IR	DATE	DESCRIPTION

**PROJECT NUMBER**  
05-828

**SHEET TITLE**  
Overall Site Location Map

**SHEET NUMBER**  
05828-DR-100

Map Series:  
Prime Data Vector

OS Grid No: 5492, 5493, 5743, 5764, 5834, 5835, 5903, 5906, 5909, 5969, C, 6025, A, 6025, B, 6025, C, 6025-D, 6025-C

Take Easement Licence No. CTAL 5026 1649

Copyright © Take Easement, 2023

**OVERALL SITE LOCATION MAP**  
Scale 1:25,000

## **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 23<sup>rd</sup> of May 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 13<sup>th</sup> of November 2023 and was assigned the An Bord Pleanála case reference number: ABP-318446-23.

### **Consultation**

The applicants and their agents engaged in pre-application consultation with An Bord Pleanála on the 19<sup>th</sup> of January 2021, 25<sup>th</sup> of May 2022 and 18<sup>th</sup> of November 2022 and during this time the applicants and their agents also consulted with Waterford City and County Council 08<sup>th</sup> of September 2021, 28<sup>th</sup> of April 2022 and 20<sup>th</sup> September 2022.

Waterford City and County Council also responded to an Environmental Impact Assessment (EIA) scoping request in relation to this proposed development on the 18<sup>th</sup> of May 2022.

As setout above the application was lodged with An Bord Pleanála on the 13<sup>th</sup> of November 2023. The submission of the application however was after the date of commencement public consultation which the public notices stated commenced on the 10<sup>th</sup> of November 2023 and was due to end on the 08<sup>th</sup> of January 2024. A subsequent addendum requested by An Bord Pleanála required revised public notices and an extension of the public consultation date up until the 29<sup>th</sup> of January 2024.

The planning application, EIAR and NIS were placed on public display in the offices of An Bord Pleanála, the offices of Waterford City and County Council and on a dedicated website: [www.coumnagappulwindfarmsid.ie](http://www.coumnagappulwindfarmsid.ie)

## Waterford City and County Development Plan 2022-2028

The Waterford City and County Development Plan 2022-2028 was adopted on 7<sup>th</sup> of June 2022. This Development Plan came into effect on 19<sup>th</sup> of July 2022 and is the relevant Statutory Development Plan applying to the site which is the subject of application ref: ABP-PA93.318446-23.

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).*

The wind energy designation map contained within the updated Renewable Energy Strategy forming Appendix 7 of the Waterford City and County Development Plan 2022 – 2028 designates the lands which the 10no. turbines are proposed as being a No Go Area / Exclusion Area where wind development is not supported in principle.

### **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 (all 10no. proposed turbines) 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.

Note: The visual assessment provided includes for distant and focused views, any assessment by An Bord Pleanála should fully consider potential cumulative impacts associated with other permitted and proposed wind development in the area and wider landscape.

## **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 windfarm site and associated falls within the catchments of the Colligan River, Finisk River and Nire River with the Finisk forming part of the Blackwater River SAC and the Nire forming part of the Lower River Suir SAC.

The development works are;

- 0.5km north west of the Dungarvan Harbour SPA
- 0.8km west of the Comeragh Mountains SAC
- 1.9km east of the Blackwater River SAC
- 2.8km south of the Nire Valley Woodlands SAC
- 4.1km south east of the Lower River Suir SAC
- 4.4km west of the Glendine Woodlands SAC
- 9.1km north west of the Helvic to Ballyquin SPA
- 9.3km north west of the Helvic Head SAC
- 9.7km west of the Mid Waterford Coast SPA

It is also noted that the upper reaches of the above water courses fall within “Blue Dot” River Subbasins.

## **Construction Impacts**

The Planning Authority has very serious concerns regarding the carrying capacity and safety of the local road network serving the proposed development and the adequacy of the local road network to accommodate heavy construction traffic associated with the proposed development. Further concerns exist regarding the undergrounding of the grid connection with both direct impacts on the construction of the road network and long terms maintenance and upgrades to the road network.

## **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 which include for a reduction in scale of turbines:

- 1.** The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13<sup>th</sup> of November 2023, except as may otherwise be required in order to comply with the following conditions. 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.** 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.

- 3.** 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 and the proper planning and sustainable development of the area.

- 4.** The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report, the Natura Impact Statement and associated documentation are implemented in full, by the developer in conjunction with the timelines set out therein, except as may be otherwise be required in order to comply with the following conditions. Prior to the commencement of the development, the developer shall submit to and agree in writing with the Planning Authority a schedule of these mitigation and monitoring commitments and details of a time schedule for implementation of the mitigation measures and associated monitoring.

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

5. The developer shall appoint a suitably qualified ecologist to monitor ecologist to monitor and ensure that all avoidance and mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the National Parks and Wildlife Service and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to the Planning Authority and retained on file as a matter of public record.

**Reason:** To protect the environmental and natural heritage of the area.

6.
  - (a) The permitted turbines shall have a maximum tip height of 150 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.

7. 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.

8. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:

(a) Between the hours of 0700 and 2300:

- (i) The greater of 5 dB(A)  $L_{90, 10min}$  above background noise levels, or 45 dB(A)  $L_{90, 10min}$  at standardised 10m height above ground level wind speeds of 7m/s or greater,
  - (ii) 40 dB(A)  $L_{90, 10min}$  at all other standardised 10m height above ground level wind speeds,
- (b) 43 dB(A)  $L_{90, 10min}$  at all other times

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 International Organisation of Standardisation Recommendation R 1996 “Acoustics – Description, measurement and assessment of environmental noise” as amended by IOS Recommendations R 1996-1. 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.

9. (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.

10. 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.

- 11. (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.

- 12.** 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.

- 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 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.

- 14.** 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.

- 15.** 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.

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 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.

17. 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

18. 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.

19. 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, as amended. The relevant Development Contribution Scheme was adopted by Waterford City & County Council on 9<sup>th</sup> 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.

20. Prior to the commencement of the development, the details of the proposed community benefit scheme as outlined in Section 1.4.5 and 6.7.5.2 of the EIAR shall be submitted to the Planning Authority for written agreement.

**Reason:** In the interest of clarity.

## 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:

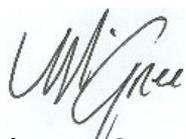
1. *Notwithstanding the general planning policy support for wind energy at National, Regional and Local policy level, including Policy Objective UTL 13 of the Waterford City and County Development Plan 2022-2028, which seeks to support where appropriate, proposals for renewable energy generation, transmission 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 adopted Development Plan.*

*The subject site is located in an upland area which is designated as “No Go/Exclusion Area” for wind development and as “most sensitive” in terms of landscape character 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.*

*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.*

Recommended by:



**Liam McGree**  
Senior Planner



**Paul Johnston**  
Acting Director of Services  
Planning, Corporate, Culture, HR & IS