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An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

19 October 2020
Our Ref: PIN001SS
Your Ref: --/--

Dear Sir/Madam,

Location: Knockardagur, Ballinakill, County Laois.

Re: 1 no. 110kV 'loop in-loop out' air-insulated switchroom (AIS) substation including control buildings, transformers and all associated electrical equipment, security fencing and lighting; (ii) 2 no. lattice-type strain towers with a maximum height of up to 21m; (iii) c. 70m of 110kV overhead electricity lines to facilitate connection of the proposed substation to the permitted Laois-Kilkenny Grid Reinforcement Project; (iv) c. 0.65km of on-site access track with associated site entrance from local public road; and (v) All associated site development, landscaping and reinstatement works including provision of drainage infrastructure.

An Environmental Impact Assessment Report and Natura Impact Statement have been prepared in respect of the proposed development and accompany this planning application.

1.0 Introduction

On behalf of our client, Pinewood Wind Limited ('the Applicant'), please find enclosed a Strategic Infrastructure Development (SID) planning application for the abovementioned proposed development in accordance with Section 182A of the Planning and Development Act 2000 (as amended) ('the Act').

2.0 Background to this Planning Application

As An Bord Pleanála will be aware, planning permission was granted by it on appeal in September 2019 for the development of an 11 no. turbine wind energy development and associated infrastructure (known hereafter as the 'Pinewoods Wind Farm') pursuant to References PL11.248518 and PL10.248392.

The Pinewoods Wind Farm planning application originally included a proposal for a 110kV substation at the location of the instantly proposed development. During the course of An Bord Pleanála's consideration of the appeals, however, the Applicant was advised that An Bord Pleanála considered that the substation element of the Pinewoods Wind Farm may constitute SID within the meaning of Section 182A the Act.

The Applicant consequently entered into pre-application consultations with An Bord Pleanála (Reference ABP-303194-18), pursuant to Section 182E. On 16 July 2019, An Bord Pleanála served notice of its determination that the substation constituted SID

and that a planning application for same must be made directly to An Bord Pleanála in the first instance (see **Annex 1**).

An Bord Pleanála subsequently granted planning permission for the Pinewoods Wind Farm, but excluded the substation element by way of condition of consent (Condition No. 4 (PL11.248518)) (see **Annex 2**), as follows:-

"The proposed 110kV substation at Knockardugar, County Laois is not authorised by this permission.

Reason: The provision of the proposed substation at Knockardugar would represent strategic infrastructure development under the provisions of the Planning and Development Act, 2000, as amended, and accordingly is subject to a separate planning application process."

Accordingly, a SID planning application is now being made directly to An Bord Pleanála in accordance with Section 182A of the Act for the substation.

3.0 Description of the Proposed Development

The planning application seeks permission for a 10-year planning permission for a proposed development generally described as follows:-

- (i) A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electrical substation with a 'split level' design, including 2 no. single-storey control buildings (with a Gross Floor Area of 589 square metres), 1 no. transformer bay, 2 no. line bays and all associated electrical equipment, services and lighting within an up to 2.95 metre high fenced compound (with a total footprint of 13,100 square metres);
- (ii) 2 no. lattice-type strain towers with a maximum height of up to 21m and approximately 70m of 110kV overhead electricity lines to facilitate connection of the proposed substation to the permitted 110kV Laois-Kilkenny Grid Reinforcement Project electricity transmission line (An Bord Pleanála Reference PL11.VA0015);
- (iii) Approximately 0.65km of on-site access track with associated site entrance from local public road (L77951); and
- (iv) All associated and ancillary site development, excavation, construction, landscaping and reinstatement works, including provision of site drainage infrastructure and surface water protection measures.

4.0 Environmental Impact Assessment

A full Environmental Impact Assessment Report (EIAR) has been submitted with this planning application to inform the Environmental Impact Assessment (EIA) to be carried out by An Bord Pleanála.

The EIAR is presented as 3 no. volumes, which should be read in conjunction with each other, as follows:-

- **Volume I** comprises the main EIAR text and follows a 'grouped format' structure where each environmental factor is assessed and presented as a separate chapter. The EIA Directive prescribes the range of environmental factors which

should be used to organise descriptions of the environment and likely environmental effects. These have been supplemented with additional environmental factors owing to the characteristics of the project under assessments, as follows:-

- Chapter 1: Introduction;
 - Chapter 2: Assessment of Project Alternatives;
 - Chapter 3: Description of the Proposed Development;
 - Chapter 4: Population & Human Health;
 - Chapter 5: Biodiversity;
 - Chapter 6: Land & Soils;
 - Chapter 7: Water;
 - Chapter 8: Air Quality & Climate;
 - Chapter 9: Landscape;
 - Chapter 10: Cultural Heritage;
 - Chapter 11: Noise & Vibration;
 - Chapter 12: Shadow Flicker;
 - Chapter 13: Material Assets; and
 - Chapter 14: Interactions of the Foregoing.
- **Volume II** comprises a range of annexes, including technical data and reports, which informed the impact assessment provided in **Volume I** so as to ensure the EIAR is transparently supported by evidence.
 - **Volume III** comprises the Environmental Impact Assessment Report/Environmental Impact Statement¹ (EIAR/EIS) prepared in respect of the permitted Pinewoods Wind Farm. This EIAR/EIS has been provided to ensure that An Bord Pleanála has before it all necessary and relevant environmental assessments related to the entire project to allow for a complete and comprehensive cumulative assessment of the likely significant effects on the environment.

A Non-Technical Summary of the EIAR is provided as a separate standalone volume in order to facilitate the wider public concerned in their involvement in the statutory consultation during the planning application determination stage.

5.0 Appropriate Assessment

A Natura Impact Statement (NIS) has been prepared by SLR Consulting and submitted with this planning application. The NIS is presented as a separate document and submitted to inform a Habitats Directive Appropriate Assessment to be carried out by the Planning Authority (Council Directive 92/43/EC & Council Directive 2009/147/EC). Again, the NIS addresses the entirety of the project, including relevant off-site and secondary developments, including the Pinewoods Wind Farm.

The NIS concludes that the proposed development, individually or in combination with other plans or projects, will not have an adverse effect on the integrity of any

¹ The Pinewoods Wind Farm was subject to Environmental Impact Assessment prior to the coming into force of Directive 2014/52/EU which provides that, henceforth, an EIS shall be termed an Environmental Impact Assessment Report (EIAR). Accordingly, the acronym 'EIAR/EIS' is used in this report to refer to the Pinewoods Wind Farm EIS.

European (Natura 2000) sites.

6.0 Permission Period & Operational Duration

A ten-year planning permission is being requested for this proposed development. That is, planning consent would remain valid for ten years following the final grant of planning permission. We note that the Wind Energy Development Guidelines state that: *“Planning Authorities may grant permission for a duration longer than 5 years if it is considered appropriate, for example, to ensure that the permission does not expire before a grid connection is granted. It is, however, the responsibility of the applicants in the first instance to request such longer durations in appropriate circumstances”*. While acknowledging that the proposed development comprises the grid connection for an extant permitted wind energy development, a ten-year planning permission is considered appropriate for a development of this nature to ensure all required supplementary statutory consents and licenses can be put in place.

The proposed substation will, once operational, become a ‘node’ on the national electricity network and will be largely operated and maintained by Eirgrid as part of the national electricity network. As a result, the proposed substation does not have a specified operational period and is highly likely that it will continue to be operated following the decommissioning of the Pinewoods Wind Farm (i.e. after its 25-year operational period) and, therefore, decommissioning of the electricity substation is not proposed. Therefore, we request that An Bord Pleanála does not impose a condition of consent on the proposed development specifying a time limited operational duration.

7.0 Site Notices

A site notice has been erected at the entrance to the proposed development. This notice will be monitored on a regular basis by the Applicant to ensure, to the best possible extent, that it remains *in situ*. In the event that the notice is removed or tampered with, the applicant will ensure that it is replaced as quickly as possible.

8.0 Landowner Consent

The relevant landowner, upon whose land the proposed development will be located, has confirmed his consent for the making of a planning application by the Applicant and a letter of consent is enclosed.

9.0 Planning Application Documentation

Please find enclosed all of the required planning application plans and particulars, which includes:-

- 1 no. copy of the completed planning application form;
- 1 no. copy of the site notice;
- 1 no. original copy of each newspaper notice (2 no.);
- 1 no. copy of a letter of consent from the relevant landowner;
- 1 no. copy of EIA Portal Confirmation Notice;
- Planning Application Fee (€100,000);

- 1 no. copy of Planning Application Notification Letter to Laois County Council;
- 1 no. copy of Planning Application Notification Letter to each Prescribed Body;
- Planning Application Drawings (see Schedule of Drawings attached to Planning Application Form);
- Environmental Impact Assessment Report;
 - Volume I – Assessment of Proposed Development;
 - Volume II – Technical Annexes in support of Volume I;
 - Volume III – Pinewoods Wind Farm EIAR/EIS;
 - Non-Technical Summary; and
- Natura Impact Statement.

As instructed during the pre-application consultation process, please find enclosed 3 no. hard copies and 7 no. electronic copies of all planning application plans and particulars. In addition, 5 no. hard copies and 2 no. electronic copies have been furnished to the Planning Authority of Laois County Council. Furthermore, all planning application and associated documentation is available to view at the dedicated project website www.pinewoodswindfarmsubstationsid.ie.

In determining that the proposed development constitutes a SID, the Applicant was instructed to furnish copies of the planning application to each of the prescribed bodies listed at **Table 1** in advance of lodging the planning application with An Bord Pleanála. Each of the prescribed bodies, with the exception of Laois County Council, have been consulted with regards the preferred method of receiving the planning application documentation. Where a response has not been received, each body has been advised of the URL of the project website where all planning application documentation can be viewed.

Prescribed Body	Response Received	Number of Copies	Date Issued
Minister for Media, Tourism, Arts, Culture, Sport and the Gaeltacht (formerly Minister of Culture, Heritage and the Gaeltacht) c/o Development Applications Unit (DAU)	Yes	Hard or electronic copies not requested. DAU to be notified of application via email and to be provided with a hyperlink to project website.	16 October 2020
Minister for Communications, Climate Action & Environment	No	Advised of hyperlink to project website.	16 October 2020
Kilkenny County Council	No	Advised of hyperlink to project website.	16 October 2020
Laois County Council	N/A	5 no. hard copies and 2 no. electronic copies as instructed by An Bord Pleanála.	19 October 2020
Transport Infrastructure Ireland (TII)	Yes	Hard or electronic copies not requested. TII to be notified of application via email and to be provided with a hyperlink to project	16 October 2020

		website.	
Fáilte Ireland	Yes	Hard or electronic copies not requested. Failte Ireland to be notified of application via email and to be provided with a hyperlink to project website.	16 October 2020
An Taisce	No	Advised of hyperlink to project website.	16 October 2020
The Heritage Council	No	Advised of hyperlink to project website.	16 October 2020
Inland Fisheries Ireland	No	Advised of hyperlink to project website.	16 October 2020
Health Service Executive	No	Advised of hyperlink to project website.	16 October 2020
Commission for Regulation of Utilities	No	Advised of hyperlink to project website.	16 October 2020
Irish Water	Yes	Hard or electronic copies not requested. Irish Water to be notified of application via email and to be provided with a hyperlink to project website.	16 October 2020

Table 1: Prescribed Bodies

10.0 Conclusion

This planning application is being lodged with An Bord Pleanála following a determination that the proposed development constitutes SID. The proposed development will facilitate the connection of an extant permitted Pinewoods Wind Farm to the national electricity grid. Government policy recognises that onshore wind energy, as a proven and cost effective technology in the context of Ireland's abundant wind resource, will continue to be the major contributor to Ireland's renewable electricity generation to 2030 and the generation of electricity by the Pinewoods Wind Farm will make a substantial contribution to the reduction of fossil fuel generated electricity and the abatement of greenhouse gas emissions.

The EIAR and NIS submitted provide a comprehensive assessment of the likelihood for significant adverse environmental effects to arise as a result of the proposed development individually and in combination with the permitted Pinewoods Wind Farm. Overall, the EIAR and NIS have demonstrated that any likely adverse environmental effects resulting from the proposed development can be managed and mitigated and that there are lasting social and environmental benefits as a result of the proposed development.

We trust that the planning application is in order and the documentation provided sufficient for your consideration of this proposed development. Should you have any queries in relation to any of the information enclosed, please do not hesitate to contact this office.



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Yours sincerely,

Galetech Energy Services

Galetech Energy Services Ltd.

**Annex 1 –
Strategic Infrastructure Development Determination**

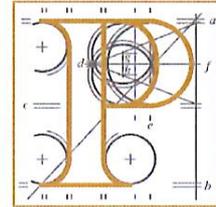


Our Ref: ABP-303194-18

PA Reg Ref:

Your Ref: Pinewood Wind Limited

17 JUL 2019



An
Bord
Pleanála

Gavin Daly
Galetech Energy Services
Clondargan,
Stradone,
Co. Cavan
H12 NV06

Date: 16 July 2019

110kV Electricity substation as part of a proposed wind farm.
Knockardugar, Co. Laois.

Dear Sir,

Please be advised that following consultations under section 182E of the Planning and Development Act, 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000 as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act, 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As only one meeting was required in this case, a refund of €3,500 will be sent to you in due course.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Riomhphost

Tel
LoCall
Fax
Website
Email

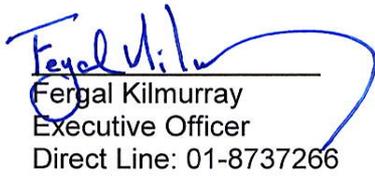
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D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

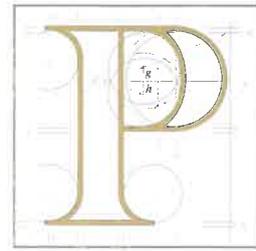

Fergal Kilmurray
Executive Officer
Direct Line: 01-8737266

Encls. VC11

**Annex 2 –
An Bord Pleanála Decision Order PL11.248518**



Our Ref: PL 11.248518
P.A.Reg.Ref: 16/260
Your Ref: Pinewood Wind Limited



An
Bord
Pleanála

05 SEP 2019

Galetech Energy Services,
Clondargan,
Stradone,
Co. Cavan.

- 4 SEP 2019

Appeal

Re: 11 wind turbines, electricity substation, switch room, equipment compound, site access tracks, 7 site entrances, meteorological mast, upgrade of road junction.
Knockardugar, Boleybawn, Garrintaggart, Ironmills, Co. Laois.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2019. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

In cases where a grant of (full) planning permission is notified by the Board, it is policy to include a copy of the Department of the Environment and Local Government's Leaflet PL11 - **Guide to the Building Control System** and a copy of the Health and Safety Authority's leaflet **Safety and Health on Construction Projects - The Role of Clients** with the notification. These leaflets are issued at the request of the above bodies.

Board Direction Attached

Tel: (01) 858 8100
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Website: www.pleanala.ie
Email: bord@pleanala.ie

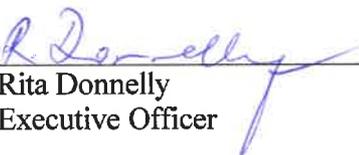


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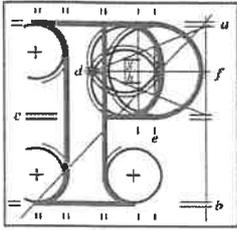
A further enclosure contains information in relation to challenges by way of judicial review to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Yours faithfully,


Rita Donnelly
Executive Officer

Encl:

BP 100LN.ltr



**An
Bord
Pleanála**

**Board Order
PL 11.248518**

Planning and Development Acts 2000 to 2019

Planning Authority: Laois County Council

Planning Register Reference Number: 16/260

Appeal by Pinewood Wind Limited care of Galetch Energy Services of Clondargan, Stradane, County Cavan against the decision made on the 19th day of April, 2017 by Laois County Council to refuse permission for the proposed development.

Proposed Development: Construction of 11 number wind turbines, each with a maximum height of up to 136.5 metres, and all associated site development and ancillary works, including a 110kV electricity substation, switch room and equipment compound; two single circuit strain towers with a maximum height of up to 26.5 metres; turbine foundations; crane hardstandings; 5.4 kilometres of site access tracks; underground electricity and communications cabling; site drainage works; seven number site entrances; a permanent meteorological mast with a maximum height of up to 85 metres; and temporary upgrade to the R430/L7800 road junction on lands at Knockardugar, Boleybawn, Garrintaggart, Ironmills (Kilrush) and Graiguenahown, County Laois. The proposed development is part of a larger development which also extends onto lands in the townland of Crutt, County Kilkenny within the adjoining planning authority administrative jurisdiction of Kilkenny County Council.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to: -

- (a) national policy with regard to the development of sustainable energy sources,
- (b) the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006,
- (c) the character of the landscape in the area and the topography surrounding the site,
- (d) the location of the site outside of any European Site, and the distance to such sites,
- (e) the pattern of development in the area,
- (f) the provisions as set out in the current Laois County Development Plan 2017, including those regarding renewable energy development,

- (g) the distance to dwellings or other sensitive receptors from the proposed development,
- (h) the submissions made in connection with the planning application and the appeal, including the Environmental impact statement submitted with the planning application (including mitigation measures therein), the further supplementary information submitted by the applicant in the course of the planning application and the appeal, and
- (i) the Natura impact statement and the further information submitted in relation to ecology by the applicant in the course of the planning application and appeal,

The Board decided to grant permission for the proposed development (PL11.248518). It is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the landscape, would not seriously injure the visual or residential amenities of the area and would not give rise to any significant impacts on the natural heritage of the area or affect the integrity of any European Site or any protected species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an appropriate assessment of the proposed development which was accompanied by a Natura impact statement which addressed the entirety of the project including the proposed substation under file references PL11.248518 and PL10.248392.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore Special Area of Conservation (Site Code 002162) is the European site for which there is a likelihood of significant effects.

Appropriate Assessment

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and the mitigation measures which are included as part of the current proposal (including the provision of a temporary berm adjacent to junction upgrade works) and the Conservation Objectives for this European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the site's conservation objective.

Environment Impact Assessment

The Board completed an Environmental impact assessment of the proposed development which was accompanied by an Environmental impact statement which addressed the entirety of the project (including the proposed substation) under file references PL11.248518 and PL10.248392, taking into account:

- (a) the nature, scale and location of the proposed development at Knockardugar, Boleybawn, Garrintaggart, Ironmills (Kilrush) and Graiguenahown, County Laois,
- (b) the Environmental impact statement and associated documentation submitted with the application,
- (c) the submissions from the applicant, the planning authorities, the observers and the prescribed bodies in the course of the application, and the further information received during the appeal, and
- (d) the Inspector's report.

The Board considered that the Environmental impact statement, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental impact statement and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- landscapes and visual impacts have been mitigated to the extent possible by reason of appropriate siting, scale and design of the windfarm in accordance with published guidelines,
- biodiversity impacts on bats which will be mitigated by detailed protection measures including the provision of a bat buffer zone setback of 62.5 metres between the rotors of the planned turbine and the nearest vegetation and replacement setback linear hedgerows where this is not feasible, and the installation of bat boxes, and
- traffic impacts during construction and decommissioning will be mitigated by the implementation of the recommended measures from the road safety audit and the traffic impact assessment.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures proposed as set out in in the Environmental impact statement and the Natura impact statement and subject to compliance with the conditions set out below, the effects on the environment of the proposed development by itself and in combination with other developments in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusion on Proper Planning and Sustainable Development

It is considered that the need for the proposed development has been demonstrated in national policy and that, subject to compliance with the conditions set out below, including compliance with the mitigation measures set out in the Environmental impact statement, the proposed development:

- would have acceptable effects on the environment,
- would not be likely to have a significant effect on any European Site,
- would not have an unacceptable impact on the landscape,
- would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and
- would be acceptable in terms of traffic safety and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 10th day of February, 2017 and by the further plans and particulars received by An Bord Pleanála on the 19th day of November, 2018 and the 28th day of June, 2019 (following pre-application consultation between the applicant and the Board in relation to the proposed substation at Knockardugar, County Laois) including the detailed mitigation measures set out in the Environmental impact statement and the Natura impact statement, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The 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 of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. This permission shall be for a period of 25 years from the date of commissioning of the 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 retention for a further period.

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

4. The proposed 110kV substation at Knockardugar, County Laois is not authorised by this permission.

Reason: The provision of the proposed substation at Knockardugar would represent strategic infrastructure development under the provisions of the Planning and Development Act, 2000, as amended, and accordingly is subject to a separate planning application process.

5. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

6. All environmental mitigation measures set out in the Environmental impact statement, the Natura impact statement, and associated documentation submitted by the applicant to the planning authority and An Bord Pleanála, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of protection of the environment.

7. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Bat buffer zone setback of 62.5 metres shall be provided and replacement setback linear hedgerows shall be provided where not feasible.

Reason: To ensure the protection of the natural heritage within the site.

8. The developer shall provide for mitigation measures including a temporary berm adjacent to the proposed junction upgrade works R430/L7800 adjacent to the flood meadows of the Owenbeg River. Details shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of nature conservation.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

10. Prior to the commencement of works on site, a surface water management plan shall be submitted to, and agreed in writing with, the planning authority and shall set out the detailed measures to be undertaken to protect water quality during tree harvesting, construction and operation phase, as well as a schedule for water quality monitoring. Works with a potential to result in pollution or siltation of watercourses shall be supervised by an on-site clerk of works who will report on compliance with the relevant mitigation measures. The clerk of works shall be empowered to halt works where he/she considers that continuation of the works would be likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to a river, these reports will be made available to the relevant statutory authorities and on site works will cease until authorised to continue by the planning authority.

Reason: To prevent water pollution.

11. Disposal of foul effluent on site is not permitted, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of public health.

12. (a) Roads, hardstanding 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 wind farm.
- (b) Soil, rock or sand excavated during construction shall not be left stockpiled on site following completion of works. Details of the treatment of stockpiled materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

13. (a) A condition survey of the proposed construction haul routes, including provision for bridges, culverts or other structures, shall be carried out by a suitably qualified engineer both before and after construction of the proposed development. The extent and scope of the survey shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In the event of damage occurring to the public road network or associated infrastructure as a result of the construction of the proposed development, such damage shall be made good in accordance with the requirements of and to the satisfaction of the planning authority.

- (b) Any such works shall be undertaken in accordance with the “Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes” issued by the National Roads Authority (2006).

Reason: To ensure successful reinstatement of the public road network in the area.

14. A protocol for annual reports on the impact of the windfarm on wild birds in the vicinity shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. These reports shall be submitted on an agreed date annually for as long as the windfarm is operational.

Reason: To allow full monitoring of the ecological impact of the proposed development.

15. The wind turbines including masts and blades shall be finished externally in a light grey colour to be agreed in writing with the planning authority prior to commencement of development. Precise specifications of the turbines shall be provided to the planning authority prior to delivery.

Reason: in the interest of visual amenity.

16. (a) Cables within the site shall be laid underground.
- (b) The wind turbines shall be geared to ensure that the blades rotate in the same direction.

- (c) Transformers associated with each individual turbine and mast shall be located either within the turbine mast structure or at ground level beside the mast.

Reason: In the interest of visual amenity.

- 17. Facilities shall be installed to minimise interference with radio or television reception in the area. Details of the facilities to be installed, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority prior to the commissioning of the turbines and following consultation with the relevant authorities.

Reason: In the interest of residential amenity.

- 18. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently, the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the as constructed positions of the turbines and the highest point of the turbines to the top of the blade spin.

Reason: In the interest of air traffic safety.

- 19. 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) L90,10min above background noise levels, or 45 dB(A) L90,10min, at wind speeds of seven metres per second or greater
 - (ii) 40 dB(A) L90,10min at all other wind speeds
- (b) 43 dB(A) L90,10min at all other times where wind speeds are measured at 10 metres above ground level.

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 R 1996 "Assessment of Noise with Respect to Community Response," as amended by ISO 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.

20. (a) 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.

- (b) The proposed development shall be fitted with appropriate equipment and software to control shadow flicker in accordance with the above requirement. Details of these control measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

- (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.

- 21. Prior to commencement of development, the developer shall submit and agree in writing with the planning authority, a detailed Construction Management Plan, including a monitoring regime. The plan shall make provision for inclusion of all relevant mitigation proposed in the Environmental impact statement and the Natura impact statement and shall in any event ensure that its scope extends to the following parameters:

- (a) surface water management during construction to prevent runoff from the site onto the public roads, unnatural flooding and/or the occurrence of any deleterious matter in the rivers and the tributaries and watercourses of their catchments or other waters within and adjoining the site including groundwater in accordance with best practice;
- (b) details of treatment of stockpiled material arising from excavation during construction, management of peat storage and disposal;
- (c) dust minimisation including dust potentially generated from vehicles, measures to include appropriately located wheel wash facilities and appropriate good practice in the covering of laden and unladen vehicles;
- (d) management of public roads in the vicinity so that they are kept free of soil, clay, gravel, mud or other debris and general site management to the satisfaction of the planning authorities;
- (e) provision of detailed plans for all temporary facilities and operations, including the storage of hydro-carbons, and proposals for reinstatement as appropriate on completion of the construction phase;
- (f) preparation of a formal Project Construction and Demolition Waste Management Plan; and
- (g) control of adverse noise and disturbance by reference to construction working hours, noise limits and traffic management arrangements.

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 relevant planning authorities. The developer shall satisfy the requirements of the planning authority in relation to measures to be proposed to prevent pollution run-off into water courses. The development shall thereafter be implemented in accordance with the agreed details.

Reason: In the interests of amenities, public health and safety, and to protect the adjoining surface watercourses and areas subject to environmental designations.

22. On full or partial decommissioning of the wind farm or if the wind farm ceases operation for a period of more than one year, the masts and the turbines concerned including foundations shall be removed and all decommissioned structures shall be removed within three months of decommissioning.

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

23. 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: To ensure satisfactory reinstatement of the site.

24. The developer shall pay to the planning authority a financial contribution 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 contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 to determine the proper application of the terms of the Scheme.

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.

DR. Maria FitzGerald

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



Dated this 3rd day of September 2019