

An  
Bord  
Pleanála

## Board Order ABP-314602-22

### Planning and Development Acts, 2000 to 2022

### Planning Authority: Cork County Council and Kerry County Council

**Application** for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement lodged with An Bord Pleanála on the 9<sup>th</sup> day of September 2022 by Gortyrähilly Wind Designated Activity Company care of Jennings O'Donovan and Partners Limited of Finisklin Business Park, County Sligo as amended by the further information received by An Bord Pleanála on the 29<sup>th</sup> day of September, 2023.

**Proposed Development:** The proposed development comprises of the following:

- Construction of 14 number wind turbines with an overall ground to blade tip height ranging from 179 metres to 185 metres inclusive. The wind turbines will have a rotor diameter ranging from 149 metres to 155 metres inclusive and a hub height ranging from 102.5 metres to 110.5 metres inclusive.
- Construction of permanent turbine hardstands and turbine foundations.
- Construction of one temporary construction compound with associated temporary site offices, parking areas and security fencing.
- Installation of one (35-year life cycle) meteorological mast with a height of 110 metres and a four-metre lightning pole on top.
- Development of two on-site borrow pits.

- Construction of new permanent internal site access roads, upgrade of existing internal site access roads and upgrading of the L-34011-20 road (which forms part of the Beara-Breifne Way) and lies within the site, to include passing bays and all associated drainage infrastructure.
- Development of an internal site drainage network and sediment control systems.
- Construction of one number permanent 110 kV electrical substation including two number control buildings with welfare facilities, all associated electrical plant and equipment, security fencing and gates, all associated underground cabling, wastewater holding tank, and all ancillary structures and works.
- All associated underground electrical and communications cabling connecting the wind turbines to the wind farm substation.
- Ancillary forestry felling to facilitate construction of the development.
- All works associated with the permanent connection of the wind farm to the national electricity grid comprising a 110 kV underground cable in permanent cable ducts from the proposed, permanent, on-site substation, in the townland of Gortyrhilly (Gort Uí Raithile) and onto the townlands of Derree (Na Doirí), Derreenaculling (Doire an Chuilinn), Lumnagh Beg (An Lománach Bheag), Lumnagh More (An Lománach Mhór), Scrahanagown (Screathan na nGamhan), Bardinch (Barr d'Inse), Milleeny (Na Millíní), Inchamore (An Inse Mhór), Derreenaling (An Doirín Álainn), Derryreag (Doire Aimhréidh), Cummeenavrick (Coimín an Bhroic), Glashacormick (Glaise Chormaic), Clydaghroe (An Chlaoideach Rua) and Cummeennabuddoge (Coimín na Bodóige) to the existing Ballyvouskill (Baile Uascail) 220 kV Substation in the townland of Caherdowney (Cathair Dhúnaigh).
- All associated site development works including berms, landscaping, and soil excavation.
- Improvement of an entrance to an existing private road off the L-7405-0 local road to include localised widening of the road and creation of a splayed entrance to facilitate the delivery of abnormal loads and turbine component deliveries.

- Improvement of an existing site entrance off the L-3402-36 local road to include removal of existing vegetation for visibility splays to facilitate the use of it for the delivery of construction materials to the site.
- Upgrade works on the turbine delivery route to include the following:
  - Construction of a temporary bridge over the Sullane River (Abha an tSuláin) to allow access to the L-3400-79 from the N22 in Ballyvourney (Baile Bhuirne) for the duration of the construction works.
  - Localised widening of the L-3405-0 road to a width of 4.5 metres, from the junction with the L3400-79 road to the junction with the L-7405-0 road.
  - Localised widening of the L-7405-0 road to a width of 4.5 metres, from the junction with the L-3405-0 to the entrance to an existing private road off the L-7405-0.
  - The construction of a temporary access road off the N22 in the townland of Cummeenavrick (Coimín an Bhroic) to facilitate 180 degrees turning manoeuvre by the turbine delivery vehicles.

All located within the townlands of Cahernacaha (Cathair na Cáithe), Gortnabinna (Gort na Binne), Derryfineen (Doire Fhínín), Gortyrhilly (Gort Uí Raithile), Rath West (An Ráth Thiar), Derree (Na Doirí), Fuhiry (Na Foithrí), Derreenaculling (Doire an Chuilinn), Lumnagh Beg (An Lománach Bheag), Lumnagh More (An Lománach Mhór), Scrahanagown (Screathan na nGamhan), Bardinch (Barr d'Ínse), Milleeny (Na Millíní), Inchamore (An Inse Mhór), Derreenaling (An Doirín Álainn), Coolea (Cúil Aodha), Gortnatubbrid (Gort na Tiobraid), Murnaghbeg (An Muirneach Beag), Slievereagh (An Sliabh Riabhach), Togher (An Tóchar), Caherdowney (Cathair Dhúnaigh), County Cork and Derryreag (Doire Aimhréidh), Cummeenavrick (Coimín an Bhroic), Glashacormick (Glaise Chormaic), Clydaghroe (An Chlaoideach Rua) and Cummeennabuddoge (Coimín na Bodóige) County Kerry.

## **Decision**

**Grant permission under section 37G of the Planning and Development Act 2000, as amended, 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.**

**Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.**

## **Reasons and Considerations**

The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended,
- Climate Action Plan 2024,
- National Biodiversity Plan 2023 – 2030,

### **EU Legislation**

- The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment.
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

and in coming to its decision, the Board had regard to the totality of information on the file including the following:

- (a) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases.
- (b) The provisions of Project Ireland 2040 National Planning Framework
- (c) The provisions of the Wind Energy Development Guidelines – Guidelines for planning authorities issued by the Department of the Environment, Heritage and Local Government in June 2006, and the Draft Revised Wind Energy Development Guidelines 2019 issued by the Department of Housing in 2019.
- (d) The policies, as set out in the Regional Spatial and Economic Strategy of the Southern Region 2020.
- (e) The policies and objectives, as set out in the Cork County Development Plan 2022 - 2028 and the Kerry County Development Plan 2022 - 2028.
- (f) The character of the landscape in the area of the site and in the wider area of the site.
- (g) The pattern of the existing and permitted development in the area.
- (h) The distance between the turbines and surrounding dwellings and other sensitive receptors from the proposed development.
- (i) The Environmental Impact Assessment Report submitted.
- (j) The Natura Impact Statement submitted.
- (k) The submissions and observations made in connection with the planning application.
- (l) The report of the Inspector.
- (m) The report of the Board's Ecologist.
- (n) The report of the Board's Environmental Scientist.

### **Appropriate Assessment: Stage 1:**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out screening for Appropriate Assessment, it has been concluded that the proposed development, either individually or in-combination with other plans or projects, would not be likely to have a significant effect on Mullaghanish Bog Special Area of Conservation (Site Code: 001890), Saint Gobnet's Wood Special Area of Conservation (Site Code: 000106), Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170), Derryclogher (Knockboy) Bog Special Area of Conservation (Site Code: 001873), Glanlough Woods Special Area of Conservation (Site Code: 002315), Kilgarvan Ice House Special Area of Conservation (Site Code: 000364), Old Domestic Building, Curraglass Wood Special Area of Conservation (Site Code: 002041), Great Island Channel Special Area of Conservation (Site Code: 001058), and Cork Harbour Special Protection Area (Site Code: 004030), in view of the sites' conservation objectives, and Stage 2 Appropriate Assessment) is not, therefore, required in relation to the above mentioned European Sites.

This determination is based on the following:

- The qualifying criteria of each of the European Sites.
- The distance from the application site and study area.
- The absence and lack of meaningful ecological connections to those sites.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

### **Appropriate Assessment: Stage 2:**

The proposed development, including the wind farm site, turbine delivery route and grid connection route and all associated works have been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended. Having carried out screening for Appropriate

Assessment of the project, it was concluded that the proposed development may potentially have a significant effect on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365), Mullaghanish to Musheramore Mountains Special Protection Area (Site Code: 004162), The Gearagh Special Area of Conservation (Site Code: 000108) and The Gearagh Special Protection Area (Site Code: 004109). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, either individually or in-combination with other plans or projects, would not adversely affect the integrity of the European Sites, Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365), Mullaghanish to Musheramore Mountains Special Protection Area (Site Code: 004162), The Gearagh Special Area of Conservation (Site Code: 000108) and The Gearagh Special Protection Area (Site Code: 004109), or any other European Site, in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is also based on:

- A full and detailed assessment, including information presented in the Environmental Impact Assessment Report, of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365), Mullaghanish to Musheramore Mountains Special Protection Area (Site Code: 004162), The Gearagh Special Area of Conservation (Site Code: 000108) and The Gearagh Special Protection Area (Site Code: 004109).
- Detailed assessment of in-combination effects with other plans and projects.



- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365), Mullaghanish to Musheramore Mountains Special Protection Area (Site Code: 004162), The Gearagh Special Area of Conservation (Site Code: 000108) and The Gearagh Special Protection Area (Site Code: 004109).

### **Environmental Impact Assessment:**

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development.
- (b) The Environmental Impact Assessment report (EIAR) and associated documentation submitted with the application, including the further information.
- (c) The submissions received during the course of the application.
- (d) The Inspector's report, which includes reports from the Board's Ecologist and Environmental Scientist.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:



- **Population and Human Health:** Negative impacts on human health and population arising from construction and operation including noise, traffic and dust disturbance to residents of neighbouring dwellings can be adequately mitigated through the implementation of the Construction Environmental Management Plan, best practice construction methods, installation of shadow flicker systems on the turbines and noise levels within levels recommended in the national wind energy guidelines. There will be a long term significant positive effect on population and human health due to the displacement of carbon dioxide from the atmosphere arising from fossil fuel energy production and from the implementation of the Community Benefit Fund.
- **Biodiversity:** The removal of habitats on site, including wet heath and blanket bog will have a moderate long term negative impact on biodiversity which can be mitigated through the delivery of mitigation measures including the inclusion of a Habitat Enhancement Plan within the site. The impact on peat habitats will not have any effect on the nature or range of any habitats or the conservation objectives of any European Sites. Negative impacts on **species** within the site, including the Kerry Slug and bats, which are likely to arise in the construction and operational phase can be mitigated through a Conservation Management Plan and the careful design of the turbines, and are not considered to be significant. The watercourse crossing will not impact on water connectivity or movement of fish or result in the loss of instream habitat. Negative effects on aquatic species and habitat which are likely to arise from potential release of sediments and other pollutants into watercourses can be adequately mitigated by measures outlined in the application.
- **Land, Soils, Water, Air and Climate:** Negative effects on surface water and ground water as a result of accidental spillage of hydrocarbons, increased sedimentation, including any release of organic carbon, and any other contaminants entering the drainage system can be adequately mitigated by measures outlined in the application. The proposed development will not impede the ability of surface waters to achieve good or high status and the Water Framework Directive and the removal of Turbine T12 will ensure that any risk from unstable peat is removed.

- **Landscape and Visual and Cultural Heritage:** Negative Landscape and Visual and Cultural Heritage impacts arise during the operational phase of the development given the placement of significant structures within the local landscape thereby changing the existing visual context in a slight to substantial-moderate magnitude. The impacts have been mitigated where possible by the proposed layout and the use of the existing landscape contours. Potential construction impacts on cultural heritage interest can be adequately mitigated through pre-construction surveys and buffer zones.
- **Material Assets:** Negative traffic impacts arise during the construction phase of the proposed development; these impacts will be mitigated through the implementation of a Traffic Management Plan. Impacts arising from traffic can be appropriately mitigated. Potential negative effects on other material assets, telecommunication links and aviation during operation can be adequately mitigated.

Having regard to the above, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision. 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 and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself, and, cumulatively with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

### **Proper Planning and Sustainable Development**

It is considered that the proposed development would accord with European, national, regional and local planning policy provision. The Board was satisfied that an approval for the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024.

Furthermore, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon

Act 2021. The Board considered that by reason of scale, form and extent, that, subject to compliance with the following conditions, the proposed development would be in accordance with the relevant provisions of the Cork County Development Plan 2022-2028, and the Kerry County Development Plan 2022- 2028. The proposed development, would therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, 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 mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) and in the applicant's further information submitted on the 29<sup>th</sup> day of September 2023 shall be implemented.  
  
Details of a time schedule for implementation of mitigation measures and associated monitoring shall be submitted to the relevant planning authority.  
  
In addition to the mitigation measures contained in the EIAR, the following shall be submitted:
  - (a) The annual bird survey and bird monitoring programme shall include for general breeding birds, all species listed in the EIAR and the Hen Harrier to establish presence and abundance of bird species including possible prey species. The survey and monitoring shall include an audit and review

of all the species and the results of monitoring shall be submitted to Cork County Council and to the National Parks and Wildlife Services.

**Reason:** To protect the environment and to ensure appropriate monitoring of the impact of the development on the avifauna of the area.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Details of a time schedule for implementation of mitigation measures and associated monitoring shall be submitted to the relevant planning authority.

**Reason:** To protect the integrity of European Sites.

4. The proposed development shall be amended as follows:
  - (a) Turbines referenced as Turbine T12, together with associated hardstands and access tracks, shall be omitted from the development hereby permitted.
  - (b) Turbine T7 together with associated hardstands and access track shall be shifted south to remove the impact on the public road L-34011-20.

For clarity, the permitted wind farm shall relate to thirteen wind turbines only.

Revised drawings showing compliance with these requirements and showing the final turbine design and layout shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction.

**Reason:** In the interest of clarity and to ensure the protection of the environment and the public road.

5. This permission shall be for a period of 35 years from the date of the first commissioning of the wind farm.

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

6. The operation of the development, either 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 10 metres height above ground level wind speeds of 7m/s or greater.
- (ii) 40 dB(A)  $L_{90,10min}$  at all other standardised 10 metres height above ground level wind speeds.

(b) 43 dB(A)  $L_{90,10min}$  at all other times.

Prior to the commissioning of the development, the developer shall submit to, and agree in writing with, the planning authority, a Noise Compliance Monitoring Programme (NCMP) for the subject development, including any mitigation measures such as the de-rating of particular turbines. The NCMP shall include a detailed methodology for all sound measurements, including frequency of monitoring (initially six months, with confirmatory monitoring in the third year post commissioning) and recording of results, which shall be made publicly available.

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 interests of residential and/or amenities.

7. (a) The Habitat Enhancement Plan (HEP) shall be implemented in accordance with the commitments outlined therein for a period of at least fifteen years following first commissioning of the wind farm hereby permitted. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under Section 47 of the Planning and Development Act 2000, as amended to this effect.
- (b) Within six months prior to the expiry of the Section 47 planning agreement mentioned in paragraph (a), the applicant shall provide details in relation to HEP lands for the remainder of the duration of the permission. The details provided shall be commensurate in area to those contained within the HEP submitted with the application and subject to the provisions of paragraph (a).

The applicant shall enter into a further written agreement with the planning authority under Section 47 of the Planning and Development Act 2000, as amended, to this effect prior to expiry of the initial agreement mentioned in paragraph (a). This condition shall not affect the sale of land or buildings by a mortgagee in possession or the occupation of such land or buildings by any person deriving title from such a sale.

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

8. An updated Construction Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and monitoring measures, together with details of their timetabling, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The development including the grid connection route and delivery haul route shall be carried out in strict accordance with the CEMP, which shall be implemented in full, unless otherwise approved in advance in writing by the planning authority.

**Reason:** To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity, and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report and the Natura Impact Statement accompanying the application, or as otherwise agreed, are fully implemented.

9. Water supply, wastewater treatment and surface water attenuation and disposal shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

10. The following design requirements shall be complied with:
- (a) No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type) have been submitted to, and agreed in writing with, the planning authority.
  - (b) The wind turbines including masts and blades, and the wind monitoring mast, shall be finished externally in a light grey colour.
  - (c) Cables within the site shall be laid underground.
  - (d) The wind turbines shall be geared to ensure that the blades rotate in the same direction.



- (e) No name, logo, sign, or advertisement (other than health and safety signage) material shall be placed on, or otherwise be affixed to, any structure on the site without a prior grant of planning permission.
- (f) The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

**Reason:** To ensure that the environmental impacts of the turbines forming part of the development conform to the impacts assessed in the Environmental Impact Assessment Report and in the interest of the visual amenity of the area.

11. (a) No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and agreed in writing with, the planning authority in consultation with Transport Infrastructure Ireland. The CTMP shall include (but is not limited to: details of pre-start road condition and condition monitoring surveys; arrangements to ensure that any damage to the road infrastructure as a result of the works is repaired; measures to ensure that the specified traffic routes are adhered to (including monitoring procedures); details of abnormal loads including a load assessment of the route; details of all signage and lining arrangements, and notification arrangements). The development shall be carried out in strict accordance with the approved CTMP which shall be implemented in full, unless otherwise agreed in advance in writing with the planning authority.
- (b) Any works to the local roads including strengthening and widening works shall be carried out in accordance with a specification and timescale agreed in advance with the planning authority.
- (c) Works on, or adjacent to, national roads including the N22 shall be carried out in compliance with Transport Infrastructure Ireland's requirements and with the agreement of the planning authority and Transport Infrastructure Ireland.

- (d) The temporary bridge of the Sullane River and associated access road and road junctions shall be removed and the land reinstated prior to the commissioning of the wind farm.

The development shall be carried out in strict accordance with the approved Construction Traffic Management Plan which shall be implemented in full, unless otherwise agreed in advance in writing with the planning authority.

**Reason:** In the interests of traffic safety and public safety.

12. The developer shall agree with Transport Infrastructure Ireland a strategy for the proposed directional drilling under the N22.

**Reason:** In the interests of environment protection and traffic safety.

13. There will be no shadow flicker at any existing nearby dwelling or other relevant existing affected sensitive property and the necessary measures outlined in the Environmental Impact Assessment Report submitted with the application, such as turbine shut down during the associated time periods, shall be taken by the wind energy developer or operator to eliminate the shadow flicker.

**Reason:** In the interest of residential amenity.

14. Details of aeronautical requirements, including any necessary lighting on the tower, crane, and stacks, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and provide 30 days notification of same. Subsequently, the developer shall inform the planning authority and the Irish Aviation Authority of the as constructed tip heights and co-ordinates in WGS84 format of the as constructed positions of the turbines.

**Reason:** In the interest of air traffic safety.

15. (a) Details of measures to address interference with the 2RN FM link from Mullaghanish to Bantry shall be agreed with the planning authority in consultation with the provider/operator, and thereafter, be installed and

tested at the developer's expense prior to the commissioning of the wind turbines, and maintained for the lifespan of the development, unless otherwise agreed.

- (b) In the event that the development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority in consultation with relevant provider/operator and thereafter installed, tested, and maintained for the lifespan of the development, unless otherwise agreed.

**Reason:** In the interests of protecting telecommunications signals and of residential amenity.

- 16. The developer shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

- 17. The developer shall retain the services of a suitably qualified and experienced Environmental Clerk of Works (ECoW) prior to the commencement of the development and retain their services to fulfil the mitigation and monitoring measures as specified in the EIAR including Appendix 17.1. The role of the ECoW is applicable to the construction of the development including the grid connection route and turbine delivery route (including removal works), and to the operation of the wind farm. To assist the ECoW in carrying out their role, the developer shall retain services of technical experts as necessary to the tasks required.

**Reason:** In the interest of protecting ecology, the environment, and European sites.

18. The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate annual bird surveys of this site. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreement in writing with, the planning authority, prior to commencement of development. These reports shall be submitted on an agreed date annually for five years, with the prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Housing, Local Government and Heritage.

**Reason:** To ensure appropriate monitoring of the impact of the development on the avifauna of the area.

19. 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.
  - (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.
  - (d) Ensure a buffer zone of at least 25 metres if retained around any recorded site and/or standing stone.
  - (e) The road section at Gortnabinna contains a number of Devonian trace fossils. Construction work should identify and avoid these sections, or where necessary, provide appropriate mitigation measures to minimise potential impacts.

- (f) The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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.

20. (a) The curtailment measures for the wind farm in relation to bat activity shall be reviewed annually and provide for adaptive monitoring, reviewed by a competent expert for the first five years of the operation of the wind farm and, thereafter, every three years for the operational life of the wind farm, unless otherwise required arising from the adaptive monitoring programme. The results of the monitoring will be reported to the regional staff of the National Parks and Wildlife Service.
- (b) The developer shall review usage by birds and bats of the wind farm site and document bird and bat casualties through an annual monitoring programme, which shall be submitted by the developer and agreed in writing with, the planning authority prior to commencement of development. This programme shall be developed in consultation with the National Parks and Wildlife Service and shall cover the entire period of the operation of the wind farm.

**Reason:** To ensure appropriate monitoring of the impact of the development on the birds and bats of the area.

21. Details of the materials, colours, and textures of all the external finishes to the proposed buildings, including details of any signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

22. Construction operations including Heavy Goods Vehicle movements to and from the site shall be restricted to between 0800 hours and 1900 hours from Monday to Friday and between 0800 hours 1400 hours on Saturdays, save for any necessary deviations required. These deviations shall be agreed in advance with the relevant planning authority.

**Reason:** In the interest of local amenity.

23. 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 commissioning of the turbines and following consultation with the relevant authorities.

**Reason:** In the interest of residential amenity.

24. On full or partial decommissioning of the turbines or if the turbines cease operation for a period of more than one year, the mast and the turbine concerned shall be removed and all decommissioned structures shall be removed and foundations covered with soil to facilitate re-vegetation, within three months of decommissioning.

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

25. (a) An updated decommissioning plan incorporating an Environmental Management Plan, Transport Management Plan and a Waste Management Plan shall be submitted to, and agreed in writing with, the planning authority, 12 months before the decommissioning of the wind farm, unless a further permission has been obtained for the continuation of the wind farm. The plan shall incorporate a programme and scheduling of the decommissioning works.
- (b) The developer shall retain the services of a suitably qualified and experienced Civil Engineer and Ecologist for the duration of the decommissioning works in order to prevent damage to the integrity or stability of the peatland environment.

**Reason:** In the interests of protecting the environment and traffic safety.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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



27. 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 interests of orderly development and visual amenity and to ensure satisfactory reinstatement of the site.

28. 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 the Board 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 this permission.

## Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is €17,079.

A breakdown of the Board's costs is set out in the attached Appendix 1.

The image shows a handwritten signature in blue ink that reads "Peter Mullan". The signature is written over a circular official stamp. The stamp contains the text "AN BORD PLEANÁLA" around the perimeter and a stylized logo in the center.

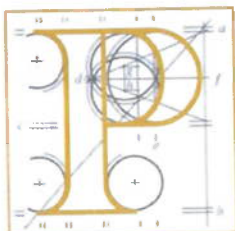
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**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this 25<sup>th</sup> day of February, 2025**



## Strategic Infrastructure Development

### Costs of determining the Application

**Case Number:** ABP-314602-22

**Proposed Development:** Windfarm development of 14 no. turbines with 110kV electrical substation and all related site works and ancillary development in the townlands of Cahernacaha, Gortnabinna, Derryfineen, Gortyrhilly, Rath West, Derree, Fuhiry, Derreenaculling and other townlands, County Cork and Derryreag, Cummeenavrick, Glashacormick, Clydaghroe and Cummeennabuddoge, County Kerry.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector (pre-application consultation) €6,931 Inspector 1 (application) €33,460 Inspector 2 (application) €42,542 Ecologist (application) €672 Scientist (application) €816	€84,421
(2)	Costs invoiced to Board	N/A
	<b>Total chargeable costs</b>	<b>€84,421</b>

Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	€500
	<b>Total</b>	€101,500
	Net amount due to be refunded to the applicant	<b>€17,079</b>



**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *25th* day of *February*,

**2025**