



An
Bord
Pleanála

Inspector's Report

ABP-319741-24

Development	Proposed Windfarm repowering Application of the existing Kilgarvan Wind Farm
Location	in the townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry (https://kilgarvanplanning.ie/)
Planning Authority	Kerry County Council
Applicant(s)	Orsted Onshore Ireland Midco Ltd
Type of Application	Application under provisions of Section 37E of the Planning and Development Act 2000, as amended
Prescribed Bodies	Department of Housing, Local Government and Heritage Inland Fisheries Ireland Irish Aviation Authority Transport Infrastructure Ireland
Observer(s)	Dermot Kelleher Derry Kelleher
Date of Site Inspection	27th February 2025
Inspector	T. Bradley

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1.0 Introduction

Under the provisions of Section 37E of the Planning and Development Act 2000, as amended (PDA), Orsted Onshore Ireland Midco Ltd (the applicant) have applied to An Bord Pleanála (the Board) for approval for a wind energy development for the repowering of the existing Kilgarvan Wind Farm in the townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry. The local authority for the area is Kerry County Council (KCC).

Pursuant to Section 37B of the PDA the Board issued a Direction on the 11th of August 2024 (Ref: ABP-314798-22) that the proposed windfarm would fall within the scope of Sections 37A of the PDA, and that a planning application should be made directly to the Board.

For information, a timeline of the planning application is set out below.

Table 1: Timeline of the Planning Application	
Lodgement of planning application	May 2024
Close of submissions on planning application	July 2024
Submissions circulated to applicant for comment	November 2024
Applicants responds to submissions received	December 2024

The Board should note that that the proposed development is considered a ‘repowering’ of the wind farm. The *Draft Revised Wind Energy Development Guidelines* published by the Department of Housing, Planning and Local Government in December 2019 states that:

‘Repowering entails the removal of the existing equipment and seeking planning permission for the installation of new, more efficient turbines within the wind energy development site. As existing wind energy developments near the end of their operating lives, applications for repowering are steadily increasing. In some cases, the wind energy developments will be repowered due to rapidly evolving technology and changing financial incentives. In many cases applicants will seek to install larger turbines when repowering an existing site.’

The repowering results in the reduction of turbines from twenty eight to eleven on the same site extents. The generating capacity of the repowered wind farm will remain the same as existing at approximately 72 Megawatts (MW).

2.0 Site Location and Description

The site is located in the townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry. It is approximately 5.5 km northeast of the village of Kilgarvan Co. Kerry, and approximately 6km west of Coolea, Co. Cork. The site is on the border of counties Kerry and Cork.

The site forms part of the Derrynasaggart Mountain Range which defines the county boundaries at this location. The area is characterised by mountainous terrain with moderate to steep slopes. The existing topography of the site ranges from approximately 190 - 500 m Ordnance Datum (OD). Much of it comprises rocky outcrops, blanket bog, forestry and the existing wind farm and associated electrical infrastructure.

Peat depths at the proposed turbine locations range from 0.05 – 2.32 m. The peat deposits are underlain by weathered sandstone bedrock in the form of silts, sands, gravels and occasional sandstone boulders. Site gradients across the site vary between 0 degrees to 61 degrees. A peat slide event occurred at the site of the Existing Kilgarvan Wind Farm in 2012.

The site is primarily accessed from the north via the N22 which is the National Primary Road between Tralee, Co. Kerry and Cork, Co. Cork. The R569 Regional Road which connects N22 at Poulgorm Bridge to Kenmare, Co. Kerry runs to the west of the site. There is a network of forest tracks which also connect into the site.

There are numerous watercourses on the site. The Thureehouma, Lettercannon and Glanlee which drain the site to the south are tributaries of the Roughty River. The access track traverses several small headwater tributaries of the River Flesk (Laune) and Sullane (Lee). There are also a number of small lakes at the site.

The site does not hold any natural heritage designations. The nearest European site is the Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA) to the west. The Roughty River pNHA is located to the south-west of the site. There is no record of any flood event on site. There are six archaeological features within the site noted on the Sites and Monuments Records (SMR). There are no protected structures or architectural conservation areas within or adjacent to the site.

There are 14 no properties located within 1.63 km of the site, of which 4 no. are financially involved in the wind farm project. The curtilage of the dwelling which is located closest to the proposed turbines is located approximately 899 m southwest of Turbine 2 and belongs to a landowner who is financially participating in the proposed development. The closest non-participating dwelling is located approximately 1269 m from the nearest proposed Turbine 10.

3.0 Proposed Development

3.1. Development Description

The proposed development consists of:

- Removal of 28 existing turbines and relevant ancillary infrastructure permitted under KCC and the Board Planning References; 02/124, 03/2176, 03/2306, 07/1605, 07/4364, Pl. 08.209629, 07/4515, 07/4701, Pl. 08.232259 and 05/1351;
- Erection of 11 turbines with a blade tip height range from 199.5m - 200m, a hub height range from 118 m – 125 m and a rotor diameter range from 149m – 163 m, along with associated foundations and hard standing areas;
- A thirty-five year operational life from the date of full commissioning of the wind farm;
- Underground electrical 33 kV and communication cabling connecting the proposed turbines and meteorological mast to the existing 110 kV Coomagearlahy substation in the townland of Inchee;
- Upgrade of and the continued use of the existing onsite Coomagearlahy 110 kV substation in the townland of Inchee, permitted under KCC References 07/3648, 04/1648, 06/1143, 06/2660;
- Upgrade of existing tracks, hardstand areas and provision of new site access roads and junctions;
- The extension and reuse of the 1 existing borrow pit;
- 2 temporary construction compounds;
- Meteorological mast, with a height of 100 m and upgrade of existing associated foundation and hard standing area;
- Forestry felling;
- Site drainage;
- Biodiversity Enhancement measures;
- Operational stage site signage; and,
- All ancillary works and apparatus.

This application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The appropriate period sought for the proposed development is 10 years and it is requested that the operational period of will be 35 years. Once commenced, it is expected that the construction phase will

take approximately 18 - 24 months in line with the Construction and Environmental Management Plan (CEMP). It is proposed that the existing 28 turbines on-site will continue to be operated during civil construction phase for the new turbines.

The planning application is not specific on the turbine specification and does not name any specific manufacturers (aside from assessing certain topics in the EIAR). The applicant has opted for an envelope approach.

3.2. Development Need

The applicant has put forward a statement of need in its planning application particulars which centres on the current energy crisis and climate emergency. There is a target to achieve up to 80% of electricity from renewable sources by 2030 in the Climate Action Plan 2024 (CAP24).

The proposed development will have an electrical output capacity of 72.6 MW. The wind farm has the capacity to offset 69,982 Tonnes of Carbon Dioxide Equivalent (tCO₂e) per annum, or 2,449,370tCO₂e over its 35 year operational lifetime. The proposed development will improve security of supply through the reduction of energy importation.

3.3. Documents supporting the Proposed Development

The following documents were submitted to the Board in the first instance in support of the proposed development:

- Planning Application Documentation
 - Planning Cover Letter
 - Planning Application Form
 - Site Notice
 - Newspaper Notice
 - EIAR Portal Confirmation (2024085)
 - Letters of Consent from Relevant Landowners
 - Schedule of Prescribed Bodies and copy of Notification Letters
 - Confirmation Planning Application Fee
- Planning Report
- Drawings
- EIAR

- Volume 1- EIAR Non-Technical Summary (NTS)
- Volume 1 - EIAR Main Body
- Volume 2 - Photomontages
- Volume 3 - EIAR Appendices which includes *inter alia*
 - Appendix 2-1 Planning Policy Statement of Consistency Matrix
 - Appendix 2-3 Community Report
 - Appendix 2-4 Planning History
 - Appendix 4-2 Peat and Spoil Management Plan
 - Appendix 4-3 Construction and Environmental Management Plan
 - Appendix 4-4 Drainage Design Drawings
 - Appendix 4-5 Decommissioning Plan
 - Appendix 6-8 Blanket Bog Enhancement Plan
 - Appendix 6-9 White-tailed Eagle – Outline Risk Management Plan
 - Appendix 8-1 Peat Stability Risk Assessment
 - Appendix 9-1 Flood Risk Assessment
 - Appendix 9-3 Water Framework Directive Compliance Assessment
 - Appendix 12-1 Construction Noise Report
 - Appendix 12-2 Operational Noise Report
 - Appendix 13-4 A0 Map LVIA Baseline
 - Appendix 13-5 A3 Photomontage booklet
- NIS

In December 2024, the applicant responded to submissions made in respect of the file. This included the following:

- Response to Observations Received
 - Appendix 1 Response by Hydro Environmental Services
 - Appendix 2 Response by Alan Lipscombe Traffic and Transport Consultants Ltd.
 - Appendix 3 Response by Tobar Archaeological Services
 - Appendix 4 Stage 1 Road Safety Audit by Traffico Ltd
 - Appendix 5 Response by Ecology Ireland

4.0 Planning History

A review of the KCC Planning Portal and the Board’s case files was carried out in February 2025 to collate any relevant, recent (within 10 years) planning history for the site – key histories are set out in this section. Section 4.0 and Table 4.1 of the Planning Report (and Appendix 2-4) which is not reiterated here, also provided a detailed planning history and is noted and considered in all cumulative and in-combination assessments below.

In respect of the subject site, the following should be noted:

Table 2: Recent, Relevant Planning History of Subject Site			
Ref:	Description	Detail	Year Granted
02/1241, 03/2176, 03/992176, 03/2306	Kilgarvan Wind Farm I	21 WTG (granted) 15 WTG (constructed & operational)	2002-2003
03/2508, 07/1605, 07/4364, 07/4515, 07/4701, 08/2298	Kilgarvan Wind Farm II	13 WTG (granted) 13 WTG (constructed & operational)	2003, 2007-2008
04/1648, 06/1143, 06/2660, 04/356 (Cork)	Grid Infrastructure	Coomagearlahy Substation and associated overhead line works	2004-2006
01/2351, 06/3727, 11/990, 18/496	Telecommunication Infrastructure	Lattice Towers for Meteor Mobile	2001-2018
19/1325	Battery Energy Storage System	N/A	2020

The Board should note other wind farms in proximity to the site. All wind farms within 25 km are usefully presented in Table 13-11 and Figure 13-17 of the EIAR. Within 25 km of the subject site there are 255 wind turbine generators (WTG) either existing, permitted or proposed.

Table 3: Other Wind Farms					
Wind Farm	Description	WTG	Location	Distance	Total WTG
Midas	Existing	23	South	0-5km	76
Sillahertane	Existing	10	South		
Grousemount	Existing	38	South		
Inchamore	Proposed	5	North-East (Cork)		
Gortyrhilly	Proposed	14	South-East (Cork)	5-10km	27
Derragh	Existing	6	South-East (Cork)		
Knocknamork	Permitted	7	North-East (Cork)		

There are numerous planning applications around the site in respect of residential and small/medium commercial/agricultural developments which is to be expected in a such a rural location. These are all noted and considered in the assessment below.

5.0 Policy Context

5.1. National

At a high level, the Board should note several national and regional level policies and guidance which will be relied on in the assessment below. These include:

- Department of the Environment, Climate and Communications (DECC) (2024) *Climate Action Plan 2024*
- Department of Housing, Local Government and Heritage (DHLGH) (2021) *Project Ireland 2040: National Development Plan*
- DHLGH (2019) *Project Ireland 2040: National Planning Framework*
- Climate Action and Low Carbon Development Act 2015 (S.I. No. 46 of 2015)
- Department of Communications, Energy and Natural Resources (DCENR) (2015) *White Paper on Energy – Irelands Transition to a Low Carbon future 2015-2030*

These are all directly and indirectly supportive of renewable energy projects which extends to wind energy. It is noted a more detailed setting out of national and regional policy is contained in Section 6.0 of the Planning Report submitted by the applicant should it be required by the Board.

In addition, this report has considered the development guidelines for wind farms which set out a range of considerations for considering such an application:

- Department of Housing, Planning and Local Government (2019) *Draft Wind Energy Development Guidelines (WEG2019)*
- Department of the Environment, Heritage and Local Government (2006) *Wind Energy Guidelines (WEG2006)*

The Board should also note that the third Renewable Energy Directive (RED III, EU Directive 2023/2413)¹ entered into force in November 2023 and provides for the increased deployment of renewable energy across the EU by 2030, including provisions to simplify and accelerate the permit-granting procedure for renewable

¹ Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652

energy projects including ‘repowering’ projects. The majority of the Directive has a transposition deadline of May 2025.

Most notably, Paragraph 38 identifies the benefits of ‘repower’ projects:

(38) In addition to installing new renewable energy plants, repowering of existing renewable energy power plants has significant potential to contribute to the achievement of the renewable energy targets. Since the existing renewable energy power plants have, for the most part, been installed in sites with significant renewable energy source potential, repowering can ensure the continued use of those sites while reducing the need to designate new sites for renewable energy projects. Repowering includes further benefits such as the existing grid connection, a likely higher degree of public acceptance and knowledge of the environmental impact.

5.2. Regional

In 2020 the Southern Regional Assembly (SRA) published the *Regional Spatial and Economic Strategy for the Southern Region 2020 – 2032* (RSES). The following regional policy objectives are noted.

Table 4: Policies and Objective of the RSES	
Policy Objective	Detail
RPO 50 Diversification	It is an objective to further develop a diverse base of smart economic specialisms across our rural Region, including innovation and diversification in agriculture (agri-Tech, food and beverage), the marine (ports, fisheries and the wider blue economy potential), forestry, peatlands, renewable energy, tourism (leverage the opportunities from the Wild Atlantic Way, Ireland’s Ancient East and Ireland’s Hidden Heartlands brands), social enterprise, circular economy, knowledge economy, global business services, fin-tech, specialised engineering, heritage, arts and culture, design and craft industries as dynamic divers for our rural economy
RPO 96 Integrating Renewable Energy Sources	It is an objective to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.
RPO 97 Power Stations and Renewable Energy	It is an objective to support the sustainable technology upgrading and conversion of power stations in the Region to increase capacity for use of energy efficient and renewable energy sources.
RPO 99 Renewable Wind Energy	It is an objective to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines
RPO 219 New Energy Infrastructure	It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion

	within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.
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5.3. County

The Kerry County Development Plan 2022-2028 (KCDP) is the relevant plan for the subject site.

5.3.1. Kerry County Development Plan 2022-2028

5.3.1.1. Zoning Objective

There is no specific land-use zoning objective for the site. The suitability of the site for wind farm development is set out below in Section 5.3.2.

5.3.1.2. Specific Objectives in respect of Wind Energy

Chapter 12 of the KCDP relates to Energy. It is the overall aim under KCDP 12-1 to:

“Support and facilitate the sustainable provision of a reliable energy supply in the County, with emphasis on increasing energy supplies derived from renewable resources whilst seeking to protect and maintain biodiversity, archaeological and built heritage, the landscape and residential amenity and integration of spatial planning and energy planning in the county.”

Map 12.4 entitled ‘Wind Energy Areas’ identifies the subject site as a ‘Potential Repowering Area’. These areas have been derived following a comprehensive analysis, the details of which are included in Volume 1, Appendix 6 of the KCDP *Wind Zoning Methodology*. In respect of such sites, it is objective KCDP 12-21 to:

(a) Facilitate the sustainable replacement of turbines or repower energy projects in areas shown as ‘Repowering areas’ and areas ‘Open-to-Consideration’. Such proposals will be required to comply with Article 6 of the Habitats Directive.

(b) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall not result in insufficient habitat for the Hen Harrier in line with the conservation objectives of the SPA. As part of this re-powering, proposals will not be permitted to result in the taking out of additional Hen Harrier foraging habitat within the SPA.

(c) Ensure that all mitigation measures outlined in a Natura Impact Statement, submitted in support of Repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall be certain beyond all reasonable scientific doubt and shall be supported by robust evidence including at least 2 years of annual ornithological survey work.

(d) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier do not constitute an unacceptable collision risk to Hen Harrier. As part of this, early engagement with statutory and non-statutory holders of ecological data should be undertaken, including with the Irish Hen Harrier Winter Survey.

The objectives and policies related to wind energy are set out below.

Table 5: Policies and Objective of the KCDP (Wind)	
Policy/Objective	Detail
Climate Change and Achieving a Sustainable Future KCDP 2-2	Facilitate and support national climate change objectives contained in the Climate Action Plan 2021 and the actions contained in the KCC Climate Change Adaptation Strategy 2019-2024 and successor strategies, and to consider a variation of this development plan, if necessary, to align with the approach recommended in the guidelines: Development Plans, Guidelines for Planning Authorities
Climate Change and Achieving a Sustainable Future KCDP 2-6	Promote and support enterprises that create and employ the use of green technologies
Planning for the Future Growth and Development of Rural Areas KCDP 5-1	Facilitate the development of the rural economy by supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, harnessing technology and opportunities for remote working, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.
Energy KCDP 12-1	Support and facilitate the sustainable provision of a reliable energy supply in the County, with emphasis on increasing energy supplies derived from renewable resources whilst seeking to protect and maintain biodiversity, archaeological and built heritage, the landscape and residential amenity and integration of spatial planning and energy planning in the county
Renewable Energy KCDP 12-14	Maximise the development of all renewable energies at appropriate locations in a manner consistent with the proper planning and sustainable development of the County.
Wind KCDP 12-18	Ensure that projects shall be designed and developed in line with the Draft Revised Wind Energy Development Guidelines (DHPLG, 2019) and any update of these guidelines in terms of siting, layout and environmental assessment.
Wind Energy Projects KCDP 12-20	Ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-Consideration' and 'Repower Areas'.
Repower Areas KCDP 12-21	(a) Facilitate the sustainable replacement of turbines or repower energy projects in areas shown as 'Repowering areas' and areas 'Open-to-Consideration'. Such proposals will be required to comply with Article 6 of the Habitats Directive. (b) (b) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall not result in insufficient habitat for the Hen Harrier in line with the conservation objectives of the SPA. As part of this re-powering, proposals will not be permitted to result in the taking out of additional Hen Harrier foraging habitat within the SPA. (c) Ensure that all mitigation measures outlined in a Natura Impact Statement, submitted in support of Repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall be certain beyond all reasonable scientific doubt and shall be supported by robust evidence including at least 2 years of annual ornithological survey work. (d) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier do not constitute an

	unacceptable collision risk to Hen Harrier. As part of this, early engagement with statutory and non-statutory holders of ecological data should be undertaken, including with the Irish Hen Harrier Winter Survey.
Repower Areas KCDP 12-22	Ensure that all applications are accompanied by a Natura Impact Statement under Article 6 of the Habitats Directive if the site is located within or within close proximity to a (candidate) Special Area of Conservation or Special Protection Area or if the site is within the catchment of a (candidate) Special Area of Conservation.
Community Consultation, Community Benefit & Community Projects KCDP 12-39	Ensure that community benefits are derived from all renewable energy development in the county including those subject to repowering or extension applications.
Development Management Standards & Guidelines	<i>See Volume 6, Section 1.15.1. Wind Energy of the KCDP</i>

5.3.1.3. Specific Objectives in respect of Landscape

The site is located in a 'Visually Sensitive Area'. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.

There are also Views and Prospects in both directions along the N22 National Road, R569 Regional Road and the local road along the River Roughty to the south of the site. There are other views and prospects which may interact with the proposed development further from the site.

The following policies should be considered with respect to the above:

Table 6: Policies and Objective of the KCDP (Landscape)	
Policy/Objective	Detail
Landscape Sensitivity KCDP 11-77	Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.
Landscape Sensitivity KCDP 11-78	Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.
Views and Prospects KCDP 11-79	Preserve the views and prospects as defined on Maps contained in Volume 4.
Views and Prospects KCDP 11-81	Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.

5.3.1.4. Specific Objectives in respect of Natural and Built Heritage

Chapter 8 and 11 of the KCDP considers a range of policy objectives to protect and conserve all sites designated or proposed for designation this includes biodiversity, designated sites for ecology, architectural and archaeology. It also considers non-designated sites features of local value including trees, stone walls and hedgerows. These are all noted.

5.3.1.5. Kenmare Municipal District Local Area Plan 2024-2030

This plan became effective from 24th of May 2024. The LAP supports measures to cut emissions in line with national targets, particularly in the key areas of transport and the built environment. This aligns with local targets as they evolve in Kerry's Local Authority Climate Action Plan to be adopted in 2024.

5.3.1.6. Other Plans

The assessment will also have regard to the following plans of KCC:

- Biodiversity Action Plan 2022-2028.
- Local Authority Climate Action Plan 2024-2029

5.3.2. **Cork County Development Plan 2022-2028**

Given the proposed development is in close proximity to Co. Cork, the Board should have regard to the relevant provisions of the Cork County Development Plan 2022-2028. On the basis that there are no works being proposed in Co. Cork, the primary objectives are related to landscape.

It is noted that there are several scenic routes in proximity to the site including S23 (Road between Macroom and Derrynasaggart Mountains) which runs along the N22 National Road, S24 (Road between Coolea and Coom) and S25 (Winding road joining Coolea - Coom road to Lissacresig road). There are other views and prospects which may interact with the proposed development further from the site. There are no 'High Value Landscapes' in proximity to the site.

Table 7: Policies and Objective of the CCDP (Landscape)	
Policy/Objective	Detail
GI 14-12: General Views and Prospects	Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy
GI 14-13: Scenic Routes	Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan. The scenic routes identified in this Plan

	are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Heritage and Amenity Chapter 5 Scenic Routes of this Plan.
GI 14-14: Development on Scenic Routes	a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area. b) Encourage appropriate landscaping and screen planting of developments along scenic routes (See Chapter 16 Built and Cultural Heritage).

6.0 Legal Context

6.1. Environmental Impact Assessment

Any application received under Section 37E(1) must be accompanied by an EIAR.

Annex I to Directive 2011/92/EU as amended by Directive 2014/52/EU requires as mandatory the preparation of an Environmental Impact Assessment (EIA) for all projects listed therein. Projects listed in Annex II to the Directive are not automatically subjected to EIA. Member States can decide to subject them to an assessment on a case-by-case basis or according to thresholds and/or criteria (for example size, location, sensitive ecological areas and potential impact).

The European Union (Planning and Development) (EIA) Regulations 2018 (S.I. No. 296/2018) amended the PDA and the Planning and Development Regulations 2001, as amended (PDR) in order to transpose into Irish Law the provisions of Directive 2014/52/EU.

In Ireland, Schedule 5 (Part 1 and Part 2) of the PDR, transposes Annex I and Annex II of the amended EIA Directive. Schedule 7 sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment, under three headings: characteristics of the proposed development; location of the proposed development; types and characteristics of potential impacts.

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory classes of development and legislative threshold requirements or by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment set out in Schedule 7.

The following class in Schedule 5 of the PDR is noted:

Part 2 Class 3 (i)

Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.

The applicant in this instance has submitted an EIAR.

6.2. Appropriate Assessment

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('the Habitats Directive') is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to Appropriate Assessment (AA) to identify any implications for the European site(s) in view of the site's Conservation Objectives. The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the PDR.

Case law of the European Court of Justice (ECJ) has determined that AA is required if likely significant effects cannot be excluded on the basis of objective information. Case law has also clarified that measures intended to avoid or reduce harmful effects on European sites, must not be considered when determining whether it is necessary to carry out an AA.

The applicant in this instance has submitted an NIS.

7.0 Submissions

There are eight submissions received on file from the planning authority, prescribed bodies and observers.

A report dated July 2024 prepared by KCC was considered by the reserved members at its ordinary meeting on the 15th of July 2024. The agenda and draft minutes (including report) for the ordinary meeting was enclosed in the submission. It resolved not to attach additional recommendations to the report.

The prescribed bodies include:

- Department of Housing, Local Government and Heritage (DHLGH)
- Inland Fisheries Ireland (IFI)
- Irish Aviation Authority (IAA)
- Transport Infrastructure Ireland (TII)

There are two observations in respect of this file. The observers are:

- Dermot Kelleher
- Derry Kelleher

Both observers share the same address in the townland of Rosseightra which is south of the wind farm, approximately 1,387 m from the nearest proposed turbine. Their home has direct views to the existing wind farm. The observers are both represented by Foley Turnbull Solicitors LLP and object to the proposed development. The content of these submissions are largely the same and the grounds are set out in the table below. Overall, it is considered by observers that the development is contrary to the proper planning development of the area. For these reasons set out above, it is therefore request that the Board not grant planning permission to the proposed windfarm.

The applicant responded to the observations outlined by submission dated the December 2024. The submission considers the submissions directly. For legibility, the response of the applicant to the local authority, prescribed bodies and observers is presented in the table below.

7.1. Planning Authority

Table 8: Submission of Planning Authority & Applicant Response		
Planning Authority's Submission	Applicant's Response	Ref. to Section of Inspector's Assessment
The principle of development has been established through the provision of the existing windfarm(s), which have been lawfully established on site. The repowering of this existing windfarm is in line with Objective KCDP 12-21.	Noted	Section 8.1
Having regard to the number, size and scale of the 11 no. proposed turbines to replace the 28 existing turbines, it is considered that as per the zone of theoretical visibility and the photomontages submitted, the reduction in the number of turbines would make a positive impact, reducing visual clutter and providing clear differentiation between the turbines and the landscape that they occupy.	Noted	Section 8.2, 9.5.9
The proposed development was reviewed by the area engineer in the context of roads and transport and deemed acceptable subject to conditions being imposed on any grant of planning permission issued.	Noted	Section 9.5.11
Should the Bord grant permission the detailed design of the surface water drainage and management system and the developed CEMP should be updated prior to the commencement of construction to include all mitigations and monitoring measures, planning conditions and alterations to the EIAR.	The applicant confirms its agreement to this condition.	Section 8.10, 9.5.5
Overall, the Proposed Development has been designed in accordance with the WEG2006 and the draft WEG2019. In this regard the EIAR submitted with the planning application considers all relevant potential environmental impacts that could arise, and the design of the Proposed Development has followed the design principles established in both the WEG2006 and the WEG2019.	Noted	Section 8.4

The proposed mitigation measures outlined in the EIAR are appropriate and address the identified direct and potential impacts on the recorded and potential archaeology of the development site.	The applicant confirms its agreement to such conditions.	Section 8.10, 9.5.10
While it is noted that the planning history of the site is outlined in the planning report submitted, it does not appear to have been indicated if there are limits to the duration of consent for the operation of the existing turbines or if they enjoy the at least theoretical benefit of operating in perpetuity. Notwithstanding the above, this assessment will be undertaken on the 'worst case scenario' basis i.e. that the existing turbines have a limited operational duration after which the site would have been restored	Noted	Section 8.8, 9.3
While the proposal seeks to utilise existing internal roadways, it is nonetheless considered important that sufficient storm water attenuation is provided so as to avoid the occurrence of river erosion or flooding downstream, as is required by KCDP development objective 11-69.	Noted	Section 9.5.5
The application outlined that peat material will be used to reinstate around the existing hardstands which are not proposed to be replaced with new turbines, with an assumed thickness of 0.5 m. Site rehabilitation works along the access roadways which would no longer required by the windfarm does not appear to be proposed.	Noted	Section 9.5.4
In order to offset any potential impact of a renewable energy development on the community it is the policy of KCC to seek the developers to provide support to local communities by providing resources for Community Benefit Funds. It is considered reasonable that renewable energy developments contribute to the community within a 20km radius of the development site within the county, at a rate of €2 per megawatt hour (MWh). An appropriate condition should be attached to any consent issued in this regard.	The applicant confirms its agreement to such conditions.	Section 8.10, 9.5.1

Eleven conditions are recommended related to clarity of development, environmental protection, biodiversity, construction management, roads and transportation, water services, archaeology, development levies, community contributions and bonds.	The applicant confirms its agreement to such conditions.	Section 8.10
Appendix A of the Report includes further details on the Internal Consultations undertaken in KCC and the departments involved and the submissions that fed into the overall report now before the board.	Noted	Various Sections

7.2. Prescribed Bodies

Table 9: Submissions of Prescribed Bodies & Applicant Response			
Prescribed Body	Prescribed Body's Submission	Applicant's Response	Ref. to Section of Inspector's Assessment
Department of Housing, Local Government and Heritage (DHLGH)	The Department has reviewed the EIAR and advises that Sample Conditions C5 and C6 as set out in OPR Practice Note PN03: Planning Conditions (October 2022) should be included as a condition of any grant of permission.	A full response to Archaeological and Cultural Heritage Observations from the DHLGH has been prepared by Tobar Archaeological Services and is included as Appendix 3 of this response document. In conclusion, all requirements of the prescribed body submissions which are reflected by the mitigation measures proposed in the Cultural Heritage chapter of the EIAR are addressed and all requirements of the DHLGH as will be carried out should the Proposed Development be granted permission	Section 8.10, 9.5.10
	The proposed Wind Farm is within the actively-used range of the recently re-introduced white-tailed sea eagle, a species listed in Annex I of the EU Birds Directive (Council Directive 2009/147/EC). This species is particularly susceptible to collision with turbine blades. All three fatalities in Ireland were in the Wind Farms in the Kilgarvan area	A full response to observations relating to the White-Tailed Eagle from the DHLGH has been prepared by Ecology Ireland Wildlife Consultants Ltd and is included as Appendix 5 of this response document. The response addresses the concerns raised relating to potential collision risk arising from the Proposed Development on the White-	Section 9.5.2

	Serious concerns remain about collision risk, particularly due to topography(e.g. turbines T10 and T11), in the absence of a topographic risk assessment. The existing EIAR may not meet the criteria of the Kerry County Development Plan objective 12-9 to demonstrate sufficiently that there will be no significant adverse effects on the natural environment	Tailed Eagle. It assesses currently available curtailment systems and robustly concludes that such systems are neither required based on the evidence collected at the existing site nor proven to be effective in the Irish Context. The response also confirms that the evidence provided in Chapter 6 of the EIAR meets Objective 12-9 of the KCDP	Section 9.5.2
Inland Fisheries Ireland	The waters from the site are of high fishery interest, with extensive salmonid spawning and nursery grounds throughout these systems, it is therefore essential the aquatic habitat and water quality is protected. These rivers should be considered high status waters and highly vulnerable to polluting inputs, habitat interference and hydrological changes. IFI has reviewed the EIAR and recommends conditions relating to an environmental officer, road and stream crossings, control of sediment, cement and fuel, drainage of wet peat areas, alterations to watercourses, timing of instream works and surveys of watercourses.	It is stressed that IFI were scoped with in at an early stage of the project, and their scoping response ultimately taken into account in the project and project approach. All IFI comments and recommendations will be integrated into the Proposed Development for the protection of water quality.	Section 8.10, 9.5.3, 9.5.5

Irish Aviation Authority	The applicant should be required to engage with Kerry Airport and the air navigation service provider (ANSP) Air Nav Ireland to confirm that the proposed turbines and the associated cranes that would be utilised during construction are reviewed for any potential impact on instrument flight procedures at Kerry Airport and enroute communication, navigation and surveillance equipment. In the event of planning consent being granted, the applicant should be conditioned to contact the IAA to agree a warning light scheme, provide coordinates for turbines, and notify IAA and Kerry Airport of crane operations.	The IAA requested that conditions related to aeronautical Obstacle warning light scheme and as-constructed coordinates are provided to them under planning condition, should planning permission be granted. It is also requested that the IAA and Kerry Airport are notified of intentions to commence crane operations with at least 30 days prior notification of their erection.	Section 8.10
Transport Infrastructure Ireland	The EIAR does not appear to address the policy conflict arising from the proposed access direct to the N22, national road, at a 100kph speed limit location. TII considers that this identified policy conflict requires resolution prior to any decision on the subject application having regard to the aforementioned provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012). TII raises issues in relation to the proposed turbine haul routes and certain requirements there to ensure the safeguarding of the strategic function of the national road network. To resolve the conflict, TII outlines road safety matters for the Boards consideration including a	A full response to concerns raised by TII has been prepared by Alan Lipscombe of Alan Lipscombe Traffic and Transport Consultants Ltd and is included as Appendix 2 of this response document. In conclusion, all traffic related issues raised as part of this submission have been adequately addressed and all requirements by TII will be carried out should the Proposed Development be granted permission. A Road Safety Audit (RSA) has also been commissioned and undertaken by Traffico Ltd and is included at Appendix 4 of this response	Section 8.10, 9.5.11

	safety review, upgrade of access as necessary, road instatement.	Document. The RSA describes the findings of a Stage 1 Road Safety Audit associated with the N22 Site Access to the Proposed Development, specifically in relation to road markings. All issues raised as part of the Audit have been addressed within the report.	
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7.3. Observers

Table 10: Observations & Applicant Response			
Topic	Observer's Submission	Applicant's Response	Ref. to Section of Inspector's Assessment
Lack of Adequate Public Consultation	There has been very little opportunity for local residents, particularly those living closest to the proposed development to meet and engage, voice any concerns and get answers to any queries relating to said development. The Code of Practice for Wind Energy Development in Ireland 2016 (Guidelines for Community Engagement), the approach and level of engagement should reflect the nature of the project and the potential level of impact that it could have on a community. The observer and his family live within 3 kilometres of the proposed turbines, the	Chapter 2 of the EIAR and Appendix 2-3 Community Report provide comprehensive detail on the community consultation that occurred and the community benefit fund. In July 2022, the Community Liaison Officer (CLO) called to all houses around the Proposed Development. Where nobody was home, a letter was left. At this stage, the CLO offered face-to-face meetings to discuss the proposal, should residents wish. In November 2022, a letter was circulated to local residents which provided details on a public information event due to occur. In April 2023, final pre-planning correspondence was issued to the residents.	Section 8.9

	Community Liaison Officer (CLO) for this development has had very little communication with this household and has treated most people in the affected area with contempt.	Overall, the general reception of the public to the Proposed Development was positive and satisfaction was expressed with the continued consultation and the general flow of information that was available.	
Negative Health Effects on Local Residents	The negative health effects of turbines on local residents have been well documented all around the country. The changes in turbine and their height will have huge impacts on the health of the local residents. This will have huge effects on the noise from the proposed turbines that residents have to endure and will in turn affect sleep and enjoyment of homes.	As discussed in Section 5.5.2 of the EIAR, while there are anecdotal reports of negative health effects on people who live very close to turbines, peer-reviewed research largely does not support these statements. There is currently no published credible scientific evidence to positively link turbines with adverse health effects. It should be noted that the Proposed Development complies with the draft WEG2019 of a 4x tip height set back from the nearest non-involved Sensitive Property. A full and project-specific noise assessment was undertaken as part of the EIAR to determine the likely significant noise effects. It was prepared by competent experts and is robust in its findings.	Section 8.4, 9.5.1, 9.5.8
Danger to Road Users during Construction	Negative health and safety aspects to road users in the local area of Cloonkeen and road users on the extremely busy Cork to Killarney Road throughout the vast construction stage of this project.	Chapter 15 of the EIAR includes an assessment of the likely traffic effects on the local highway network. A preliminary traffic management plan is also provided in Sections 15.1.7 and 15.1.11.5.2 of the EIAR aimed at minimising the traffic impact on the local highway network. A detailed Traffic Management Plan (TMP) will be finalised and confirmatory detailed provisions in respect of traffic management agreed with the road's	Section 9.5.11

		authority and An Garda Síochána prior to construction works commencing.	
Electromagnetic Interference	There will be disruption to phones/TV/internet coverage will be an issue for all the local residents as currently many cannot get Saorview television because of the current windfarm and this will only become worse with the proposed larger turbines. There is very poor mobile telephone signal in the area which the windfarm has contributed to, therefore the concern is for residents living close to the turbines would be that in the event of an accident/fire etc would not be able to contact the emergency services	Chapter 15 of the EIAR includes an assessment of the likely significant effects of the Proposed Development on Telecommunications. A total of 23 no. telecommunications links and one singular mast was identified within the vicinity of the Site. Appropriate buffer zones, agreed with the telecommunications operators, have been applied to these links. There will be no significant effect on telecoms due to the Proposed Development.	Section 9.5.11
Negative Effects on Wildlife and Rivers	There is a risk of contamination of all local streams and drains which in turn has huge risks to native wildlife such as fish and birds during construction and also throughout the life of the windfarm. There is also the risk of contamination to private wells of the local residents during construction.	Chapter 9 of the submitted EIAR presents proven and effective measures for the protection of surface water quality and includes a 50 m watercourse buffer and various mitigation measures. With the implementation of the mitigation measures detailed in this EIAR there will be no change in the WFD status of the downstream surface waterbodies. The potential for effects on local private groundwater well supplies is negligible due to the low permeability of underlain aquifer, low rates of groundwater recharge and various other reasons. Nevertheless, mitigation is provided in the EIAR to deal with typical construction phase groundwater hazards such as oils and fuels	Section 9.5.2, 9.5.3, 9.5.5, 10.0

Negative Effects on the Beauty of the Area	Kerry is one of Irelands tourism power houses and the beauty of the county has been hugely impacted by the number of windfarms that are in operation, the fact that the proposed windfarm wants to construct much taller turbines will be visible from much further away is a point that should be taken into consideration.	Chapter 13 of the EIAR considers the potential landscape and visual impacts. The site of the Proposed Development is currently an existing wind farm development. on balance, the sensitivity of this landscape to the Proposed Development is deemed to be Medium. The significance of the residual visual effect was not considered to be “Profound”, “Very Significant” or “Significant” at any of the viewpoint locations considered for photomontages.	Section 8.1, 8.2, 9.5.9
	Kerry currently over 350 turbines, more than any other county in Ireland, Kerry has done more than its fair share for the national grid, perhaps it is time that we spread to load share to other counties.	The Proposed Development reduces the number of turbines visible within the Area. The Proposed Development is viewed as a coherent development, appropriately scaled and visually balanced within a large landscape type where wind energy has already been well established and appropriately accommodated.	
Negative Financial Impacts on the Local Residents.	The proposed windfarm will have huge effects on the value of the properties of the local residents, as it will make houses harder to sell and will have an impact on the value it could achieve.	As stated in the same section of the EIAR, although there have been no empirical studies carried out in Ireland on the impacts of wind farms on property prices, the literature described above demonstrates that at an international level, wind farms have not impacted property values in areas near wind farms. It is a reasonable assumption based on the available international literature, that the provision of a wind farm at the proposed location would not impact on the property values in the area. To conclude, while the presence of wind farms influencing an individual buyer's opinion on a property is subjective to that individual, on an empirical level, there is no international evidence to indicate that wind farms have impacted the value of properties in areas near wind farms	Section 8.6

7.4. Procedural Considerations

I have considered the submissions. On the basis of all the information received from the applicant and observers, it is considered there is no issue arising that lacks clarity or detail or are so complex as to require Further Information be requested from the applicant or indeed further circulation of submissions to the observers and the application can be satisfactorily assessed based on the information provided.

It is noted that no party requested that the Board hold an oral hearing. I am satisfied it is not required and written evidence has allowed for a proper and full assessment of the case without recourse to an oral hearing. It is considered that there is no issue arising that lacks clarity or detail or are so complex as to require a hearing. The holding of an oral hearing is, if course, entirely at the discretion of the Board, should they consider that there is a requirement to elucidate further detail on any of the matters arising.

8.0 Planning Assessment

The submissions raised a plethora of issues in respect of the proposed development and while all have merit, others are inconsequential to the overall assessment. To avoid confusing the assessment, the most significant issues arising from the proposed development are the following:

- Principle of the Development
- Landscape and Visual Amenity
- Flood Risk
- Compliance with the Wind Energy Guidelines
- Design Flexibility (Turbine Specification)
- Devaluation of Property
- Construction Period
- Operational Period
- Consultation and Engagement
- Gaeltacht Areas
- Conditions of any Permission

All other matters raised in submissions are considered under the relevant topic in the EIA and AA sections as required having regard to the requirements of the PDA, where the assessment is divided into three main parts

- Planning Assessment (this Section)
- EIA (Section 9.0)
- AA (Section 10.0)

Each assessment has had regard to all submissions made by parties to the planning application. There is an inevitable overlap between the assessments with certain matters falling into the planning assessment, EIA and AA. In the interest of brevity, matters are not repeated but the Board should have regard to all sections when deliberating and reaching its conclusions in respect of the planning application and each discrete assessment.

8.1. Principle of the Development

The site in which the proposed development is located is an existing wind farm. The planning history is complex, but effectively, the turbine's operational life will come to an end in 2029. This is due to a condition being imposed on certain planning permissions for a 20-year operational life. Such a condition is not unusual for a planning permission. Other turbines simply have an operational lifespan, like any other apparatus or machinery, and become inefficient and difficult to maintain after years of use.

In short, from both a legal and technical perspective, the wind farms operation period is coming to an end. The operator effectively has two options in this scenario, to decommissioning the existing wind farm and reinstate the lands or 'repowering' the site which involves decommissioning the wind farm but installation of new, more efficient turbines on the lands. The applicant has opted to 'repower' the site.

As defined in the draft WEG2019, 'repowering' entails the 'removal of the existing equipment and seeking planning permission for the installation of new, more efficient turbines within the wind energy development site. As existing wind energy developments near the end of their operating lives, applications for repowering are steadily increasing. In some cases, the wind energy developments will be repowered due to rapidly evolving technology and changing financial incentives. In many cases applicants will seek to install larger turbines when repowering an existing site'.

It is worth considering whether the proposed development meets the meaning of a 'repower' as set out in the draft WEG2019. It should meet the meaning because much of the policy in the KDCP that may underpin the principle of development relies on the term. The Board should note that no other definition for 'repower', to my knowledge, is found in Irish legislation, policy or guidance other than the draft WEG2019.

The proposed development involves the removal of the 28 existing turbines and seeks planning permission for the installation of 11 new turbines. The applicant has applied for larger turbines which are more efficient and will be located within the existing site. As previously noted in this section, the wind farm is evidently nearing the end of its operating life both legally and technically.

Furthermore, the applicant is keen to highlight in its planning application particulars that the proposed development makes use of as much of the existing infrastructure from the existing wind farm, including access roads, areas of hardstanding, electrical infrastructure. The proposed development will utilise approximately 17.9 km of existing roadways and only approximately 1.1 km of new access roads will need to be constructed.

The layout of the proposed development and location of turbines does differ from that existing. However, this is to be expected given the reduction in the number of turbines and new turbine technology to be installed. It is reasonable that the applicant would seek to optimise the layout of a wind farm layout based on a new turbine technology.

Therefore, having regard to:

- the existing wind farm, its site boundary and plan layout;
- extant permissions for the existing wind farm
- the existing wind farm's operation life which is due to expire;
- the proposed wind farm, its site boundary and plan layout, *the installation of new, more efficient, larger turbines within the site boundary*;
- the definition for 'repower' as set out in the draft WEG2019.

I am satisfied that the proposed development meets the plain definition of 'repower'.

On this basis, I am satisfied to proceed and consider the KCDP, for which there is clear support for a sustainable provision of a reliable energy supply with emphasis on increasing energy supplies derived from renewable resources. The repowering of wind farm would in my opinion meet this objective.

KCC has clearly considered the definition of 'repower' and in Volume 1, Appendix 6 of the KCDP *Wind Zoning Methodology* has identified the subject site as a 'Potential Repowering Area'. These areas are illustrated in Map 12.4 entitled 'Wind Energy Areas' for reference. It is Objective KCDP 12-21 (a) to facilitate the sustainable replacement of turbines or repower energy projects in such areas. I am satisfied the proposed development meets this objective.

The Board should note that KCC are of a similar view that the principle of development has been established through the provision of the existing windfarm(s),

which have been lawfully established on site. They state the repowering of this existing windfarm is in line with Objective KCDP 12-21.

The other provisions KCDP 12-21, (b), (c) and (d) and KCDP 12-22 are related to the Habitats Directive and specifically hen harrier. This is noted and will be addressed in the AA section of the report. Regardless, the proposed development is generally compliant these provisions and, as will be established in Section 10.0, I am satisfied that the proposed scheme, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of those site's conservation objectives.

The observers to the file have put forward the view that Co. Kerry currently already has over 350 turbines, more than any other county in Ireland and that there is no requirement for a repower site at this location. They suggest that the load should be spread in other counties. While I agree Co. Kerry is a significant contributor to wind energy output nationally, and there is a policy imperative to spread wind energy output across the country. I am satisfied, based on the CAP24, that there is not only a need to spread the wind energy output nationally but also a need to continue to generate the existing wind energy output available. Otherwise, there would be a regression in climate and energy targets achieved by under the CAP24 as existing wind farms are taken out of generation.

In conclusion and having regard to the wide policy supporting renewable energy development at a national, regional and local level, the proposed development of a wind farm on lands designated 'Potential Repowering Area' under Objective KCDP 12-21 (a) of the KCDP would be acceptable in principle and in accordance with the proper planning and sustainable development of the area.

Of course, there is a plethora of other policy requirements that need to be considered including the impact on residential amenity, on the built and natural environment, or on the visual character of the landscape. These are addressed in subsequent sections.

8.2. Landscape and Visual Amenity

The site is located in an area designated 'Visually Sensitive Area' in the KCDP. The plan acknowledges that these areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration

into the landscape. There are also Views and Prospects in both directions along the N22 National Road, R569 Regional Road, the local road along the River Roughy to the south of the site and local roads leading up to the 'Top of the Coom' . It is both KCC and Cork County Council policy to preserve these Views and Prospects and prohibit any developments that have a material effect on them.

Firstly, it is important to point out that the site is both a 'Visually Sensitive Area' and 'Repowering Area' under the KCDP - they overlap. This certainly lessens the importance of the visually sensitivity designation in this area and rightly so, in my opinion, given the presence of the existing wind farm at this location. The character, integrity, distinctiveness and scenic value of this area is now largely defined by turbines and there is a planning history of over 20 years establishing it. On this basis, the repowering of an existing wind farm site is acceptable in principle in this particular 'Visually Sensitive Area'.

Policy KCDP 11-78 of the plan seeks to ensure any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Based on the policy for repowering however, it cannot reasonably be argued that this is a new development, and the plan has clearly envisioned that the site could be repowered in spite of its 'Visually Sensitive Area' landscape designation.

Furthermore, the extent of the existing wind farm has to be a material consideration. Given the overall reduction in the overall number of turbines, notwithstanding the increase in height, the proposed development could not reasonably be considered a determinantal or undue impact relative to that existing and that existing being extant for nearly twenty years now.

I would put forward a similar rational for the Views and Prospects. The views and prospects are already interfered with through the existing wind farm on site and many others in the area which have been granted planning permission. This is demonstrated in Viewpoint 7 in the Photomontages for example. While it is necessary to preserve them, it needs to be balanced with the policies for repowering in the KCDP. While the proposed development will have an effect on this scenic views and prospects, it is not considered material in the context of the existing wind farm development in the area.

The landscape and visual impact of the proposed development is a topic raised by the observers to the file, particularly in the context of tourism. The Board will note an assessment of the environmental effects of the proposed development in terms of landscape and visual impacts in Section 9.5.9. While this area does not necessarily host many tourism receptors, save for the landscape itself. The observer rightfully points out that taller turbines may impact tourism receptors further afield. Visibility of the proposed turbines was assessed from receptors within a study area extending 25km from the proposed turbines. The applicant has provided Zone of Theoretical Visibility (ZTV) mapping and an assessment of visual effects from photomontage viewpoint locations (these included scenic views in of the Lakes of Killarney, Kenmare Bay and the Paps Mountain, the Coom). I am satisfied that these have demonstrated that visibility of the proposed turbines is limited throughout the study area.

The remaining elements of the proposed development – the electricity substation, grid connection, access tracks, hardstanding and meteorological mast – are located within the visually sensitive area. These will be absorbed sensitively into the landscape and will not materially detract from the visually sensitive landscape area. Neither would they interfere with any views or prospects at this location. Unlike the turbines, the height of the elements are successfully integrated into the landscape features such as the topography and in particular the forestry.

On this basis the proposed development is not considered consistent with policies KCDP 11-77, KCDP 11-78, KCDP 11-79, KCDP 11-81 of the KCDP. The site of the proposed development while located in an area that is visually sensitive, is also designated as a potential repowering area and hosts an existing wind farm. The proposed development, notwithstanding its height, scale and siting would not be visually obtrusive or impact on the character of the landscape with specific scenic amenity designations. The proposed development would not seriously injure the visual amenities of the area and would be acceptable and in accordance with the proper planning and sustainable development of the area.

8.3. Flood Risk

A Flood Risk Assessment (FRA) is included in Appendix 9-1 of the EIAR and is considered in the context of the topic of hydrology and hydrogeology of the EIA. It

concluded that the risk of flooding to the proposed development will be minimal, and that the development will not increase the risk of flooding elsewhere.

The assessment focused particularly on the substation which is classified as essential infrastructure and 'highly vulnerable' in terms of their sensitivity to flooding. The turbines and ancillary works are considered 'water compatible'. The proposed substations are therefore considered appropriate in Flood Zone C, where the probability of flooding is less than 1-in-1,000-years (<0.1% AEP).

The flood risk to the actual development has been largely mitigated by avoidance due to its location. The proposed development and topography of the site will provide safe exceedance flow paths and prevent surface water ponding to minimise residual risks associated with an extreme flood event or a scenario where the stormwater drainage system becomes blocked.

On the basis of the information provided by the applicant, relevant mapping and data from the OPW and the nature, characteristics of the site and design of the proposed development– this conclusion of the FRA is considered reasonable

It is considered unlikely, that significant impacts would arise from flood risk.

8.4. Compliance with the Wind Energy Guidelines

The proposed development has been designed in accordance with the WEG2006, there are no turbines located within 500m of a residential property. The draft WEG2019 recommend a minimum setback distance of four times the tip height (200 m multiplied by four equals 800m) from a turbine to the curtilage of any residential property and the proposed development has achieved this also. The closest sensitive receptor is located 899 m from the nearest proposed turbine location and belongs to a landowner who is financially participating.

The other key considerations of the guidelines relate to noise and shadow flicker which are addressed individually under their respective headings in Section 9.0. In summary, it is concluded that the relevant limits as set out in the WEG2006 and draft WEG2019 have been met and the impacts are acceptable.

8.5. Design Flexibility (Turbine Specification)

The planning application and related documentation considers three turbine models. These have a tip height ranging from 199.5 metres to 200 metres, hub height

ranging from 118 metres to 125 metres and rotor diameter ranging from 149 metres to 163 metres. The exact make and model of the turbine will be decided post consent based on the market availability but will remain within the range set out above. The EIA has assessed all permutations within the range of the proposed dimensions. The wording used by the applicant would suggest a design envelope approach to selection of turbines.

Under the Maritime and Valuation (Amendment) Act 2022, the Government introduced arrangements for design flexibility in applications for strategic infrastructure development. These came into effect on the 21st of December 2023 (Circular PL 11/2023), predating the application to the Board for the subject development 16th of May 2024, and post-dating the date upon which pre-application consultations in respect of ABP-314798-23, which were concluded in August 2023. The design flexibility set out in the application documents has not been established through the pre-application consultation process, as envisaged in the legislation amending the PDA, which postdated the conclusion of the pre-application determination.

Section 37CC(1) of the Act states 'A person who proposes to apply for permission for any development specified in the Seventh Schedule (referred to in this section and section 37CD as a "prospective applicant") may request a meeting with the Board for the purposes of section 37CD as part of consultations referred to in section 37B(1)'. Article 15J(4) of the Regulations states 'A planning application may be accompanied by an opinion on unconfirmed details...'

My understanding is that the use of the term 'may' in both instances, allows for a situation in which the applicant does not wish to seek design flexibility or to make a planning application where details of the development are unconfirmed.

Should the Board decide to grant permission for the development, this procedural anomaly would have to be addressed. In order to do this, I would recommend the planning permission be restricted to a specific turbine type. This would avoid any requirement for compliance with legislation for design flexibility and allow decision making to take place. Further, it would provide clarity in respect of the dimensions of the proposed turbines for assessment purposes. Finally, should the applicant wish to

alter the details of the permission, this could be done under other provisions within the PDA may facilitate same.

8.6. Devaluation of Property

Submissions raise concerns regarding the effect of the proposed development on property values. In considering this matter I am mindful of the evidence presented in the EIAR in respect of effects of wind farms and grid infrastructure on property values and the absence of evidence of consistent or measurable effects. I am also mindful of the research carried out in respect of public perception in respect of wind farms and generally (but not wholly) favourable trends. In the context of this evidence, I am inclined to consider therefore, that whilst there may in certain instances be a negative impact on property values, this is not a highly likely outcome. Alternatively, on the basis of the evidence presented it would appear that any given property has an equal chance of being perceived as either more or less attractive/valuable due to proximity of wind farm development.

8.7. Construction Period

The applicant has applied for planning permission for an appropriate construction period of 10 years. Once commenced, it is expected that the construction phase will take approximately 18-24 months.

Any concerns in respect of unremitting construction phase impacts is noted. However, the fact that the permission is for ten years will not mean, in practice, that there will be ten years of continuous construction occurring on the site. Once commenced, it would be in the applicants interest to complete the proposed development as expeditiously as possible to ensure its economic viability. The construction timeframe can be managed by the local authority through an appropriate condition agreeing the details of the CEMP, should the Board be minded to grant approval for the proposed development.

An appropriate period of ten years is considered acceptable.

8.8. Operational Period

The applicant has applied for a planning permission for an operational period of 35 years. Such an operational period will increase the economic viability of the proposed development both for the project promoter and the Government who may

be providing certain supports to the proposed development under the Renewable Energy Support Scheme (RESS). An operational period of 30 years is considered appropriate.

The KCC submission brings attention to the operational period of existing turbines. Certain turbines have a limited operational period up to 2029. However, others have the theoretical benefit of operating in perpetuity. While the bona fides of the applicant are not in doubt and it is in their interest both economically and technically to remove the turbines and indeed they commit to doing so regardless of any planning permissions. I considered it necessary to impose a condition to ensure the decommissioning and suitable recycling and reuse of the remaining turbines prior to the commissioning of the proposed wind farm.

8.9. Consultation and Engagement

I note the observers concerns in respect of a lack of adequate public consultation. The applicant has responded in detail on the extent of engagement which is detailed in Chapter 2 of the EIAR and Appendix 2-3 Community Report and included a door-knocking exercise in 2022 that called to the address of the observers. Whether there is a perceived or actual lack of engagement between the applicant and the observers, I am satisfied that the applicant has met the minimum statutory requirements for same in the context of the planning process. The consultation and engagement undertaken is considered reasonable.

8.10. Gaeltacht Area

The site is not located in a Gaeltacht area. However, I note that Gaeltacht Mhúscraí is located adjacent to the site and part of the existing access tracks travel through it. The applicant is not proposing any works to tracks in the Gaeltacht area. In any case, I am satisfied that the proposed development does not materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language.

8.11. Conditions of any Permission

Should the Board be minded to grant planning permission, it is worthwhile considering the conditions which may attach to same. It is noted that several parties

including the planning authority and prescribed bodies seek the implementation of conditions.

The Board should note that the conditions do not raise any significant issues in relation to the design of the proposed development and were largely focused on detailed environmental issues.

The majority relate to the continued engagement between the applicant and planning authority or prescribed body. It is noted that the applicant intends to continue collaboration in advance of, and during, the subsequent construction stage.

KCC has sought eleven conditions in respect of the proposed development should the Board be minded to grant permission. They are entirely legitimate conditions and are generally acceptable, however, I note that the applicant has largely covered them in the mitigation measures proposed or they are under the guise of conditions normally set by the Board. However, for clarity, I have addressed these out in the table below.

Table 11: KCC Recommended Conditions			
No.	Conditions	Detail	Inspector's Response
1	Implementation of Mitigation	-	This is a standard Board condition and included under Condition 2 and 3 of recommendation below.
2	Environmental Protection	ECoW, CEMP, Silt, Bunds	These are already integrated into the design of the proposed development and measures of the EIAR/NIS. They will be enforceable under standard Board conditions which are included under Condition 2, 3 and 13 of recommendation below
3	Biodiversity	Blanket Bog Rehabilitation and Management Plan and White-tailed Eagle Risk Management Plans	While these are already integrated into the design of the proposed development and measures of the EIAR/NIS. They will be enforceable under standard Board conditions which are included under Condition 2 and 3 and bespoke Condition 20 of recommendation below
4	Construction Management Plan	CEMP	These are already integrated into the design of the proposed development and measures of the EIAR/NIS. They will be enforceable under standard Board conditions which are included under Condition 2 and 3 and 13 of recommendation below
5	Roads and Transportation	Surface Water, Public Road, Making Good Damage, Road Opening Licence, Management of Material, Parking, Signage	These are already integrated into the design of the proposed development and measures of the EIAR/NIS. They will be enforceable under standard Board conditions which are included under Condition 2 and 3, 13 and 22 of recommendation below
6	Water Service	Detailed designs	These are already integrated into the design of the proposed development and measures of the EIAR/NIS. They will be enforceable under standard Board conditions which are included under Condition 2 and 3 and 15 of recommendation below

7	Environmental General	Surface Water, ECoW, Complaints, Noise	These are already integrated into the design of the proposed development and measures of the EIAR/NIS. They will be enforceable under standard Board conditions which are included under Condition 2 and 3, 9, 11 and 15 of recommendation below
8	Archaeology	-	These are already integrated into the design of the proposed development and measures of the EIAR/NIS. They will be enforceable under standard Board conditions which are included under Condition 2 and 3 and 16 of recommendation below
9	Development Levies	-	This is a standard Board condition and included under Condition 24 of recommendation below. The final sum is to be agreed with KCC.
10	Community Contribution Fund	-	A condition to this effect has been included under Condition 10 of recommendation below.
11	Bond and allied matter	-	A condition to this effect has been included under Condition 22 of recommendation below.

The DHLGH sought the implementation of Sample Conditions C5 and C6 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR. This is entirely reasonable. While this condition is largely integrated into the design of the proposed development and measures of the EIAR/NIS. Sample Conditions C5 and C6 has been included under Condition 16 of recommendation below in any case.

The IAA sought conditions in respect of air traffic safety which again is entirely reasonable. Condition 17 of the recommendation below covers agreements in relation to obstacle warning light scheme, crane operations and the as-constructed tip heights and co-ordinates of the turbines and wind monitoring mast.

TII has responsibility of the national primary route at this location and the wind farm will have direct access. I consider it necessary that the applicant continue to engage with them on the turbine delivery routes, haul routes and other access/egress issues. Under Condition 18, I have named TII specifically as a party for which a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing.

IFI submitted several recommendations in respect of employment of an environmental officer; road and stream crossings, sediment and pollution control, drainage of wet peat, timing of works, surveys and post construction monitoring. These are already integrated into the design of the proposed development and measures of the EIAR/NIS or agreed to in the applicant's response of December

2024. Both the parent EIAR/NIS and the additional commitments made in December 2024 will be enforceable under standard Board conditions which are included under Condition 1, 2 and 3 of recommendation below. A specific condition to agree a programme of water quality monitoring is included in Condition 21. I note the applicant has committed to using box culverts rather than pipe culverts on the recommendation of IFI – this is not a material change in the proposed development and has no bearing on the overall conclusion of EIAR or NIS.

The Board should also note and give due consideration to Condition 7 (a), which seeks to address the procedural anomaly set out in Section 8.5 above regarding design flexibility. I have recommended the planning permission be restricted to a specific turbine type for the reasons set out under that section.

Finally, Condition 5 has been included to ensure the orderly transition from the existing wind farm to that proposed. Again, the applicant has been circumspect to point out that it is in their interest to recycle and reuse the turbines, however, it will enable the planning authority to ensure that all decommissioned turbine components are successfully removed from the site.

All other conditions are considered standard to the granting of this planning permission for a wind farm and typically apply during the construction phase to protect relevant receptors and environmental factors such as traffic, air, noise biodiversity, water, archaeology, architectural heritage.

9.0 Environmental Impact Assessment

9.1. Screening for Environmental Impact Assessment

It is considered that the proposed development is a class for the purposes of EIA, under Schedule 5 Part 2 Class 3 (i) the PDR.

Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.

The proposed development proposes 11 no. turbines, with approximately 72 MW power turbine maximum output. As it exceeds the thresholds above, an EIA is required. This is also an application under Section 37E of the PDA, which should be accompanied by an EIAR in any case.

9.2. Environmental Impact Assessment Report

An EIAR prepared on behalf of the applicant has been submitted with the application. The EIAR consists of several parts:

1. Non-Technical Summary (NTS) which summarises the EIAR in plainer English.
2. Main Body which considers a range of specific environmental topics in compliance with Article 5 of the *EIA Directive* and Schedule 6 of the *PDR*.
3. Photomontages which contain images in relation to landscape and visual topic.
4. Appendices which contain supplemental information to the main body, and

The EIAR describes the proposed development, including information on the site and the project size and design. Chapter 4 of the EIAR provides sufficient detail in respect of the removal of the existing turbines which is key component in this 'repowering' project. A description of the main alternatives studied by the developer is provided along with the reasons for the preferred choices, these are outlined in greater detail under Section 9.4 below.

The likely significant direct and indirect effects of the development are considered under the following specific headings, which collectively address the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Terrestrial Biodiversity – Flora and Fauna
- Aquatic Biodiversity

- Land, Soils and Geology
- Water
- Air Quality
- Climate
- Noise and Vibration
- Landscape and Visual
- Cultural Heritage
- Material Assets (Traffic, Telecoms & Aviation)
- Major Accidents and Natural Disasters
- Interaction of the Foregoing
- Schedule of Mitigation

The impact of the proposed development was assessed under all the relevant topics as set above. Mitigation measures are set out in each chapter. Where further detailed surveys or assessments were required under each topic these have been compiled and are contained in the appendices.

The documentation prepared by MKO and dated May 2024 is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in cumulation with other plans and projects. This is supplemented with additional information responding to observations in December 2024.

I am satisfied that authors of each chapter of the EIAR have suitable professional competencies, qualifications and experience to prepare an EIAR in their respective field. The EIAR and supplementary information provided by the applicant complies with Article 94 of the PDR – see full assessment below. The limitation of the EIAR set out in respect of each topic of the EIAR are noted, however, none are considered material to the assessment or result in a defective assessment which occurs below.

The EIAR concluded that there would be no likely significant adverse impacts post mitigation.

Table 12: Article 94 (a) Information to be contained in an EIAR
Schedule 6, paragraph 1
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).

A description of the proposed development is provided in Chapter 4 of the EIAR. It includes details on the proposed development site, the design and size of the proposed development, including design options for turbine types, temporary and permanent land take, requirement for materials, details of the construction programme and operation and decommissioning phases. Further details on the development site are provided in the technical chapters of the EIAR. Certain aspects of the development require further clarification. However, these are not substantial and can be addressed by condition. I am satisfied therefore that sufficient information has been presented to enable an assessment of likely significant environmental effects to be carried out.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. These are considered technical assessment of this EIA below. I am satisfied that the likely significant effects of the development on the environment have been described.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).
Measures to mitigate predicted environmental effects are set out in each technical chapter of the EIAR (where relevant), in summary in Chapter 18 and in the CEMP. Having regard to my examination of the EIAR and the submissions made, and my assessment of the likely significant effects of the development on the environment, I am satisfied that the EIAR provides a description of the features and measures to avoid, prevent or reduce significant adverse effects.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b)).
Alternatives are considered in Chapter 3 of the EIAR and include the 'do nothing' scenario, alternative locations, alternative technologies, alternative design and layout and alternative cable routes and haul routes. Having regard to the details presented I am satisfied that the applicant has provided a description of the reasonable alternatives, relevant the proposed wind energy development, and an indication of the main reasons for the resultant proposed development, with reference to effects on the environment (see further comments below on alternative locations). I have considered the 'do nothing' scenario and its relationship to the baseline environment further in Section 9.3 for clarity. However, I am satisfied to proceed on the basis of information presented by the applicant
Schedule 6, Paragraph 2
A description of the baseline environment and likely evolution in the absence of the development.
A description of the baseline environment is typically included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence of the development (do nothing scenario). Where it has not been addressed in the EIAR, the baseline environment and its likely evolution can be readily assessed from the information on the file/inspection of the development site.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
A description of the forecasting methods or evidence used to identify and assess the significance of effects is included in each technical chapter of the EIAR. Any difficulties encountered, or areas of uncertainty, are also identified in the technical chapters. Having regard to my review of the EIAR and to the environmental impact assessment carried out below, I am satisfied that there are no

significant impediments to the assessment of environmental effects, by virtue of difficulties encountered or areas of uncertainty.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
Vulnerability of the proposed development to environmental effects arising from the risks of major accidents and/or disasters is appropriately considered in Chapter 16 of the EIAR.
Article 94 (c) A summary of the information in non-technical language.
Volume 1 of the EIAR comprises a Non-Technical Summary (NTS) of the proposed development. I have read the report, and it summarises, in non-technical language, the information contained in the EIAR and likely environmental effects of the development. I note that it omits a non-technical summary of Chapter 13 Landscape and Visual. I am satisfied that this is merely a drafting error is not detrimental to the understanding of the EIAR and would refer the Board to Section 13.8 Conclusion of Chapter 13 which provides such a non-technical summary. I am satisfied therefore that the EIAR complies with the requirements of the Regulations in respect of Article 94(c).
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the environmental effects of the development are set out in each chapter, typically at the beginning of the technical assessment under methodology. I consider the sources relied upon are generally appropriate and sufficient except in relation to concerns raised in respect of impacts on fen habitat for the reasons stated in the EIA.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the EIAR is set out in Table 1-3 of the EIAR. Where relevant, this information is repeated in the introductory sector of each chapter. Details include the name and qualification of the expert, their area of expertise and years of relevant experience. I have reviewed each of the technical sections of the report, and I am satisfied that it has been prepared by experts with competency in the technical subject areas.

9.3. Baseline Environment

To avoid any confusion for the Board in the coming sections of the report, it is important to define the baseline environment. The key question arising is whether the baseline should consider the environment, including the existing turbines or in its expected restored state excluding the existing turbines.

KCC make a general observation about this given the do-nothing scenario as set out in Section 6.5.2 of the EIAR) does not discuss impacts – positive or negative - that could result from this restored state scenario. This is particularly pertinent in terms of terrestrial ecology and ornithology.

Notwithstanding the submission of KCC, the Board's consideration of this issue is somewhat bound by Paragraph 40 of the RED III Directive which, as noted in Section 5.0 of this report, is intent to accelerating renewable energy resources and, in particular supporting continued use or 'repowering' of existing wind farm sites.

Paragraph 40 provides strong direction on how to define the baseline environment.

(40) In order to further promote and accelerate the repowering of existing renewable energy power plants, a simplified permit-granting procedure for grid connections should be established where the repowering results in a limited increase in total capacity compared to the original project. The repowering of renewable energy projects entails changes to or the extension of existing projects to different degrees. The permit-granting procedure, including environmental assessments and screening, for the repowering of renewable energy projects should be limited to the potential impact resulting from the change or extension compared to the original project.

[Emphasis added]

This would clearly prescribe that the environmental assessment for the repowering of Kilgarvan Wind Farm, which entails changes to the existing projects, should be limited to the potential impact resulting from the change compared to the original project. For clarity, the assessment below will proceed on the basis of the baseline, including the existing turbines as a material consideration.

From research, I note a consultation document published by Scottish Natural Heritage titled ‘Assessing the Impact of Repowered Wind Farms on Nature’ which was published in June 2018. I stress that this was a consultation draft for guidance and has not been adopted in Scotland and has absolutely no statutory effect in Ireland. I consider it necessary to at least bring it to the Board’s attention to understand this issue more fully. However, based on the direction provided in the RED III Directive, which has a statutory effect in Ireland, the Scottish guidance is dismissed and not considered in the assessment below.

The draft guidance makes the argument that where a decommissioning and restoration plan (which is normally required by planning conditions attached to the original consent) is available, then such a plan should inform the baseline for repowering and that the proposed repowering should be assessed against a baseline of the site as if it were fully restored. The guidance, however, does consider that the existing wind farm should remain a material consideration in the overall assessment. The approach is particularly important in the context of birds. The draft guidance suggests that existing turbines skew results of standards surveys and give a distorted picture of expected activity due to existing displacement effects. It also

suggests that collision risk modelling will not provide meaningful results. Including the existing development in the assessment baseline would limit the EIA to a type of 'gap assessment' which only considers the additional effects of the proposed development and would fail to identify the full impacts, according to guidance. That approach may not be helpful for decision-makers to understand the full effects of and to judge whether environmental impacts have been minimised.

9.4. Consideration of Alternatives

The applicant provides a Consideration of Reasonable Alternatives in Section 3.0 of the EIAR. The proposed development is considered in the context of the following:

- 'Do Nothing' Alternative, i.e. without the proposed development proceeding
- Alternative Site Locations
- Alternative Renewable Energy Technologies
- Alternative Turbine Numbers and Model;
- Alternative Turbine Layout and Development Design;
- Alternative Design of Ancillary Structures
- Alternative Grid Connection Cabling Route Options;
- Alternative Transport Route and Site Access; and
- Alternative Mitigation Measures

In the context of the conclusions of Section 8.1 Principle of the Development set out above, the 'Do Nothing' scenario is particularly relevant in the context of a repowering site. Put simply, in the scenario where the proposed development is not approved, the opportunity to contribute to meeting Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions would be lost. Over the 35-year life of the wind farm it is anticipated that 69,982 tonnes of carbon dioxide will be offset in the production of electricity. This is important as greenhouse gas emissions have an interaction with several other topics, the impact to which may be positive if considered cumulatively with other wind farms – albeit it marginal in the context of the proposed development itself.

The design and layout of the turbines was informed by the environmental and technical constraints associated with the site, including residential amenity, flora and fauna, ornithology, soils and geology, water, noise and vibration, cultural heritage

and material assets. The Board should note that the initial designs included fifteen turbines and as a result of the constraints, the final design resulted in eleven turbines. This was a result of feedback from the project team, telecoms service providers, and the need to ensure appropriate set-back distances are maintained for on-site constraints. Figure 3-3 to Figure 3-5 of the EIAR gives an indication of how the design of the turbine layout evolved during the design process.

It is considered that the applicant has sufficiently considered the design and layout alternatives within the site and indeed in the context of the haul routes, site entrances, substation and grid connection. The design of the proposed development as it currently stands in the context of the site is the best outcome of an iterative process to ensure mitigation of impacts by avoidance and in turn design. In terms of alternative technology, given the location of the proposed development, wind energy is likely to be appropriate technology at this location. The conclusion provided on the suitability of the site for solar energy is expected and considered reasonable.

It is considered that the EIAR has adequately addressed reasonable alternatives. In particular, it has adequately addressed that repowering the site is a reasonable alternative to other greenfield sites that may be available in the area. More pertinently, given the policy context for the site, there is little justification now to 'do nothing' at this existing wind farm site in order to achieve Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions

9.5. Assessment of Topics

Each topic is considered individually in subsequent sections in the following format:

- Existing Environment
- Potential Effects
- Mitigation Measures
- Residual Impacts
- Other Issues Arising from Observations
- Conclusion

Unless otherwise stated below, the methodology and the approach to each topic is considered appropriate. This assessment relies on the EIAR submitted and addresses key issues, impacts and mitigations of the proposed development.

9.5.1. Population and Human Health

9.5.1.1. Introduction

Chapter 5.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on population and human health during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment. Key sub-topics in this section include population, human health, employment and economic activity, land-use, residential amenity, community facilities and services, tourism, property values, shadow flicker, noise, and health and safety.

9.5.1.2. Existing Environment

In terms of a baseline, the primary receptor are human beings (14 property receptors within 1.6 km of the site, 4 of which are financially involved). The closest non-participating, residential dwelling, House 5 (H5) is 1,269 km away. These are typically single rural dwellings and small agriculture complexes. The main settlements of Kilgarvan (5.5 km) and Coolea, Co. Cork (6.0 km) are further from the nearest proposed wind farm.

Human will also be impacted along construction and haul routes approaching the site, however, given the location of the access directly onto a national primary route – this is limited. There are educational and community facilities located in settlements near the site also which are along construction and haul routes.

It is noted that there no human receptors on the site as such, as it is primarily in commercial forest or used for agricultural purposes. There would be attendance at the site in order to ensure the wind farm and lands management.

There is relatively low population density (8.8 persons / km² in the population study area). The Glanee Electoral District which encompasses most of the wind farm area had a population density of 3.13 persons / km² in the 2022 Census. This has allowed

the applicant to achieve a setback between turbines and residential receptors of not less than 800 m (four times the tip height of 200 m).

Several scenic routes pass close to the site which are key tourism receptors of the area. The landscape is a key attraction for tourism in Kerry and Cork and there are certain scenic amenity designations set out in the KCDP and CCDP. There are certain tourism receptors such as bed and breakfasts in proximity to the site.

9.5.1.3. Potential Effects

In terms of human health, the observer has rightly raised the negative effects from noise in particular – it is their contention that the change in height will increase human health effects. The issue of noise is addressed separately, however, there is currently no published credible scientific evidence to link turbines with adverse health effects.

In order to avoid the potential effects, it is noted that the applicant has complied with the draft WEG2019 and the requirement for a setback of four times the tip height. I am satisfied that when the set back and all mitigation measures as outlined and in the relevant chapters of the EIAR (Chapter 9 Water, Chapter 10 Air Quality, Chapter 12 Noise and Vibration, and Chapter 15 Material Assets) are implemented the significance of the impacts can be adequately reduced.

While several other sections are relevant to the impact on residential receptors, it is accepted that during the construction phase there will routine construction related pollution and nuisance generated including noise, light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of these receptors. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures. During the operational phase there will be some visual and noise impact associated with the wind farm.

It is noted that, assuming a worst-case conditions, a total of two properties will experience daily and/or annual shadow flicker occurrences and would therefore require mitigation to reduce this to less than 30 minutes per day, or less than 30 hours per year, as per the WEG2006. However, both of these properties are participating landowners and therefore no mitigation is proposed. Shadow Flicker is a well modelled impact and can be successfully mitigated through a computerised

system in any case. A condition requiring this is recommended, should the Board be minded to grant planning permission.

In respect of Electro-Magnetic Fields (EMF) and the proposed development largely makes use of existing circuits and substation. The applicant, in order to comply with relevant transmission standards, will need to ensure the proposed development is in accordance with recommendations made by national and international agencies including the International Commission for Non-Ionizing Radiation Protection (ICNIRP). It is expected the proposed development will be in compliance with this. The potential health impact arising from these impacts in the vicinity would not be significant subject to the mitigation measures and conditions. The issue of electromagnetic interference with telecommunications is addressed further below under Material Assets.

During construction, deforestation (8.9 ha) is required in order to facilitate the proposed development. This will involve minimal deforestation relative to the size of the commercial forest at this location. There is no significant impact to land use, the construction phase will be short-term and temporary. Once operational, there will be a slightly increased permanent land take for the wind farm. It is expected that existing forestry and agricultural practices could continue on adjoining lands without any significant impact.

Further to Section 8.6 of this report, the applicant states in the EIAR that no research on the effect of wind farms on local property prices has been conducted in Ireland, but according to the Irish Wind Energy Association (now Wind Energy Ireland) research from around the world has shown that turbines does not negatively impact on property prices. The results of assessments carried out on the impacts of windfarms on property prices in other countries including the US, Canada, UK and Scotland is also presented which all conclude no discernible negative impacts on property prices. While this issue has been raised by observers, it is not considered significant on this basis.

It is accepted that the proposed development will be a significant investment in the local economy and local job creation particularly for site works where some of the expertise and skills will be available locally. There are several wind industry reports that provide examples of the impact of wind farms on local rural economies. It is

accepted that the proposed development does not generate any long term direct employment for the area during the operational phase. There will be an indirect improvement in employment and the economy as a result of ongoing maintenance of the wind farm. The community benefit fund can also have an indirect impact on the communities economy generally. This should also be considered in the context of tourism which is a key component of employment and the economy in Kerry. Overall, it is considered the long term impacts will be negligible.

The primary impact to tourism during construction is in relation to temporary traffic effects, particularly along the national and regional roads which provide access to tourist areas like Killarney, Kenmare and West Cork. However, these are generally considered to be intermittent and short term. There is significant concern among observers that the proposed development will impact tourism in the area. The site does not host any significant tourist features, but it is considered that this part of Kerry and Cork generally is widely enjoyed by tourists. While there may be potential for the site to expand its tourism potential and offering, perhaps through an amenity walkway, it is not considered the wind farm will have a significant impact in terms of tourism receptors. The issue of landscape, which is inherently important to the assessment of impacts to tourism, will be addressed below in Section 9.5.13 and matters related to landscape policy in Co. Kerry and Co. Cork were addressed above in Section 8.2.

9.5.1.4. Mitigation Measures

It is considered, with the exception of the landscape and visual impact, which is address on other sections, that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

It is noted that a community liaison officer will be in place for the initial stages of construction and operation. I see no reason why such an officer cannot be in place for the entire life of the proposed development in order to manage complaints. A condition has been recommended in this respect, should the Board be minded to grant planning permission.

The impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the EIAR.

There is no bespoke or extraordinary mitigations measures of note proposed.

9.5.1.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

9.5.1.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

9.5.1.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on population and human health including shadow flicker.

9.5.2. Terrestrial Biodiversity

9.5.2.1. Introduction

Chapter 6.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on biodiversity during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment.

9.5.2.2. Existing Environment

The site, in a wider context, is in proximity to several Natura 2000 Sites. The closest being Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC (Site Code: 000365). In addition, the river is also a pNHA (Site Code (00197)) of the

same name. There are two SPA sites located within 15km of the EIAR study area, Mullaghanish to Musheramore Mts. SPA (004162) and Killarney National Park SPA (004038).

There are six nationally designated sites located within 5km of the EIAR study area: Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment pNHA (000365; 0.1km), Roughty River pNHA (001376; 0.3km), Old Domestic Building, Curraglass Wood pNHA (002041; 2.8km), Sillahertane Bog NHA (001882; 3.0km), Kilgarvan Ice House pNHA (000364; 3.6km) and Kilgarvan Wood pNHA (4.7km).

The primary habitat class, as per Fossitt (2000), to the west of the site is wet heath (HH3), which occurs in mosaic with upland blanket bog (PB2), outcropping sandstone bedrock (ER1) and dry siliceous heath (HH1). The east comprises species-poor wet grassland (GS4) dominated by soft rush (*Juncus effusus*) which has regenerated following the felling of conifers. No Third Schedule Invasive Plant species were recorded in the footprint of the proposed works. There are a variety of habitats present that are linked to habitats listed on Annex I of the EU Habitats Directive. Extensive areas of Annex I North Atlantic Wet heaths with *Erica tetralix* (4010) in mosaic with active Blanket Bog (7130) are present in the western portion of the site in particular.

The habitats present within the site are relatively unattractive for most nonvolant mammal species. Tracks, sightings and droppings of sika deer were extremely common at the east of the site. No badger setts or otter holts are present within the existing wind farm. Evidence of several other species was recorded locally, including red squirrel and pine marten.

Several bat species were recorded on the site. Long-term deployments of passive bat detectors confirmed generally low levels of bat activity across the site and throughout the year. There is a lack of built features with potential for roosting bats located within the site.

Most of the bird species recorded during breeding and winter bird walkovers were common birds at a local and national level. Species of higher conservation importance including Kestrel, White-tailed Eagle, Redwing, Golden Plover, Grey Wagtail and Meadow Pipit were recorded. Three breeding season and three winter season vantage point surveys were conducted. Only three bird carcasses were

recovered during the 14 months of fatality searches. A blackcap was recovered in September 2021, a robin in April 2022 and a mistle thrush in July 2022.

The Department of Housing Local Government and Heritage, in their submission note that the proposed wind farm is within the actively-used range of the recently re-introduced white-tailed eagle, a species listed in Annex I of the EU Birds Directive (Council Directive 2009/147/EC).

There were limited amounts of Devil's Bit Scabious and no Marsh Fritillary recorded on the site. Kerry Slug was common and widespread at the site.

9.5.2.3. Potential Effects

The proposed development is situated largely in agricultural land and forestry; however, an existing wind farm is present at the site. There remains some key ecological receptors including watercourses, forestry, peatland and associated fauna and flora. The main significant effects direct and indirect effects comprise:

- Loss of forestry arising from the footprint of the development (including wind farm infrastructure, access roads etc.)
- The potential for increased loading and pollution of waterbodies with adverse effects on downstream water quality dependent habitats and species (construction and operation).
- The potential for significant direct and indirect effects on protected flora and mobile species during construction.
- The risk of collision by bird species during operation, particularly white-tailed eagle.

Notwithstanding the foregoing, having regard to the application of standard best practice mitigation measures, as set out in the EIAR, the site-specific and species-specific measures identified below, and proposals for restoration of peatland, I am satisfied that significant effects on biodiversity will not arise.

I note that the EIAR states that the borrow pit will be reinstated with peat to vegetate naturally, with a stock proof fence erected after construction materials have been extracted to prevent unauthorised access. Similarly, the spoil storage areas and decommissioned hardstanding that is no longer required as part of the proposed wind farm will be vegetated or allowed to revegetate naturally.

The effects on European Sites are addressed in the AA section below and will not be considered here. There is a hydrological connection to the Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment pNHA and Roughty River pNHA and there is potential impact should there be deterioration in water quality. It is noted that an unnamed stream will be crossed to create access to T11. This will be done by constructing a box culvert for the stream as per IFI recommended practice. However, these impacts are well known and can be successfully mitigated.

In response to concerns raised by DHLGH, the applicant has submitted a response on the issue of white-tailed eagle and particular collision risks. White-tailed Eagle is known to be vulnerable to collision with turbines and the species does not show any avoidance based on studies from Norway. It is noted that from 2007 to 2019, 6 birds were recovered in Ireland that are believed to have collided with turbines, with at least three of these fatalities occurring in Co. Kerry. The applicant acknowledges this given the original release location was Mangerton Mountain, west of the site. The applicant is of the view that losses of reintroduced birds are anticipated and young and inexperienced birds are more vulnerable to mortality from various sources. It is stated in the EIAR that there is low likelihood of any significant change in the pattern of usage by white-tailed eagle of the site post-construction. This is accepted.

Notwithstanding this, it must be noted again that there were no sightings of White-tailed Eagles within the EIAR study area in the breeding (summer) season. No regular activity occurs close to T10 or 11 either. I note the Department's request for a topography risk assessment. However, the applicant has stated that there is no standard methodology that can be applied to generate any reliable predictions. Overall, I am satisfied with the applicant's conclusion that as a maturing population is present birds will be increasingly familiar with their home ranges and that older and wild bred birds may be less susceptible to collision. Measures are proposed to reduce the attractiveness of the site for White-tailed Eagle by the implementation of a programme to remove any animal carcasses.

KCC point to the fact that it does not provide details on the alternative 'do nothing' scenario associated with site restoration. While I agree with KCC that the applicant's information in respect of the do-nothing scenario is limited and their response to the submission of KCC in December 2024 does not explicitly address the concerns raised. I am conscious that the white-tailed eagle was only reintroduced in the

Killarney National Park in 2007 and the wind farm has had planning permission extant since 2003. Furthermore, I place weight on the empirical evidence provided by the applicant in respect of young and inexperienced individual birds (which are typically released under re-introduction) in Norway. These birds are initially more vulnerable to mortality from various sources, including wind farms, due to exploratory behaviour. However, as the population ages, becomes wilder in their environment they may become less susceptible to collision risk. The applicant has demonstrated that while curtailment systems are available, they are neither required based on the evidence collected at the existing site nor proven to be effective in the Irish context. It is noted that a 'White-Tailed Eagle Outline Risk Management Plan' has been prepared for the proposal and is included as Appendix 6-9 of the EIAR. This has taken account of the mitigation to prevent eagle mortality as agreed for the existing Grousemount Wind Farm and which is required by the KCDP 2022-2028. I am satisfied that this will provide sufficient ongoing mitigation and monitoring for this species.

In respect of other ornithological receptors, operating wind farms have the potential to affect birds through collision risk, reduction in habitat extent, and declines in foraging efficiency and/or prey species. Overall, there is an absence of evidence of any significant activity within the site, which is to be expected in proximity to an operational wind farm. Most of the bird species recorded during breeding and winter bird walkovers were common birds at a local and national level. Kestrel, Redwing, Golden Plover, Grey Wagtail and Meadow Pipit which are species of higher conservation importance were also recorded. Many higher conservation importance species have a low to medium sensitivity to disturbance, except for the white tailed eagle. The Board should note that disturbance will largely occur at the construction phase and in the absence of mitigation deforestation will potentially disturb, displace or cause mortality of breeding or roosting birds. However, I am satisfied that sufficient alternative habitats like conifer plantation and upland habitat are available in the surrounding landscape to accommodate localised disturbance. There is no evidence that the site is located on regular commuting or migration route for any such bird species.

The wind farm construction will result in the removal of various habitats. In terms of peatland habitats, approximately 60,080 m³ ha of heath and bog will be removed.

Wet heath and upland blanket bog habitats are considered of county importance, and their removal is not significant and may generate only localised disturbance. The applicant has included a Peat and Spoil Management Plan and is proposing to implement Blanket Bog Enhancement Plan on certain areas of the site also to compensate for this loss. The proposed wind farm development will result in the fragmentation of habitats but due to the existing wind farm, arrangement of forestry, this is already the case. The impact of this habitat fragmentation on wet heath and lowland blanket bog is assessed as a long-term negative impact at the county scale.

The Kerry Slug is strictly protected from injury, or disturbance/damage to their breeding or resting place wherever it occurs. Kerry Slug is abundant at the site. It was recorded widely, particularly in open areas of the site and along the margins of the existing access roads. The overall conservation status of the species has been reported as 'favourable and improving' and it is not currently considered threatened within its range (NPWS 2019). The construction activity has the potential to cause fragmentation of habitats and direct mortality of individuals. In the absence of mitigation effects are considered to be moderate to significant at a local level. It is noted that the area of suitable habitat that will be directly impacted by construction is relatively small.

From the survey work undertaken it was identified that the site had a low levels of bat activity recorded as having little bat roost potential due to lack of suitable roosting locations. By virtue of their low usage of the site, no significant collision related risk is likely.

9.5.2.4. Mitigation Measures

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance. These include

- Invasive Species Surveys and Management
- Pre/Post Construction Mammal Surveys
- Bird Vantage Point surveys
- Ecological Clerk of Works
- Derogation License for Kerry Slug
- Restriction on Works

- Clearance of Vegetation (bird breeding season)
- Mammal Disturbance (daylight hours)
- Best Practice Controls for Potential Pollution (Water, Light, Dust, Noise) in CEMP
- Peatland Restoration Plan
- Wildlife Register
- Fatality Monitoring Programme for Birds and Bats
- White-tailed Eagle Mitigation Strategy
- Automatic 'feathering' of Idling Blades

9.5.2.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

9.5.2.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

9.5.2.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on terrestrial biodiversity.

9.5.3. **Aquatic Biodiversity**

9.5.3.1. Introduction

Chapter 7.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on aquatic biodiversity during its construction, operation and decommissioning phases.

9.5.3.2. Existing Environment

The proposed windfarm works are located on high gradient lands within the Roughty_040 river catchment. There is a high dynamic hydrological regime present due to the sites elevated location, high gradient and high rainfall. The Roughty river is a high status water body. The following streams are related to the site - Thureehouma, Garrow and Glanlee – as well as a number of unnamed streams. There is extensive salmonid spawning and nursery grounds throughout these systems.

9.5.3.3. Potential Effects

Impacts may arise as a result of forestry felling, earthworks, general watercourse crossings, concrete and hydrocarbons and leaching of suspended solids during construction. The key driver of indirect impacts is rainfall, potentially causing pollutant (suspended solids, cement, hydrocarbons, forestry felling related pollutants) wash out to drains and watercourses.

Vehicle and machinery movement during construction could lead to spillages of oils, fuels, or pollutants, particularly during high rainfall events, negatively affecting water quality and aquatic flora and fauna. Material storage near drainage features poses a risk of runoff or slippage during rainfall. The pouring of concrete for foundation works carries a risk of entry into ground and surface water, and flooding may increase pollutant release. Water quality impacts during construction to watercourses could have short-term, negative effects on aquatic biodiversity.

In the operational phase, no significant direct discharges to surface waters are anticipated. Occasional vehicle access may lead to accidental emissions, but the periodic nature of visits reduces the risk of pollution.

During excavation of borrow pits and turbine bases, groundwater inflows may require pumping, potentially causing temporary drying of lowland blanket bog and wet heath habitats. However, larger patches of these habitats are distant from the pumping areas, resulting in a very slight short-term negative impact.

The watercourses present on site are the upper reaches of the tributaries and have no salmonid value and are generally of low local ecological value owing to ephemeral flows, small size and steep topography,

The primary interaction with watercourses occur as a result of the installation of new pipe culverts. This occurs north of Turbine 11, where a new pipe culvert is required

and an extension to an existing pipe culvert which is at the site entrance to N22. IFI has raised issue with the use of pipe culverts and the applicant, in its response to this submission, have decided to use a pre-cast open bottom box culvert. This is a matter of detailed design and the impacts will be similar and do not materially affect the consideration of aquatic biodiversity. I am satisfied that this issue can be resolved post consent through a condition which would see the detail agreed with IFI and KCC.

I am satisfied that the Proposed Development drainage system will be designed to slow surface water runoff from the site by providing greater attenuation, ensuring that the Proposed Development does not alter downstream surface water flows and will not contribute to downstream flooding

9.5.3.4. Mitigation Measures

The primary mitigation measure proposed during the construction phase is a surface water quality monitoring scheme, overseen by the ECoW. These are standard measures employed on wind farms projects to protect water quality generally but will also extend to the protection of aquatic biodiversity. The impact to aquatic biodiversity will also mitigation through best practice standards and the implementation of the CEMP. It is noted that the applicant has also mitigated by avoidance through a self-imposed 50 metres buffer from watercourses.

9.5.3.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

9.5.3.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

9.5.3.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and

monitoring measures, would not be likely to have significant effects on aquatic biodiversity.

9.5.4. Lands, Soil and Geology

9.5.4.1. Introduction

Chapter 8.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on land, soils and geology during its construction, operation and decommissioning phases.

9.5.4.2. Existing Environment

The site is largely characterised by protruding ridges of bedrock outcrop with areas of blanket peat between ridges. A large portion of the site is covered in coniferous forest. Average peat depths across the site are 0.79 metres. The deepest area is up to 6.5 metres; however, these areas are largely avoided.

The peat is mainly underlain by weathered sandstone bedrock in the form of silts, sands, gravels and occasional sandstone boulders and the turbines would be located within areas where the peat depth is very shallow (0.05 – 2.32m). Site gradients across the site vary between 0.8 degree (T18) to 9.6 degrees (T2). It is noted that there is no recent history of landslides or peat slippages in the area. A peat failure occurred in a localised area of the site on the 17/18th of October 2012 upslope of an access road near turbine T14

9.5.4.3. Potential Effects

The proposed works would require the excavation of 60,080 m³ of peat and 184,190 m³ of rock from the onsite borrow pit. The stone would be used during the construction phase and the peat would be stored in the borrow pit and used to re-use on the site. The proposed borrow pits would be excavated into the slope in order to minimise their impact and extent which is acceptable in principal subject to compliance with mitigation measures and recommended conditions related to noise, vibration and water quality (refer to other sections).

The peat and rock excavation have the potential to affect hydrology and drainage patterns in the area. The unregulated excavation and construction works, particularly on steeper slopes, and in areas of deep peat could also give rise to peat instability and slippage, with resultant serious adverse impacts on the environment.

An extensive range of site suitability tests were undertaken at the site of the various project elements is noted and included peat probing (530) and shear vane analysis (54) trial pitting (13). This is in addition to historic data gathered as a result of the existing wind farm. The site has been investigated at 764 locations in total if considering both recent and historic data.

While GSI datasets suggest the area is moderate to highly sensitive to landslide and peat failures. The Peat Stability Risk Assessment report (PSRA) which was based on the Scottish Executive document (Peat Landslide Hazard and Risk Assessments: Best Practice for Proposed Electricity Generation Development, 2007) rates the risk of instability as low to negligible. The PSAR assessed the risk of instability by reference to several accumulated factors including peat depth, slope angle, slope orientation, vegetation cover and proximity to watercourses. Notwithstanding this, site-specific mitigation measures have been proposed for the site which would further reduce the risk rating. There is a requirement for safety buffers and peat stockpile restriction (PSR).

A landslide in 2012 is addressed by the applicant, however, it does raise concerns. Extreme events, in particular for rainfall, is increasing due to climate change. The PSRA has assessed the effect even of extreme rainfall events on the stability of the peat slopes. By carrying out such a sensitivity analysis with varying water level in the peat slopes, the effects of intense rainfall and extreme dry events were analysed. I am satisfied with its conclusions.

I note that a Blanket Bog Rehabilitation and Management Plan is proposed to rehabilitate/restore an area of blanket bog (c.5.5ha), which has previously been partly drained and planted with conifers, in order to mitigate for the loss of blanket bog and heath habitats as a result of the proposed development. I note that the peat balance analysis outlined in the Spoil and Peat Management Plan outlines a conservative estimate of the volumes of peat excavation and reinstatement during construction and concludes that all of the peat material excavated can be reused safely on-site during construction.

There are no designated geological heritage sites at the proposed development site. The proposed development has avoided direct impact on geological heritage sites. There are no potential impacts on geological heritage sites.

9.5.4.4. Mitigation Measures

The suite of EIAR mitigation measures include detailed design and construction measures for all elements of the proposed development across the entire site including general and site-specific mitigation measures, and a Spoil and Peat Management Strategy to manage peat storage and prevent erosion and peat slides. The proposed arrangements are considered acceptable in terms of mitigating the risk of peat instability and slippage. However, the mitigation measures should be applied at the preliminary design stage, detailed design stage and construction stage, and be subject to ongoing monitoring throughout the construction and operational phases. This could be addressed by way of a planning condition were the Board minded to grant approval.

9.5.4.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

9.5.4.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

9.5.4.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on land, soils and geology.

9.5.5. Water (Hydrology and Hydrogeology)

9.5.5.1. Introduction

Chapter 9.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on hydrology, hydrogeology and water

quality during its construction, operation and decommissioning phases. Related to this chapter is the risk of flooding – this is addressed in Section 8.3.

9.5.5.2. Existing Environment

There are several water features at the site including Glanlee River in the east, the Thureehouma stream to the west and several other unnamed tributaries of the Roughty River. Lough Nabirria and Doo Lough are located near of Turbine 6 and Turbine 7. In addition to the natural drainage, there is a network of manmade drains related to the forestry plantation and more recently the existing wind farm access roads. Due to the local topography, the coverage of peat and low permeability of the underlying bedrock aquifer, the hydrology of the site is characterised by a high rates of surface water runoff

On a regional scale, the site is located in three surface water catchments, namely Dunmanus-Bantry-Kenmare, Lee, Cork Harbour and Youghal Bay and Laune-Maine-Dingle Bay. EPA Quality ratings are not available for the second order streams that drain the site, but the surface water catchments are varyingly high, good and moderate. The vulnerability rating of the bedrock aquifer underlying site are generally Extreme-X.

Designated sites that receive surface water runoff from the site include the Roughty river pNHA and the Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment SAC.

9.5.5.3. Potential Effects

The EIAR identifies the following potential effects:

- Construction
 - Surface Water Quality Effects from Clear Felling
 - Earthworks Resulting in Suspended Solids Entrainment in Surface Waters
 - Excavation Dewatering and Potential Effects on Surface Water Quality
 - Groundwater Levels During Excavation Works
 - Release of Hydrocarbons
 - Release of Cement-Based Products
 - Groundwater and Surface Water Contamination from Wastewater Disposal
 - Morphological Changes to Surface Watercourses

- Local Groundwater Well Supplies
- Use of Siltbuster and Effect on Downstream Surface Water Quality
- Surface Water Drinking Supplies
- Hydrologically Connected Designated sites
- Surface and Groundwater WFD Status
- Operational
 - Progressive Replacement of Natural Surface with Lower Permeability Surfaces
 - Runoff Resulting in Contamination of Surface Waters
 - Effect of Proposed Blanket Bog Rehabilitation
- Decommissioning
 - Similar to Construction

The majority of works related to the wind farm are at the surface level and I am satisfied that the effects to groundwater are generally negligible. Any impacts to groundwater from pollution events are standard in the context of a wind farm and readily mitigated. The applicant has set out numerous mitigations to this effect.

Given the number of surface water features and quick run-off from the site, the potential for impact in this regard is more significant. However, again, standard for such a wind farm development and there are standard measures to mitigate such impacts. It is noted that the applicant has also mitigated by avoidance through a self-imposed 50 metres buffer from all stream and loughs. The construction works will involve some activity within 50m of streams (such as site access tracks). However, no significant instream works are proposed, save for the installation of two culverts on minor streams, and a suite of measures are in place to avoid any adverse effects.

No significant effects to surface water (quality and flows) and groundwater (quality and quantity, and any local groundwater wells) will occur as a result of the Proposed Development provided the proposed mitigation measures are implemented.

Based on these modelled flood maps, it is estimated that the proposed wind farm site is not at risk of fluvial, pluvial or groundwater flooding. The natural topography of the site is such that flood waters would flow away from the site towards lands further downstream that are at lower elevations. I am satisfied that the Proposed Development drainage system will be designed to slow surface water runoff from the

site by providing greater attenuation, ensuring that the Proposed Development does not alter downstream surface water flows and will not contribute to downstream flooding. I am satisfied that sufficient storm water attenuation is provided so as to avoid the occurrence of river erosion or flooding downstream, as is required by KCDP development Objective KCDP 11-69 (Land Use and Flood Risk Management).

In the context of the WFD, I am satisfied that there will be no change in the status of underlying groundwaters or surface water bodies and that the proposed development is compliant with the WFD and would not prevent the achievement of WFD objectives. I note the applicant has provided a Water Framework Directive Compliance Assessment (Appendix 9-3) which arrives at the same conclusion. The proposed development is compliant with the requirements of the Water Framework Directive (2000/60/EC)

9.5.5.4. Mitigation Measures

The design of the proposed development as it currently stands in the context of the site is the best outcome of an iterative process to ensure mitigation of impacts by avoidance and in turn design. The Surface Water Drainage Plan (Appendix 4-4) will significantly reduce risk pollution events and ensure no direct discharge to any watercourses. The existing on-site drainage system will remain active during the construction and operation of the proposed wind farm and will be complemented by the drainage plan that has been designed for this development. It is noted that construction phase Surface Water Monitoring will occur.

9.5.5.5. Residual Impacts

It is considered that subject to mitigation measures, there will be no significant residual effect as a result of the proposed development.

9.5.5.6. Cumulative Impacts

The EIAR has considered cumulative effects with Commercial Forestry, Agriculture, One Off Housing Developments, the Removal of the Existing Kilgarvan Turbines and Other Wind Farms. It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

9.5.5.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on water.

9.5.6. Air Quality

Chapter 10.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on air quality and climate during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment.

The impact of wind farm in respect of air quality is well understood, there being some 300 wind farms in the country, and I am entirely satisfied with the assessment report put forward by the applicant in terms of:

- exhaust emissions during all phases of the proposed development including transportation to and from the site;
- dust emissions during all phases of the proposed development including transportation to and from the site;
- cumulative effects with other relevant developments in the area.

It is accepted that impacts will arise to air during the construction phase in particular largely as a result of construction machinery and vehicles generating dust and pollutants – this is temporary, short-term and routine to any construction phase of a development.

I have interrogated the methodology, assumptions and evaluation of the likely and significant effects and associated mitigation measures and consider the conclusion in the EIAR robust and complete. No other party to the file has raised any material issue in respect of air quality.

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively

reducing their significance. There is no bespoke or extraordinary mitigations measures of note proposed.

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on air quality and climate.

9.5.7. Climate

No issues have been raised by any party to the appeal/application in respect of climate. I have examined Chapter 11 of the EIAR which deals with this topic. Having regard to the location of the site in rural environment, the absence of any operational carbon intensive activities, the arrangements for the management of construction and construction traffic set out in the application documents and proposed Construction Traffic Management Plan, and standard arrangements for the management of construction and operational waste, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on climate as a result of the proposed development.

Overall, the board should note that by providing an alternative to electricity derived from coal, oil or gas-fired power stations, the Proposed Development will result in emission savings of carbon dioxide (CO₂), oxides of nitrogen (NO_x), and sulphur dioxide (SO₂). The production of renewable energy from the Proposed Development will have a long-term significant positive impact on air quality due to the offsetting of approximately 69,982 tonnes of Carbon Dioxide (CO₂) per annum.

9.5.8. Noise and Vibration

9.5.8.1. Introduction

Chapter 12.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on noise and vibration during its construction, operation and decommissioning phases.

9.5.8.2. Existing Environment

The EIAR provides an assessment in accordance with the WEG2016. It should be noted however that the draft WEG2019 impose more stringent regulations, in line with ETSU-R97 – The Assessment and Rating of Noise from Wind Farms. The competent expert who prepared the EIAR chapter cites concern about the technical issues in implementing the WEG2019.

The applicant undertook background noise monitoring at five noise sensitive receptors. However, due to technical issues, the data from two monitoring locations were found to be unusable.

All buildings within 3 km of the Proposed Development were identified. Of the 102 buildings identified, two were subsequently classified as derelict (H34 and H42). In this instance the closest non-participating noise-sensitive receptor is H5, which is situated approximately 1,269 m from the proposed turbine T11.

9.5.8.3. Potential Effects

The assessment of construction noise and vibration and has been conducted in accordance with best practice guidance. Subject to good working practice as it is not expected that there will be any significant noise and vibration impacts associated with the construction phase and the likely noise from construction activity at the nearest Noise Sensitive Locations (NSLs) is expected to be well below recommended significance threshold values. The associated construction noise and vibration impacts are not expected to cause any significant effects.

The predictions were based on the sound power level data for a candidate turbine which has a 163 m rotor diameter and a maximum rated output of 7MW, serrated blades and hub height of 118m. This turbine has the highest predicted noise levels of all candidate turbines and therefore is the worst case scenario. Other turbine models were also considered but would represent the lower end of a noise level.

The operational noise assessment was undertaken in three stages, which involved setting the Total WEDG Noise Limits (which are limits for noise from all wind farms in the area) at the nearest noise sensitive receptors, predicting the likely effects (undertaking a cumulative noise assessment where required) and setting Site Specific Noise Limits for the Proposed Development.

It is noted that the comparative analysis between the existing wind farm and the proposed wind farm at 14 Noise Assessment Locations (NAL's). The comparison showed that the predicted output of the Proposed Development will be lower at each of the NALs than the Existing turbines.

No significant vibration effects are associated with the operation of the site. I agree with the applicant conclusion that blasting should be screened out on account of the distance to the nearest sensitive receptor.

I note that specific assessment were undertaken in respect of the observers properties, noted as NAL 13 (H7) and NAL 14 (H8), for noise impact. This included a cumulative assessment due to the number of operational and proposed wind farms in proximity. The results show that the predicted cumulative wind farm noise emission levels from all wind farms operating concurrently would meet the Total WEG Noise Limits at all NALs during both the daytime and night time periods. In respect of the observers properties, there will be less turbines in proximity to it and the closest turbine, albeit larger, will be further in distance than that existing. Typically, a condition is attached to any grant of planning permission limiting noise increases at sensitive receptors. The applicant would be bound by the condition and the observer, should they experience any noise issues, can make a complaint to the Community Liaison Officer.

9.5.8.4. Mitigation Measures

Applying the mitigation measures specified in the EIAR, the predicted turbine noise levels associated with the proposed development are predicted to be well within the best practice noise criteria curves recommended within the WEDG.

A condition should be attached ensuring the final turbine chosen has modern turbine control systems installed for operating in a reduced noise mode (mode management) for a range of wind speeds and wind directions. In order to meet the noise limits, mode management would be required based on the candidate turbine considered in the applicant's report.

At construction phase best practice measures will be taken including for rock breaking and blasting. These are considered reasonable and acceptable. A condition has been attached in this respect should the board be minded to grant planning permission.

9.5.8.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

9.5.8.6. Cumulative Impacts

The predicted cumulative wind farm noise levels from all wind farms operating concurrently would meet the Total WEDG Noise Limits at all NALs during both the daytime and night time periods except NALs 7-9. Certain turbines will need to operate in reduced noise mode for certain wind speeds and wind directions,

The potential impact arising from noise on properties in the vicinity would not be significant. I consider that the issue can be adequately addressed by way of a condition comparable to that employed in other permissions for wind energy developments, whereby provision is made for the implementation of appropriate noise limits at the nearest noise sensitive location in the vicinity as well as a monitoring programme, details of which can be agreed with the planning authority.

9.5.8.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects noise and vibration.

9.5.9. Landscape and Visual

9.5.9.1. Introduction

Chapter 13.0 of the EIAR identifies, describes and assesses the potential direct and indirect landscape and visual impacts of the proposed development during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment. The Board should also note Section 8.2 of this report

which considered landscape and visual amenity in the context of the development plan provisions. That will not be reiterated here.

9.5.9.2. Existing Environment

The site is located within Landscape Character Area (LCA) 27 Clydagh River, The Paps and Derrynasaggart Mountains and LCA 38 Kilgarvan and Roughty River Valley as defined by the 'Landscape Review' which is found in Appendix 7 of the KCDP. The site is located on the western slopes of the Derrynasaggart Mountain Range, Co. Kerry and are elevated, irregular and upland in nature. The elevation of the site itself ranges from approximately 190 to 500mOD (metres above Ordnance Datum), with the lowest turbine sited at approximately 300m (T7) and the highest at approximately 435m (T4).

9.5.9.3. Potential Effects

The proposed turbines due to their height, number and moving elements have potential to have a significant visual effect on the receiving environment. However, I do consider the existing windfarm a material consideration in the evaluation of the significance of impacts.

The primary method of understanding this effect is through the ZTV (Appendix 13-4). I am satisfied that the ZTV mapping presented depicts a fair representation of the visual scenario. In summary the ZTV maps submitted indicate that the difference to the Zone of Theoretical Visibility between the existing windfarm and the proposed turbines is minimal. In terms of visual impact, the difference between the two turbine options proposed by the applicant is marginal.

The significance of the visual impact arises from both the visual sensitivity of the receptors and the magnitude of the impact. The majority of receptors will be local residents and others travelling through the study area. Residential receptors are considered to have the highest sensitivity to visual or landscape changes as they will experience changes in views on a daily basis. Viewpoint 1 of the photomontage provided is from the N22, this does suggest more dominance as a result of the larger turbine.

It is asserted by neighbouring observers that the appeal site is not suitable for turbines and would be best decommissioned, and that the proposed development has significant potential to impact on the visual amenities of the area which have

touristic values. Viewpoints 2 and 8 are located on protected Views and Prospects and as a result of the altered layout of and reduction of turbines in the proposed development, the turbines will be less dominant. The reduction in the number of turbines is a material consideration also. Viewpoints 9 and 11 are also located on protected Views and Prospects (in both counties Kerry and Cork) and while there will be an increase in visibility – it is limited and would not detract from the over visual amenity of the area.

The photomontages (Appendix 13-5) submitted as part of the EIAR clearly demonstrate the proposed development will have a significant visual impact and emphasise the exposed nature and prominence of the wind farm particularly Viewpoint 3 at Kilgarvan. However, again the change is marginal due to the existing wind farm and overall reduced number of turbines.

Viewpoint 15 is deemed to be ‘Very High’ sensitivity as it is a well-known scenic lookout to appreciate the landscape views of Lough Leane, the Killarney National Park and the McGillicuddy’s Reeks in the background. Two turbines will be visible from this location; however, I am satisfied that the primary sensitivity is to the centre and right of this view, which is the setting of Lough Leane, Killarney National Park, and the McGillicuddy’s Reeks. While it may be preferential to preserve this view generally, the Board should note that this well-known scenic lookout is not a designated scenic view or part of a designated scenic route in KCDP.

There can be no doubt that the proposed development will have a very significant landscape and visual impact, when viewed both locally and over great distances from roads, coastline and mountains up to and beyond 20km from the site. The height of the structures and the scale of the development ensures this development will be highly visible.

While the number of turbines is being reduced, overall, the height and location of the individual turbines does from certain viewpoints increase the prominence of the wind farm. The development would have a significant effect over a wide area. However, the existing wind farm is a material consideration and as a consequence the understanding of the landscape will not change. While subjectivity may be a factor in the consideration of landscape and visual impact, it is my professional opinion that, for reasons set out in this section and in Section 8.2, the proposed development

would not cause a significant adverse impact to the visual and landscape qualities of the Derrynasaggart Mountains area.

I am satisfied that the 'Table 13-13: Viewpoint Assessment Summary' of the EIAR that the magnitude of change and residual significance would be 'moderate' at worst. Given the location of the nature of the site adjacent to Killarney National Park and the topographical nature of the surrounding area, several mountain peaks, scenic lookouts and hiking location as well as houses will have clear visibility of the windfarm from across the landscape and it will be pronounced – however, this is a functional landscape and wind farms are increasingly read as part of its fabric.

Landscape and visual effects during the construction stage will be experienced at the location of the proposed turbines, met mast, as well as their surroundings due to earth works and the installation of underground cables and access tracks. The magnitude of landscape and visual effects is will not be significant at a distance, and any adverse impacts will be limited to the locations adjacent to the construction works which is largely within the site of the existing wind farm. These effects will be temporary and for a limited time period in any case.

Decommissioning of the development is not likely to give rise to significant landscape or visual effects. The landscape will be allowed to regenerate, and, in this case, it is likely that the landscape will return to a similar state as it is today, with forestry operations also continuing.

Overall, the proposed development will removal existing and introduce new structures into the landscape which will be visible from a number of locations, however I am satisfied, based on the information submitted, that whilst the development can be seen as a continued visual intrusion within the landscape it will not create an unacceptable obstruction to views within the landscape and will for the large part form an additional element to a view rather than form the central dominant element to a view as such I consider landscape and visual effects to be acceptable and would not be of such a magnitude as to warrant a refusal of the development on this basis.

I have considered all of the written submissions made in relation to Landscape and Visual Amenity and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on Landscape and Visual Amenity have been avoided,

managed and/or mitigated by design. I am therefore satisfied that the potential for direct or indirect impacts on Landscape and Visual Amenity can be ruled out. I am also satisfied that cumulative effects, in the context of existing wind development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise

9.5.10. Cultural Heritage (including Archaeology)

9.5.10.1. Introduction

Chapter 14.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on cultural heritage during its construction, operation and decommissioning phases.

9.5.10.2. Existing Environment

A desk-top assessment and field inspections provides the basis for the EIAR for the archaeological and architectural heritage of the site. Six recorded monuments listed in the SMR are located within the site. The three closest, which are hut sites, being within 190 m of Turbine 7. Hut sites are known throughout the country, particularly in upland regions, and are frequently associated with the practice of transhumance. The Paps (Site No. 13) and Mangerton (Site No 15) are a designated Archaeological Landscape in the KCDP

9.5.10.3. Potential Effects

The potential effects of the proposed development are described in Section 14.4 of the EIAR and I am generally in agreement with their description. The proposed works will not directly impact on any recorded archaeological monuments or architectural features.

The proposed construction works will occur in proximity to the hut sites and newly recorded features from the existing wind farm. However, I am satisfied that any impacts will not be significant due to the separation distance involved and standard mitigation measures which can be deployed including warning signage, fencing, supervision by an archaeologist,

It is accepted, however, if the works were undertaken in the absence of archaeological and architectural mitigation construction work could potentially negatively impact recorded and previously unknown sites, structure, features,

artefacts, or deposits resulting in the loss or damage of the cultural heritage resource. Such an approach is standard and correlates with the submission of the DAU who are broadly in agreement with the findings in relation to archaeology and cultural heritage. They recommended Condition C5 and C6 as set out in the OPR Practice Notice be attached to any approval should it be given. This is a prudent approach.

There is a potential for visual impact to all receptors including archaeological monuments such as the hut sites and the Archaeological Landscapes which are designated in the KCDDP. The potential effects on setting of monument to turbines that are theoretically visible (from ZTV) to turbines ranges from significant to not significant. However, It is not possible to mitigate the effect from the wind farm. Regardless, none of these monuments are readily visible in the landscape in any case and their setting will benefit from the reduction in turbine numbers. Similarly, for the archaeological monuments in the wider area, that cannot be screened from the wind farm will benefit from the reduction in visual clutter.

9.5.10.4. Mitigation Measures

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

The primary mitigation which the Board should rely on in their assessment is the appointment of a suitably qualified cultural heritage consultancy/consultant to oversee monitoring during construction works. This is a routine approach for such projects and can be doubled down by way of a conditions to any permission.

These impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the EIAR. There is no bespoke or extraordinary mitigations measures of note proposed.

9.5.10.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

9.5.10.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

9.5.10.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on archaeology and cultural heritage.

9.5.11. Material Assets (including Traffic, Telecoms & Aviation)

9.5.11.1. Introduction

Chapter 15.0 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development on material assets during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment. It covers a range of sub-topics including traffic and transport, telecommunications and aviation, and other material assets.

9.5.11.2. Existing Environment

The proposed development has direct access to the national primary road network, the N22. The turbine deliveries, which are abnormal loads will likely come from Ringaskiddy Port, Co. Cork. Ringaskiddy also has access to the national primary road network. The turbine deliveries will use the N27, N40 and N22. Information in respect of traffic volumes and road safety are detailed in the EIAR.

In terms of telecommunications, a total of 23 no. telecommunications links and one singular mast was identified within the vicinity of the Site. There are no cables on the site other than the existing 110kV line running northwards from the onsite Coomagearlahy substation to Cloonkeen 110kV substation. Kerry Airport is the nearest airport.

9.5.11.3. Potential Effects

The potential effects of the proposed development are described in Section 16.8 of the EIAR and I am generally in agreement with their description. The construction activity with the largest impact on the traffic volumes is the pouring of the turbine foundations which could see a maximum 6.1% increase in forecast traffic volumes in one section of the haul routes – this is a slight increase on the baseline and will be temporary. This will require nine deliveries per hour, over twelve hours and on eleven days (i.e. one turbine per day). The second largest is the haul of material to the site is for general construction but the traffic volume increases are imperceptible.

These impacts are considered standard and routine in the scheme of such a wind farm development. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures. The access point on the N22 will also require some upgrading in order to deliver the turbines. The Board should note that decommissioned turbines will be taken down and blades cut into sections with all materials removed using standard HGVs. Up to 100 staff members may generate trips to and from the site also during the construction phase. The Board should note that decommissioning phase impacts will generally be less than construction. Operations phase impacts are imperceptible due to the limited attendance on site.

The observers have raised issue with potential health and safety impacts to road users in on the N22 at Cloonkeen during the construction stage of this proposed development. The primary interaction with the road network is at the access point. While it is an busy inter-urban route, it is noted that the increase volumes of traffic associated with the proposed development is very slight relative to that existing. Furthermore, the applicant will undertake all construction in accordance with current guidelines including the “Traffic Signs Manual, Section 8 – Temporary Traffic Measures and Signs for Road Works” (DoT now DoTT&S) and “Guidance for the Control and Management of Traffic at Roadworks” (DoTT&S). These mitigations, while standard, are effective in ensuring the project promoter implements measures to prevent health and safety risks arising.

I note the submission of TII who are concerned about the safe operation of the N22 in particular. While I note their concern, I am satisfied that the impacts to the national primary road network will not be significant having regard to the existing entrance, the best practice measures to be put in place during construction and the limited

access requirements during the operation phase. In response to this submission the applicant has also submitted a Road Safety Audit (RSA) undertaken by Traffico Ltd and is included at Appendix 4 of the information submitted in December 2024, have further addressed the interactions with the national primary roads. I note their recommendation to prohibit eastbound right turns into the site due to the speeds of 100 km per hour on the national primary road and the presence of a climbing lane at the access location. It is unclear how practicable this would be given the nearest logical place to turn without using local roads is some 9 km east at Slieveragh, Co. Cork where there is a ramp and underpass at the start of the Macroom Bypass. This would result in an addition 18 km of travel. Regardless, the applicant through its submission from Alan Lipscombe Traffic and Transport Consultants Ltd. in Appendix 2 is accepting of this recommendation in the interest of traffic safety. A condition to this effect is recommended should the board be minded to grant planning permission.

The observers are concerned that there will be continued impact to phones/TV/internet coverage and many local residents many cannot get Saorview television because of the existing windfarm. From the information on file, including the responses by the telecommunication operators, I am satisfied that there are no reasonable grounds to conclude that the operation of telecommunications infrastructure in the area of the development site will be affected by the proposed development. Notwithstanding this, standard conditions can ensure maintenance of service should any issues arise. The ESB radio link to/from the 38kV Substation at Kenmare may potentially be impacted by one of the Turbine 9.

The turbines are tall structures and have the potential to interact with aviation. No submission was made by Kerry Airport, which is the nearest airport. The IAA have no material issue with the proposed development, however, seek agreement in respect of crane locations and obstacle warning lights. This is acceptable and has been included as a condition should the Board be minded to grant planning permission.

9.5.11.4. Mitigation Measures

It is considered that the majority of impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

These impacts at construction phase will generally be temporary and short-term and would be controlled as part of the standard and best practice construction measures as well as specific mitigation measures set out in the EIAR. A key mitigation measure that the Board should note in their assessment is the agreement of a Traffic Management Plan (TMP). This includes to appointment of a Traffic Management Coordinator. There is no bespoke or extraordinary mitigations measures of note proposed.

I note the report received from A.I. Bridges (Appendix 15-3) which lists mitigation measures to be implemented. Many of these are standard, however, such as the construction of relay masts and relaying links to existing mast sites to manage the impact to ESB Radio Links should be further detailed post consent. I have considered this mitigation in the context of other topics and am satisfied no significant impact would arise based on the provision of a mono-pole structure and outdoor cabinet adjacent to Turbine 9. However, a condition has been recommended should the board be minded to grant permission, finalising the details of same with the planning authority.

A Waste Management Plan (WMP) has been prepared and forms part of the CEMP in Appendix 4-3 of the EIAR which is acceptable.

9.5.11.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development. The slight negative short-term effect on local roads as a result of construction traffic would be an inconvenience to road user but not detrimental to day-to-day activities.

9.5.11.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development. Should any developments arise in the meantime that could give rise to cumulative impacts it is an undertaking of the TMP that the contractor shall liaise with the management of other construction projects and the local authority to co-ordinate deliveries.

9.5.11.7. Conclusion

It is considered that the corresponding section of the EIAR has not adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of the recreational amenity facility. The consideration of the remainder of issues in the topic are considered reasonable and in accordance with the requirements of the EIA Directive

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would be likely to have significant effects on material assets.

9.5.12. Major Accidents & Disasters

9.5.12.1. Introduction

Chapter 16 of the EIAR identifies, describes and assesses the potential direct and indirect impacts of the proposed development for major accidents and disasters during its construction, operation and decommissioning phases. This topic has numerous interactions with other chapters of the EIAR which are addressed in separate sections of this assessment.

9.5.12.2. Existing Environment

The area like much of the island is subject to severe weather conditions from time to time, particular rain and wind, which may pose a potential risk. In addition, major accidents such as road incident could occur at or near the site. It is noted that there is no licenced facilities, such as SEVESO sites or other facilities regulated by the EPA in proximity to the site.

9.5.12.3. Potential Effects

Construction activities carry an inherent risk of accident. However, the risk of such impacts are temporary and short-term and would be controlled as part of the standard and best practice construction safety measures. During any phase there may be a structural collapse of the proposed wind farm – however, this is generally unlikely.

All potential risks identified during the construction, operation and decommissioning of the Proposed Development are considered very unlikely, low risks and of a minor or limited consequence. The risk of landslides as a result of a peat instability has been considered as part of a Peat Stability Risk Assessment where the findings

show that the site has a low to negligible risk of peat failure subject to control measures. These conclusions are considered reasonable.

9.5.12.4. Mitigation Measures

The CEMP outlines safety procedures that will help reduce the risks associated with the construction phase of the proposed development. The risk of peat slide is assessed within a Peat Stability Risk Assessment accompanying the EIAR and set out in this report in Section 9.5.4. It is not repeated in this section. It was concluded that the proposed windfarm represents a low risk from a geotechnical and peat stability perspective. I am satisfied that the potential impact in terms of peat stability has been addressed in full and that the overall risk of a major accident occurring is low.

Other risks of major accidents or disasters associated with the operational phase of the proposed development include fire/ fuels, lightning strikes, turbine structural failure, severe weather and flooding. Protocols will be included for oils, lubricants and fuels and each turbine will be equipped with an electrical grounding system.

Safety checks will be carried out on turbines and brake mechanisms will ensure that the turbines shut down during high wind speed events. The site is not at risk of extreme fluvial flooding and the proposed development will not contribute to downstream flooding.

It is considered that any impacts would be acceptable subject to the mitigation and monitoring measures set out which will result in a reasonable possibility of effectively reducing their significance.

9.5.12.5. Residual Impacts

It is considered that subject to mitigation measures that there will be no significant residual effect as a result of the proposed development.

9.5.12.6. Cumulative Impacts

It is considered that subject to mitigation measures that there will be no significant cumulative effects as a result of the proposed development.

9.5.12.7. Conclusion

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect effects of the proposed development in respect of this topic and in accordance with the requirements of the EIA Directive.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects on accidents and / or disasters.

9.5.13. Decommissioning

9.5.13.1. Decommissioning of Existing Wind Farm

Certain parts of the site will become disused as a result of the proposed layout for the repowered wind farm. This includes former turbine locations west of proposed Turbine 11, south-west of proposed Turbine 2, south of proposed Turbine 1 and west of proposed wind Turbine 5. This is illustrated in Drawing 211107 – 35. All turbines in these locations will be dismantled.

The turbines will be disassembled in reverse order to how they were initially constructed. The blades segmented into pieces, root rings and other associated metal removed. They will be removed from site using RORO skips and/or trailer mounted articulated bulk carrier and taken a number of identified licenced processing facilities such as Kenmare Transfer Station (W0086), Coolcaslagh Transfer Station (W0072) or Killarney Waste Disposal Unlimited Company (W0217) to be shredded. The shredded output will be used in a suitable licenced cement co-processing or a waste-to-energy facility. The turbine nacelle and tower sections are metallic and can therefore also be recycled.

To minimise environmental impacts, unnecessary direct buried cables will largely be left in situ and where in ducts the cable will be removed and ducting will largely be left in situ. I accept that attempts to extract cables and ducting would generate unnecessary environmental impact and leaving them in situ will not generate any significant impact in respect of any topic.

The remaining site infrastructure will include a number of areas of existing hardstanding associated with the existing turbine foundations, existing met mast hardstand and sections of existing roadway. The unused infrastructure, which is

largely compacted stone hardstanding, will remain in situ also and left to naturally revegetate. Again, this natural ecological regeneration consider prudent in terms of environmental impacts. Some of the hardstanding will continue to be used for forestry requirements or by farmers for agriculture. This is acceptable.

I am satisfied with the approach to decommissioning of the existing wind turbines and remaining site infrastructure.

9.5.13.2. Decommissioning of Proposed Wind Farm

Both this assessment and the submission of the applicant provides details on decommissioning for the proposed development in time when it ceases operation. The life time of the wind farm is expected to be at least 35 years. The decommissioning of such a facility in of itself would be subject to the appropriate planning mechanism under the prevailing legislation at such a time it is required and would be assessed based on the environmental requirements at that time. It is likely the impacts would be the same is not less than that described for the construction phase of the proposed development.

It is considered that the corresponding sections of the EIAR has adequately identified, described and assessed the direct and indirect effects of the decommissioning of the proposed development and in accordance with the requirements of the EIA Directive.

A detailed Decommissioning Plan is provided in Appendix 4-5 which sets out the programme of works, environmental management, emergency response plan and mitigation and monitoring proposals as well as other compliance and auditing. This is all satisfactory and can be updated closer to the time of decommissioning. Of course the developer could again seek to repower the site in a fashion similar to this application rather than decommissioning it. This may also be appropriate.

It is considered that the proposed development, on the basis of information submitted and submission received on the file, and subject to mitigation and monitoring measures, would not be likely to have significant effects at decommissioning stage.

9.5.14. Cumulative Impacts

Each chapter of the EIAR describes the potential cumulative impacts of the proposed development as it relates to that topic during its construction, operation and decommissioning phases. The applicant has included a significant volume of information in its EIAR, in relation to the proposed development, related developments and planning histories in the area and the likely significant effects on the environment.

The proposed development is not a new intervention in this area given the presence of the existing wind farm and the extent of land take minimal and not significant in the context of this rural area. There will be fewer wind turbines present at the site following its repowering. The development will not result in significant emissions to the environment, particularly in terms of pollution to water and noise.

Should the construction of the proposed development occur in tandem with other development, in particular the other wind farm projects in this region of Kerry/Cork, any impacts would be of a temporary nature and short-term given:

- the limited nature of works (utilising existing wind farm site),
- the expected duration of the works (18-24 months),
- the location of lands to be developed,
- the location and distance to the other existing and/or approved projects.
- the likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction, operation and decommissioning measures.

It is considered, on the basis of information submitted and submission received on the file, unlikely that cumulative impacts with other existing and/or approved projects would arise subject to mitigation and monitoring measures.

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect cumulative effects of the proposed development in respect of all topics and in accordance with the requirements of the EIA Directive.

9.5.15. Transboundary Effects

Given the location of the proposed development there is no potential for significant transboundary effects.

9.5.16. Interactive Impacts

Chapter 17 of the EIAR identifies, describes and assesses the potential interactive impacts of the proposed development during its construction, operation and decommissioning phases. Table 17-1 of the EIAR provides a matrix of impacts of environmental factors and any interactions between them.

There are no major interactions, and any interactions are minor in nature. The most dynamic interaction and interdependency relates to the connection between ecology, soils and hydrology. Site run-off and removal of soil cover may have secondary ecological effects on vegetation patterns and habitat species.

It is considered that the corresponding section of the EIAR has adequately identified, described and assessed the direct and indirect interactive impacts of the proposed development in respect of all topics and in accordance with the requirements of the EIA Directive.

Overall, it can be concluded that many of the interactions will take place during the construction phase of the proposed development and will therefore be short term. Mitigation measures are set out

I am satisfied that the overall inter-related effects will not be significant or will be adequately mitigated in each of the relevant chapters and can also be applicable to other environmental factors.

9.6. Reasoned Conclusion on the Significant Effects

I have completed an EIA of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development,
- the EIAR and associated documentation submitted with the application,
- the submissions received during the course of the application, and
- the Inspector's report

I considered that the EIAR, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. I agreed with the examination of the information contained in the EIAR and associated documentation

submitted by the applicant and submissions made during the course of the planning application.

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

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

- **Population and Human Health** – Short term direct and indirect negative effects arising from the construction phase on residential amenity and use of the public road, and longer-term the potential for noise, shadow flicker and landscape and visual effects, in particular for residents in proximity to the wind farm site, and with open views of it. These effects will be mitigated by the distance of the dwellings from the construction site, implementation of standard good construction practices, management of construction traffic, distance of turbines from residential dwellings, intervening vegetation, and controlled operation of turbines in accordance with defined parameters. However, local landscape and visual impacts will remain. Short term positive effects will arise for the local economy during construction and longer-term positive effects for the local community with the community benefit fund.
- **Biodiversity – Terrestrial and Aquatic** – Long term loss of wet heath and blanket bog habitat and conifer plantation arising from the footprint of the development, the potential for increased loading and pollution of waterbodies during construction and operation, with the risk of adverse effects on downstream water quality dependent habitats and species, the potential for significant direct and indirect effects on mobile species during construction and the risk of collision by bird and bat species (in particular white-tailed eagle and lesser horseshoe bat) during operation. The impacts would not be at a population level. Further, it is considered that these impacts will be mitigated by the application of best practice construction methodologies, as set out in

the project documentation, the application of proposed site and species-specific mitigation measures and with the implementation of the proposed Habitat Enhancement Plan, Blanket Bog Enhancement Plan and a White-tailed Eagle Risk Management Plan Biodiversity Management and Enhancement Plan as well as other standard mitigation measures including control of water quality control; an Ecological Clerk of Works; restricted access to bog and heath; revegetation of bare surfaces; pre-construction surveys; buffer zones; protection of bats; measures to minimise impact upon Kerry Slug; measures to reduce collision risk and monitoring.

- **Land, Soils, Geology, Water, Air Quality Or Climate** – The potential for direct and indirect effects on water quality, particularly during construction, alterations to surface water flow paths, changes to hydromorphology, increased risk of flooding, and localised effects on air quality (noise and dust). In the longer term there will be an increase in the noise environment of the site with the operation of the turbines, and positive effects on climate and air quality. These impacts will be mitigated by the design of the proposed development, implementation of a Construction Environmental Management Plan distance from sensitive receptors, the use of standard good construction practices and operational controls, which have been demonstrated to effective in preventing adverse effects.
- **Noise and Vibration** – No significant residual effects are predicted with respect to noise and vibration. Mitigation includes adherence to regulations for the control and abatement of noise during construction and the implementation of a Construction Environmental Management Plan. It is accepted that certain properties are financially participating in the proposed development and accepting of certain noise impacts at their properties.
- **Landscape and Visual**– There will be a range of operational negative effects on landscape and visual receptors as a result of the nature and scale of a wind farm for which mitigation measures are ineffective. Landscape and visual impacts would be balanced to a degree by the nature and characteristics of the receiving environment including extensive commercial forestry, agricultural uses, the presence of the existing wind farm and other wind farms in the general area and the nature and characteristics of the various scenic

routes in the area. There are no significant effects upon landscape and visual anticipated as part of the proposed development.

- **Cultural Heritage including Archaeology** – No direct impact upon cultural heritage and low potential for the presence of unrecorded archaeological features on the site. The settings of these archaeological sites will be subject to short-term, slight, negative indirect impact during the construction phase. Mitigation includes archaeological monitoring, surveys, use of buffer zones and recording of any discovered features, which will be retained in-situ. With the application of mitigation, no predicted significant effects are anticipated upon cultural heritage resource including archaeology.
- **Material Assets – Telecoms and Aviation** - Mitigation includes avoidance, implementation of measures through a Construction Environmental Management Plan for the project, aeronautical lighting/communications, and measures to protect water and limit the production of waste. No significant residual effects are predicted to result with respect to material assets including land use, telecommunications, electricity networks, air navigation, quarries, and utilities (gas, water and waste), arising from the project.
- **Material Assets – Traffic** – Direct, negative, negligible to minor impact, that is short-term, will arise during the construction phase. With respect to mitigation, a Traffic Management Plan is attached to the CEMP for the project which have been demonstrated to effective in preventing adverse effects.

Having regard to the above, I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. I am satisfied that the reasoned conclusion is up to date at the time of making this recommendation. I am satisfied to 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.

10.0 Appropriate Assessment

The applicant has submitted the NIS which is dated April 2024 as part of the particulars supporting the application. The documentation is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

The documentation was prepared by Ecology Ireland and the qualifications and experience of the authors of the report and various appendices associated with it are suitable and relevant. I am satisfied that all survey work has been undertaken and prepared by competent experts also in line with best practice and scientific and technical methods.

The application documentation includes information required in respect of the methodology applied, a description of the existing sites and 'Stage 1' and 'Stage 2' assessments. The scientific assessment to inform AA is presented in the NIS submitted to the Board as part of the application. The conservation objectives of the various Qualifying Interests (QI) features and Special Conservation Interest (SCI) species are listed. Impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity presented of the NIS. Mitigation measures are presented in the NIS and detailed in full in the Construction Environmental Management Plan (CEMP), Peat and Spoil Management Plan, Drainage Design, Decommissioning Plan. An assessment of potential in-combination effects is presented in the NIS.

The requirements of Article 6(3) as related to AA of a project under Part XAB of the PDA are considered fully and included:

- Screening for AA,
- NIS,
- AA of implications of the proposed development on the integrity each European site.

The areas addressed in this assessment includes an AA of the implications of the proposed scheme on the integrity of each European site.

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). am satisfied that all possible European Sites that could in anyway be affected have been considered by the applicant. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document.

It is noted that the estimated construction phase considered in the NIS is 30 months and this differs from that set out in the EIAR of 18-24 months. It is not considered that this temporal difference is material to the AA below.

The NIS submitted with the application concluded that, following the application of the detailed mitigation measures, the proposed development would not either alone or in combination with other plans or projects, adversely affect any European Site.

This assessment has had regard to relevant guidance including:

- Office of the Planning Regulator (OPR) (2021), Office of the Planning Regulator Practice Note PN01 Appropriate Assessment for Development Management.
- Department of the Environment Heritage and Local Government (DEHLG) (2009), AA of Plans and Projects in Ireland: Guidance for Planning Authorities.
- European Commission (2002), Assessment of Plans and Projects significantly affecting Natura 2000 sites. Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

10.1. Receiving Environment

10.1.1. European Sites

The proposed scheme does not overlap with any European sites. The nearest European site to the site is Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC which is located approximately 100 m away at its closest point. The closest point is opposite the entrance to the wind farm at the N22.

The nearest European sites with a hydrological connection to the proposed scheme is the Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC

also which is connect view the watercourses on site to the Roughty and Flesk Rivers.

10.1.2. Habitats

The receiving environment is described in line with standard methodology (Fossitt, 2000) and results of the field surveys are presented in the Section 2.1.5 of the NIS and considered further in the assessment below. It is acknowledged that the proposed development is located in an existing wind farm site. It is noted that no invasive species listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations (i.e. species of which it is an offense to disperse, spread or otherwise cause to grow in any place) were recorded or identified on the site.

10.1.3. Hydrology

The proposed development interacts with several watercourses including Glanlee River in the east, the Thureehouma stream to the west and several other unnamed tributaries of the Roughty River. Lough Nabirria and Doo Lough are located near of Turbine 6 and Turbine 7. They all watercourses drain into the River Roughty and River Flesk.

In addition to the natural drainage, there is a network of manmade drains related to the forestry plantation and more recently the existing wind farm access roads. Due to the local topography, the coverage of peat and low permeability of the underlying bedrock aquifer, the hydrology of the site is characterised by a high rates of surface water runoff

10.1.4. Fauna incl. Surveys

A description of all baseline surveys is outlined within Section 2.1.5 of the NIS. The following is a list of surveys undertaken:

- Habitat/Botanical Survey Results
- Mammal Survey
- Bird Survey
- Other Taxa Survey
- Aquatic Survey

All surveys were completed in line relevant methodologies and with recommended guidance.

10.2. Screening for Appropriate Assessment

The AA Screening Assessment included in the NIS describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. The first test of Article 6(3) is to establish if the proposed scheme could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed assessment- AA (Stage 2).

The AA Screening Report considers European sites within a 15 km range with consideration of those outside this range also depending on the potential for a source-pathway-receptor. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., hydrological connection, ornithological behaviours). Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model. It is considered that this is a reasonable Zone of Influence.

Several of these sites are screened out by the applicant from the outset given there are no or very limited potential impact pathways or ecological connectivity to the proposed development. Each site is detailed below.

The method applied in the screening is set out in Section 1.1 of the NIS. I consider this approach to screening acceptable. Where there is no potential for meaningful biological or relevant hydrological connectivity to these sites it is considered that the potential for impacts to arise from the construction, operation and decommissioning phase of the proposed development is unlikely.

The AA Screening concluded that there is the possibility for significant effects on the following European sites (no. 5), in the absence of mitigation, either arising from the project alone, or in combination with other plans and projects, as a result of hydrological impacts, invasive species and disturbance and displacement impacts:

Since the publication of the AA Screening Report, there have been minor design updates and updates to land plans used in the overall assessment of the proposed scheme. However, the conclusions of the AA Screening Report and determination remain unchanged. This NIS assesses the final design

In determining the potential significant effects of the proposed scheme, the applicant took account of the potential for ex-situ effects for foraging birds and mammals such as otter. It is of note that a precautionary approach has been taken in including SAC and SPA sites in the wider area in the screening exercise. Given that bird species can travel up to 20km from designated sites the applicant has included sites at some remove from the proposed scheme site. Similarly, a precautionary approach has been taken in relation to SCIs associated with SACs in the wider area.

Therefore, having regard to:

- the information and submissions available.
- the nature, size and location of the proposed development.
- its likely direct, indirect and in-combination effects.
- the source-pathway-receptor model; and
- the sensitivities of the ecological receptors.

It is considered that the proposed development would be likely to have significant effects on the following European sites.

- Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC
- Old domestic building, Curraglass Wood SAC
- Kilgarvan Ice House SAC
- Kenmare River SAC
- Mullaghanish to Musheramore Mts. SPA

No measures designed or intended to avoid or reduce any harmful effects of the proposed development on a European Site have been relied upon in this screening exercise.

This conclusion is consistent with the documentation submitted by the applicant.

Table 13: Stage 1: European Sites			
European Site	Distance	List of Qualifying Interest /Special Conservation Interest	Potential for Likely Significant Effects
SAC			
Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC	0.1	• Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] • Northern Atlantic wet heaths with Erica tetralix [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Calaminarian grasslands of the Violetalia calaminariae [6130] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Blanket bogs (* if active bog) [7130] • Depressions on peat substrates of the Rhynchosporion [7150] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Taxus baccata woods of the British Isles [91J0] • Geomalacus maculosus (Kerry Slug) [1024] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Euphydryas aurinia (Marsh Fritillary) [1065] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Salmo salar (Salmon) [1106] • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] • Lutra lutra (Otter) [1355] • Trichomanes speciosum (Killarney Fern) [1421] • Najas flexilis (Slender Naiad) [1833] • Alosa fallax killarnensis (Killarney Shad) [5046]	Yes. There is a hydrological connection via the existing watercourse crossings flowing into the Flesk River. Any changes in water quality could have the potential for likely significant effects.

Old domestic building, Curraglass Wood SAC	2.8	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Yes.
Kilgarvan Ice House SAC	3.6		The distance to the site is greater than the typically foraging ranges for the associated qualifying interest. However, studies have indicated a maximum foraging range from roost sites of c. 6 km. On a precautionary basis, there is potential for likely significant effects.
Blackwater River SAC (Cork/Waterford)	7.0	- Estuaries [1130] - Mudflats and sandflats not covered by seawater at low tide [1140] - Perennial vegetation of stony banks [1220] - Salicornia and other annuals colonising mud and sand [1310] - Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] - Mediterranean salt meadows (Juncetalia maritimi) [1410] - Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] - Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] - Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] - Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] - Austropotamobius pallipes (White-clawed Crayfish) [1092] - Petromyzon marinus (Sea Lamprey) [1095] - Lampetra planeri (Brook Lamprey) [1096] - Lampetra fluviatilis (River Lamprey) [1099] - Alosa fallax fallax (Twaiite Shad) [1103] - Salmo salar (Salmon) [1106] - Lutra lutra (Otter) [1355] - Trichomanes speciosum (Killarney Fern) [1421]	No. There is no hydrological connection to the site. There is no potential for likely significant effects.
St. Gobnet's Wood SAC	7.8	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	No. There is no hydrological connection to the site. There is no potential for likely significant effects.

Glanlough Woods SAC	8.0	• Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	No. The distance to the site is greater than the foraging ranges for the associated qualifying interest. There is no potential for likely significant effects.
Mullaghanish Bog SAC	9.3	• Blanket bogs (* if active bog) [7130]	No. There is no hydrological connection to the site. There is no potential for likely significant effects.
Derryclogher Bog SAC	10.6	• Blanket bogs (* if active bog) [7130]	No. There is no hydrological connection to the site. There is no potential for likely significant effects.
Sheheree Bog SAC	13.5	• Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120]	No. There is no hydrological connection to the site. There is no potential for likely significant effects.
Kenmare River SAC	16.4	• Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • European dry heaths [4030] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Calaminarian grasslands of the Violetalia calaminariae [6130] • Submerged or partially submerged sea caves [8330] • Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	Yes. There is a hydrological connection via the existing watercourse crossings flowing into the Roughty River. Any changes in water quality could have the potential for likely significant effects. There are also highly mobile qualifying interest such as otter which could use the watercourses up to the site. There is potential for likely significant effects on otter.

		• <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] • <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] • <i>Lutra lutra</i> (Otter) [1355] • <i>Phoca vitulina</i> (Harbour Seal) [1365]	
Castlemaine Harbour SAC	18.9	• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • <i>Salicornia</i> and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] • Humid dune slacks [2190] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Salmo salar</i> (Salmon) [1106] • <i>Lutra lutra</i> (Otter) [1355] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395]	No. There is a hydrological connection via the existing watercourse crossings flowing into the Flesk River. However, given the distance, 34km downstream via watercourses, and the dilution/settlement effects, there is no potential for likely significant effects. There are also highly mobile qualifying interest such as otter which could use the watercourses up to the site. However, given the distance and intervening environment which includes Lough Leane there is no potential for likely significant effects on otter.
Cork Harbour SAC	65	• Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] • Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054]	No. There is a hydrological connection via the existing watercourse crossings flowing into the Sullane River. However, given the distance, 65km downstream via watercourses, and the dilution/settlement

		• Shoveler (<i>Anas clypeata</i>) [A056] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999]	effects, there is no potential for likely significant effects.
SPA			
Mullaghanish to Musheramore Mts. SPA	7.8	• Hen Harrier (<i>Circus cyaneus</i>) [A082]	Yes. The distance to the site is greater than the typically foraging ranges for the associated qualifying interest. However, studies have indicated a maximum foraging of over c. 10 km. On a precautionary basis, there is potential for likely significant effects.
Killarney National Park SPA	9.2	• Merlin (<i>Falco columbarius</i>) [A098] • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]	No. There is a hydrological connection via the existing watercourse crossings flowing into the Flesk River. However, given the distance, 24km downstream via watercourses, and the dilution/settlement effects, there is no potential for likely significant effects. The distance to the site is also greater than the foraging ranges for the associated SCI species.

Castlemaine Harbour SPA	34.1	• Red-throated Diver (<i>Gavia stellata</i>) [A001] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Wigeon (<i>Anas penelope</i>) [A050] • Mallard (<i>Anas platyrhynchos</i>) [A053] • Pintail (<i>Anas acuta</i>) [A054] • Scaup (<i>Aythya marila</i>) [A062] • Common Scoter (<i>Melanitta nigra</i>) [A065] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Sanderling (<i>Calidris alba</i>) [A144] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162] • Greenshank (<i>Tringa nebularia</i>) [A164] • Turnstone (<i>Arenaria interpres</i>) [A169] • Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346] • Wetland and Waterbirds [A999]	No. There is a hydrological connection via the existing watercourse crossings flowing into the Flesk River. However, given the distance, 34km downstream via watercourses, and the dilution/settlement effects, there is no potential for likely significant effects. There are also highly mobile qualifying interest such as otter which could use the watercourses up to the site. However, given the distance and intervening environment which includes Lough Leane there is no potential for likely significant effects on otter.
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10.3. Appropriate Assessment ('Stage 2')

The following objective assessment of the implications of the proposed scheme on the relevant conservation objectives of the European sites is based on the scientific information provided by the applicant and taking into account submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusions. A final determination will be made by the Board.

This assessment has had regard to relevant guidance including:

- Office of the Planning Regulator (OPR) (2021) AA Screening for Development Management: OPR Practice Note PN01
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- Department of Environment, Heritage and Local Government (2010) AA of Plans and Projects in Ireland – Guidance for Planning Authorities
- NPWS (2010) AA under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.

All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness.

A description of the sites and their Conservation Objectives and QIs/SCIs, including relevant attributes and targets for these sites, are set out in the NIS.

The following tables summarise the information considered for the AA and site integrity test. I have taken this information from that provided by the applicant within the NIS. I expand on certain issues further in my report.

In summary, the potential likely significant impacts that could arise during the construction, operational and decommissioning phases of the proposed development and result in adverse effects on the European site's qualifying interests habitats and species are:

- the release of pollutants, including contaminants (cement, fuel, HDD fluids), siltation/sediments to surface water with resultant impacts to water quality.
- changes to the water environment with the potential to impact on species of nearby SPA's and SAC's (flow rates, volume, quality) arising from construction works within a peatland environment.
- the loss of or damage to habitats, including breeding resting, foraging places, used by qualifying interest species (this also considers loss through noise, dust and light impacts)
- the loss displacement or disturbance of species as a result of the turbines, including collision mortality.

Table 14: Stage 2: Appropriate Assessment Summary Matrix			
Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC			
Detailed Conservation Objectives available: https://www.npws.ie/protected-sites			
Summary of AA			
SCI	Conservation Obj. Summary	Potential adverse effects	Mitigation measures
Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]	Restore	An accidental pollution event during construction or operation could affect surface water downstream. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could affect the quality of the habitats and the fauna communities they support.	Environmental controls (including drainage design) and mitigation associated with water quality including inter alia: - Monitoring and Inspection by ECoW - Pre-Commencement Survey of the Minor Drainage Channels, Road Drainage, Invasive Species - Making of Machine Exclusion Zones - Silt & sediment control - Temporary Water Crossings Measures - Temporal Measures for Instream Works - Engagement with IFI - Invasive Species Measures
Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]	Restore		
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	Maintain		
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]	Restore		
<i>Lampetra planeri</i> (Brook Lamprey) [1096]	Maintain		
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	Maintain		
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]	Maintain		
<i>Salmo salar</i> (Salmon) [1106]	Maintain		
<i>Najas flexilis</i> (Slender Naiad) [1833]	Maintain		
<i>Alosa fallax killarneyensis</i> (Killarney Shad) [5046]	Restore		
Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	Restore	There is no direct hydrological connection to the SCIs given they are typically found in certain environments (mapped and unmapped) which do not interact with the	No mitigation required.
European dry heaths [4030]	Restore		
Alpine and Boreal heaths [4060]	Restore		

Juniperus communis formations on heaths or calcareous grasslands [5130]	Maintain	watercourses that are the source-pathway. The proposed development would be a considerable distance from certain SCIs also. There is no potential for likely significant effects.	
Calaminarian grasslands of the Violetalia calaminariae [6130]	Maintain		
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	Restore		
Blanket bogs (* if active bog) [7130]	Restore		
Depressions on peat substrates of the Rhynchosporion [7150]	Restore		
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	Restore		
Taxus baccata woods of the British Isles [91J0]	Restore		
Trichomanes speciosum (Killarney Fern) [1421]	Maintain		
Geomalacus maculosus (Kerry Slug) [1024]	Maintain	This SCI has been recorded on the existing wind farm site. The construction phase activity could result in habitat loss or disturbance including direct mortality.	• Derogation License • Pre-Commencement Survey (Hand Searching) • Construction Monitoring (Metric Traps, Hand Searches) • Operational (One Year) Survey
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Restore	An accidental pollution event during construction or operation could affect surface water downstream. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could affect the quality of the habitats and the fauna communities they support.	Environmental controls (including drainage design) and mitigation associated with water quality including inter alia: • Monitoring and Inspection by ECoW

Lutra lutra (Otter) [1355]	Maintain	This is a highly mobile qualifying interest which could use the watercourses up to the site. There may be a localised increase in disturbance during the construction and operation phase.	• Pre-Commencement Survey of the Minor Drainage Channels, Road Drainage, Invasive Species • Making of Machine Exclusion Zones • Silt & sediment control • Temporary Water Crossings Measures • Temporal Measures for Instream Works • Engagement with IFI • Invasive Species Measures
Euphydryas aurinia (Marsh Fritillary) [1065]	Restore	Some Devil's Bit Scabious, which the SCI feeds on, was recorded on the site. But there is no recording of the SCI. Therefore, there is no direct connection to the SCIs given the location of the only known colony within the SAC. There is no potential for likely significant effects.	No mitigation required.
Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Maintain	Lesser Horseshoe Bats that are foraging may occur within the existing wind farm on occasion. There may be a localised increase in disturbance during the construction and operation phase.	• Passive Construction Bat Monitoring Programme • Lighting Design to avoid Spillage • Operation (Three Year) Monitoring • Automatic 'feathering' of idling blades • Fatality monitoring programme
Overall Conclusion: Integrity test The applicant determined that following the implementation of mitigation, the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects can be excluded for Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC. No habitat loss will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the watercourses and existing surface water which drain into the Flesk River.			

Based on the information submitted, surveys carried out analysis provided I am satisfied that no uncertainty remains.			
The proposed scheme would not delay or prevent the attainment of the Conservation objectives.			
Old domestic building, Curraglass Wood SAC, Kilgarvan Ice House SAC			
Detailed Conservation Objectives available: https://www.npws.ie/protected-sites			
Summary of AA			
SCI	Conservation Obj. Summary	Potential adverse effects	Mitigation measures
Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Restore/Maintain	Lesser Horseshoe Bats that are foraging may occur within the existing wind farm on occasion. There may be a localised increase in disturbance during the construction and operation phase.	• Passive Construction Bat Monitoring Programme • Lighting Design to avoid Spillage • Operation (Three Year) Monitoring • Automatic 'feathering' of idling blades • Fatality monitoring programme
Overall Conclusion: Integrity test			
The applicant determined that following the implementation of mitigation, the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.			
Based on the information provided, I am satisfied that adverse effects can be excluded for Old domestic building, Curraglass Wood SAC, Kilgarvan Ice House SAC. No habitat loss will occur. Adverse effects from due to disturbance can be effectively prevented by mitigation measures ensuring the protection of this species.			
Based on the information submitted, surveys carried out analysis provided I am satisfied that no uncertainty remains.			
The proposed scheme would not delay or prevent the attainment of the Conservation objectives.			
Kenmare River SAC			
Detailed Conservation Objectives available: https://www.npws.ie/protected-sites			
Summary of AA			
SCI	Conservation Obj. Summary	Potential adverse effects	Mitigation measures
Large shallow inlets and bays [1160]	Maintain		Environmental controls (including drainage design) and mitigation
Reefs [1170]	Maintain		

Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]	Maintain	An accidental pollution event during construction or operation could affect surface water downstream. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could affect the quality of the habitats and the fauna communities they support.	associated with water quality including inter alia: • Monitoring and Inspection by ECoW • Pre-Commencement Survey of the Minor Drainage Channels, Road Drainage, Invasive Species • Making of Machine Exclusion Zones • Silt & sediment control • Temporary Water Crossings Measures • Temporal Measures for Instream Works • Engagement with IFI Invasive Species Measures
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	Maintain		
Submerged or partially submerged sea caves [8330]	Maintain		
Perennial <i>vegetation</i> of stony banks [1220]	Maintain	There is no direct hydrological connection to the SCIs given they are typically found in certain environments (mapped and unmapped) which do not interact with the watercourses that are the source-pathway. The proposed development would be a considerable distance from certain SCIs also. There is no potential for likely significant effects.	No mitigation required.
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	Maintain		
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]	Maintain		
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	Maintain		
European dry heaths [4030]	Maintain		
<i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]			
Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]	Maintain		
<i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]	Maintain		
<i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	Maintain		

Phoca vitulina (Harbour Seal) [1365]	Maintain		
Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Maintain	Lesser Horseshoe Bats that are foraging may occur within the existing wind farm on occasion. However, this SAC is a considerable distance from the site. There is no potential for significant effects.	No mitigation required.
Lutra lutra (Otter) [1355]	Restore	This is a highly mobile qualifying interest which could use the watercourses up to the site. There may be a localised increase in disturbance during the construction and operation phase.	Environmental controls (including drainage design) and mitigation associated with water quality including inter alia: • Monitoring and Inspection by ECoW • Pre-Commencement Survey of the Minor Drainage Channels, Road Drainage, Invasive Species • Making of Machine Exclusion Zones • Silt & sediment control • Temporary Water Crossings Measures • Temporal Measures for Instream Works • Engagement with IFI • Invasive Species Measures
Overall conclusion: Integrity test The applicant determined that following the implementation of mitigation, the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects can be excluded for Kemare River SAC. No habitat loss will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures ensuring the protection of the watercourses and existing surface water which drain into the Roughty River. Based on the information submitted, surveys carried out analysis provided I am satisfied that no uncertainty remains.			

The proposed scheme would not delay or prevent the attainment of the Conservation objectives.

Mullaghanish to Musheramore Mts. SPA

Detailed Conservation Objectives available: <https://www.npws.ie>

Hen Harrier (*Circus cyaneus*) [A082]

Summary of AA

Conservation Obj. Summary	Potential adverse effects	Mitigation measures
Maintain numbers at or above 3 confirmed breeding pairs Maintain at least 1.0–1.4 fledged young per confirmed pair Restore the spatial utilisation of the SPA by breeding pairs to 100% Restore the extent and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation Restore the extent and quality of this resource to support the targets relating to population size, productivity rate and spatial utilisation Maintain at least the length and quality of this resource to support the targets relating to population size,	Hen Harriers that are foraging may occur within the existing wind farm on occasion. There may be a localised increase in disturbance during the construction and operation phase.	• Standard Vantage Point Monitoring (During Construction and Operational Years 1, 2, 35, 10 and 15) • Temporary Restrictions on Vegetation Clearance • Fatality Monitoring Programme • installation of warning lights on turbines

productivity rate and spatial utilisation Achieve an even and consistent distribution of age-classes across the forest estate Disturbance occurs at levels that does not significantly impact upon breeding hen harrier		
Overall conclusion: Integrity test The applicant determined that following detailed assessment of potential impacts and the implementation of mitigation, the construction and operation of this proposed scheme alone or in combination with other plans and projects will not adversely affect the integrity of these European sites in view of the conservation objectives of those sites. Based on the information provided, I am satisfied that adverse effects can be excluded for this SPA site that is remote from the proposed scheme site and that no effects of any significance will occur. No habitat loss within the European designated sites will occur. Adverse effects from water contamination and sediment release can be effectively prevented by mitigation measures. Therefore, based on the information submitted, surveys carried out and analysis provided I am satisfied that no uncertainty remains. The proposed scheme would not delay or prevent the attainment of the Conservation objectives of any of Mullaghanish to Musheramore Mts. SPA.		

10.3.1. Potential for Adverse effects

As outlined above the potential for adverse effects relates to the changes to water quality arising from pollution and sedimentation of watercourses arising at various locations and associated with various operations during the construction of the development and the deterioration of habitats and/or sedimentation arising from the spread of invasive plant species.

It is important to reiterate at this juncture that no works will take place within the boundary of any Natura 2000 site and as such the potential for direct effects does not arise.

In addition to the forgoing, I also consider it important to examine the potential for impacts to arise in relation to noise and vibration disturbance arising from construction works and in relation to Air Quality deterioration arising from both construction works and the operational phase of the development.

10.3.1.1. Noise & Vibration Disturbance

Potential Adverse effects in relation to noise disturbance and vibration have been examined by the applicant within the NIS and are not considered to be likely to give rise to significant adverse effect due to the distance of Natura 2000 sites and known ex-situ sites from the proposed works. Effects would not be expected beyond 150m for mammals such as otter and 300m for wintering birds. It is considered that noise levels arising from construction would attenuate to existing background noise levels at that distance and there are no European sites within the disturbance Zone of Influence of the proposed scheme.

No signs of otter were recorded during field surveys of the proposed scheme. As construction works will typically be undertaken during normal daylight working hours and otter are generally nocturnal in habit and can (in many circumstances) tolerate high levels of human presence and disturbance, displacement of otter from their habitat is extremely unlikely to affect the local otter population. On this basis there will be no significant adverse effect on the SCIs listed and consequently on the conservation objectives of those SACs.

10.3.1.2. Air Quality Deterioration

In addition to the foregoing, consideration was given to the potential for adverse effects to occur in relation to habitat degradation as a result of air quality. The impacts from air quality are largely related to the construction phase which is short term and temporary and unlikely to extend to the location of European Sites.

10.3.1.3. Habitat degradation/effects on QI/SCI species as a result of hydrological impacts

The proposed development interacts with several watercourses. The release of contaminated surface water runoff and/or an accidental spillage or pollution event into any surface water features during construction, or operation, has the potential to affect water quality in the receiving aquatic environment. Such a pollution event may include: the release of sediment into receiving waters and the subsequent increase in mobilised suspended solids and the accidental spillage and/or leaks of contaminants into receiving waters. The associated effects of a reduction of surface water quality could potentially extend for a considerable distance downstream of the location of the accidental pollution event or the discharge.

Therefore, (albeit unlikely) this reduction in water quality (either alone or in combination with other pressures on water quality) could result in the degradation of sensitive habitats present at the site and downstream. As a worst-case scenario there is potential to affect mobile species that commute and forage in them. It could also negatively affect the quantity and quality of prey available to species. These potential impacts could occur to such a degree that they result in significant effects which could have implications for the conservation objectives of the European Sites.

10.3.1.3.1. In-Combination Effects

In combination effects are examined within the NIS submitted. The proposed development were considered in combination with all plans and/or projects including the extensive network of wind farms in the area as well as forestry and agricultural practices and other development with the potential to impact upon the European sites outlined above. Such plans and projects included any national, regional and local land use plans or any existing or proposed projects (that were in place at the time of lodgement of the proposed scheme for the consideration of the Board) that could potentially affect the ecological environment within the Z of the Proposed development. Many of the wind farms in particular are within the same river

catchment. Given the nature of the proposed works and the standard nature of the proposed mitigation measures I am satisfied that the proposed development will not give rise to cumulative impacts of any significance. Mitigation measures detailed will ensure that no adverse effects on European sites integrity will arise from the implementation of the Proposed scheme.

As the proposed development will not affect the integrity of European sites within the Zol of the Proposed development, and given the protection afforded to European sites under the overarching land use plans, I am satisfied that there will be no adverse effects on the integrity of any European sites to arise as a consequence of the Proposed development acting in-combination with any other plans or projects.

10.3.2. Mitigation Measures and Monitoring

A summary of mitigation measures is presented in the tables above. Full details are provided in the NIS and CEMP. I consider that all measures proposed are implementable and will be effective in their stated aims. Furthermore, a suitably experienced and qualified ecologist will be employed by the appointed contractor. The ecologist will advise the appointed contractor on ecological matters during construction, communicate all findings in a timely manner to the applicant and statutory authorities, acquire any licences / consents required to conduct the work, and supervise and direct the ecological measures associated with the proposed development.

10.4. Appropriate Assessment Conclusion: Integrity Test

In screening the need for AA, it was determined that the proposed development to repower the Kilgarvan Wind Farm had the potential to result in significant effects on European Sites, and that AA was required in view of the conservation objectives of those sites.

Following a detailed examination and evaluation of the NIS all associated material submitted with the application as relevant to the AA process and taking into account submissions of third parties, I am satisfied that based on the design of the proposed scheme, combined with the proposed mitigation measures, adverse effects on the integrity of:

- Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC
- Old domestic building, Curraglass Wood SAC
- Kilgarvan Ice House SAC
- Kenmare River SAC
- Mullaghanish to Musheramore Mts. SPA

can be excluded with confidence in view of the conservation objectives of those sites.

This conclusion is based on the following:

- A detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of QI habitats and species.
- A full assessment of risks to SCI bird species and QI habitats and species
- Complete and precise survey data and analysis of birds. The site has been scientifically verified as not being of significance to or an area favoured by SCI bird species at any stage of the wintering or summer seasons.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.

The proposed scheme would not undermine the favourable conservation condition of any QI feature or delay the attainment of favourable conservation condition for any QI habitats and species for these European sites.

11.0 Recommendation

It is recommended that planning permission should be GRANTED for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

12.0 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;

and in coming to its decision, the Board had regard to the following:

- European legislation, including of particular relevance:
 - 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, and
 - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition.
- National and regional planning and related policy, including:
 - National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases.
 - Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
 - Regional Spatial Economic Strategy for the Southern Region 2020-2032;
 - Kerry County Development Plan 2022-2028
 - Cork County Development Plan 2022-2028
 - Kenmare Municipal District Local Area Plan 2024-2030
 - Kerry County Biodiversity Action Plan 2022-2028.
 - Kerry County Local Authority Climate Action Plan 2024-2029
- Other relevant national policy and guidance documents.

- The existing wind farm on the site and the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The submissions made to An Bord Pleanála on the planning application by the local authority, prescribed bodies and observations from Dermot Kelleher and Derry Kelleher.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

Proper Planning and Sustainable Development

It is considered that the proposed scheme would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area. 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.

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 Kerry County Development Plan 2022-2028, would not seriously injure the visual amenities of the area, or of property in the area, would be acceptable in terms of traffic safety and would constitute an appropriate form of development at this location.

The proposed development, would therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Kerry County Council submission that the proposed development would be consistent with Objective 12-21 Repower Areas of the Kerry County Development Plan 2022-2028.

Permission should be granted having regard to European Renewable Energy Directives which promote renewable energy provision. The National Planning Framework and specifically National Policy Objective 55 which promotes renewable energy generation. The Climate Action Plan 2024 which seeks to further the national climate objective and the objective of mitigating greenhouse gas emissions. As well as the Regional Spatial & Economic Strategy (RSES) for the Southern Region which includes RPO 95 concerning the implementation of the national renewable energy action plan, as well as leveraging the region as a lead and innovator in sustainable energy generation, and RPO 99 supporting the sustainable development of wind energy at appropriate locations.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC, Old domestic building, Curraglass Wood SAC, Kilgarvan Ice House SAC, Kenmare River SAC, Mullaghanish to Musheramore Mts. SPA are the European sites for which there is a likelihood of significant effects.

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 Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC, Old domestic building, Curraglass Wood SAC, Kilgarvan Ice House SAC, Kenmare River SAC, Mullaghanish to Musheramore Mts. SPA in view of the Sites 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 scheme both individually or in combination with other plans or projects, specifically upon the Killarney National Park, McGillicuddy's Reeks & Caragh River Catchment SAC, Old domestic building, Curraglass Wood SAC, Kilgarvan Ice House SAC, Kenmare River SAC, Mullaghanish to Musheramore Mts. SPA

and

- mitigation measures which are included as part of the current proposed development,
- conservation objective for these European Sites, and
- views of prescribed bodies in this regard.

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 scheme on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed scheme, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development,
- the Environmental Impact Assessment Report and associated documentation submitted with the application,
- the submissions received during the course of the application, and
- the Inspector's report

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and 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 Assessment Report and associated documentation submitted by the applicant and submissions made during the course of the planning application.

Reasoned Conclusion

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 scheme 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 scheme on the environment are those arising from the impacts listed below.

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

- **Population and Human Health** – Short term direct and indirect negative effects arising from the construction phase on residential amenity and use of the public road, and longer-term the potential for noise, shadow flicker and landscape and visual effects, in particular for residents in proximity to the wind farm site, and with open views of it. These effects will be mitigated by the distance of the dwellings from the construction site, implementation of standard good construction practices, management of construction traffic, distance of turbines from residential dwellings, intervening vegetation, and controlled operation of turbines in accordance with defined parameters. However, local landscape and visual impacts will remain. Short term positive effects will arise for the local economy during construction and longer-term positive effects for the local community with the community benefit fund.
- **Biodiversity – Terrestrial and Aquatic** – Long term loss of wet heath and blanket bog habitat and conifer plantation arising from the footprint of the development, the potential for increased loading and pollution of waterbodies during construction and operation, with the risk of adverse effects on downstream water quality dependent habitats and species, the potential for significant direct and indirect effects on mobile species during construction and the risk of collision by bird and bat species (in particular white-tailed eagle and lesser horseshoe bat) during operation. The impacts would not be at a population level. Further, it is considered that these impacts will be mitigated by the application of best practice construction methodologies, as set out in

the project documentation, the application of proposed site and species-specific mitigation measures and with the implementation of the proposed Habitat Enhancement Plan, Blanket Bog Enhancement Plan and a White-tailed Eagle Risk Management Plan Biodiversity Management and Enhancement Plan as well as other standard mitigation measures including control of water quality control; an Ecological Clerk of Works; restricted access to bog and heath; revegetation of bare surfaces; pre-construction surveys; buffer zones; protection of bats; measures to minimise impact upon Kerry Slug; measures to reduce collision risk and monitoring.

- **Land, Soils, Geology, Water, Air Quality Or Climate** – The potential for direct and indirect effects on water quality, particularly during construction, alterations to surface water flow paths, changes to hydromorphology, increased risk of flooding, and localised effects on air quality (noise and dust). In the longer term there will be an increase in the noise environment of the site with the operation of the turbines, and positive effects on climate and air quality. These impacts will be mitigated by the design of the proposed development, implementation of a Construction Environmental Management Plan distance from sensitive receptors, the use of standard good construction practices and operational controls, which have been demonstrated to effective in preventing adverse effects.
- **Noise and Vibration** – No significant residual effects are predicted with respect to noise and vibration. Mitigation includes adherence to regulations for the control and abatement of noise during construction and the implementation of a Construction Environmental Management Plan. It is accepted that certain properties are financially participating in the proposed development and accepting of certain noise impacts at their properties.
- **Landscape and Visual**– There will be a range of operational negative effects on landscape and visual receptors as a result of the nature and scale of a wind farm for which mitigation measures are ineffective. Landscape and visual impacts would be balanced to a degree by the nature and characteristics of the receiving environment including extensive commercial forestry, agricultural uses, the presence of the existing wind farm and other wind farms in the general area and the nature and characteristics of the various scenic

routes in the area. There are no significant effects upon landscape and visual anticipated as part of the proposed development.

- **Cultural Heritage including Archaeology** – No direct impact upon cultural heritage and low potential for the presence of unrecorded archaeological features on the site. The settings of these archaeological sites will be subject to short-term, slight, negative indirect impact during the construction phase. Mitigation includes archaeological monitoring, surveys, use of buffer zones and recording of any discovered features, which will be retained in-situ. With the application of mitigation, no predicted significant effects are anticipated upon cultural heritage resource including archaeology.
- **Material Assets – Telecoms and Aviation** - Mitigation includes avoidance, implementation of measures through a Construction Environmental Management Plan for the project, aeronautical lighting/communications, and measures to protect water and limit the production of waste. No significant residual effects are predicted to result with respect to material assets including land use, telecommunications, electricity networks, air navigation, quarries, and utilities (gas, water and waste), arising from the project.
- **Material Assets – Traffic** – Direct, negative, negligible to minor impact, that is short-term, will arise during the construction phase. With respect to mitigation, a Traffic Management Plan is attached to the Construction and Environmental Management Plan for the project which have been demonstrated to effective in preventing adverse effects.

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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as well as the information received by the Board dated 5th December 2024, 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 interests of clarity and of proper planning and sustainable development of the area.

2. All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed scheme.

Reason: In the interest of protecting the environment and public health

3. All mitigation, environmental commitments and monitoring measures identified in the Natura Impact Statement shall be implemented in full as part of the proposed scheme.

Reason: To protect the integrity of European Sites.

4. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

5. Prior to the commissioning of the wind farm, the developer shall decommission the existing turbines and remove all turbine component from the site and dispose of them at a suitable licenced facility. Details of these measures shall be

submitted to, and agreed in writing with, the planning authority and following consultation with the relevant authorities.

Reason: In the interest of orderly development.

6. 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.

7. The following design requirements shall be complied with:

- (a) The turbines shall be designed to a hub height of 125 metres, a rotor blade diameter of 163 metres and an overall height of 200 metres, in accordance with the turbine option assessed in the Environmental Impact Assessment Report and Natura Impact Statement, together with application documentation.
- (b) The 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 turbines shall be geared to ensure that the blades rotate in the same direction.
- (e) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

Reason: In the interest of orderly development and visual amenity.

8. 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 project.

9. The applicant shall appoint a Community Liaison Officer for all stages of the development, including operation, who shall be the first point of contact for residents and be responsible for monitoring and reporting of complaints, maintaining a complaints register, addressing complaints and for discharging information in relation to the development to residents.

Reason: In the interest of amenity and orderly development.

10. In the event that the developer does not utilise the government's Renewable Energy Support Scheme (RESS), prior to the commencement of development, a community gain proposal shall be submitted to the planning authority for written agreement. In default of agreement, the matter shall be referred to An Bord Pleanála for determination.

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

11. The operation of the 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 (excluding those financially involved), which exceed:

(a) Between the hours of 7am and 11pm:

- i. the greater of 5 dB(A) L90,10min above background noise levels, or 45 dB(A) L90,10min, at standardised 10m height above ground level wind speeds of 7m/s or greater
- ii. 40 dB(A) L90,10min at all other standardised 10m height above ground level wind speeds

(b) 43 dB(A) L90,10min 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 interest of residential and/or amenities

12. Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at any existing nearby dwelling, except for those financially involved. Turbine shutdown shall be undertaken by the wind energy developer or operator in order to eliminate the potential for shadow flicker. 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 the commissioning of the wind farm, this report shall be prepared and submitted to, and agreed in writing with, the planning authority. The developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested by the planning authority at reasonable intervals thereafter.

Reason: In the interest of residential amenity

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;

- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prohibit right-turning access for construction traffic from the eastbound lanes of the N22 National Primary Road;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) 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;
- (j) Details of a local community feedback mechanism, where feedback including complaints are received and acted upon by a designated Community Liaison Officer;
- (k) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (l) 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;
- (m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (o) Works to be carried out in accordance with Inland Fisheries Ireland 'Guidelines on protection of fisheries during construction works in and adjacent to waters';
- (p) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority, with monitoring on a daily basis of all watercourses in or adjacent to works areas;

- (q) Measures to be implemented to minimise the potential for increased soil / peat stability and erosion of soils, with monitoring of the same.
- (r) Details of the blasting/breaking operations at the borrow pit including timing, frequency and monitoring of noise and vibration in compliance line with relevant standards.

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

14. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority and in accordance with measures outlined in the EIAR.

Reason: To safeguard the amenity of property in the vicinity.

15. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section of the Council for such works and services.

Reason: In the interest of public health and surface water management.

16. All mitigation measures in relation to archaeology and cultural heritage as set out in the EIAR included in application documents or submitted as Further Information shall be implemented in full, except as may otherwise be required in order to comply with conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed

development. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

17. (a) Prior to commencement of development and following consultation with the Irish Aviation Authority and Kerry Airport, the developer shall submit for written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment. They shall also notify the Irish Aviation Authority and Kerry Airport of the intention to commence crane operations with a minimum of 30 days prior notification of their erection.
- (b) Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the as-constructed tip heights and co-ordinates of the turbines and wind monitoring mast. 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, the Irish Aviation Authority and Kerry Airport 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.

18. The delivery of large-scale turbine components for the construction of the wind farm shall be managed in accordance with a Construction Traffic Management Plan (CTMP), which shall be submitted to, and agreed in writing with the relevant planning authority for the area in which it is intended to travel and Transport Infrastructure Ireland prior to commencement of development. This plan shall provide details of the road network to be used by construction traffic, including over-sized loads, detailed proposals for 'Access Point' sightlines (including those to be retained after the construction phase), and detailed arrangements for the

protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads and prohibit right-turning access for construction traffic from the eastbound lanes of the N22 National Primary Road.

Reason: In the interest of public safety and residential amenity.

19.(a) Prior to commencement of development, the developer shall submit for written agreement of the planning authority, details of the proposed monopole structure and outdoor cabinets adjacent to Turbine 9.

(b) In the event that the proposed 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 prior to commissioning of the turbines and following consultation with the relevant authorities.

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

20. Prior to the commissioning of the windfarm, the developer shall submit for the written agreement of the planning authority and the National Parks and Wildlife Service details of actions to be taken by the developer under the Blanket Bog Enhancement Plan and a White-tailed Eagle Risk Management Plan to ensure the enhancement and management of the site for biodiversity.

Reason: In the interest of biodiversity.

21. Prior to commencement of development, details of measures to protect fisheries and water quality of the river system, including use of box culverts where appropriate, and a programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and Inland Fisheries Ireland and shall be implemented thereafter.

Reason: In the interest of protecting the receiving water quality, fisheries and aquatic habitats.

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

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

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 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.

Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

T Bradley,
Senior Planning Inspector
28th February 2024