

## **APPENDIX B.1**

### **PLANNING REF. 10/0197**



**KERRY COUNTY COUNCIL**

**NOTIFICATION OF A GRANT OF PERMISSION**

**Planning & Development Acts, 2000 to 2007**

**TO:** KERRY WIND POWER LTD

**PER:** JENNINGS O'DONOVAN & PARTNERS CONSULTING ENGINEER  
FINISKLIN BUSINESS PARK  
SLIGO

**Planning Register Number:** 10/197

Application by **KERRY WIND POWER LTD, KILLOWEN KENMARE CO KERRY** for **PERMISSION to A TEN YEAR PERMISSION FOR A DEVELOPMENT CONSISTING OF FOURTEEN (14) WIND TURBINES OF 80 METRE HUB HEIGHT AND 90 METRE ROTOR DIAMETER, CONTROL BUILDING, ELECTRICAL COMPOUND, ASSOCIATED SITE ROADS, DRAINAGE AND SITE WORKS** at **GORTLAHARD, COOLNAGOPPOGE AND BARNASTOOKA KILGARVAN CO KERRY**

A **PERMISSION** has been granted for the development described above, subject to the conditions set out in the Notification of Decision of **PERMISSION**, by Kerry County Council, dated 27/08/2010.

Signed on behalf of  
KERRY COUNTY COUNCIL: \_\_\_\_\_

Date: 25/11/2010

**NOTE:**

- 1. This PERMISSION will expire TEN years after the date of this Grant of Permission.**
- 2. The attached commencement notice must be completed and submitted to the Building Control Authority, Fire Station, Balloonagh, Tralee, not less than fourteen days and not more than twenty-eight days before the commencement of works or the material change of use.**
- 3. Where the proposed development is to be served by a new connection to a Kerry County Council Water Supply Scheme or Waste Water Scheme you are advised that an application for the connection(s) should be made to the Water Services Department, County Buildings, Tralee (066 7183503) at least three months before the service is required.**
- 4. Any financial contributions payable under the Council's Development Contribution Scheme, must be paid prior to commencement of development.**



**PLANNING AND DEVELOPMENT ACTS, 2000 - 2010**  
**NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS)**  
**UNDER SECTION 34 OF THE ACT**  
**KERRY COUNTY COUNCIL**

Ref. No. in  
Planning Register: 197/10

<b>Jennings O'Donovan &amp; Partners Consulting Engineers, Finisklin Business Park, Sligo</b>	<b>Kerry Wind Power Ltd., Killowen, Kenmare, Co. Kerry</b>
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Documents Recd.: 4/3/2010 and 5/7/2010

In pursuance of the powers, conferred upon them by the above named Acts, Kerry County Council have by Order dated **27th August, 2010** decided for the reasons set out in the first schedule to grant a permission for the development of land namely:-

**In respect of a ten year permission for a development consisting of fourteen (14) wind turbines of 80 metre hub height and 90 metre rotor diameter, control building, electrical compound, associated site roads, drainage and site works at Gortlahard, Coolnagoppoge and Barnastooka, Kilgarvan as outlined in plans and particulars received on 4/3/2010 and further information received on 5/7/2010**

SUBJECT to the conditions set out in the second Schedule hereto. (**Fourteen Conditions**)

If there is no appeal against the said decision, a grant of permission in accordance with the decision will be issued as soon as possible after the expiration of the period of four weeks (see footnote).

It should be noted that until a **Grant of Permission** has been issued the development in question is **NOT AUTHORISED**.

E.E.

SIGNED ON BEHALF OF  
THE SAID COUNCIL:

A. O. Planning

**SCHEDULE CONTINUED OVERLEAF**

**NOTE:** An Appeal against a decision of a Planning Authority under Section 34 or Section 35 of the Act of 2000 may be made to An Bord Pleanala within *four weeks* beginning on the date of the making of the decision by the Planning Authority. *An Appeal to An Bord Pleanala will be invalid unless it is accompanied by the appropriate fee. (Please refer to the attached guide for fees payable to An Bord Pleanala).* Appeals should be addressed to: *An Bord Pleanala, 64 Marlborough Street, Dublin 1.* An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or structure proposed to be retained and the date of the decision of the Planning Authority should be stated. The acknowledgement of receipt of a valid submission/objection as issued by the Planning Authority should also be submitted with the appeal.

SCHEDULE (Continued)

DATE: 27th August, 2010

**SCHEDULE (1)**

Having regard to:

- (a) the national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions of greenhouse gases,
- (b) the guidelines issued by the Dept of Environment, Heritage and Local Government in 2006 on Windfarm Development,
- (c) the provisions of the Kerry County Development Plan 2009-2015,
- (d) the nature of the landscape in the area,
- (e) and to any submissions received in relation to the application,

it is considered that, subject to the conditions set out below, that the proposed development of wind turbines and associated works at this location would not have a significant adverse impact on the landscape, would not adversely impact on flora and fauna, would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

**SCHEDULE 2 – Permission for a ten year permission for a development consisting of fourteen (14) wind turbines of 80 metre hub height and 90 metre rotor diameter, control building, electrical compound, associated site roads, drainage and site works**

1. Development shall be carried out in accordance with drawings and details received on 04/03/2010 except for any alterations or modifications specified in this decision.

**Reason: To regulate and control the layout of the development.**

2. Within one month of the date of this decision, the applicant shall either:
  - (a) Submit revised turbine layout map showing all turbines located not less than 2.5 times the blade diameter from the boundary of adjoining properties for the written agreement of the Planning Authority or
  - (b) Submit written consent together with land registry details from adjoining land owners where turbines are proposed to be sited less than 2.5 times the blade diameter from adjoining properties.

**Reason: To regulate and control the layout of the development.**

3. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security in the amount of EUR 140,000 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 the satisfactory reinstatement of the site.

**Reason: To ensure the satisfactory reinstatement of the site in the interest of the amenities of the area**

SCHEDULE (Continued)

4. The structures shall be removed at the expiration of a period of 20 years from the date of commissioning of the development unless planning permission for a further period shall have been granted.

**Reason: To enable the planning authority to review the operation of the windfarm having regard to the circumstances then prevailing.**

5. (a) The wind turbines, including mast and blade, shall be finished externally in a white/grey matt colour.  
(b) Cables within the site shall be laid underground.  
(c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.  
(d) Transformers associated with each individual turbine and mast shall be located either within the turbine mast structure or shall be located underground beside the mast.

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

6. During the construction of the development, the developer shall erect protective fencing to create a 20 metres buffer zone around the two dry stone hut sites as recommended in Archaeological Report received on 05/07/2010.

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

7. Prior to commencement of development, details of aeronautical requirements shall be agreed in writing with the Irish Aviation Authority (IAA). Subsequently, the developer shall inform the planning authority of details agreed with the IAA and of the co-ordinates of the "as constructed" position of the turbines and the highest point of the turbines (to the top of the blade).

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

8. (a) Prior to commencement of development, a detailed Traffic Management Plan, including delivery times and routes, shall be submitted to and agreed in writing with the Roads Dept, Kerry County Council.  
(b) Before transporting materials to the site, the developer shall ensure that all necessary permits for the transport of abnormal loads have been applied for and have been issued.  
(c) Any improvement works and minor realignments to the public road network required to facilitate the proposed development shall be agreed by the developer with the Kenmare Area Roads Engineer prior to commencement of development. All such works shall be paid for and undertaken by the developer in accordance with a Road Opening License from the Roads, Transportation and Safety Dept, Kerry County Council.  
(d) Before the development is commenced the developer shall pay to Kerry County Council a sum of **EUR 75,000** as a contribution towards the repair and improvement of the public road network following completion of the development.  
(e) Formation of the site access road adjacent to Inchee Bridge shall not cause surface water to flow on to the public road.

SCHEDULE (Continued)

- (f) Prior to commencement of development, the developer shall commission a report from an independent structural engineer approved by the Roads, Transportation and Safety Dept, Kerry County Council confirming that there are no structural issues associated with Morley's Bridge that would require attention prior to hauling the wind farm components or construction materials. Any works that are identified shall be funded by the developer and undertaken prior to commencement of the development.
- (g) Prior to commencement of development, the developer shall commission a report from an independent structural engineer approved by the Roads, Transportation and Safety Dept, Kerry County Council confirming that there are no structural issues associated with the existing retaining wall between Local Road L-3021 and the Roughty River that would require attention prior to hauling the wind farm components or construction materials. Any works that are identified shall be funded by the developer and undertaken prior to commencement of the development.

**Reason: In the interest of traffic safety and the protection of public property**

- 9. Before development commences, a Site Drainage Management Plan, including proposals for control of silt-laden discharges from the site arising from construction activities, shall be submitted to and agreed in writing with the Environment Dept, Kerry County Council.

**Reason: In the interest of environmental protection.**

- 10. An independent and experienced peat geotechnical engineer shall be contracted for the detailed design stage of the development. Geotechnical services shall be retained throughout the construction phase, including monitoring and supervising of construction activities. The geotechnical engineer's report on the design, supervision and monitoring of the project shall be submitted to the Planning Authority prior to commissioning of the wind turbines.

**Reason: In the interest of environmental protection.**

- 11. Rock, soil or peat excavated during construction shall not be left stock-piled on the site following construction works. Any peat excavated from the site shall not be dumped onto adjacent bogland. Details of the treatment of excavated rock, soil and peat shall be submitted to the planning authority for agreement prior to commencement of development.

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

- 12. Facilities shall be installed at the developer's expense to ensure that radio or television transmissions in the area are not interfered with by way of the proposed development. Details of the facilities to be installed shall be submitted to and agreed with the planning authority following consultation with the relevant authorities prior to the wind turbines being commissioned.

**Reason: To prevent interference with radio or television transmissions and in the interest of residential amenity.**

PLANNING AND DEVELOPMENT ACT, 2000 - 2010

Reference No. in  
Planning Reg. **197/10**

SCHEDULE (Continued)

13. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than one year, the masts and turbines concerned, including foundations, shall be dismantled and removed from the site. The site shall be reinstated (including all internal access roads) and all decommissioned structures shall be removed within three months of decommissioning.

**Reason:** In the interest of amenity and orderly development in this scenic area.

14. Prior to commencement of development, details of the materials and finishes to the proposed Control Building shall be submitted for the written agreement of the Planning Authority together with details of landscaping and any security fencing.

**Reason:** In the interests of visual amenity.