

## **APPENDIX B.2**

### **PLANNING REF. 10/1333**







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: 10/1333

<b>G Kelly, ESB International, 18-21 St. Stephens Green, Dublin 2.</b>	<b>ESB Wind Development Limited, 27 Lower Fitzwilliam Street, Dublin 2.</b>
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Documents Recd.: 23/12/10, 13/10/11, 24/10/11 and 04/11/11

In pursuance of the powers, conferred upon them by the above named Acts, Kerry County Council have by Order dated **16<sup>th</sup> December, 2011** decided for the reasons set out in the first schedule to grant a Permission for the development of land namely:-

**In respect of 10 year Permission for development consist of 24 wind turbines each having a rated electrical output of 2,000 kilowatts, access tracks, a fenced switchyard comprising single storey control buildings and substation, anemometer masts borrow pits, a wastewater treatment system and all associated site works, above and below ground. Each wind turbine will have an overall maximum dimension of 126 metres, comprising a tower 80-85 metres high, with a diameter of about 4 metres at the base, to which three blades of 41-45 metres length will be attached at Grousemount Wind Farm, Ballagh/Grousemount/Knockanruddig, Kilgarvan, Co. Kerry as outlined in plans and particulars received on 23/12/10 and further information received on 13/10/11, 24/10/11 and 04/11/11**

SUBJECT to the conditions set out in the second Schedule hereto. (**Twenty-one 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**.

SIGNED ON BEHALF OF  
THE SAID COUNCIL:

  
A. O. Planning

DATE: **16<sup>th</sup> December, 2011**

**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)

**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 planning history of the site
  - (e) the nature of the landscape in the area 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)**

*10 years Planning Permission for development consist of 24 wind turbines each having a rated electrical output of 2,000 kilowatts, access tracks, a fenced switchyard comprising single storey control buildings and substation, anemometer masts borrow pits, a wastewater treatment system and all associated site works, above and below ground. Each wind turbine will have an overall maximum dimension of 126 metres, comprising a tower 80-85 metres high, with a diameter of about 4 metres at the base, to which three blades of 41 - 45 metres length will be attached*

1. Development shall be carried out in accordance with drawings and details received on 23/12/10 & 13/10/11 & 24/10/11 & 04/11/11

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

2. This permission shall be for a period of 10 years from the date of grant of planning permission.

**Reason: In the interest of orderly development having regard to time constraints on grid connection.**

3. Before the development is commenced the developer shall lodge with the Planning Authority a Bond in the sum of **EUR 240,000** coupled with an agreement to empower the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. Such Bond will be increased from 1<sup>st</sup> January, 2012 and annually thereafter in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office to the value pertaining at the time of payment and shall be from an approved Financial Institution as may be acceptable to the Planning Authority to secure the provision and satisfactory completion and maintenance of roads, footpaths, water supply, septic tank and drainage required in connection with the



SCHEDULE (Continued)

proposed development. The Bond shall remain in place for a period of 12 years from the date of grant of permission or until such time as the development has been completed to the satisfaction of the Planning Authority in accordance with the conditions of the planning permission granted (whichever is the sooner).

**Reason: In order to secure the satisfactory completion of the development.**

4. Prior to the commencement of development the developer shall pay a contribution of **EUR 48,000** to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1<sup>st</sup> 2012 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

5. All structures shall be removed at the expiration of a period of 25 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.**

6. (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) The access tracks within the site shall be surfaced in gravel or hardcore and shall not be hard topped with tarmacadam or concrete.  
(e) Excavated banks and bases around the turbines shall be re-laid with overlying turves removed during construction.

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

7. (a) Archaeological pre-development testing of all turbine bases, borrow pits, hardstands, access tracks, mast bases, cable routes etc. shall be carried out in advance of construction. No construction should take place prior to the submission of reports on this testing to the planning authority and the National Monuments Service. Depending on the results of the testing further mitigation including redesign, relocation and/or excavation may be required. Every effort shall be made to ensure that the settings of any recorded monuments are not impacted.



SCHEDULE (Continued)

(b) On completion of the work, the archaeologist shall submit a report on the results of the testing to the planning authority and the Department of Arts, Heritage and the Gaeltacht. Where archaeological material is shown to be present, avoidance, preservation in situ or by record, and/or monitoring may be required by the planning authority after consultation with the Department of Arts, Heritage and the Gaeltacht.

(c) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Heritage and Planning Division of the Department of Arts, Heritage and the Gaeltacht.

(d) The EIS submitted with this application notes that there is no proposed ground-works within less than 150m of any recorded monument. This shall be the minimum buffer around all monuments, many of which are part of a more extensive complex. No ground works shall take place within these areas and no materials shall be stored within these buffer zones.

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

8. (a) The developer shall contact the Irish Aviation Authority to agree a scheme of aviation obstacle warning lighting, prior to commencement of development.

(b) Following completion of the development, the developer shall submit to the IAA, 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.**

9. (a) Vehicular access to the site shall be located as per details received 13/10/2011.

**(b) However, prior to the commencement of development the developer shall liaise with the Planning Authority to discuss and agree the location of the proposed access roadway serving Turbines 1, 2 & 3, in order to ensure the minimum amount of excavation works being carried out on existing rock outcropping on site. Revised proposals may be required to be submitted following on from these discussions.**

**Reason: In the interest of visual amenity and traffic safety.**

10. (a) The Transport Study received 13/10/11 submitted by the applicant has identified alterations that are required to the public road network in particular to the L-11187 Local Tertiary Road, to the junction of the L-11187 and the L-3021 Local Primary Road and at the junction of the wind farm access road and the L-11187. **Prior to the commencement of the development, the developer shall submit an updated Transport Study that assesses the delivery route of the turbines from the point of entry into the County to the site entrance.** It will identify any potential conflicts and propose mitigation measures which will be outlined in detailed engineering drawings and technical reports and will address all matters to the satisfaction of the Roads Department including any statutory processes such as Part 8 of the Planning and Development Regulations, structures, drainage, embankment slope stability, pavements, the extent of land acquisition requirements, environmental assessments and permanent reinstatement following the completion of the wind farm. These alterations and mitigation measures will involve third party lands and the developer shall be required to receive the written consent of the



SCHEDULE (Continued)

landowners via a Land Acquisition Agreement or Deed of Dedication to the satisfaction of the Roads Department. The road works required shall be undertaken by the Roads Department and the developer shall pay to the Council a sum of money for this works which shall be agreed with the Planning and Roads Departments. Alternatively, at the sole discretion of the Roads Department, the Department may direct the developer to undertake the alterations required to the public road network; if the road works are undertaken in this manner then the developer will require a Road Opening License from the Roads Department. All of the above works shall be completed prior to the commencement of the development.

**(b) 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 that 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.**

**Reason: In the interest of visual amenity and traffic safety.**

11. (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.

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

12. **(a) Prior to the commencement of development the applicant shall submit to the Environmental Section, Kerry County Council, for their approval, a surface water sediment and erosion control plan which addresses the issues of sedimentation and erosion of watercourses both onsite and downstream during the construction, operational and site reinstatement works. This plan shall include a survey of all water courses, base line water quality assessment, proposed control measures and a monitoring programme.**
- (b) Prior to the commencement of development, the applicant shall submit to the Environmental Section, Kerry County Council, for their approval a method statement for works associated with borrow pits including details of type and quantity of material to be excavated, proposed work methods and proposed reinstatement works.**
- (c) Prior to the commencement of development, the applicant shall liaise with the Environmental Section of KCC and agree the exact locations of each turbine.**

**Reason: In the interests of biodiversity, protection of the environment and the proper planning and sustainable development of the area.**

13. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Statement and associated documentation, such as the Hydrological & Drainage Assessment Report, the Peat Stability Assessment Report and the Aquatic Ecological Assessment are implemented in full.



SCHEDULE (Continued)

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

14. (a) All oils and fuels shall be stored in an area bunded to 110% of the total volume of stored oils and fuels.  
(b) Re-fuelling shall take place only within designated bunded areas, which shall be drained through an oil interceptor.  
(c) A wheel wash shall be provided within the site, near the entrance to the public road.  
(d) An appropriately sized facility shall be provided on site for concrete washings.  
Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason: In the interest of maintaining water quality.**

15. Mitigation measures recommended in the EIS for the protection of water quality shall be implemented in full, and according to appropriate best practice guidelines (e.g. CIRIA guidelines). Works with a potential to result in pollution or siltation of watercourses shall be supervised by an onsite clerk-of-works. The developer shall appoint a suitably qualified person to act as Environmental Manager/clerk of works for the project, on a full-time basis, for the construction and development phase of the project. This person shall be responsible for ensuring that all environmental management systems associated with the development are fully implemented and maintained. Contact details for this individual shall be forwarded to the Planning Authority at the commencement notice stage of the development. This Environment Manager/clerk of works shall report on compliance with the relevant mitigation measures. The Environment Manager shall be empowered to halt works where he/she considers that continuation of the works are likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to a river cSAC, these reports shall be made available to the relevant statutory authorities, and on-site works shall cease until authorised to continue by the planning authority.

**Reason: To avoid deterioration of habitats in the Roughty River Catchment.**

16. Prior to commencement of development, the developer shall agree a protocol for assessing any impact on radio or television or other telecommunication reception in the area. 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.**

17. 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.



SCHEDULE (Continued)

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

18. In addition to the mitigation measures proposed in the Aquatic Ecological Assessment relating to protection of the aquatic environment, the following measures shall be carried out by the developer:
- (i) Watercourse Crossings: In relation to other minor crossings the developer shall replace gabion boxes with locally sourced rock armouring which will be more environmentally sympathetic to the surroundings and in time become re-vegetated.
  - (ii) Leave Strips along watercourses: The width of these strips shall be informed by the degree and extent of the slope of the surrounding lands, soil type, vegetative cover and volume of runoff to be dealt with. For small streams in upland areas a distance of at least 15 metres is required as a minimum for a Leave strip (riparian zone). This width shall be extended where the topography and other factors dictate, e.g. steep slopes, denuded soils and shall be determined by site specific survey.
  - (iii) Borrow Pits: Use of sedimentary rocks, such as shale, in road construction is not permitted. Material available in Borrow Pits must be of a suitable standard to prevent mechanical breakdown. **Precise details shall be agreed with Inland Fisheries Ireland prior to commencement of development.**
  - (iv) All proposed mitigation measures shall be stipulated in all Contract Documents with a requirement for a review process throughout the entire construction phase to effect improvements as and when necessary.
  - (v) Prior to commencement of development, the developer shall liaise with Inland Fisheries Ireland on all aspects of the development which may impact on the aquatic environment.

**Reason: In the interests of biodiversity, protection of the environment and the proper planning and sustainable development of the area.**

19. Excess peat excavated to create the access road and other infrastructure will, where feasible without creating a significant risk of slippage, be formed into linear banks or used to backfill or restore borrow pits, but not spread over existing heath, bog or rough grass within the site. These linear banks will be revegetated and/or replanted in such a manner and time to: (a) avoid excessive siltation of the drainage from the site; (b) to provide areas of low scrub and heather cover in the medium term.

**Reason: To avoid loss of habitat for Annex I and II species within European conservation sites.**

20. No extraction works will take place unless a suitable drainage path from that construction area has been formed.

**Reason: In the interests of biodiversity, protection of the environment and the proper planning and sustainable development of the area.**

- 21.
- (a) The Effluent Storage Tank shall have a minimum capacity of 10m<sup>3</sup>. The tank shall be fitted with a suitable vent pipe.
  - (b) The Effluent Storage Tank shall be constructed either of reinforced concrete or of GRP *{twin-walled design}*, and fitted with a high level audio & visual alarm *{which shall be activated as the available capacity of the tank becomes exhausted}*.

SCHEDULE (Continued)

- (c) The Effluent Storage Tank shall be emptied at six monthly intervals, or more frequently if required *{for example if the audio & visual alarm activates}*.
- (d) The removal of waste is to be carried out by a Waste Collection Contractor who holds a valid Waste Collection Permit.
- (e) A log shall be kept recording all of the instances that the Effluent Storage Tank is emptied. The log shall contain the following information, at a minimum.
- The date of emptying.
  - The volume emptied.
  - The name of the Waste Collection Contractor.
  - The Contractor's Waste Collection Permit Reference Number.
  - The destination Wastewater Treatment Plant of the collected waste.
- The log shall be maintained for inspection by the Environment Section of Kerry County Council who may inspect the log periodically.
- (f) Prior to initial use of the Effluent Storage Tank, written confirmation *{i.e. a letter of acceptance}* from a suitable Wastewater Treatment Plant *{confirming willingness to accept & treat the waste collected}* is to be submitted to the Environment Section of Kerry County Council.
- (g) An "Operation and Maintenance Contract" relevant to the Effluent Storage Tank is to be put in place. A sample "Operation and Maintenance Contract" is to be submitted to the Environment Section of Kerry County Council for approval.
- (h) An "Annual Operation and Maintenance Certificate" *{containing all records of servicing, monitoring & maintenance of the effluent treatment system & confirming that the system is operating to an acceptable standard}* shall be maintained for inspection by the Environment Section of Kerry County Council who may inspect the certificate periodically.
- (i) Revised documentation & drawings, reflecting conditions 1 to 8 above shall be submitted to the Planning Authority within one month of the date of the grant of planning permission.

**Reason: In the interest of public health and to prevent pollution.**