

APPENDIX B.3

PLANNING REF. 14/412



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PLANNING AND DEVELOPMENT ACTS, 2000 - 2013
NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS)
UNDER SECTION 34 OF THE ACT
KERRY COUNTY COUNCIL

Ref. No. in
Planning Register: 14/412

<u>Agent:</u> G Kelly, ESB International, 18-21 St. Stephen's Green, Dublin 2.	<u>Applicant:</u> ESB Wind Development Limited, 18-21 St. Stephen's Green, Dublin 2.
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Documents Recd.: 02/07/14

In pursuance of the powers, conferred upon them by the above named Acts, Kerry County Council have by Order dated **21st August, 2014** decided for the reasons set out in the first schedule to grant a Permission for the development of land namely:-

In respect of erection of three temporary guyed lattice anemometer masts, each up to 80 metres high, the masts will be used for wind speed measurement and will be deployed at up to six locations throughout the site within a five year period at Ballagh, Grousmount, Knockanruddig, Coolnagoppoge, Gortlahard and Barnastooka, Kilgarvan, Co. Kerry as outlined in plans and particulars received on 02/07/14

SUBJECT to the conditions set out in the Second Schedule hereto. (**Four 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: **21st August, 2014**

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 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 to erect three temporary guyed lattice anemometer masts, each up to 80 metres high, the masts will be used for wind speed measurement and will be deployed at up to six locations throughout the site within a five year period

1. The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 02/07/14 except for any alterations and/or modifications specified in this decision.

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

2. Archaeological pre-development testing shall be carried out in advance of the erection of any proposed anemometer mast on site. No development 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.

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

3. The masts shall be removed on the expiration of the period of 5 years beginning on the date of the grant of this permission unless planning permission for a further period shall have been granted.

Reason: Structures of this type are not acceptable in this location on a permanent basis

SCHEDULE (Continued)

4. (a) There shall be no interference, culvertion or diversion of any stream or watercourse as a result of the proposed development.
- (b) Measures shall be introduced to prevent contaminated surface waters entering local streams. Full details shall be agreed with Inland Fisheries Ireland (IFI) prior to the commencement of development on site. IFI shall be notified in writing of any incident involving water pollution /aquatic habitat interference during the erection of the proposed anemometer meters during the lifetime of this permission.

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



KERRY COUNTY COUNCIL
NOTIFICATION OF A GRANT OF PERMISSION
Planning & Development Acts, 2000 to 2013

TO: ESB WIND DEVELOPMENT LIMITED

PER: G KELLY
ESB INTERNATIONAL
18 - 21 ST STEPHENS GREEN

Planning Register Number: 14/412

Application by **ESB WIND DEVELOPMENT LIMITED, 18-21 ST STEPHENS GREEN DUBLIN 2** for **PERMISSION** to **ERECT THREE TEMPORARY GUYED LATTICE ANEMOMETER MASTS, EACH UP TO 80 METRES HIGH, THE MASTS WILL BE USED FOR WIND SPEED MEASUREMENT AND WILL BE DEPLOYED AT UP TO SIX LOCATIONS THROUGHOUT THE SITE WITHIN A FIVE YEAR PERIOD** at **BALLAGH, GROUSMOUNT, KNOCKANRUDDIG, COOLNAGOPPOGE, GORTLAND 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 21/08/2014.

Signed on behalf of
KERRY COUNTY COUNCIL:

Date:

24/09/2014

NOTE:

- 1. This PERMISSION will expire five years after the date of this Grant of Permission.**
- 2. Please refer to Part II of the Building Control Regulations 1997 to 2014 to determine if you are required to submit a Commencement Notice before the commencement of works or a material change of use. Please find attached for your information the Building Control Authority's Guide to Commencement Notices. In the event that you are required to submit a Commencement Notice then please refer to the website www.localgov.ie to complete the electronic submission of said Commencement Notice. Further information is also available from the Building Control Authority, Fire Station, Balloonagh, Tralee at buildingcontrol@kerrycoco.ie**
- 3. Where the proposed development is to be connected to a public network, either water or waste water, you should make an application in the first instance to Kerry County Council. Please see attached Information Note.**
- 4. Any financial contributions payable under the Council's Development Contribution Scheme, must be paid prior to the commencement of development.**