An Coimisiún Pleanála

Direction
CD-022561-26
ACP-323780-25

The submissions on this file and the Inspector's report were considered at a meeting held on 20/10/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning Commissioner: pp Liam McGree **Date:** 22/10/2026

DRAFT WORDING FOR ORDER

DECISION

Grant permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

Reasons and Considerations

The Commission made its decision consistent with:

(a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the national climate objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

In performing its functions in relation to the making of its decision, the Commission had regard to:

European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

- European legislation, including of particular relevance:
  - The Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025).

- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

- 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, particularly the National Planning Framework First Revision 2025 and National Policy Objective 70.
  - Project Ireland 2040: National Planning Framework ("NPF"), First Revision of the NPF;
  - National Development Plan 2021-2030
  - The objectives and targets of the National Biodiversity Action Plan 2023-2030;
  - Policy Statement on Security of Electricity Supply (November 2021);
  - Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.

- Regional and Local Planning Policy, including in particular:
  - Regional Spatial and Economic Strategy for the Southern Region 2020 - 2032;
  - Limerick Development Plan 2022-2028 (as varied);

- Other relevant national policy and guidance documents.
- The location, nature, scale and layout of the proposed development as set out in the planning application.

- The pattern of development within the area and context of the receiving environment.
- 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 range of mitigation measures set out in the Environmental Impact Assessment Report.
- The range of mitigation measures set out in the Natura Impact Statement.
- Measures proposed for the construction, operation and decommissioning of the development.
- The reports of the planning authority received in response to same.
- The submissions and observations received by the Commission in relation to the application.
- The Inspector's report and recommendation, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.
- The revised Renewable Energy Directive (REDIII) 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.

Appropriate Assessment: Stage 1:

The Commission considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an Appropriate Assessment screening exercise and an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following European Sites in respect of which the proposed development has the potential to have a significant effect are Lower River Shannon Special Area of Conservation (Site Code: 002165) and River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) in view of those site's conservation objectives.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the European Sites for which potential to have a significant effect had been identified, in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

i. The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. The mitigation measures which are included as part of the current proposal, and

iii. The conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives. In overall conclusions, the Commission was satisfied that the proposed development, 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.

While the commission noted the inspectors concerns, and those of the External Ornithological Consultant as set out Technical Note on Ornithology to Inform Appropriate Assessment (Appendix C of the Inspector's Report), in relation to the potential impact of the proposed development on Whooper Swans, the Commission also noted the consultant's commentary at paragraph 28 of the Technical Note (Appendix C) which stated that *"the proposed development will not directly affect any Special Conservation Interests (SCIs) of the River Shannon and River Fergus Estuaries SPA. NatureScot guidance (Scottish Natural Heritage (SNH). (2016) - Assessing Connectivity with Special Protection Areas (SPAs) – Guidance, version 3. NatureScot.) identifies a core wintering foraging range of under 5 km from roost sites for whooper swan. Because the project sits well beyond this 5 km threshold, the whooper swan population roosting at Lough Gur and feeding near the project site is distinct from the SPA population"*.

Environmental Impact Assessment

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

(a) The nature, scale and extent of the proposed development,

(b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application,

(c) The Screening for Appropriate Assessment and Natura Impact Statement and associated documentation submitted in support of the application,

(d) The submissions from the planning authority, prescribed bodies and observers, and

(e) The Inspector's report.

The Commission considered the Environmental Impact Assessment Report, supported by the documentation submitted by the developer, 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 Commission 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 developer and submissions made in the course of the application.

Reasoned Conclusions on the Significant Effects

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health & Noise:

- A **temporary significant (noise) effect** during standard daytime working hours as a result of peak construction stage delivery traffic at nearby residential noise sensitive receptors. This effect will be mitigated somewhat by the limited one-week duration of peak delivery traffic and general noise control, reduction and abatement measures in accordance with BS5228, however significant residual effects will remain. Longer term noise impacts associated with general construction activity and the operational phase of the proposed development will be mitigated by the omission of turbines T1 to T5 in the northern section. Furthermore, having regard to the pressing need to increase the gross consumption of renewable energy-based electricity generating plant (including onshore wind) and reduce greenhouse gas emissions, it is considered that short-term temporary construction noise and longer-term operational noise levels, again mitigated by the omission of turbines T1 to T5 in the northern section, would not be sufficient to warrant refusing permission for the proposed development and is considered to be acceptable.

Biodiversity

- A **short term significant residual effect** at a local geographic scale as a result of habitat loss until such times as the newly planted and translocated habitats (Area 2, 4 & 5) in the Habitat and Species Management Plan are established (1-5 & 5-10 years). This will be mitigated by the omission of turbines T1 to T5 in the northern section of the site, however short-term significant residual effects at a local geographic scale will remain. Notwithstanding this, having regard to the pressing national need to increase the contribution of renewable energy sources (including onshore wind) and reduce greenhouse gas emissions, it is considered that this temporary effect is not sufficient to warrant refusing planning permission and is acceptable.

Ornithology

- A **significant mortality effect** on Whooper Swan as a result of collision risk associated with turbines T1 to T5 (Inclusive) in the northern section of the site as a result of their location in currently favoured feeding areas of the Lough Gur population. It is not considered that this effect can be mitigated by the implementation of the Whooper Swan Management Area (WSMA), in the absence of a complete understanding the current feeding preferences of the habituated swan population, as it is considered that the proposed "enhancements" may not successfully relocate birds away from the turbine array and that any such suggestion is unsupported by evidence. This effect can be avoided and the collision risk eliminated by the omission of said turbines T1 to T5 (inclusive).

- A **significant displacement effect** on Whooper Swan as a result of the location of turbines T1 to T5 in currently favoured feedings areas associated with the Loug Gur population and unknown displacement responses into new feedings areas. It is not considered that this effect can be mitigated by the implementation of the Whooper Swan Management Area (WSMA), for the reasons as set out above. This effect can be avoided by the omission of said turbines T1 to T5.

Landscape and Visual

- A **significant direct visual effect** on Dromin Graveyard and Church Ruins (Recorded Monument (LI039-079002 and LI039-079001) as presented by VP10 and on sensitive residential receptors in the area. Omission of turbines T1 to T5 (inclusive) for reasons relating to ornithology, archaeology and noise impacts would significantly mitigate the visual impact of the proposed development but a significant residual visual impact would remain. Notwithstanding this, having regard to the pressing national need to extend renewable energy sources (including onshore wind) and reduce greenhouse gas emissions, it is considered that these effects are not sufficient to warrant refusing permission for the proposed development and are acceptable.

Archaeology and Cultural Heritage

- A **significant direct effect on recorded and unrecorded archaeology** associated with Turbine T01 as a result of its location within the midst of a cluster of five barrow sites (LI031-151001, LI031-151002, LI031-151003, LI031-151004 & LI031-151005) and possible barrow cemetery as part of a prehistoric ritual landscape which could include further barrow sites and other burial or ritual features. Given the density of archaeological sites, their proximity to T1 and the likelihood of other unrecorded features, it is not considered that archaeological heritage can be protected and preserved in situ by the proposed mitigation measures including post consent archaeological geophysical survey and/or test excavation. This effect can be avoided by the omission of T1.

- **Significant indirect cultural visual effects** on recorded monuments which are open to the public within one kilometre of the proposed development site. These effects will be mitigated somewhat by the lowland nature of the landscape and intervening screening features (built and natural) however significant residual effects will remain. Notwithstanding this, having regard to the pressing need to increase output from renewable energy sources (including onshore wind) and reduce greenhouse gas emissions, it is considered that these effects are not sufficient to warrant refusing permission for the proposed development and are acceptable.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, 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 Commission adopted the report and conclusions of the reporting Inspector.

Climate

- A **significant positive effect** on climate by delivering a net reduction in greenhouse gas emissions over its operational lifetime. The total embodied emissions for the construction phase would be significantly outweighed by the millions of tonnes of emissions saved once the wind farm has commenced operation and the project would therefore be consistent with the obligations of the Climate Action Plan 2024 and Climate Action Plan 2025.

Proper Planning and Sustainable Development

It is considered that, subject to the material contraventions and compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Limerick Development Plan 2022-2028 (as varied), which designates the wider area where the proposed development is to be located as a 'Preferred Area' for wind energy and where Objective CAF O30 of the development plan seeks to promote the location of wind farms and wind energy infrastructure in 'preferred areas', and would be consistent with the obligations of the Climate Action Plan 2024 and Climate Action Plan 2025. It would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an unacceptable impact on the character of the landscape, would not have a significant adverse impact on ecology, biodiversity, hydrology or hydrogeology, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noted that the Development Management Standards set out in Section 11.7.2.1 of the Limerick Development Plan, 2022-2028 (as varied) ("LDP") refers to a lower night-time noise limit, which differs to those stated in the Wind Energy Development Guidelines for Planning Authorities 2006 (WEDG 2006). WEDG 2006 recommends a fixed night-time noise limit not exceeding 43dB(A). The LDP has a lower fixed noise limit for night-time noise not exceeding 38dB(A) L90 or 5dB(A) above background noise levels, whichever is the greater.

As such the proposed development can be considered to comprise a material contravention of the LDP given that the predicted operational noise levels of the proposed development will not accord with the development management standards of the LDP. However, the noise levels will comply with the night-time levels set out in Wind Energy Development Guidelines 2006 which is the appropriate Section 29 Ministerial Guidelines for windfarm developments.

The Commission also noted the provisions of Objective EH O39 of the LDP in relation to the protection of the setting of archaeological monuments which states that it is an objective of Limerick City and County Council to ensure that no development shall have a negative impact on the character or setting of an archaeological monument. The Commission agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment included a significant indirect cultural visual effect on Dromin Graveyard and Church Ruins (Recorded Monument (LI039-079002 & LI039-079001) as presented by VP10, and significant indirect cultural visual effects on recorded monuments which are open to the public within one kilometre of the proposed development site.

As such the proposed development can also be considered to comprise a material contravention of the LDP given that the main significant direct and indirect effects of the proposed development will have a negative impact on the character and setting of archaeological monuments.

The Commission noted that under Section 37G(6) of the Planning and Development Act, 2000 (as amended), it may, in determining an application under that section,

decide to grant a permission even if the proposed development contravenes materially the Development Plan.

The specific circumstances where permission may be granted notwithstanding a material contravention are set out in Section 37G(6) which provides that;

> *'(6) The Board may decide to grant a permission for development, or any part of a development, under this section even if the proposed development, or part thereof, contravenes materially the development plan relating to any area in which it is proposed to situate the development.'*

The Commission also noted that the LDP supports the development of renewable energy in the County, under renewable energy objective CAF O28 (Assessment of Renewable Energy Projects);

> *"It is an objective of the Council to encourage the development of wind energy, in accordance with Government policy and having regard to the principles and planning guidance set out in the Department of Housing, Planning and Local Government publications relating to Wind Energy Development and the DCCAE Code of Practice for Wind Energy Development in Ireland and any other relevant guidance, which may be issued in relation to sustainable energy provisions during the course of the Plan."*

And objective CAF O30 (Location of Wind Energy Developments);

> *"It is an objective of the Council to promote the location of wind farms and wind energy infrastructure in the 'preferred areas' as outlined on Map 9.1, to prohibit such infrastructure in areas identified as 'not open for consideration' and to consider, subject to appropriate assessment, the location of wind generating infrastructure in areas 'open for consideration'."*

On the basis of the above, and noting the conclusions reached in the Inspector's report that the proposed development is located in a 'preferred area' for wind energy, accords with the proper planning and sustainable development and that environmental effects would be acceptable, the Commission was satisfied that, notwithstanding the material contraventions in relation to noise contained in the Development Management Standards, Section 11.7.2.1 of the LDP, and in relation to archaeological monuments contained in Objective EH O39 of the LDP, it is appropriate for the Commission to grant permission, taking into account the

guidance contained in the Wind Energy Development Guidelines 2006 in respect of noise limits and the wider support for wind energy set out in the LDP as well as national and regional policy support for onshore wind energy, and the obligations placed on the Commission under Section 15 of the Climate Action and Low Carbon Development Act, 2015, as amended. In conclusion on this matter, the Commission was satisfied that the proposed development is of strategic and national importance and is in accordance with the proper planning and sustainable development for the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. **(a)** Turbines referenced as T1 to T5 (inclusive), together with their individual hardstands and access tracks, and the Whooper Swan Management Area (WSMA) – (*Area 1 of the Habitat & Species Management Plan (HSMP)*), in the northern section of the proposed development, shall be omitted from the development hereby permitted.

   (b) 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 protection of Whooper Swan (T1-T5 (inclusive)) and to safeguard and preserve recorded and unrecorded archaeology (T1).

3. The extraction of rock, aggregate or associated materials from the borrow pits and/or turbine foundations shall be carried out by excavation, breaking or ripping only. Blasting or the use of explosives is not permitted.

Reason: In the interests of clarity.

4. The following design requirements shall be adhered to:

(a) The wind turbines shall be designed as follows, in accordance with the turbine option assessed in the Environmental Impact Assessment Report and Natura Impact Statement, together with application documentation;

- Turbine Tip Height – 160 metres/150 (T6 only)
- Hub Height – 92 metres/82 metres (T6 only)
- Rotor Diameter – 136 metres

(b) The wind turbines, including masts and blades, shall be finished externally in a light grey colour to be agreed in writing with the planning authority prior to commencement of development.

(c) Cables within the site shall be laid underground.

(d) The wind turbines shall be geared to ensure that the blades rotate in the same direction.

(e) Transformers associated with each individual turbine and mast shall be located either within the turbine mast structure or at ground level beside the mast.

Reason: In the interest of visual amenity.

5. The period during which the proposed 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 Coimisiún considered it appropriate to specify a period of validity of this permission in excess of five years.

6. **(a)** The permission shall be for a period of 35 years from the date of the first commissioning of the windfarm save for the 110 kilovolt Substation and underground cable connecting to the National Grid. All structures, including foundations, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.

(b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the turbines and all ancillary structures, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.

(c) On full or partial decommissioning or if the wind farm ceases operation for a period of more than one year the windfarm, the turbines and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within 12 months of decommissioning.

Reason: To enable the planning authority to review the operation of the windfarm over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration upon cessation of the project.

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

Reason: To protect the integrity of European Sites.

8. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented.

Reason: To protect the environment.

9. In advance of commencement the developer shall submit to the planning authority a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements for agreement with the planning authority:

(a) Pre-construction checks of all potential bat roost features (trees to be felled) within the proposed development site in the form of endoscope surveys.

(b) The Construction and Environmental Management Plan (CEMP) shall be updated to include the location of any and all archaeological or cultural heritage constraints identified in Environmental Impact Assessment Report Chapter 15 or in the archaeological investigations required by Conditions as set out below. The CEMP shall clearly describe all identified likely archaeological impacts (direct and indirect) and all mitigation measures during all phases of site preparation and construction activity.

Reason: To protect the environment and the integrity of European Sites.

10. A ten metre wide strip of land running parallel to the main channels C1/31 and a five metre wide strip of land running parallel to the channels C1/31/4, C1/31/4/2/1, C1/31/5, CI/31/6, C1,31/1/1, CI/31/5/1, C1/31/5/1/4, CI/31/5/1/3, C1/31/5/1/2, C1/31/5/1/1 and C1/31/7 shall be provided to facilitate access and maintenance activities by the Office of Public Works. These areas shall be accessible to mechanical plant and should not be landscaped, paved or otherwise developed in a manner that would prevent access.

Reason: To cater for orderly development and prevent flooding.

11. The developer shall notify Gas Networks Ireland prior to the commencement of any site works. All works shall be carried out in full compliance with the Gas Networks Ireland Code of Practice for Working in the Vicinity of the Transmission Network and the Health & Safety Authority Code of Practice for Avoiding Danger from Underground Services.

Reason: To cater for orderly development, in the interests of public safety and to mitigate the risk of a major accident.

12. Noise levels generated by the windfarm following commissioning, by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at existing noise sensitive locations, shall not exceed:

- For the daytime period 0700 hours to 2300 hours, in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 40dB(A)L90 T10,
- For the daytime period 0700 hours to 2300 hours, where the background noise level exceeds 30dB(A)L90 T10, the greater of 45dB(A)L90 T10, or 5dB(A) above background levels,
- For the nighttime period 2300 hours to 0700 hours, for all noise environments, 43dB(A)L90 T10.

Prior to the commissioning of the windfarm, the developer shall submit and agree in writing with the planning authority a Noise Compliance Monitoring Programme (NCMP) for the operational windfarm. The NCMP shall include a Complaints Protocol which outlines procedures to be followed in the event of a justified* complaint relating to noise from the windfarm. The NCMP shall include a detailed methodology for all sound measurements including analysis for Tonal and Amplitude Modulation (AM) characteristics.

Reason: In order to protect the amenities of existing noise sensitive properties in the vicinity of the development.

13. **(a)** Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at any existing nearby dwelling. Turbine shutdown shall be undertaken by the wind energy developer or operator in order to eliminate the potential for shadow flicker.

(b) 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

14. **(a)** Prior to the commencement of development a Stage 1/2 Road Safety Audit, in compliance with the Transport Infrastructure Ireland Publication 'Road Safety Audit GE-STY-01024' shall be submitted for the written approval of the planning authority. The Audit shall consider the proposed development site, grid connection route and turbine delivery route.

(b) Upon completion of the development and prior to the wind farm coming into full operation a Stage 3 Road Safety Audit shall be submitted for the written agreement of the planning authority. The Road Safety Audit shall be in compliance with the Transport Infrastructure Ireland Publication 'Road Safety Audit GE-SIT-01024'. The Audit Team shall be independent in line with the standard.

Reason: In the interests of traffic safety.

15. **(a)** Prior to the commencement of development the developer shall submit a pavement condition survey of all haulage/delivery route(s), incorporating a report on any structures (i.e. bridges and culverts), for the written agreement of the planning authority.

(b) A post condition survey of the haulage route shall be submitted for the written agreement of the planning authority upon completion of the development and prior to the wind farm coming into full operation.

(c) At all site entrances the area between the new realigned front boundary and the road edge shall be excavated and backfilled with 200 milimetres of clean stone, 150 milimetres of compacted Clause 804 or similar granular material and sealed.

(d) No surface water shall be allowed to discharge onto adjoining properties or the public road.

Reason: To cater for orderly development and in the interests of traffic safety.

16. Upon completion of the development and prior to the wind farm coming into full operation, the developer shall submit for the written consent of the planning authority, certification from suitably qualified consulting engineers, that the surface water/Sustainable Drainage system has been constructed in accordance with the design specification.

Reason: To cater for orderly development, prevent flooding and protect water quality.

17. Site development works shall be carried out between the hours of 0700 hours to 1900 hours Mondays to Fridays inclusive, between 0800 hours to 1400 hours 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 Environmental Impact Assessment Report.

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

18. The construction of the development shall be managed in accordance with a Construction and Environmental 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 proposed 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. There shall be no stacking of vehicles on the R516 Regional Road or local roads;

(e) Measures to obviate queuing of construction traffic on the adjoining road network;

(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(g) 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;

(h) Details of a local community feedback mechanism, where feedback including complaints are received and acted upon by a designated Community Liaison Officer;

(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) Details of all services and utilities along the grid connection route/construction haul route and methodology for culvert and river crossings.

(k) 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;

(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

(n) Works to be carried out in accordance with Inland Fisheries Ireland 'Guidelines on protection of fisheries during construction works in and adjacent to waters';

(o) 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;

(p) Measures to be implemented to minimise the potential for increased soil/peat stability and erosion of soils, with monitoring of the same.

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

19. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit an updated Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The Traffic Management Plan shall incorporate details of the road network to be used by construction traffic including oversized loads, temporary parking areas, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development.

The plan shall also contain details of how the developer intends to engage with relevant parties (County Councils, Public Private Partnership companies etc.) and notify the local community in advance of the delivery of oversized loads. Any proposed works to the national road network to facilitate turbine delivery shall comply with the requirements of Transport Infrastructure Ireland.

Reason: In the interest of traffic safety and convenience.

20. **(a)** All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Note that Uisce Éireann does not permit Build Over of its assets. Where the developer proposes works or build over existing water or wastewater services, the developer shall have received a written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

(b) Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority, in consultation with Uisce Éireann, a Downstream Drinking Water Protection Plan.

(c) The Construction Environmental Management Plan (CEMP) and Stormwater Management Plan shall be updated prior to the commencement of development to include the downstream River Maigue abstraction at Adare Water Treatment Plant as a sensitive receptor and Uisce Éireann shall be added to the list of authorities in Section 7.2 of the CEMP to be notified in the event of an environmental incident.

Reason: To protect the public water and wastewater facilities.

21. **(a)** Prior to the commencement of development the developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Geophysical Survey and a pre-development Archaeological Test Excavation of the development site for all greenfield sections of the development. In advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works the developer shall submit an Archaeological Impact Assessment Report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage (DHLGH).

(b) The Archaeological Geophysical Survey shall be carried out under licence or consent from National Monuments Service (as applies) and in accordance with an approved method statement. Having completed the work, the archaeologist shall submit a written report to the Department of

Housing, Local Government and Heritage and the planning authority describing the results of the Archaeological Geophysical Survey.

(c) The archaeologist shall liaise with the Department of Housing, Local Government and Heritage to establish—based on the results the Archaeological Geophysical Survey—the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.

(d) The report on the Archaeological Test Excavation shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, reservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required.

(e) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer.

(f) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.

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

22. **(a)** A suitably qualified archaeologist shall be retained to advise on and establish appropriate Exclusion Zones around the external-most elements of vulnerable Heritage Assets located within the development site (as identified in Chapter 14 of the Environmental Impact Assessment Report or by any subsequent investigations associated with the project).

(b) Exclusion Zones shall be fenced off or appropriately demarcated for the duration of construction works in the vicinity of the monuments. The location and extent of each Exclusion Zone and the appropriate methodology for fencing off or demarcating at each location shall be

agreed in advance with the Department of Housing, Local Government and Heritage and the planning authority.

(c) No groundworks of any kind (including but not limited to advance geotechnical site investigations) and no machinery, storage of materials or any other activity related to construction will be permitted within Exclusion Zones.

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

23. The developer shall retain the services of a suitably qualified archaeologist to advise on an archaeological mitigation plan for decommissioning of the development, to include mitigation measures for the removal of the turbines and the protection of any archaeological sites and monuments that are in situ at the site. The Decommissioning Plan shall be updated to include the location of any archaeological or cultural heritage constraints as set out in Chapter 14 of the Environmental Impact Assessment Report and by any subsequent archaeological investigations associated with the project. It shall clearly describe all identified likely impacts from decommissioning—both direct and indirect—and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during decommissioning works.

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

24. The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and 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.

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

25. **(a)** Prior to commencement of development and following consultation with the Department of Defence and Irish Aviation Authority (IAA), 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.

(b) The developer shall inform Shannon Airport Authority, IAA and AirNav Ireland of its intention to commence crane operations with a minimum of 30 days prior notification of their erection.

(c) Prior to commissioning of the turbines, the developer shall inform the planning authority and the IAA in WGS-84 format 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.

26. Prior to the commissioning of the windfarm, the developer shall submit for the written agreement of the planning authority details of actions to be taken by the developer in the event of the proposed development causing interference with telecommunication signals or television reception. Such actions shall be completed to minimise interference with telecommunication signals and shall be carried out to the written satisfaction of the planning authority at the developer's expense.

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

27. The Community Benefit scheme shall be adhered to for the life of the windfarm. The scheme shall be administered in accordance with the Renewable Electricity Support Scheme (RESS) Good Practice Principles Handbook for Community Benefit Funds, 2021, prepared by the Department of the Environment, Climate and Communications.

In the event that the developer does not utilise the government's Renewable Electricity Support Scheme, 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 Coimisiún Pleanála for determination.

Reason: To ensure that the community living in proximity to the wind farm, benefits from it.

28. 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 Coimisiún Pleanála for determination.

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

29. Prior to commencement of development, the developer shall lodge with the relevant planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the relevant planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the relevant 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 relevant planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site

30. 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 Coimisiún 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.

Schedule of Costs

1. In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be recouped **from** the applicant is **€32,699**.

2. A breakdown of the Commission's costs is set out below for attachment to the Order as Appendix 1.

Costs of determining the Application

Case Number: ACP-323780-26

Proposed Development: 10 year planning permission for Ballinlee Wind Farm consisting of 17 no. wind turbines, a permanent 110kV substation and ancillary development located in Ballincurra, Ballengarra, Ballinlee North & South, Ballinrea, Ballyreesode, Camas North & South, Carrigeen, Knockuregare, Ballybane and other townlands in County Limerick.

Commission Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €3,346 Inspector 2 (application) €88,789 Inspector 3 (application) €49,951 Ecologist (application) €960	€143,046
(2)	Costs invoiced to Commission	€9,603
	Total chargeable costs	**€152,649**
Commission Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- € 4,500	€104,500
(4)	Observer fees paid	€15,450
	Total	€119,950
	Net amount due to be recouped **from** the applicant	**€32,699**