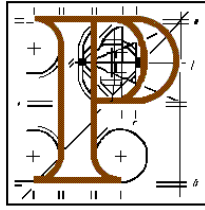


An Bord Pleanála



Na hAchtanna um Pleanáil agus Forbairt 2000 go 2015

Contae na Gaillimhe

Uimhir Thagartha i gClár Pleanála: 13/829

ACHOMHARC ó Martin Walsh ó 62 Elm Grove, Manchain, Sasana agus ó dhaoine eile in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe ar an 14 Feabhra, 2014 cead pleanála faoi réir coinníollacha a thabhairt do Western Power Developments Limited faoi chúram Malachy Walsh and Partners ón Rinn, Cathair Uí Mhóráin, Trá Lí, Contae Chiarraí de réir pleananna agus sonraí a taisceadh leis an gComhairle sin.

APPEAL by Martin Walsh of 62 Elm Grove, Manchester, England and by others against the decision made on the 14th day of February, 2014 by Galway County Council to grant subject to conditions a permission to Western Power Developments Limited care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

AN FHORBAIRT BHEARTAITHE: Cead pleanála ar feadh tréimhse deich mbliana chun feirm ghaoithe a thógáil le haon tuirbín dhéag (le huasrinn lainne 140.5 méadar) agus na limistéir chrua sheasta a bhaineann leis an bhforbairt, crann buan meitéareolaíochta (90 méadar ar huasairde) fostáisiún leictreachais 110kv a thógáil san áireamh dhá fhoirgneamh (6.1 méadar ar airde) agus trealamh leictreachais ghaolmhara, bealach nua isteach ag an suíomh san áireamh droichead, bóthar nua agus uasghrádaithe chun fónamh a dhéanamh ar an bhforbairt, na cáblaí faoi thalamh agus infreastruchtúr a bhaineann leis an suíomh agus limistéar a sholáthar le haghaidh deascadh móna, ag Cnoc Raithní agus ag Na hArd-doiriú, Maigh Cuilinn, Contae na Gaillimhe. In éineacht leis an iarratas bhí Ráiteas Tionchair Timpeallachta agus bhí Ráiteas Tionchair Natura. Leasaíodh an fhorbairt bheartaithe de réir fhógraí poiblí breise a fuair An Bord Pleanála ar an 6 Deireadh Fómhair, 2015.

PROPOSED DEVELOPMENT: 10 year permission for development of wind farm comprising 11 number wind turbines (with a maximum blade-tip height of up to 140.5 metres) and associated hardstand areas, one permanent meteorological mast (up to 90 metres), construction of one 110kV substation including two buildings (6.1 metres in height) and associated electrical equipment, provision of a new site entrance including bridge crossing, provision of new and upgraded internal site service road, all underground cabling and associated infrastructure and provision of peat deposition area, all at Cnoc Raithní (Knockranny) and Na hArd-doiriú (Arderroo), Moycullen (Maigh Cuillinn), County Galway. The application was accompanied by an Environmental Impact Statement and a Natura Impact Statement. The proposed development was revised by further public notices received by An Bord Pleanála on the 6th day of October, 2015.

CINNEADH / DECISION

CEAD A THABHAIRT don fhorbairt beartaithe thuasluaite de réir pleananna agus sonraí thuasluaite mar gheall ar na cúiseanna agus ar na breithnithe atá ráite thíos agus faoi réir na gcoinníollacha a shonraítear seo a leanas.

GRANT permission 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.

NA hÁBHAIR A BHÍ CURTHA SAN ÁIREAMH / MATTERS CONSIDERED

Ag déanamh a chinnidh, thug an Bord aird do na nithe áirithe atá dualgas air, de bhua na n-Achtanna um Pleanáil agus Forbairt agus na Rialachán arna ndéanamh fúthu, aird a thabhairt dóibh. San áireamh bhí aon aighneacht agus tuairim a fuair an Bord faoi réir forálacha reachtúla.

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

CÚISEANNA AGUS BREITHNITHE

Le cinneadh a dhéanamh ar an gcás thug an Bord aird do na rudaí seo a leanas:

- (a) na spriocanna náisiunta chun fuinneamh a fháil ó fhoinsí fuinnimh inmharthana,
- (b) na Treoirlínte um Fhorbairt Fuinnimh Gaoithe: Treoirlínte d'Údaráis Phleanála eisithe ón Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil, 2006,
- (c) polasaithe an údaráis phleanála mar atá leagtha amach sa Phlean Forbartha Chontae na Gaillimhe 2015-2021, agus sa Phlean seo tá an limistéar seo ainmnithe mar áit straitéiseach le haghaidh cheantar d'fhorbairt fheirm gaoithe (Ag tagairt do Léarscáil WE-5A),
- (d) Saintréith an cheantair ó thaobh tírdhreacha de agus an topagrafaíocht máguaird,
- (e) Saintréithe an tsuímh agus an cheantair go ginéarála,
- (f) an gréasán forbartha atá ceadaithe sa cheantar agus atá ann cheana féin, san áireamh na feirmeacha gaoithe eile,
- (g) ar an achar idir tithe nó áiteanna íogaire eile agus an fhorbairt bheartaithe,
- (h) na bearta maolaithe atá leagtha amach sna cáipéisí, san áireamh an Ráiteas Tionchair Timpeallachta (a fuair an Bord ar an 31 Márta, 2014), an Ráiteas Tionchair Timpeallachta athbhreithnithe (a fuair an Bord ar an 24 Lúnasa, 2015/an 1 Meán Fómhair, 2015), san áireamh an Ráiteas Tionchair Natura (a fuair an Bord ar an 31 Márta, 2014) agus an Ráiteas Tionchair Natura athbhreithnithe (a fuair an Bord ar an 24 Lúnasa, 2015/an 1 Meán Fómhair, 2015),
- (i) stair pleanála an tsuímh agus an cheantair máguaird, agus
- (j) na haighneachtaí agus na tuairimí a rinneadh maidir leis an iarratas pleanála agus leis an achomharc, agus tuarascáil an Chigire.

Meastar, agus í curtha i gcríoch de réir na gcoinníollacha atá leagtha amach thíos, go mbeadh an fhorbairt bheartaithe i gcomhréir leis na polasaithe Náisiúnta agus an Chontae mar gheall ar fhuinneamh gaoithe, nach mbeadh

éifeachtaí suntasacha diúltacha ar an bpobal sa cheantar, nach mbeadh truailliú dá bharr, nach mbeadh tionchar díobhálach ar thírdhreach nó ar radharc na háite, nach ndéanfaí díobháil mhór do thaitneamhachtaí nó do mhaoin sa chomharsanacht, nach mbeadh an fhorbairt díobhálach d'oidhreacht chultúrtha nó d'oidhreacht ailtireachta na háite, go mbeadh an fhorbairt inghlactha maidir le cúrsaí áise agus cúrsaí sábháilteachta tráchta. Dá bhrí sin, bheadh an fhorbairt bheartaithe ar aon dul le pleanáil chuí agus le forbairt inchothaithe an limistéir.

Agus cinneadh déanta ag an mBord gan glacadh le moladh an Chigire cead pleanála a dhiúltú, mheas an Bord gach cáipéis sa chomhad san áireamh an cháipéis a fuair an Bord ón iarratasóir ar an 24 Lúnasa, 2015/an 1 Meán Fómhair, 2015, mar fhreagra d'fhógra an Bhoird eisithe faoi alt 132 ar an 25 Bealtaine, 2015. Agus measúnú déanta ar na cáipéisí seo san áireamh an Ráiteas Tionchair Timpeallachta (a fuair an Bord ar an 31 Márta, 2014), an Ráiteas Tionchair Timpeallachta athbhreithnithe agus uasdátaithe (a fuair an Bord ar an 24 Lúnasa, 2015/an 1 Meán Fómhair, 2015), san áireamh an Ráiteas Tionchair Natura (a fuair an Bord ar an 31 Márta, 2014) agus an Ráiteas Tionchair Natura athbhreithnithe agus uasdátaithe (a fuair an Bord ar an 24 Lúnasa, 2015/an 1 Meán Fómhair, 2015), rinne an Bord Measúnacht Tionchair Timpeallachta agus Measúnacht Chuí mar a luaitear thíos. Mheas an Bord gur dhéileáil an t-iarratasóir go sásúil leis an inní a bhí léirithe ag an gCigire maidir leis an díshocrú, éifeachtaí bhacainne do ghluaiseacht agus an riosca imbhualte a thagann as tógáil agus as oibriúchán na feirme gaoithe do na héin a bhaineann le Láithreán Sainspéis Eolaíochta a mbíonn ag eitilt trasna an tsuímh, go háirithe an Fheadóg Bhuí.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) national policy relating to the development of sustainable energy sources,
- (b) the provisions of the “Wind Farm Planning Guidelines”, issued by the Department of the Environment, Heritage and Local Government in 2006,
- (c) the policies of the planning authority as set out in the Galway County Development Plan 2015 - 2021, which include the site of the proposed development within a designated strategic area for wind farm development (Map WE-5A refers),
- (d) the character of the landscape and the topography surrounding the site,
- (e) the characteristics of the site and of the general vicinity,
- (f) the pattern of existing and permitted development in the area, including other wind farms,
- (g) the distances from the proposed development to dwellings or other sensitive receptors,
- (h) the range of mitigation measures set out in the documentation received, including the Environmental Impact Statement (received by the Board on the 31st day of March, 2014), revised Environmental Impact Statement (received by the Board on the 24th day of August, 2015/1st day of September, 2015), Natura Impact Statement (received by the Board on the 31st day of March, 2014) and revised Natura Impact Statement (received by the Board on the 24th day of August, 2015/1st day of September 2015),
- (i) the planning history of the site and surrounding area, and
- (j) the submissions and observations made in connection with the planning application and the appeal, and the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with the National and County

policies in respect of wind energy, would not have significant negative effects on the community in the vicinity, would not give rise to pollution, would not result in detrimental visual or landscape impacts, would not seriously injure the amenities of the area or of property in the vicinity of the site, would not be injurious to the cultural or archaeological heritage of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission, the Board considered all of the documentation on file including the submission from the applicant received by the Board on the 24th day of August, 2015/1st day of September, 2015, in response to the section 132 Notice issued by the Board on the 25th day of May, 2015. Having considered this documentation, including the Environmental Impact Statement (received by the Board on the 31st day of March, 2014) and the revised and updated Environmental Impact Statement (received by the Board on the 24th day of August, 2015/1st day of September, 2015), the Natura Impact Statement (received by the Board on the 31st day of March, 2014) and the revised and updated Natura Impact Statement (received by the Board on the 24th day of August, 2015/the 1st day of September, 2015), the Board completed an Environmental Impact Assessment and Appropriate Assessment as documented below. The Board considered that the concerns that had been expressed by the Inspector in respect of the disturbance, barrier effects to movement and collision risk arising from the construction and operation of the wind farm on birds of Special Conservation Interest known to traverse the site, notably the Golden Plover, had been satisfactorily addressed by the applicant.

MEASÚNACHT CHUÍ

Mheas an Bord mar gheall ar an eolas a bhí faoina bhráid, san áireamh an Ráiteas Tionchair Natura agus an Ráiteas Tionchair Natura athbhreithnithe gur féidir leo Measúnacht Chuí a dhéanamh. Rinne an Bord Measúnacht Chuí.

Scagadh le haghaidh measúnachta cuí:

Le linn scagadh a dhéanamh, mheas an Bord nádúr na forbartha beartaithe mar aon leis na tréithe agus leis na spriocanna caomhnaithe a bhaineann leis na deich gcinn de shuíomhanna Natura 2000 atá lonnaithe laistigh de 15 km ón bhforbairt bheartaithe, go háirithe:

- Limistéar Caomhantais Speisialta Choimpléasc Phortach Chonamara (códuimhir an tsuímh 002034);
- Limistéar Caomhantais Speisialta Loch agus Coillte an Rois (códuimhir an tsuímh 001312);
- Limistéar Caomhantais Speisialta Phábháil Aolchloiche Ghort na nDarach (códuimhir an tsuímh 001271);
- Limistéar faoi Chosaint Speisialta Choimpléasc Phortach Chonamara (códuimhir an tsuímh 4181);
- Limistéar Caomhantais Speisialta Loch na Coiribe (códuimhir an tsuímh 000297);
- Limistéar faoi Chosaint Speisialta Loch na Coiribe (códuimhir an tsuímh 004042);
- Suíomh Ramsar Loch na Coiribe (códuimhir Ramsar an tsuímh 846);
- Limistéar Caomhantais Speisialta Choimpléasc Chuan na Gaillimhe (códuimhir an tsuímh 000268);
- Limistéar faoi Chosaint Speisialta Chuan na Gaillimhe Laistigh (códuimhir an tsuímh 004031);
- Suíomh Ramsar Chuan na Gaillimhe Laistigh (códuimhir Ramsar an tsuímh 838);

agus na faid atá ann idir an fhorbairt bheartaithe agus na suíomhanna seo agus aon suíomh/limistéar faoi chosaint Eorpach.

De bharr an Ráiteas Tionchair Natura a bhí curtha leis an iarratas agus leis an achomharc ní raibh aon ghá Measúnacht Chuí Céim II a dhéanamh maidir le Limistéar Caomhantais Speisialta Phábháil Aolchloiche Ghort na nDarach (códuimhir an tsuímh 001271) agus Limistéar Caomhantais Speisialta Choimpléacs Chun na Gaillimhe (códuimhir an tsuímh 000268). Ghlac an Chigire leis an scagadh seo. Ar bhonn an eolais a bhí le fáil, san áireamh tuarascáil an Chigire, mheas an Bord nach mbeadh tionchar suntasach ag an bhforbairt bheartaithe ina haonar nó le forbairtí eile ar cheachtar de na suíomhanna Eorpacha seo ó thaobh spriocanna caomhnaithe an tsuímh.

Céim II

Mheas an Bord an t-eolas ábhartha a bhí faoina bhráid ar an gcomhad agus mheas an Bord tuarascáil an Chigire, na conclúidí agus an moladh le linn chruinniú an Bhoird ar an 12 Bealtaine 2015. D'aontaigh an Bord le conclúidí an Chigire mar gheall ar an imní faoi impleachtaí a d'fheadfadh a bheith ar speiceas éan atá ainmnithe agus a bhaineann leis an Limistéar Caomhantais Speisialta Choimpléasc Phortach Chonamara (códuimhir an tsuímh 002034), leis an Limistéar faoi Chosaint Speisialta Loch na Coiribe (códuimhir an tsuímh 004042) agus leis an Limistéar faoi Chosaint Speisialta Chuan na Gaillimhe Laistigh (códuimhir an tsuímh 004031), go háirithe an Fheadóg Bhuí. Shocraigh an Bord fógra a eisiúint faoi alt 132 chuig an iarratasóir chun déileáil leis an gceist seo sular chríochnaigh an Bord an Mheasúnacht Chuí.

Mheas an Bord tuairim an Chigire ar an ngá a d'fheadfadh a bheith ann tuilleadh suirbhéireacht réamhthógála a dhéanamh ar an suíomh mar gheall ar dhíshocrú do ghnáthóg a d'fheadfadh a bheith ann don bhFritileán Réisc (*Euphydryas Aurinia*). Mheas an Bord, áfach, nach raibh aon ghá glacadh le moladh an Chigire de bharr an mhéid agus an chineáil oibre suirbhéireachta a bhí déanta cheana féin maidir leis an speiceas seo agus a bhaineann lena ghnáthóg i ndáil leis an bhforbairt bheartaithe. Ghlac an Bord le moladh an Chigire coinníoll chun a cheangal nach ndéanfar oibreacha le linn shéasúr ghoir an speicis seo mar bheart réamhchúraim.

D'eisigh an Bord fógra faoin alt 132 ar an 25 Bealtaine, 2015 agus fuarthas freagra ar an bhfógra seo ar an 24 Lúnasa, 2015/an 1 Meán Fómhair, 2015. Scaipeadh an freagra ar na páirtithe agus seoladh fógraí poiblí nua. Fuarthas freagraí agus ráitis ó na páirtithe agus ó na breathnóirí seo a leanas:

- Martin Walsh
- Stiofán Ó Cualáin agus Máire Ní Raghallaigh
- An Taisce
- Padraig Ó Catháin
- John Rushe agus Annette Collins

- Thomas Ó Raghallaigh
- Peter Sweetman
- Máire Ní Luachra agus daoine eile

Mheas an Bord an t-eolas breise a bhí faighte ón iarratasóir san áireamh an Ráiteas Tionchair Natura agus na ráitis a bhí faighte ó pháirtithe agus ó bhreathnóirí agus rinneadh tuilleadh measúnaithe agus anailíse ar an himpleachtaí a d'fhéadfadh a bheith ann ón bhforbairt bheartaithe ar na speicis éan atá cosanta san áireamh, go háirithe, an Fheadóg Bhuí. Agus meastóireacht á déanamh, bhí an Bord sásta go raibh an t-eolas a bhí le fáil san eolas breise agus sa Ráiteas Tionchair Natura athbhreithnithe cuimsitheach, críochnúil agus láidir agus bhí an Bord sásta gur baineadh úsáid as an gcomhairle eolaíoch is fearr a bhí le fáil maidir le taighde, sonraí suirbhé a bhailiú agus anailís a dhéanamh ar na hábhair chéanna.

Sa Ráiteas Tionchair Natura athbhreithnithe rinneadh na conclúidí seo a leanas:

- Níl aon áiteanna beathaithe traidisiúnta nó áiteanna beathaithe geimhridh nó áiteanna pórucháin ar an suíomh nó sa cheantar máguaird don bhFeadóg Bhuí;
- Ní raibh ach cuid idir an-bheag go beag d'ealtaí le breathnú ar an suíomh agus sa cheantar ag eitilt ar airde mhór agus ar imirce idir na suíomhanna;
- Ba í an ealta is mó a bhí le feiceáil ná 0.003 % den líon náisiúnta le linn an gheimhridh;
- Meastar de bharr leagan amach na dtuirbíní go bhfuil a dhóthain spáis ann d'eitilt idir na tuirbíní atá beartaithe;
- Bunaithe ar an bhfianaise eolaíoch sa Ráiteas Tionchair Natura athbhreithnithe ní bheidh díshocrú suntasach i gceist agus ní bheidh éifeacht ar an bhFeadóg Bhuí de thoradh na forbartha beartaithe;
- Ní bheidh impleachtaí suntasacha do ghluaiseacht na Feadóige Buí agus ní bheidh riosca suntasach imbhualte dá bharr; agus
- Ní chuirfidh an tionscadal isteach ar an stádas caomhantais fabhracha a bhaineann leis an bhfeadóg Bhuí.

Ní fuarthas aon rud substaintiúil nó imníoch nó aon fhianaise eolaíoch shubstaintiúil a d'fhéadfadh amhras a chaitheamh ar na torthaí agus ar na conclúidí atá le fáil sa Ráiteas Tionchair Natura athbhreithnithe. Tar éis meastóireacht chuimsitheach a dhéanamh ar an gcás rinne an Bord cinneadh gur féidir torthaí agus conclúidí atá leagtha amach sa Ráiteas Tionchair Natura athbhreithnithe a ghlacadh.

Ghlac an Bord go mbeidh cáblaí leictreachais le cur faoi thalamh maidir leis an gceangal 110kV atá beartaithe chun ceangal leis an eangach náisiúnta tríd an fostáisiún atá beagnach críochnaithe. Beidh na cáblaí curtha in aice leis an rochtain chuig an bhfeirm gaoithe atá beartaithe ar an taobh thiar de thuirbín uimhir 4 atá beartaithe agus de thuirbín uimhir 11 atá beartaithe agus ghlac an Bord leis na conclúidí sa Ráiteas Tionchair Natura athbhreithnithe mar gheall ar an ábhar den bhforbairt.

Mar thoradh bhí an Bord sásta thar amhras réasúnach ó thaobh eolaíochta de, nach ndéanfaidh an fhorbairt bheartaithe, ina haonar nó i gcomhar le pleananna agus le tionscadail eile, dochar do shláine na láithreán Eorpach seo Limistéar Caomhantais Speisialta Choimpléasc Phortach Chonamara (códuimhir an tsuímh 002034), Limistéar Caomhantais Speisialta Loch agus Coillte an Rois (códuimhir an tsuímh 001312), Limistéar faoi Chosaint Speisialta Choimpléasc Phortach Chonamara (códuimhir an tsuímh 4181), Limistéar Caomhantais Speisialta Loch na Coiribe (códuimhir an tsuímh 000297), Limistéar faoi Chosaint Speisialta Loch na Coiribe (códuimhir an tsuímh 004042), Suíomh Ramsar Loch na Coiribe (códuimhir Ramsar an tsuímh 846), Limistéar faoi Chosaint Speisialta Chuan na Gaillimhe Laistigh (códuimhir an tsuímh 004031), Suíomh Ramsar Chuan na Gaillimhe Laistigh (códuimhir Ramsar an tsuímh 838) ag féachaint ar na spriocanna caomhnaithe a bhaineann leis na suíomhanna, le linn tréimhsí tógála nó tréimhsí oibriúcháin na feirme gaoithe.

APPROPRIATE ASSESSMENT

The Board considered that the information before it, including the Natura Impact Statement and revised Natura Impact Statement, was adequate to allow for the carrying out of an Appropriate Assessment. The Board completed an Appropriate Assessment.

Screening:

In carrying out this assessment, the Board considered the nature of the proposed development together with the characteristics and conservation objectives for the ten number Natura 2000 sites located within 15 kilometres of the proposed development, namely:

- Connemara Bog Complex Special Area of Conservation (site code number 002034);
- Ross Lake and Woods Special Area of Conservation (site code number 001312);
- Gortnandarragh Limestone Pavement Special Area of Conservation (site code number 001271);
- Connemara Bog Complex Special Protection Area (site code number 004181);
- Lough Corrib Special Area of Conservation (site code number 000297);
- Lough Corrib Special Protection Area (site code number 004042);
- Lough Corrib Ramsar Site (Ramsar site code number 846);
- Galway Bay Complex Special Area of Conservation (site code number 000268);
- Inner Galway Bay Special Protection Area (site code number 004031);
and
- Inner Galway Bay Ramsar Site (Ramsar site code number 838)

and the distances between the proposed site and these sites and any other European sites.

The Natura Impact Statement accompanying the application and appeal screened out the need for Stage II Appropriate Assessment in the case of (i) the Gortnandarragh Limestone Pavement Special Area of Conservation (site code number 001271) and (ii) the Galway Bay Complex Special Area of Conservation (site code number 000268). The Inspector accepted this screening. On the basis of the information available, including the Inspector's report, the Board concluded that the proposed development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on either of these two European sites in view of the site's conservation objectives.

Stage II

Having regard to the relevant information on file, the Board considered the Inspector's Report, conclusions and recommendation during its deliberations at a Board meeting held on the 12th day of May 2015. The Board agreed with the Inspector's conclusions including the concerns expressed in relation to potential impacts on bird species in respect of which the Connemara Bog Complex Special Protection Area (site code number 002034), Lough Corrib Special Protection Area (site code number 004042) and Inner Galway Bay Special Protection Area (site code number 004031) have been designated including, in particular, the Golden Plover. The Board decided to issue a section 132 Notice asking the applicant to respond to this issue prior to completing the Appropriate Assessment.

The Board considered the Inspector's suggestion concerning the possible need for further pre-construction survey work in respect of disturbance to potential habitat for the Marsh Fritillary Butterfly (*Euphydryas Aurinia*). However, the Board considered that further survey work as suggested by the Inspector was not necessary having regard to the nature and extent of the survey work that had been carried out to date in respect of this species and its host habitat in connection with the proposed development. The Board accepted the Inspector's recommendation to include a condition requiring works to be carried out outside the breeding season for this species as a precautionary measure.

A response to the section 132 Notice issued by the Board on the 25th day of May, 2015 was received on the 24th day of August, 2015/1st day of September, 2015. This response was circulated to the parties and new public notices issued. Responses and comments were received from the following parties and observers:

- Martin Walsh
- Stiofán Ó Cualáin and Máire Ní Raghallaigh
- An Taisce
- Pdraig Ó Catháin
- John Rushe and Annette Collins
- Thomas Ó Raghallaigh
- Peter Sweetman
- Máire Ní Luachra and others

The Board examined the further information received from the applicant including the revised Natura Impact Statement together with the comments from other parties and observers and carried out further evaluation and analysis of the potential impact of the proposed development on protected bird species including, in particular, the Golden Plover. In evaluating that issue, the Board was satisfied that the information contained within the further information submission and revised Natura Impact Statement was comprehensive, thorough and robust and had employed the best available scientific expertise in relation to research, the collection of survey data and the analysis of same.

The revised Natura Impact Statement concluded:

- There are no traditional feeding areas or over-wintering areas for the Golden Plover and no Golden Plover breeding at, or in the vicinity of, the site;
- Few, very small to small flocks of Golden Plover were observed at the site and in the region flying at high altitudes and migrating between sites;
- The largest flock observed represents 0.003% of the national over-wintering population;
- The proposed cluster arrangement of turbines yields ample flight corridors between turbines;
- Based on the scientific evidence presented in the revised Natura Impact Assessment there will be no significant disturbance and no effect on the Golden Plover as a result of the proposed wind farm;
- The proposed development will cause no significant effects to movement of Golden Plover and no significant collision risk; and
- The favourable conservation status of Golden Plover will not be affected by the project.

The submissions and comments received from other parties and observers did not identify any substantive issue or concern or provide any substantive scientific evidence that would cast doubt on the findings and the conclusions of the revised Natura Impact Statement. Following comprehensive evaluation the Board found that the findings and the conclusions of the revised Natura Impact Statement could be accepted.

The Board accepted that the proposed 110kV connection route to the national grid via the permitted 110kV substation currently nearing completion will involve the laying of electric cable underground along the already proposed wind farm access to the west of proposed turbine number 4 and proposed turbine number 11 and accepted the conclusions of the revised Natura Impact Statement in relation to this element of the development.

In conclusion, the Board was satisfied that it could be concluded beyond reasonable scientific doubt that the proposed development including grid connection, either individually or in combination with other plans and projects, would not adversely affect the integrity of the European sites Connemara Bog Complex Special Area of Conservation (site code number 002034); Ross Lake and Woods Special Area of Conservation (site code number 001312); Connemara Bog Complex Special Protection Area (site code number 004181); Lough Corrib Special Area of Conservation (site code number 000297); Lough Corrib Special Protection Area (site code number 004042); Lough Corrib Ramsar Site (Ramsar Site code number 846); Inner Galway Bay Special Protection Area (site code number 004031) and Inner Galway Bay Ramsar Site (Ramsar Site code number 838) in view of these site's conservation objectives, during either the construction or operation phase of the wind farm development.

MEASÚNACHT TIONCHAIR TIMPEALLACHTA

Mheas an Bord an Measúnacht Tionchair Timpeallachta a bhí curtha i dteannta leis an iarratas, na haighneachtaí ar an gcomhad agus measúnacht an Chigire faoin na tionchair timpeallachta le linn chruinniú an Bhoird ar an 12 Bealtaine 2015. Ghlac an Bord le tuarascáil an Chigire faoin Ráiteas Tionchair Timpeallachta agus d'aontaigh an Bord leis an anailís agus leis na conclúidí san áireamh an imní a bhí léirithe mar gheall ar thionchar na forbartha ar na héin atá ainmnithe in Iarscríbhinn 1.

Thug an Bord faoi deara chomh maith gur tháinig saincheisteanna chun cinn maidir leis an bhforbairt de thoradh na cás cúirte *Pól Ó Grianna and others – v – An Bord Pleanála* san Ard-Chúirt le déanaí. Shocraigh an Bord fógra a eisiúint faoi alt 132 chuig an iarratasóir chun déileáil leis an gceist seo sular chríochnaigh an Bord an Mheasúnacht Tionchair Timpeallachta.

D'eisigh an Bord fógra faoin alt 132 ar an 25 Bealtaine, 2015 agus fuarthas freagra ar an bhfógra seo ar an 24 Lúnasa, 2015/an 1 Méan Fómhair, 2015. Scaipeadh an freagra ar na páirtithe agus seoladh fógraí poiblí nua. Fuarthas freagraí agus ráitis ó na páirtithe agus ó na breathnóirí seo a leanas:

- Martin Walsh
- Stiofán Ó Cualáin agus Máire Ní Raghallaigh
- An Taisce
- Pádraig Ó Catháin
- John Rushe agus Annette Collins
- Thomas Ó Raghallaigh
- Peter Sweetman
- Máire Ní Luachra agus daoine eile

Mheas an Bord an t-eolas breise a bhí faighte ón iarratasóir san áireamh an Ráiteas Tionchair Timpeallachta athbhreithnithe i dteannta leis na ráitis ó bhreathnóirí.

Mheas an Bord an Ráiteas Tionchair Timpeallachta agus an Ráiteas Tionchair Timpeallachta athbhreithnithe a bhí curtha i dteannta leis an iarratas, agus i dteannta leis na haighneachtaí eile, agus bhí an Bord den tuairim go raibh na dociméid seo leordhóthanach gur féidir na héifeachtaí díreacha, indíreacha agus carnacha a aithint agus cur síos a dhéanamh orthu i dteannta leis na tionscadail eile a bhaineann leis an bhforbairt bheartaithe, san áireamh an ceangal leis an eangach.

Rinne an Bord Measúnacht Tionchair Timpeallachta agus tháinig an Bord ar an tuairim nach mbeadh impleachtaí do-ghlactha ag an bhforbairt bheartaithe don timpeallacht agus í curtha i gcríoch de réir na mbeartha maolaithe atá leagtha amach thíos.

ENVIRONMENTAL IMPACT ASSESSMENT

The Board considered the Environmental Impact Statement submitted with the application, the submissions on file and the Inspector's assessment of the environmental impacts during its deliberations at a Board meeting held on the 12th day of May 2015. The Board adopted the Inspector's report on the Environmental Impact Statement and concurred with its analysis and conclusions including the concerns expressed in respect of the impact of the project on Annex 1 bird species.

The Board also noted the issues that have arisen in respect of the project (wind farm and grid connection) as a consequence of the recent High Court judgement in the case of *Pól O'Grianna and others – v – An Bord Pleanála*. The Board decided to issue a section 132 notice asking the applicant to respond to these issues prior to completing an Environmental Impact Assessment.

A response to the section 132 Notice issued by the Board on the 25th day of May, 2015 was received on the 24th day of August, 2015/1st day of September, 2015. This response was circulated to the parties and new public notices issued. Responses and comments were received from the following parties and observers:

- Martin Walsh
- Stiofán Ó'Cualáin and Máire Ní Raghallaigh
- An Taisce
- Pdraig Ó'Catháin
- John Rushe and Annette Collins
- Thomas O'Raghallaigh
- Peter Sweetman
- Máire Ní Luachra and others

The Board considered the further information received from the applicant including the revised Environmental Impact Statement together with the comments from observers.

The Board considered the Environmental Impact Statement and revised Environmental Statement submitted with the application, and other submissions on file, was adequate in identifying and describing the direct effects, indirect effects and cumulative effects in combination with other projects of the proposed development, including grid connection.

The Board completed an Environmental Impact Assessment and concluded that the proposed development, subject to compliance with the mitigation measures proposed, and subject to compliance with the conditions set out below, would not have unacceptable impacts on the environment.

COINNÍOLLACHA / CONDITIONS

1. Cuirfeadh i bhfeidhm agus críochnófar an fhorbairt bheartaithe de réir na bpleananna agus na sonraí curtha isteach leis an iarratas agus faoi mar a leasaíodh leis na pleananna agus na sonraí breise a cuireadh isteach ar an 13 Nollaig, 2013 agus faoi mar a leasaíodh leis na pleananna agus na sonraí breise a fuair An Bord Pleanála ar an 24 Lúnasa, 2015/an 1 Méan Fómhair, 2015 ach amháin faoi mar a d'fhéadfadh a bheith riachtanach chun na coinníollacha seo a leanas a chomhlíonadh. I gcás na gcoinníollacha gur ghá na sonraí a bhaineann leo a bheith aontaithe leis an údarás pleanála, aontóidh an forbróir na sonraí sin i scríbhinn leis an údarás roimh thús na forbartha agus déanfar an fhorbairt agus tabharfar chun críche í de réir na sonraí aontaithe.

Cúis: Ar mhaithe le soiléireacht.

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of December, 2013 and by the further plans and particulars received by An Bord Pleanála on the 24th day of August, 2015/1st day of September, 2015 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. Cuirfidh an forbróir gach beart timpeallachta, beart togála agus gach beart maolaithe éiceolaíochta i bhfeidhm mar atá siad leagtha amach

sa Ráiteas Tionchair Timpeallachta, Ráiteas Tionchair Natura, arna athbhreithniú, agus na sonraí eile a cuireadh isteach leis an iarratas agus san eolas breise a seoladh chuig an údarás pleanála ar an 13 Nollaig, 2013 agus a seoladh chuig an mBord Pleanála ar an 24 Lúnasa, 2015/an 1 Méan Fómhair, 2015, i gcomhcheangal leis na hamlínte atá leagtha amach iontu, ach amháin faoi mar a d'fhéadfadh a bheith riachtanach chun cloí le coinníollacha an ordaithe.

Cúis: Ar mhaithe le soiléireacht agus chun cosaint a thabhairt don timpeallacht na háite le linn tréimhsí tógála agus le linn tréimhsí oibriúcháin na forbartha.

All of the environmental, construction and ecological mitigation measures set out in the Environmental Impact Statement, the Natura Impact Statement, as revised, and other particulars submitted with the application and in the further information submitted to the planning authority on the 13th day of December, 2013, and to An Bord Pleanála on the 24th day of August, 2015/1st day of September, 2015, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

3. Maireann an tréimhse gur féidir an fhorbairt cheadaithe seo a dhéanamh ar feadh deich mbliana ó dháta an ordaithe seo.

Cúis: Ag tabhairt airde do nádúr agus do scála na forbartha beartaithe, mheas an Bord gurb iomchuí tréimhse bhailíochta níos mó ná cúig bliana a shonrú.

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

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

4. Maireann an cead pleanála seo ar feadh tréimhse cúig bliana is fiche ó dháta feidhme den fheirme gaoithe.

Cúis: Ionas go mbeidh an t-údarás pleanála in ann athbhreithniú a dhéanamh ar an bhforbairt maidir leis na cúrsaí a bheidh i bhfeidhm ag an am sin.

This permission shall be for a period of 25 years from the date of commissioning of the wind farm.

Reason: To enable the planning authority to review its operation in the light of the circumstances then prevailing.

5. (a) Is é 140.5 méadar an pointe is airde atá ceadaithe ag na tuirbíní uimhir 5, 6, 7, 9, 11 agus 14 agus i gcás na dtuirbíní uimhir 1, 2, 3, 8 agus 13 an pointe is airde atá ceadaithe ná 130.5 méadar. Caithfear sonraí mar gheall ar dhearadh, ar airde agus ar dhath a chur faoi bhráid an údaráis pleanála agus aontú scríofa a fháil uathu sula gcuirfear tús leis an bhforbairt.
- (b) Maidir leis na cáblaí a cheanglaíonn na tuirbíní leis an bhfostáisiún beidh siad curtha faoi thalamh laistigh den suíomh.
- (c) Caithfear na tuirbíní gaoithe a bheith socraithe ionas go mbeidh na rótair go léir ag casadh sa treo céanna.
- (d) Beidh na claochladáin a bhaineann le gach tuirbín agus le gach crann curtha laistigh de struchtúr an chrainn féin nó ar an talamh in aice leis an gcrann atá i gceist.
- (e) Ní cheadaítear aon ábhar fógraíochta a bheith suite nó socraithe ar aon struchtúr ar an suíomh gan cead pleanála faighte cheana féin.
- (f) Beidh ábhar cuí curtha ar dhromchla na mbealaí rochtana laistigh den suíomh atá inghlactha don údarás pleanála, agus ní chuirfear tarmac nó coincreít mar dhromchla chrua orthu.
- (g) Beidh na bóithre, áiteanna crua-sheasta agus aon áiteanna eile críochnaithe go sásúil agus aontú scríofa maidir le sin faighte ón údarás pleanála, laistigh de thréimhse trí mhí ó thús feidhme na feirme gaoithe.
- (h) Ní fhágfar ar aon suíomh i stoc-chairn ithir, carraigeacha nó móin, a bheidh tochailte i rith na thréimhse tógála. Caithfear na háiteanna ina mbeidh tochailt ar siúl, san áireamh na sloic soláthair, nó áiteanna portaigh aischurtha go cuí laistigh de thréimhse trí mhí ó thús feidhme na feirme gaoithe ar aon dul

leis na sonraí atá le seoladh chuig an údarás pleanála agus aontú scríofa a fháil mar gheall orthu.

Cúis: Ar mhaithe le háiseanna an cheantair.

- (a) The permitted turbines numbers 5, 6, 7, 9, 11 and 14 shall have a maximum tip height of 140.5 metres and numbers 1, 2, 3, 8 and 13 shall have a maximum tip height of 130.5 metres. Details of the turbine design, height and colour shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.
- (b) Cables from the turbine to the substation shall be run underground within the site.
- (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 at ground level beside the mast.
- (e) No advertising material shall be placed on or otherwise affixed to any structure on the site without a prior grant of planning permission.
- (f) The access tracks within the site shall be surfaced in suitable material, acceptable to the planning authority, and shall not be hard topped with tarmacadam or concrete.
- (g) Roads, hard-standing areas and other hard-surfaced areas shall be completed to the written satisfaction of the planning authority within three months of the date of commissioning of the wind farm.
- (h) Soil, rock and other materials excavated during construction shall not be left stockpiled on site following completion of works. Excavated areas including the borrow pits and areas of peat placement shall be appropriately restored within three months of the date of commissioning of the wind farm, in accordance with details to be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of the amenities of the area.

6. Ní bhaintear aon fhásra ar an suíomh ach amháin lasmuigh le linn shéasúr ghoir an Fhrítileáin Réisc.(Euphydryas Aurinia).

Cúis: Mar bheart réamhchúraim ar mhaithe le cosaint an speicis.

Removal of site vegetation shall be carried out outside of the breeding season for the Marsh Fritillary Butterfly (Euphydryas Aurinia).

Reason: As a precautionary measure in the interest of protecting the species.

7. Caithfear sonraí aerloingseoireachta a sheoladh chuig an údarás pleanála agus aontú scríofa a fháil sula gcuirfear tús leis an bhforbairt, tar éis dul i gcomhairle le hÚdarás Eitlíochta na hÉireann. Sula gcuirfear na tuirbíní i bhfeidhm, ba éigean don fhorbróir a chur in iúl don údarás pleanála agus d'Údarás Eitlíochta na hÉireann na comhordanáidí maidir leis na pointí is airde ar na tuirbíní agus ar an gcrann ainéimiméadar.

Cúis: Ar mhaithe le sábháilteacht aerthráchta.

Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, following consultation with the Irish Aviation Authority. Prior to the commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the as-constructed tip heights and co-ordinates of the turbines and wind monitoring mast.

Reason: In the interest of air traffic safety.

8. Cuirfear i bhfeidhm go hiomlán na bearta laghdaithe torainn mar atá siad leagtha amach sa ráiteas tionchair timpeallachta agus san eolas breise a seoladh chuig an údarás pleanála. Caithfear cloí leis na coinníollacha seo a leanas:

- (a) Ní bheidh an leibhéal torainn ón bhforbairt bheartaithe, ina haonar nó i gcomhar le haon fhorbairt fuinnimh gaoithe eile atá ceadaithe nó atá ann cheana féin sa cheantar níos mó ná:

- 5 dB(A) thar leibhéal an torainn chúlra, nó
- 43 dB(A) $L_{90,10}$ nóiméad

iad tomhaiste lasmuigh de thithe nó tomhaiste ag áiteanna íogaire eile.

- (b) Sula gcuirfear tús leis an bhforbairt, aontófar clár chomhlíonadh mhonatóireacht torainn idir an t-iarratasóir agus an t-údarás pleanála maidir leis an bhfeirm gaoithe, san áireamh aon bhearta laghdaithe mar shampla díráitíl d'aon tuirbín faoi leith. Beidh na tomhais maidir le leibhéal torainn curtha i bhfeidhm ar aon dul le hEagraíocht Idirnáisiúnta na gCaighdeán (ISO) Moladh R 1996 "Assessment of Noise with Respect to Community Response," arna leasú ag ISO Moltaí R 1996-1. Seolfar na torthaí tosaigh maidir leis an gclár chomhlíonadh mhonatóireacht torainn chuig an údarás pleanála agus aontófar iad i scríbhinn laistigh de thréimhse sé mhí ó thús feidhme na feirme gaoithe.

Cúis: Ar mhaithe le taitneamhacht cónaithe.

Noise mitigation measures outlined in the environmental impact statement and in the further information submitted to the planning authority shall be carried out in full. The following conditions shall be complied with:

- (a) Wind turbine noise arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed the greater of:
- 5 dB(A) above background noise levels or
 - 43 dB(A) $L_{90,10min}$

when measured externally at dwellings or other sensitive receptors.

- (b) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-

rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with Respect to Community Response," as amended by ISO Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the wind farm.

Reason: In the interest of residential amenity.

9. (a) Ní bheidh an méid caochaíola scáileanna ón bhforbairt bheartaithe, ina haonar nó i gcomhar le haon fhorbairt fuinnimh gaoithe eile atá ceadaithe nó atá ann cheana féin sa cheantar níos mó ná 30 uair sa bhliain nó 30 nóiméad sa lá ag na tithe atá ann cheana nó ag tithe atá ceadaithe nó ag áiteanna íogaire eile.
- (b) Caithfidh duine a bhfuil cáilithe go cuí tuarascáil a dhéanamh agus é déanta de réir riachtanais an údaráis phleanála, ina léirítear gur comhlíonadh leis na riachtanais caochaíola scáileanna ag tithe. Seolfar an tuarascáil seo chuig an údarás phleanála agus aontófar í leis an údarás i scríbhinn laistigh de thréimhse dhá mhí dhéag ó thús feidhme na feirme gaoithe.

Cúis: Ar mhaithe le taitneamhacht cónaithe.

- (a) Shadow flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.
- (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 commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenity.

10. Sula gcuirfear tús leis an bhforbairt, aontóidh an forbróir prótacal leis an údarás pleanála chun measúnú a dhéanamh maidir le trasnaíocht ar raidió nó ar theilifís nó ar tharchur teileachumarsáide sa cheantar. Má tharlaíonn aon trasnaíocht, socróidh an forbróir an trasnaíocht seo de réir modheolaíochta atá le haontú i scríbhinn leis an údarás pleanála, tar éis dul i gcomhairle leis na húdaráis ábhartha eile sula gcuirfear na tuirbíní i bhfeidhm.

Cúis: Ar mhaithe le taitneamhacht cónaithe.

Prior to commencement of development, the developer shall agree with the planning authority a protocol for assessing any impact on radio or television or other telecommunications reception in the area. In the event of interference occurring, the developer shall remedy such interference according to a methodology to be agreed in writing with the planning authority, following consultation with other relevant authorities and prior to commissioning the turbines.

Reason: In the interest of residential amenity.

11. (a) Sula gcuirfear tús leis an bhforbairt, seolfaidh an forbróir na sonraí seo a leanas agus aontófar iad an i scríbhinn leis an údarás pleanála:
- (i) Plean bainistíochta tráchta, ina mbeidh sonraí ann maidir leis an ngréasán bóithre le húsáid ag an trácht tógála, an cineál feithicle a bheidh i gceist chun ábhair a iompar chuig an suíomh agus ón suíomh agus leagfar amach sceideal le haghaidh bearta rialaithe chun déileáil le hualaí neamhghnácha atá trom nó leathan.
- (ii) déanfaidh duine a bhfuil cáilithe go cuí suirbhé mar gheall ar an staid ina bhfuil na bóithre agus na droichid ar na bealaí iompair agus déanfar an suirbhé sula gcuirfear tús le tógáil na forbartha seo agus déanfar é arís nuair a bheidh an tógáil thart agus íocfar an forbróir as costas an tsuirbhé. Sa suirbhé beidh sceideal ann mar gheall ar na hoibreacha a cheanglaítear a dhéanamh ionas go mbeidh na bealaí iompair in ann déileáil leis an trácht a eascraíonn as an tógáil. Aontófar cineál agus fairsinge an tsuirbhé agus sceideal na n-oibreacha leis an údarás pleanála sula gcuirfear tús leis an bhforbairt.

- (iii) socruithe mionsonraithe chun damáiste tógála a cheartú agus socrófar aon damáiste i dtreo is go mbeidh an t-údarás pleanála sásta faoi.
 - (iv) socruithe mionsonraithe chun déileáil le socruithe sealadacha tráchta/rialú tráchta ar na bóithre.
 - (v) clár ina bhfuil scála ama leagtha amach mar gheall ar an úsáid atá beartaithe bóithre poiblí a úsáid d'fhonn tógáil na forbartha a éascú.
- (b) Déanfar na hoibreacha seo a eascraíonn as na socruithe thíosluaite ar chostas an fhorbróra, laistigh de thréimhse dhá mhí dhéag ó dheireadh úsáid gach bóthair mar bhealach iompair le haghaidh na forbartha beartaithe.

Cheal comhaontaithe ar aon cheann de na riachtanais sin, tarchuirfear an t-ábhar go dtí an Bord Pleanála lena chinneadh.

Cúis: Ar mhaithe le cosaint an ghréasáin bóithre poiblí agus chun fairsinge an cheada a chinntiú ar mhaithe le sábháilteacht tráchta agus le forbairt ordúil.

- (a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with the planning authority:
- (i) a Transport Management Plan, including details of the road network/haulage routes, the vehicle types to be used to transport materials on and off site, and a schedule of control measures for exceptional wide and heavy delivery loads.
 - (ii) a condition survey of the roads and bridges along the haul routes to be carried out at the developer's expense by a suitably qualified person both before and after construction of the wind farm development. This survey shall include a schedule of required works to enable the haul routes to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development.

- (iii) detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority.
 - (iv) detailed arrangements for temporary traffic arrangements/controls on roads.
 - (v) a programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.
- (b) All works arising from the aforementioned arrangements shall be completed at the developer's expense, within 12 months of the cessation of each road's use as a haul route for the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

12. Nuair a bheidh an fheirm ghaoithe curtha go páirteach nó go hiomlán as úsáid nó mura mbeadh an fheirm ghaoithe ag feidhmiú ar feadh tréimhse níos mó ná bliain amháin, caithfear na crainn agus na tuirbíní a bhaineann leo a bhaint as an suíomh agus bainfear gach struchtúr díchoimisiúnaithe ón suíomh, bainfear na bunsraitheanna nó cuirfear ithir orthu i dtreo is go bhfásfar an fásra laistigh de thréimhse trí mhí ó dháta díchoimisiúnaithe.

Cúis: Ionas go mbeifear in ann an suíomh a athbhunú nuair a bheidh tionscadal críochnaithe.

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 the turbines concerned shall be removed and all decommissioned structures shall be removed, and foundations removed or covered with soil to facilitate re-vegetation, within three months of decommissioning.

Reason: To ensure satisfactory reinstatement of the site upon cessation of the project.

13. Cuirfear tógáil na forbartha i bhfeidhm ar aon dul le sonraí atá leagtha amach i bPlean Bainistíocht Tógála. Seolfar an plean seo chuig an údarás pleanála agus aontófar í leis an údarás i scríbhinn sula

gcuirfear tús leis an bhforbairt. Sa phlean beidh sonraí ann maidir leis an gcleachtas tógála a bheidh i bhfeidhm agus san áireamh beidh sonraí mar gheall:

- (a) An t-ionad ar an suíomh ina mbeidh áiseanna agus ábhair an tsuímh lonnaithe san áireamh áiteanna ina mbeidh bruscar tógála le stóráil;
- (b) Ar áiteanna ina mbeidh oifigí an láithreáin tógála lonnaithe chomh maith le háiteanna le haghaidh saoráidí foirne;
- (c) Ar shonraí a bhaineann le fálú slándála agus le balla clár ar an suíomh;
- (d) Ar shonraí a bhaineann le háiseanna páirceála d'oibrí ar an suíomh i rith tréimhse na tógála;
- (e) Ar na tograí chun scuaine tráchta a sheachaint ar an ngréasán bóithre atá tadhlach;
- (f) Ar na tograí ionas nach mbeidh aon ithir, spallaí nó smionagar tógála doirte ar an ngréasán bóithre poiblí;
- (g) Ar na tograí malartacha atá curtha i bhfeidhm do choisí agus d'fheithiclí i gcás go ndúntar aon bhóthar poiblí nó cosán le linn tréimhse thógáil na forbartha;
- (h) Ar na huairéanta tógála, san áireamh na hamanna ina seachadfar ábhair chuig an suíomh;
- (i) Ar na bearta maolaithe oiriúnacha chun déileáil le torann, le deannach agus le creathadh agus chun monatóireacht a dhéanamh ar na leibhéil a bheidh i gceist;
- (j) Ar na tograí chun breosla agus ola a bhaineann leis an tógáil a choimeád i mbundáí atá tógtha le haghaidh sin ionas nach mbeidh aon doirteadh breosla ar an suíomh. Beidh díon curtha ar na mbundáí ionas nach ligfear isteach aon bháisteach.
- (k) Ar na tograí chun déileáil le diúscairt dramhaíl tógála agus dramhaíl scartála lasmuigh den suíomh.

Caithfear taifead laethúil a choimeád ionas go gcinnteofar go mbeidh na tograí agus bearta thuasluaite curtha i bhfeidhm ar aon dul leis an

bPlean Bainistíocht Tógála agus caithfear é a choimeád ionas gur féidir leis an údarás pleanála é a iniúchadh.

Cúis: Ar mhaithe le cosaint na timpeallachta agus chun cosaint a thabhairt d'áiseanna na háite.

The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) 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) Provision of construction hours, including deliveries of materials to the site;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;
- (k) Off-site disposal of construction/demolition waste.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities and safety.

14. Éascóidh an forbróir measúnú seandálaíochta a dhéanamh ar an suíomh le haghaidh caomhnú, taifeadh agus cosaint d'aon ábhar nó gné sheandálaíochta a d'fhéadfadh a bheith laistigh den láithreán. Chuige sin, caithfidh an forbróir:

- (a) cur in iúl don údarás pleanála i scríbhinn ar a laghad ceithre seachtaine roimh thús aon oibríochta láithreáin (lena n-áirítear imscrúduithe hidreolaíochta agus geothéicniúla) a bhaineann leis an bhforbairt bheartaithe,
- (b) fostóidh sé seandálaí a fhostú atá cáilithe go cuí sula gcuirfear tús leis an bhforbairt. Déanfaidh an seandálaí monatóireacht ar gach iniúchadh agus tochailt ar an láithreán, agus
- (c) socruithe a chur i bhfeidhm, ar chaighdeán atá inghlactha don údarás pleanála, ionas gur féidir ábhar seandálaíochta a thaifeadh agus é a bhaint ón suíomh má mheasann an t-údarás gur cheart é a dhéanamh.

Cheal comhaontaithe ar aon cheann de na riachtanais sin, tarchuirfear an t-ábhar go dtí an Bord Pleanála lena chinneadh.

Cúis: D'fhonn oidhreacht seandálaíochta an láithreáin a chaomhnú agus i dtreo is gur féidir iarsmaí seandálaíochta a d'fhéadfadh a bheith ar an suíomh a chaomhnú agus a chosaint.

The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least 4 weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) regarding the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. Sula gcuirfear tús leis an bhforbairt, caithfear suim airgid, banna ó chuideachta árachais, nó urrús eile a bheith sásúil don údarás pleanála, a thabhairt don údarás pleanála i dtreo is go mbeifear in ann déileáil le haon damáiste a bheith déanta do na bóithre poiblí de bharr an méid ualaí ag dul thart orthu, nasctha le comhaontú ag tabhairt an cumas don údarás pleanála an t-urrús seo, nó aon chuid de, a úsáid chun aon chuid den bhóthar poiblí a athbhunú go sásúil. Bíodh foirm agus méid an urrúis mar a aontófar idir an údarás pleanála agus an forbróir, nó ceal aontú, bíodh siad mar a réiteoidh an Bord Pleanála.

Cúis: Ar mhaithe le sábháilteacht bhóithre agus ar son pleanála cuí agus forbartha inchothaithe an limistéir.

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

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

16. Sula gcuirfear tús leis an bhforbairt, caithfear suim airgid, banna ó chuideachta árachais, nó urrús eile a bheith sásúil don údarás pleanála, a thabhairt don údarás pleanála i dtreo is go mbeifear in ann an suíomh a athbhunú go sásúil, nuair a bheidh an fhorbairt thart, nasctha le comhaontú ag tabhairt an chumhacht don údarás pleanála an t-urrús seo, nó aon chuid de, a úsáid chun aon chuid den fhorbairt a athchóiriú. Bíodh foirm agus méid an urrúis mar a aontófar idir an údarás pleanála agus an forbróir, nó ceal aontú, bíodh siad mar a réiteoidh an Bord Pleanála.

Cúis: Chun a chinntiú go mbeifear an suíomh aischurtha i gceart.

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

Reason: In the interest of orderly development and visual amenity and to ensure satisfactory reinstatement of the site.

17. Íocfaidh an forbróir suim airgid don údarás pleanála mar ranníoc leith bonneagair phoiblí agus saoráidí poiblí a théann chun tairbhe d'fhorbairt i limistéar an údaráis pleanála agus a sholáthraítear, nó a bhfuil ar intinn go soláthrófar iad, ag an údarás áitiúil nó thar a cheann de réir téarmaí na Scéime Ranníocaí Forbartha déanta faoi Alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Íocfar an ranníoc roimh thosú na forbartha nó ina leithéid de íocaíochta chomhleanúnacha a éascódh an t-údarás pleanála agus bíodh sí faoi réir aon fhorálacha chuí innéacsaithe den scéim ag an am íoctha. Aontófar an cheist idir an údarás pleanála agus an forbróir maidir leis am méid innéacsaithe agus mura n-aontófar é caithfear an cheist a chur chuig an Bhoird chun cinnidh a dhéanamh ar an ábhar.

Cúis: Is riachtanas den Acht um Pleanáil agus Forbairt, 2000, arna leasú, coinníoll a chur leis an gcead ag éileamh ranníoc de réir na Scéime Ranníocaí Forbartha atá déanta faoi Alt 48 den Acht sin.

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 the 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 the Board 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.

**Ball den Bhord Pleanála a bhfuil
údarás aige séala an Bhoird
a fhíordheimhniú.**

Dátaithe ar an lá seo de 2016.