

An Bord Pleanála



Na hAchtanna um Pleanáil agus Forbairt 2000 go 2015

Contae Chorcaí

Uimhir Thagartha i gClár Pleanála: 12/05270

Uimhir Thagartha an Bhord Phleanála: PL 04.245082 (PL04.242223)

ACHOMHARC ó Phól Ó Grianna agus ó dhaoine eile faoi chúram Planning Research Solutions ó Chluain Aodhaire, An Bábhún Buí, Contae an Chabháin in aghaidh an chinnidh a rinne Comhairle Contae Chorcaí ar an 18 Meitheamh, 2013 cead pleanála faoi réir coinníollacha a thabhairt do Framore Limited faoi chúram Fehily Timoney and company ó Core House, Bóthar Pholl an Duibh, Corcaigh de réir pleananna agus sonraí a taisceadh leis an gComhairle sin.

APPEAL by Pól Ó Grianna and others care of Planning Research Solutions of Cloneary, Bawnboy, County Cavan against the decision made on the 18th day of June, 2013 by Cork County Council to grant subject to conditions a permission to Framore Limited care of Fehily Timoney and company of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council.

FORBAIRT: Cead d'fhorbairt fheirm gaoithe a thógáil ina bhfuil sé beartaithe sé thuirbín a thógáil (a bhfuil uasairde moil 100 méadar, uas trastomhas rótair 100 méadar, agus airde iomlán go barr 150 méadar ag gabháil le gach ceann), fostáisiún ina mbeidh foirgneamh rialaithe amháin agus trealamh inmheánach gaolmhar, sloc soláthair amháin, bóithre rochtana inmheánacha nua, uasghrádú ar bhóithre rochtana inmheánacha reatha, cáblaí faoi thalamh, agus obair thánaisteach iad a bheith lonnaithe sna bailte fearainn a leanas: Doireach, Ráth Ghaiscígh agus an Leac Bheag gar do Bhéal Átha an Ghaorthaidh, Contae Chorcaí, forbairt a bhí leasaithe de réir fhógra phoiblí a fuair an Bord ar an 21 mí na Samhna, 2015 ina raibh sé beartaithe (1) Tuirbín T1 a bhogadh 50 méadar ó dheas dá shuíomh beartaithe roimhe seo, agus athruithe beaga dá réir ar an rian rochtana inmheánach agus ar an gcábla faoi thalamh lena mbaineann, (2) Soláthar thart ar 11.5 km (a bhfuil thart ar 7 km de laistigh den bhóthar poiblí) de cháblaí 38kV faoi thalamh agus cáblaí

cumarsáide faoi thalamh lena mbaineann idir an fostáisiún 38kV beartaithe agus an eangach náisiúnta leictreachais ag an bhfostáisiún 110kV ceadaithe i gCom an tSagairt i gCnocán an Phóna, Cill Gharbháin, Contae Chiarraí.

Bheadh an fhorbairt, lena n-áirítear an nasc beartaithe eangaí, lonnaithe sna bailte fearainn seo a leanas i gContae Chorcaí: Ráth Ghaiscígh, Goirtín na Coille, Doireach, an Leaca Bhán, Carraig na Damhaire, an Goirtín Fliuch, Eachros, Gort na Binne, Goirtín Eoghain, an Leac Bheag agus Ladhar na Gaoithe, agus sna bailte fearainn seo a leanas i gContae Chiarraí: Cnocán an Phóna agus Sailcheartán.

PROPOSED DEVELOPMENT: Development of a wind farm consisting of six turbines (each with a maximum hub height of 100 metres, maximum rotor diameter of 100 metres, and with a total tip height of 150 metres), a sub-station including one control building and associated internal equipment, one borrow pit, new internal access roads, upgrading of existing internal access roads, underground cables, and ancillary works in the townlands of Derragh, Rathgaskig and Lack Beg near Ballingearry, County Cork, as amended by the revised public notice received by An Bord Pleanála on the 5th day of November, 2015 consisting of (1) the relocation of Turbine T1 a distance of 50 metres to the south of its previous proposed location with consequent minor alterations to the internal access track and associated underground cable, (2) the provision of approximately 11.5 kilometres (of which approximately seven kilometres are within the public road) of 38 kV underground cabling and associated underground communication cables between the proposed on-site 38 kV substation and the national electricity grid at the permitted Coomataggart 110 kV substation at Grousemount, Kilgarvan, County Kerry.

The development, including the proposed grid connection, would be located at the following townlands in County Cork: Rathgaskig, Gorteennakilla, Derragh, Lackabaun, Carrignadoura, Gurteenflugh, Augeris, Gortnabinna, Gurteenowen, Lack Beg and Lyrenageeh and the following townlands in County Kerry: Grousemount and Sillahertane.

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 cúiseanna seo a leanas:

- (a) An polasaí náisiúnta maidir le fuinneamh a fháil ó fhoinsí malartacha agus dúchasacha agus íslíú a dhéanamh ar astaíochtaí gás ceaptha teasa,
- (b) na Treoirlínte um Fhorbairt Fuinnimh Gaoithe: Treoirlínte d'Údaráis Phleanála eisithe ón Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil, 2006,
- (c) na polasaithe atá leagtha amach sna Treoirlínte le haghaidh Pleanála sa Réigiún Thiar Theas 2010-2020,
- (d) polasaithe an údaráis phleanála mar atá siad leagtha amach sa Phlean Forbartha Chontae Chorcaí 2014-2020,
- (e) de bharr go bhfuil suíomh na forbartha gaoithe lonnaithe i gceantar atá ainmnithe sa Phlean Forbartha Chontae Chorcaí 2014-2020 mar cheantar atá 'oscailte' don cineál forbartha seo agus tá sé mar pholasaí an údaráis phleanála forbairtí cuí le haghaidh feirmeacha gaoithe a éascú,
- (f) Saintréith an cheantair ó thaobh tírdhreacha de agus toisc nach bhfuil socrúchán éiceolaíochta san áit nó sa cheantar máguaird timpeall na feirme gaoithe, agus saintréith an cheantair ina bhfuil sé beartaithe an ceangal leis an eangach a chur tríd an gceantar sin,
- (g) Saintréithe an tsuímh agus an cheantair go ginéarála,

- (h) an gréasán forbartha atá ann cheana féin agus atá ceadaithe san áireamh na feirmeacha gaoithe eile,
- (i) ar an achar idir tithe nó áiteanna íogaire eile agus an fhorbairt bheartaithe,
- (j) na bearta maolaithe atá leagtha amach sna cáipéisí, san áireamh an Ráiteas Tionchair Timpeallachta, an Ráiteas Tionchair Timpeallachta athbhreithnithe agus an Ráiteas Tionchair Natura agus an t-eolas sa bhreis,
- (k) stair pleanála an tsuímh agus an cheantair máguaird, agus
- (l) na haighneachtaí agus na tuairimí a rinneadh maidir leis an iarratas pleanála agus leis an achomhairc, san áireamh na haighneachtaí a fuarthas mar gheall ar na héifeachtaí timpeallachta agus Natura a bhaineann leis an gceangal don eangach, agus tuarascáil an Chigire.

Measúnacht Chuí

D'aontaigh an Bord le conclúid an Chigire a deir maidir leis an bhforbairt beartaithe, forbairt nach bhfuil bainteach aige nó nach bhfuil gá leis go díreach le haghaidh bhainistíocht ar aon suíomh Eorpach, go raibh an dóchúlacht ann go mbeadh éifeachtaí suntasacha i gceist ar thrí cinn de láithreáin Eorpacha – Limistéar faoi Chosaint Speisialta Shléibhte Mhullach an Ois go Muisire Mór (Cód tSuímh 004162), Limistéar faoi Chaomhnú Speisialta An Ghaorthaidh (Cód tSuímh 000108) agus an Limistéar faoi Chosaint Speisialta An Ghaorthaidh (Cód tSuímh 004109), de bharr na n-éifeachtaí a d'fheadfadh a bheith ann ar chaighdeán uisce ó dhríodar agus nó a thruailleáin a eascraíonn le linn thréimhse na tógála, agus go raibh an dóchúlacht ann go mbeadh cailteanas gnáthóige ann don Chromán na gCearc agus í mbun sealgaireachta agus dá bhrí sin bhí gá le Measúnacht Chuí a dhéanamh.

Mheas an Bord an t-eolas a bhí curtha faoina bhráid, san áireamh an ráiteas tionchair Natura a sheol an t-iarratasóir chuig an mBord ar an 21 Mean Fómhair, 2015, chomh maith leis na cáipéisí a rinne páirtithe an achomhairc ar an gcás, agus mheas an Bord go raibh na cáipéisí go léir sásúil chun measúnacht chuí a dhéanamh dá bharr sin. Rinne an Bord Measúnacht Chuí. I ndéanamh na measúnachta seo, mheas an Bord nádúr na forbartha atá beartaithe, na bearta maolaithe atá beartaithe mar chuid den bhforbairt, na spriocanna caomhnaithe a bhaineann leis an Limistéar faoi Chosaint Speisialta Shléibhte Mhullach an Ois go Muisire Mór (Cód tSuímh 004162), leis an Limistéar faoi Chaomhnú Speisialta An Ghaorthaidh (Cód tSuímh

000108) agus a bhaineann leis an Limistéar faoi Chosaint Speisialta An Ghaorthaidh (Cód tSuímh 004109), chomh maith leis an méid achair atá ann idir an fhobairt bheartaithe agus na láithreáin Eorpaigh seo agus aon láithreán Eorpaigh eile agus tugadh aird ar thuarascáil an Chigire mar gheall air sin chomh maith. Ghlac an Bord le tuarascáil an Chigire i dtaca leis seo agus glacadh lena chonclúidí.

Mheas an Bord, agus é sásta le réasún thar amhras eolaíoch réasúnach, nach mbeadh drochthionchar ag an bhforbairt (san áireamh an ceangal atá beartaithe leis an eangach), ina haonar nó i gcomhar le beartais nó le tionscadail eile, ar shláine na láithreáin Eorpaigh seo nó ar shláine aon láithreáin Eorpaigh ag féachaint do spriocanna caomhnaithe an tsuímh.

Measúnú ar an Tionchar Timpeallachta

Rinne an Bord measúnú ar an Ráiteas Tionchair Timpeallachta agus ar an Ráiteas athbhreithnithe Tionchair Timpeallachta a seoladh leis an iarratas, agus ar na haighneachtaí ar an gcomhad agus ar scagadh an Chigire ar na héifeachtaí timpeallachta. Mheas an Bord go raibh an Ráiteas Tionchair Timpeallachta agus an Ráiteas athbhreithnithe Tionchair Timpeallachta a seoladh leis an iarratas chomh maith leis na haighneachtaí ar an gcomhad sásúil i dtreo is go rabhthas in ann éifeachtaí (díreacha, indíreacha, carnacha agus tánaisteacha) na forbartha beartaithe a chur in iúl agus iad a dheimhniú (san áireamh an ceangal atá beartaithe leis an eangach). Ghlac an Bord le tuarascáil an Chigire maidir le héifeachtaí na forbartha ar an timpeallacht (san áireamh an ceangal atá beartaithe leis an eangach) agus d'aontaigh an Bord leis na conclúidí. Rinne an Bord Measúnacht Tionchair Timpeallachta agus tháinig an Bord ar an tuairim nach mbeadh éifeachtaí suntasacha ag an bhforbairt bheartaithe ar an timpeallacht agus í curtha i gcríoch de réir na mbearta maolaithe atá beartaithe agus í curtha i gcríoch de réir na gcoinníollacha leagtha amach thíos.

REASONS AND CONSIDERATIONS

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

- (a) national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions of greenhouse gases,
- (b) the provisions of the “Wind Energy Development Guidelines – Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2006,

- (c) the policies set out in the Regional Planning Guidelines for the South-West Region 2010-2020,
- (d) the policies of the planning authority as set out in the Cork County Development Plan 2014-2020,
- (e) the location of the wind farm site in an area which is identified in the Cork County Development Plan 2014 – 2020 as an area ‘Open to Consideration’ where it is the policy of the planning authority to facilitate the development of appropriate wind energy proposals,
- (f) the character of the landscape in the area and the absence of any ecological designation on or in the immediate environs of the wind farm site, and the character of the landscape through which the proposed grid connection would be provided,
- (g) the characteristics of the site and of the general vicinity,
- (h) the pattern of existing and permitted development in the area, including other windfarms,
- (i) the distances from the proposed development to dwellings or other sensitive receptors,
- (j) the range of mitigation measures set out in the documentation received, including the Environmental Impact Statement, the revised Environmental Impact Statement, the Natura Impact Statement and further information,
- (k) the planning history of the site and its surrounds, and
- (l) the submissions and observations made in connection with the planning application and the appeal, including submissions in relation to the environmental and Natura impacts of the proposed grid connection, and the report of the Inspector.

Appropriate Assessment

The Board agreed with the Inspector's conclusion that the proposed development, which is not directly connected with or necessary to the management of a European site, could potentially give rise to significant effects on three European sites – the Mullaghanish to Musheramore Mountains Special Protection Area (Site Code 004162), the Gearagh Special Area of Conservation (Site Code 000108) and the Gearagh Special Protection Area (Site Code 004109), by reason of impacts on water quality arising from run-off of sediment and/or pollutants during the construction phase, and by reason of the potential for loss of foraging habitat for the Hen Harrier, and therefore an Appropriate Assessment was required.

The Board considered that the information before it, including the Natura impact statement submitted by the applicant on the 21st day of September 2015, together with the submissions made by the parties to the appeal, was adequate to allow for the carrying out of an appropriate assessment. The Board carried out an Appropriate Assessment. In carrying out this assessment, the Board considered the nature of the proposed development, the mitigation measures proposed as part of the development, the conservation objectives for which the Mullaghanish to Musheramore Mountains Special Protection Area (Site Code 004162), the Gearagh Special Area of Conservation (Site Code 000108) and the Gearagh Special Protection Area (Site Code 004109) are designated, and the distances between the proposed site and these European sites and any other European sites, and the content of the Inspector's report. The Board concurred with the Inspector's analysis in relation to these matters, and adopted his conclusions.

The Board concluded, beyond reasonable scientific doubt, that the proposed development (including the proposed grid connection), either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites, in view of those sites' conservation objectives, or of any other European sites.

Environmental Impact Assessment

The Board considered the Environmental Impact Statement and revised Environmental Impact Statement submitted with the application, the submissions on file and the Inspector's assessment of the environmental impacts. The Board considered that the Environmental Impact Statement submitted with the application and the revised Environmental Impact Statement, and other submissions on file, were adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development (including the proposed grid connection). The Board adopted the Inspector's report on the environmental impact of the development, including the proposed grid connection, and concurred with his conclusions. 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 be likely to have significant effects on the environment.

Cúrsaí Pleanála

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 maidir le fuinneamh gaoithe, nach mbeadh éifeachtaí suntasacha diúltacha ar an bpobal sa cheantar, nach mbeadh tionchar díobhálach ar thírdhreach nó ar radharc na háite nó ar oidhreacht seandálaíochta na háite, nach mbeadh éifeachtaí suntasacha ar oidhreacht nádúrtha na háite, go mbeadh an fhorbairt inghlactha maidir le cúrsaí áise agus cúrsaí sábháilteachta tráchta agus nach mbeadh an fhorbairt dochrach do shláinte an phobail. Dá bhrí sin, bheadh an fhorbairt bheartaithe ar aon dul le pleanáil chuí agus le forbairt inchothaithe an limistéir.

Planning Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed wind farm 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 have a significant adverse impact on the landscape or the visual or residential amenities of the area or upon its archaeological heritage, would not give rise to any significant impacts on the natural 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.

COINNÍOLLACHA/CONDITIONS

1. Cuirfear 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 plananna agus na sonraí breise a cuireadh isteach ar an 20 Meitheamh, 2012 agus an 25 Aibreán, 2013 agus faoi mar a leasaíodh leis na plananna agus na sonraí breise a fuair An Bord Pleanála ar an 21 Meán 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. Go háirithe caithfear cloí leis na bearta maolaithe mar atá siad leagtha amach sa Ráiteas Tionchair Timpeallachta sa Ráiteas athbhreithnithe Tionchair Timpeallachta agus sa Ráiteas Tionchair Natura agus leis na sonraí eile a seoladh chuig an údarás pleanála agus chuig an mBord Pleanála agus cuirfear iad i bhfeidhm go hiomlán le linn thógáil, fheidhmiú agus dhíchoimisiúnú na forbartha.

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 20th day of June 2012, and the 25th day of April 2013 and as submitted to An Bord Pleanála on the 21st 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. Specifically, the mitigation measures described in the Environmental Impact Statement, the revised Environmental Impact Statement and Natura impact statement and other details submitted to the planning authority and to An Bord Pleanála shall be implemented in full during the construction, operation and decommissioning of the development.

Reason: In the interest of clarity.

2. Ní féidir brath ar an gcead pleanála seo mar chead don cheangal atá beartaithe leis an eangach, agus caithfear iarratas pleanála ar leith a dhéanamh le haghaidh sin, seachas i gcás gur forbairt dhíolmhaithe é nuair a thógtar é. I gcás aon cheangail eile leis an eangach, seachas an ceann atá le sonrú sa Ráiteas athbhreithnithe Tionchair Timpeallachta agus sa Ráiteas Tionchair Natura a seoladh chuig an mBord Pleanála ar an 21 Meán Fómhair, 2015, caithfear iarratas pleanála ar leith a dhéanamh, agus déanfar Ráiteas Tionchair Timpeallachta agus Tástáil i leith Measúnacht Chuí/Ráiteas Tionchair Natura (nuair atá gá leis).

Cúis: Ar mhaithe le soiléireacht agus chun a chinntiú go mbeidh éifeachtaí carnacha ar an timpeallacht chomh maith le haon éifeacht ar láithreáin Eorpaigh le chéile, atá bainteach leis an gceangal eangaí maidir leis an bhforbairt, faoi réir na measúnuithe riachtanacha.

This permission shall not be construed as any form of consent for the proposed grid connection, which shall be the subject of a separate planning application, unless it is exempted development at the time of construction. Any other grid connection, other than that indicated in the revised Environmental Impact Statement and Natura Impact Statement submitted to An Bord Pleanála on the 21st day of September 2015, shall be the subject of a separate planning application, which shall be accompanied by an Environmental Impact Statement and Appropriate Assessment Screening/Natura impact statement (as appropriate).

Reason: In the interest of clarity, and to ensure that the cumulative effects on the environment and any in-combination impacts on European sites, of the grid connection associated with the proposed wind farm, are subject to necessary assessments.

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

Cúis: Ag tabhairt airde do nádúr na forbartha beartaithe, mheas an Bord gur rud réasúnta agus iomchuí é cead pleanála a thabhairt a mhaireann níos mó ná cúig bliana.

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 reasonable and appropriate to specify a period of validity of the permission in excess of five years.

4. Maireann an cead pleanála seo ar feadh tréimhse cúig bliana is fiche ó dháta feidhme na feirme gaoithe. Seachas i gcás go dtabharfaí cead pleanála ar feadh tréimhse eile, caithfear na tuirbíní gaoithe agus na struchtúir a bhaineann leo a dhíchoimisiúnú agus iad a bhaint ón suíomh.

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.

The permission shall be for a period of 25 years from the date of the commissioning of the wind turbines. The wind turbines and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.

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

5. (a) Is é 150 méadar an rinn is uasairde atá ceadaithe ag na tuirbíní. Caithfear sonraí mar gheall ar dhearadh agus ar airde na dtuirbíní a chur faoi bhráid an údaráis pleanála agus aontú scríofa a fháil uathu sula gcuirfear tús leis an bhforbairt. Caithfear dath liath éadrom a chur ar na tuirbíní, san áireamh ar an túr agus ar na lainne rôtair.
- (b) Cuirfear na cáblaí a bheidh laistigh den suíomh faoi thalamh.
- (c) Socrófar na tuirbíní gaoithe i dtreo is go mbeidh na rôtair go léir ag casadh sa treo céanna.
- (d) Ní chuirfear aon ábhar fógraíochta ar aon struchtúr ar an suíomh gan a bheith cead pleanála faighte cheana féin.
- (e) Cuirfear gairbhéal nó truncáil ar dhromchla na mbealaí rochtana laistigh den suíomh, gheofar an t-ábhar ó sloc soláthair an tsuímh nó ó chairéal atá cóngarach agus ní chuirfear tarmac nó coincreít mar dhromchla chrua orthu.
- (f) 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.

- (g) Ní fhágfar ithir, carraigeacha nó móin, a bheidh tochailte i rith thréimhse na tógála i stoc-chairn ar an suíomh. Caithfear na háiteanna ina mbeidh tochailt ar siúl, san áireamh na sloic soláthair, nó áiteanna portaigh a aiscur 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 caithfear aontú scríofa a fháil mar gheall air sin.

Cúis: Ar mhaithe le áis amhairc na háite, le sábháilteacht tráchtta agus le forbairt ordúil.

- (a) The permitted turbines shall have a maximum tip height of 150 metres. Details of the turbine design and height shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The wind turbines, including tower and blades, shall be finished externally in a light grey colour.
- (b) Cables within the site shall be laid underground.
- (c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
- (d) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.
- (e) The access tracks within the site shall be surfaced in gravel or hard-core, either from the borrow pit on site or imported to the site from nearby quarries, and shall not be hard topped with tarmacadam or concrete.
- (f) 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 windfarm.
- (g) 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, to details to be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual amenity, traffic safety and orderly development.

6. 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 atá tógtha 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.

Reason: In the interest of air traffic safety.

7. 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:

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

Nuair a thomhas iad 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 dírátil 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.

Wind turbine noise arising from the proposed development, by itself or in combination with any other permitted wind energy development in the vicinity, shall not exceed the greater of:

- (a) 5 dB(A) above background noise levels or,
- (b) 43 dB(A) $L_{90,10min}$

when measured externally at dwellings or other sensitive receptors.

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.

- 8. (a) Cuirfear trealamh agus bogearraí oiriúnach leis an bhforbairt bheartaithe ionas gur féidir smacht a choimeád ar an gcaochaíl scáileanna ag na tithe in aice láimhe, ar aon dul le sonraí atá le seoladh chuig an údarás pleanála agus caithfear iad a aontú i scríbhinn leis an údarás pleanála sula gcuirfear tús leis an bhforbairt.
- (b) 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.

- (c) 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 maidir le tithe. Seolfar an tuarascáil seo chuig an údarás pleanála agus aontófar í leis an údarás i scríbhinn laistigh de thréimhse dhá mhí dhéag ó thús feidhme na feirme gaoithe. Caithfidh an forbróir na bearta atá aige chun déileáil chun na cásanna taifeadta neamhchomhlíonta a chur in iúl, san áireamh bearta chun smacht a chur ar rothlúchán na dtuirbíní más gá é sin a dhéanamh. Is féidir leis an údarás pleanála iarraidh ar an bhforbróir tuarascáil de chineál ceanna a thabhairt dó ea traimh réasúnacha ina dhiaidh sin.

Cúis: Ar mhaithe le taitneamhacht cónaithe.

- (a) The proposed development shall be fitted with appropriate equipment and software to suitably control shadow flicker at nearby dwellings, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (b) 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.
- (c) 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. The developer shall outline proposed measures to address any recorded non-compliances, including control of turbine rotation if necessary. A similar report may be requested at reasonable intervals thereafter by the planning authority.

Reason: In the interest of residential amenity.

9. Sula gcuirfear tús leis an bhforbairt, aontóidh an forbróir prótacal leis an údarás pleanála chun measúnú a dhéanamh maidir le haon 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.

Cúis: Ar mhaithe le taitneamhacht cónaithe.

Prior to the commencement of development, the developer shall agree 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.

Reason: In the interest of residential amenity and orderly development, and to prevent any interference with such services.

10. Caithfidh an t-iarratasóir athbhreithniú bliantúil a dhéanamh faoi mhéid éan atá ag baint úsáide as an suíomh (go háirithe Cromán na gCearc agus an Meirliún) agus mar gheall air sin aontóidh an t-iarratasóir agus an t-údarás pleanála clár monatóireachta bliantúil le haghaidh comhlíonta sula gcuirfear tús leis an bhforbairt. Cuirfear an plean monatóireachta seo le chéile tar éis dul i gcomhairle leis an Roinn Ealaíon, Oidhreachta agus Gaeltachta agus cuirfear i bhfeidhm an plean gach bliain ar feadh trí bliana tar éis thógáil na forbartha a chríochnú.

Cúis: Ionas go ndéanfar monatóireacht shásúil ar an tionchar ag an bhforbairt ar fhána éanúil na háite.

The developer shall review usage by birds of the wind farm site (particularly Hen harrier and Merlin) through an annual monitoring programme, which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This programme shall be developed following consultation with the Department of Arts, Heritage and the Gaeltacht and shall be repeated annually for a period of three years following completion of construction.

Reason: To ensure appropriate monitoring of the impact of the development on the avifauna of the area.

11. (a) Sula gcuirfear tús leis an bhforbairt, seolfaidh an forbróir na sonraí seo a leanas agus aontófar iad 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 bhearta 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) déanfar socruithe mionsonraithe chun damáiste tógála a cheartú agus socrófar aon damáiste i dtreo is go mbeidh an t-údarás pleanála sásta faoi.
 - (iv) déanfar socruithe mionsonraithe chun déileáil le socruithe sealadacha tráchta/rialú tráchta ar na bóithre.
 - (v) déanfar clár ina mbeidh scála ama leagtha amach mar gheall ar an úsáid atá beartaithe bóithre poiblí a úsáid d'fhonn tógáil na forbartha a éascú.
- (b) Déanfar agus críochnófar na hoibreacha seo a eascraíonn as na socruithe thíosluaite ar chostas an fhorbróra, laistigh de thréimhse dhá mhí dhéag ó dheireadh úsáid na mbóithre 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/authorities 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/authorities,
 - (iv) detailed arrangements for temporary traffic arrangements/controls on roads, and
 - (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 the use of each road 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. Sula gcuirfeadh tús leis an bhforbairt déanfaidh an forbróir plean mionsonraithe le haghaidh aischiúir agus chun déileáil leis na tuirbíní agus leis na struchtúir a ghabhann leo agus iad a bhaint ón suíomh. Aontófar an plean i scríbhinn leis an údarás pleanála. Nuair a bheidh an fheirm ghaoithe díchoimisiúnaithe go páirteach nó go hiomlán nó nuair nach mbeadh an fheirm ghaoithe ag feidhmiú a thuilleadh ar feadh tréimhse níos mó ná bliain amháin, caithfeadh na crainn agus na tuirbíní a bhaineann leo a dhíchoimisiúnú agus iad a bhaint ón suíomh. Cuirfeadh an suíomh ar ais ar aon dul leis an bplean atá aontaithe agus bainfeadh gach struchtúr díchoimisiúnaithe ón suíomh laistigh de thréimhse trí mhí ó dháta an díchoimisiúnaithe.

Cúis: Ionas go gcuirfeadh an suíomh ar ais go sásúil nuair a bheidh an tionscadal críochnaithe.

Prior to the commencement of development, a detailed reinstatement programme providing for the removal of all turbines and ancillary structures shall be submitted to, and agreed in writing with, the planning authority. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the masts and turbines concerned shall be dismantled and removed from the site. The site shall be reinstated in accordance with the agreed programme and all decommissioned structures shall be removed within three months of decommissioning.

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

13. Beidh dualgas ar an bhforbróir measúnú seandálaíochta an tsuímh a éascú le haghaidh caomhnú, taifeadadh agus cosaint a dhéanamh 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 geotheicniúla) a bhaineann leis an bhforbairt bheartaithe,
 - (b) Sula gcuirfeadh tús leis an bhforbairt fostóidh an forbróir seandálaí atá cáilithe go cúí. Déanfaidh an seandálaí monatóireacht agus measúnacht ar na hoibreacha ar an láithreán, agus

Beidh na gnéithe mar seo a leanas mar chuid den mheasúnacht:-

- (i) Nádúr an ábhair seandálaíochta agus cad iad áiteanna an tsuímh ar a bhfuil siad lonnaithe, agus
- (ii) tionchar na forbartha beartaithe ar an ábhar seandálaíochta seo.

Caithfear tuarascáil a sheoladh chuig an údarás pleanála agus beidh torthaí na measúnachta ar fáil sa tuarascáil seo, agus as an measúnacht seo aontóidh an forbróir leis an údarás pleanála sonraí mar gheall ar aon riachtanais seandálaíochta eile a mbeidh gá leo le déanamh (san áireamh, tochailt seandálaíochta, más gá leis) sula gcuirfear tús le hoibreacha na tógála.

Cheal comhaontaithe ar aon cheann de na riachtanais sin, tarchuirfear an t-ábhar go dtí an Bord Pleanála le cinneadh a dhéanamh.

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 archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (ii) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. Má dhéantar aon ghlanleagan crann ar an suíomh caithfear cloí leis na treoirlínte iomchuí atá i bhfeidhm agus eisithe ag an tSeirbhís Foraoiseachta. Caithfear na ceadúnais riachtanacha a fháil ón tSeirbhís Foraoiseachta le haghaidh aon ghlanleagan crann ar an suíomh.

Cúis: Ar mhaithe le forbairt ordúil agus ionas go gcosnófar áiseanna an cheantair.

All clear felling of forestry associated with the development shall be undertaken in accordance with the appropriate Forest Service Guidelines. All necessary licences shall be obtained from the forest service for any felling operations on site.

Reason: In the interest of orderly development and to protect the amenities of the area.

15. Tógfar an fhorbairt ar aon dul le sonraí atá leagtha amach i bPlean Bainistíocht Tógála agus Timpeallachta. Seolfar an plean seo chuig an údarás pleanála agus aontófar í leis an údarás pleanála 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 ann maidir leis na rudaí seo a leanas:

- (a) Áiteanna an tsuímh ina mbeidh áiseanna agus ábhair an tsuímh lonnaithe san áireamh áiteanna ina mbeidh bruscar tógála le stóráil,
- (b) Áiteanna ina mbeidh oifigí an láithreáin tógála lonnaithe chomh maith le háiteanna le haghaidh saoráidí foirne,

- (c) Bearta ionas gur féidir leis na feithiclí tógála rochtain a fháil ar an suíomh, san áireamh na huaireanta agus na mbealaí a bhaineann leis an trácht tógála nuair a bheidh siad ag imeacht ón suíomh agus ag teacht ar ais agus na fógraí bóithre a bhaineann leis. San áireamh beidh beartais ann chun déileáil le hualaí neamhghnácha atá trom nó leathan,
- (d) Bearta ionas nach mbeidh aon ithir, spallaí nó smionagar tógála doirte ar an ngréasán bóithre poiblí,
- (e) Bearta 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,
- (f) 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,
- (g) Na bearta chun breosla agus ola a bhaineann leis an tógáil a choimeád i mbunadaí atá tógtha le haghaidh sin ionas nach mbeidh aon doirteadh breosla ar an suíomh. Beidh díon curtha ar na mbunadaí ionas nach ligfear isteach aon bháisteach,
- (h) No bearta chun breosla a chur isteach sna feithiclí,
- (i) Na tograí chun déileáil le diúscairt dramhaíl tógála agus na sonraí chun déileáil leis an ithir thochailte a dhéanfar le linn thréimhse na tógála,
- (j) Sonraí ionas go gcoimeádfar smacht i gceart ar an uisce dromchla a ritheann chun srutha i gcomhar leis na bearta maolaithe a leagadh amach sna cáipéisí seolta, agus
- (k) Sonraí faoi na huaireanta tógála atá beartaithe.

Sula gcuirfear tús leis an tógáil, cuirfidh éiceolaí agus eolaí timpeallachta, nó duine atá cáilithe ar an leibhéal céanna, bearta a chur le chéile, san áireamh bearta chun monatóireacht a dhéanamh ar na bearta maolaithe le linn thréimhse na tógála agus caithfear fianaise a thabhairt go gcloífead leis na riachtanais thuasluaite, agus aontófar iad chomh maith leis na riachtanais le tuairisciú a bhaineann leo i scríbhinn leis údarás pleanála.

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

15. The construction of the development shall be managed in accordance with a Construction and Environment 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 including areas identified for the storage of construction waste,
 - (b) location of area for construction site offices and staff facilities,
 - (c) measures providing for access for construction vehicles to the site, including details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include, in particular, proposals to facilitate and manage the delivery of over-sized loads,
 - (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (e) 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,
 - (f) details of appropriate mitigation measures for construction-stage noise, dust and vibration, and monitoring of such levels,
 - (g) 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,
 - (h) appropriate provision for re-fuelling of vehicles,
 - (i) off-site disposal of construction waste and construction-stage details of how it is proposed to manage excavated soil,
 - (j) means to ensure that surface water run-off is controlled in accordance with the mitigation measures proposed in the submitted documents, and
 - (k) details of the intended hours of construction.

Prior to the commencement of construction, proposals for the environmental monitoring of construction works on site by an ecologist and by an environmental scientist or equivalent professional, including the monitoring of the implementation of construction-stage mitigation measures, and illustrating compliance with the requirements set out above, shall be submitted to, and agreed in writing with, the planning authority, together with associated reporting requirements.

Reason: In the interest of protection of the environment and of the amenities of the area.

16. I gcás carraige ón sloc soláthair ní cheadófar iad a úsáid ach amháin i dtreo go n-úsáidfí iad chun tógáil chrua-sheasta a dhéanamh, agus ní cheadófar iad a dhíol nó iad a iompar ón suíomh gan cead pleanála roimh ré a fháil.

Cúis: Ar mhaithe le forbairt ordúil.

Rock from the borrow pit shall be won only for the purposes of road/hardstand construction on the site, and shall not be sold or transported off site without a prior grant of planning permission.

Reason: In the interest of orderly development.

17. Sula gcuirfear tús leis an bhforbairt, caithfidh an forbróir suim airgid, banna ó chuideachta árachais, nó urrús eile a bheith sásúil don údarás pleanála, a thaisceadh leis an údarás pleanála i dtreo is go mbeifear in ann na bóithre poiblí a athchur i gcás go ndéanfar damáiste orthu de bharr iompar ualaí orthu chuig an suíomh, nasctha le comhaontú ag tabhairt cumais 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 de réir mar a aontófar é 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 phleanáil chuí agus forbairt 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.

18. Sula gcuirfeair tús leis an bhforbairt, caithfidh an forbróir suim airgid, banna ó chuideachta árachais, nó urrús eile a bheith sásúil don údarás pleanála, a thaisceadh leis an údarás pleanála i dtreo is go mbeifear in ann an suíomh a athchur nuair a bheidh an tionscadal thart, nasctha le comhaontú ag tabhairt cumais don údarás pleanála an t-urrús seo, nó aon chuid de, a úsáid le haghaidh an athchur sin a dhéanamh. Bíodh foirm agus méid an urrúis de réir mar a aontófar é 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 phleanáil chuí agus forbairt 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 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.

19. Íocfaidh an forbróir suim airgid don údarás pleanála mar ranníoc i 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. 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 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 An Bord 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.

20. Íocfaidh an forbróir suim airgid don údarás pleanála mar ranníoc speisialta faoi Alt 48(2)(c) den Acht um Pleanáil agus Forbairt, 2000, arna leasú, maidir le hoibreacha riachtanacha bóithre a dhéanfaidh an t-údarás pleanála timpeall an tsuímh a théann chun tairbhe d'fhorbairt. Aontófar méid na ranníocaíochta idir an t-údarás pleanála agus an forbróir, nó d'éagmais chomhaontú dá shórt, tarchuirfear an cheist go dtí an Bord Pleanála le cinneadh a dhéanamh. Íocfar an ranníocaíocht roimh thús na forbartha nó in íocaíochtaí tráthchoda faoi mar a d'fhéadfadh an t-údarás pleanála a éascú agus athrófar í chun dáta tráth na híocaíochta de réir athruithe san Innéacs Praghsanna Mórdhíola – Tógáil agus Foirgníocht (Earraí Caipitil), arna fhoilsiú ag an Lár-Oifig Staidrimh.

Cúis: Meastar é a bheith réasúnta go ndéanfaidh an forbróir ranníocaíocht i leith costais eisceachtúla ar leith a thabhaíonn an t-údarás pleanála agus nach bhfuil clúdaithe sa Scéim do Ranníocaíocht Forbartha agus a rachaidh chun tairbhe don fhorbairt bheartaithe.

The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works to the public road in the vicinity of the site which are required to facilitate the proposed development and which are undertaken by the local authority. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

**Member of An Bord Pleanála duly authorised to
authenticate the seal of the Board**

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

Dated this day of 2016

Dátaithe ar an lá de Mheitheamh 2016.