

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P14/575

An Bord Pleanála Reference Number: PL 03.245392

APPEAL by Clare Winds Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 30th day of July, 2015 by Clare County Council to refuse permission.

PROPOSED DEVELOPMENT: A ten year planning permission for construction of a windfarm and all associated infrastructure in the townlands Glenmore, Boolynamweel, Boolynacknockaun and Furoor near Kilmihil, County Clare. The proposed wind farm will comprise (a) the provision of a total of up to 12 number wind turbines, with a maximum overall blade tip height of up to 136.5 metres, (b) upgrading of existing and provision of new internal access roads, (c) provision of a wind anemometry mast (up to 90 metres in height), (d) three number borrow pits, (e) an electricity sub-station with control building and associated equipment, (f) underground electricity connection cabling, (g) three number temporary construction compounds and (h) all ancillary site works, and includes the upgrading of site access junctions. This application is intended to supercede the wind farm development previously permitted on part of this site under planning register reference number P02/2228 as extended by planning register reference numbers P09/438 and P14/309. (Significant further information was received by the planning authority on the 5th day of June, 2015).

DECISION

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.

MATTERS CONSIDERED

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.

REASONS AND CONSIDERATIONS

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

- (a) national policy in relation to the development of sustainable energy sources,
- (b) the Wind Energy Development Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government (2006),
- (c) the Mid-West Regional Planning Guidelines 2010-2022,
- (d) the policies of the planning authority as set out in the Clare County Development Plan 2011-2017, as varied, including the provisions of the Clare Wind Energy Strategy set out in Volume 5 of that Plan,
- (e) the location of the site within areas designated in the County Development Plan as “Strategic” and “Acceptable in Principle” for wind energy, which are considered to be “eminently suitable” and “suitable” for wind farm development, respectively,
- (f) the location of the site outside of areas designated for environmental conservation, including European Sites, Natural Heritage Areas, and designated Freshwater Pearl Mussel catchments, and the distances to such areas,
- (g) the proximity and availability of a grid connection to serve the proposed development,
- (h) the pattern of development in the vicinity, including the separation distances to dwellings and other sensitive receptors,
- (i) the topography and robust character of the landscape in this area, and the absence of protected views or scenic routes in proximity,

- (j) the planning history of the site, including planning register reference 02/2228, as extended under P09/438 and P14/309,
- (k) the extensive planning history of existing and permitted wind farms and associated infrastructure in the area, including wind farms permitted under PL03.245189 at Cahermurphy (planning register reference P14/551), PL03.239933 at Letteragh (planning register reference P11/361), at Kiltumper under planning register reference 09/358, PL03..239378 at Coor West (planning authority register reference 11/360), PL03.237524 at Slieve Callan (planning register reference P10/9), PL03.244095 at Boolynagleragh (planning register reference P13/681), Boolynagleragh substation (planning register reference 14/76), the Boolynagleragh to Booltiagh 38 kV overhead line (planning register reference 14/545), Booltiagh substation extension under PL03.245273 (planning register reference P14/761), and the existing wind farm and substation at Booltiagh permitted under PL03.120616 (planning register reference P00/567) and the proposed Booltiagh wind farm extension under planning register reference 07/2900. The Board also had regard to the decisions made under 03.PA0075 and PL03.244088 (planning register reference 14/487) at Shragh and furthermore, noted the wind farm under consideration at Slaghbooly (planning register reference 15/860),
- (l) the nature and scale of the proposed development, and the range of mitigation measures set out in the documentation received,
- (m) the submissions made in connection with the planning application and the appeal, including the submissions made by the Department of Arts, Heritage and the Gaeltacht, and
- (n) the report of the Inspector, including the examination, analysis and evaluation undertaken in respect of Appropriate Assessment and Environmental Impact Assessment.

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment and an Environmental Impact Assessment in respect of the proposed development.

Appropriate Assessment Screening

In conducting a screening exercise for Appropriate Assessment, the Board considered the nature, scale and location of the proposed development, the Appropriate Assessment screening information, the documentation submitted in support of the application and appeal, including the further information submitted to the planning authority, the submissions on file, the planning and development history of wind farm development and associated infrastructure in the vicinity, and the assessment of the Inspector in relation to the potential for impacts on European Sites. In completing the screening exercise, the Board concurred with the analysis and conclusions of the Inspector in relation to the distances to and poor potential for connectivity with European Sites generally, and therefore concluded that, by itself and in combination with other development in the area, the proposed development would not be likely to have significant effects on European Sites in view of their conservation objectives, with the exception of the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) and the Mid-Clare Coast Special Protection Area (Site Code 004182), for which a Stage Two analysis is required. The Board adopted the Inspector's report in this respect.

Appropriate Assessment

Having regard to the nature, scale and location of the proposed development, the Natura impact statement and the documentation submitted in support of the application and appeal generally, the submissions made on file, including those from the Department of Arts, Heritage and the Gaeltacht, the planning and development history of similar development in the vicinity, and the report of the Inspector, the Board undertook an Appropriate Assessment in relation to the potential effects of the proposed development on the River Shannon and River Fergus Estuaries Special Protection Area and the Mid-Clare Coast Special Protection Area. The Board also took into account the assessment of effects on European Sites previously undertaken in respect of the other existing and permitted wind farms and associated infrastructure in this area. The Board accepted the examination, analysis and evaluation set out in the Inspector's report, and concurred with her conclusions, arising from the distances to these two European Sites, and the absence of optimal habitats within and in the vicinity of the subject site to serve the relevant qualifying interests. The Board, therefore, concluded that, by itself or in combination with other plans or projects, including the grid connection route, the proposed development would not be likely to adversely affect the integrity of the River Shannon and River Fergus Estuaries Special Protection Area or of the Mid-Clare Coast Special Protection Area in view of their conservation objectives. In so doing, the Board adopted the report of the Inspector.

Environmental Impact Assessment

The Board undertook an environmental impact assessment of the proposed development, taking into consideration the nature, scale and location of the proposed development, the environmental impact statement and the documentation submitted in support of the application and appeal, the submissions made on file, including those from the Department of Arts, Heritage and the Gaeltacht, the planning and development history of similar development in the vicinity, and the report of the Inspector. It is considered that the environmental impact statement, together with the documentation on file, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board completed an environmental impact assessment in relation to the proposed development. The Board concluded that, by itself and cumulatively with other development in the vicinity, including other wind farms and the proposed grid connection route, and subject to the implementation of the mitigation measures proposed and to compliance with the conditions set out below, the effects on the environment of the proposed development would be acceptable. In undertaking this environmental impact assessment, the Board adopted the report of the Inspector as a whole, with the exception of the analysis of residual effects on water quality and Freshwater Pearl Mussel arising at construction stage, and in relation to the likelihood of significant effects on certain bird species.

Water Quality and Aquatic Ecology – Decision not to Accept the Inspector’s Recommendation

While the Board concurred with the Inspector generally in terms of identification of the potential for risk to arise from siltation during construction, the Board took a different view of the likelihood and significance of that risk in terms of the potential for impacts on Freshwater Pearl Mussel at a distance downstream. In particular, the Board was satisfied in relation to the effectiveness of mitigation through the control of drainage by best-practice construction methods. The Board had confidence that, properly implemented, the mitigation measures proposed are both effective and well-understood. In deciding not to accept the Inspector’s recommendation to refuse permission, the Board was satisfied that, following the implementation of the drainage design and mitigation measures, any residual impacts would be low in terms of both likelihood and significance, which would be acceptable. The Board formed this view as follows:

- (i) No in-stream works are proposed, and a buffer zone is to be provided of 50 metres to watercourses.
- (ii) The potential for effects on Freshwater Pearl Mussel populations at the distances involved is relatively low. The location of the proposed development towards the head of the catchment, and its limited scale relative to the scale of the catchment, at the considerable distance involved, mean that the contribution of the proposed footprint of development to water quality several kilometres downstream would not be likely to be of significance.
- (iii) The Board is satisfied that the satisfactory removal of silt through drainage design and surface water management methods is a well-established engineering practice, commonly employed within the construction industry, being well-understood and known to be effective; this includes the separation of overland flow from construction areas, compartmentalised drainage design, the use of silt removal methods including settlement ponds and, if considered necessary as a back-up, the use of the Siltbuster. The Board was satisfied that catering for storm events in the design of surface water management systems is a standard practice, and did not share the Inspector's concerns in that respect.
- (iv) The Board was, therefore, satisfied that good principles of drainage design had been applied. The Board accepts that a high standard of design, implementation and monitoring is required at this location, and is satisfied that this is the approach that has been proposed by the applicant, including detailed mitigation measures. It is considered that this can be reinforced by means of condition.

The Board noted that substantial elements of the proposed development have been undertaken for the western area of the site under a previous permission, part of which is within the Doonbeg catchment, including excavation for road construction, hardstanding areas, and turbine foundations. No evidence of concern was raised in relation to effects on water quality or Freshwater Pearl Mussel from the construction that has been completed to date.

The Inspector indicated concerns in relation to the potential use of dosing arrangements to aid use of the Siltbuster, and the effect that dosing materials might have on Freshwater Pearl Mussel if transported downstream. It is considered that the operation and dosing of the Siltbuster under appropriate professional supervision would effectively mitigate the potential for any impacts to arise. The Board is, therefore, satisfied that, subject to compliance with appropriate conditions, no material impacts would be likely to arise from the use of dosing materials in the Siltbuster in relation to water quality or to Freshwater Pearl Mussel, in the event that such use might be required as a back-up measure.

Finally, the Inspector expressed concern in relation to cumulative effects on Freshwater Pearl Mussel arising from existing and permitted development in the vicinity. Other development also within the Doonbeg catchment includes the Letteragh Wind Farm permitted under PL03.239933 (planning register reference P11/361), two turbines and the substation in the completed Booltiagh wind farm, the extension to Booltiagh substation permitted under PL03.245273 (planning register reference P14/761), and the western section of the Boolynagleragh-Booltiagh 38 kV overhead line (planning register reference 14/545). All of this development was permitted subject to detailed consideration prior to planning consent being granted. The Board is satisfied that, subject to the satisfactory implementation of the mitigation measures set out for each of these developments, and to compliance with planning conditions, no material cumulative water quality risks arise as a result of the proposed development in conjunction with the other development in the vicinity, and, therefore, no significant cumulative impact is considered likely to arise in respect of aquatic ecology, including Freshwater Pearl Mussel. The other existing and permitted wind farms in the vicinity are not located within the Doonbeg catchment, and have no connectivity with Freshwater Pearl Mussel. The Board was also satisfied that any effects on water quality arising from existing land use patterns, including forestry, would not be altered as a result of the proposed development.

Hen Harrier

The Board noted the Inspector's expression of concern in relation to the potential for cumulative effects on Hen Harrier. The significance of the West Clare area generally for Hen Harrier is acknowledged. It is also noted that the nearest European Sites having conservation objectives in relation to Hen Harrier are at a very substantial distance. This area is not specifically designated for the protection of birds. There have been no Hen Harrier nest sites within two kilometres of the proposed development in recent years. There are substantial areas of suitable Hen Harrier foraging habitat in the wider area. Accordingly, the significance of any indirect habitat loss through avoidance of the wind farm is low.

Existing and permitted development in the general vicinity, both as individual projects and in cumulation with other development proposed, were subject to environmental impact assessment, Appropriate Assessment, or screening for such assessments, including in relation to Hen Harrier. No significant individual or cumulative effects on Hen Harrier were considered likely in relation to those developments. The permitted wind farm at Glenmore (under planning register reference 02/2228, as extended in duration) informed that analysis.

The development now proposed at Glenmore has altered, extending to additional lands to the east. One additional turbine is proposed overall. The new area of land is commercial forestry plantation, which is not considered to be of high value for Hen Harrier for a considerable part of its life-cycle overall. The Board is satisfied that the previous determinations made by An Bord Pleanála and the planning authority in respect of cumulative impact on Hen Harrier would not be materially altered by the proposed development for this reason and also in light of the small area occupied by wind farms in the broader landscape of the area, and the wider availability of suitable habitat for Hen Harrier in the Slievecallan/Ben Dash/West Clare upland area.

Whooper Swan and Curlew

The Board noted the Inspector's comments in relation to wintering Whooper Swan and breeding Curlew, in relation to the absence of these birds from more recent surveys in 2012-2014, following records of their presence in previous surveys undertaken in 2002.

The Board noted that the 2002 survey at lakes in the wider landscape around the study area did not indicate that the site is of importance for wintering waterfowl, and no flight lines crossing the study area were discovered. There does not, therefore, appear to be any substantial discrepancy with later surveys, which found little evidence of wintering water fowl, including Whooper Swan, in light of the low incidence of these birds in the earlier survey.

Following records of breeding Curlew in the area in 2003, there were no further records over subsequent surveys in 2012-2014. It was concluded by the applicant that Curlew has disappeared from the area as a breeding bird, an occurrence that has coincided with a large population decline within the country as a whole. The pressures affecting this now rare breeding bird nationally are acknowledged. It is noted that the submission of the Department of Arts, Heritage and the Gaeltacht to the Board, as referenced by the Inspector, did not suggest a refusal of permission in relation to Curlew, and Board did not consider that a refusal of permission would be warranted in this instance.

Cumulative Effects

In forming its view in relation to Environmental Impact Assessment, the Board considered the main cumulative effects that have the potential to arise in light of the existing and permitted wind farm development in this area, as follows:

- The principle cumulative effect will be visual, and this is considered acceptable in light of the characteristics of this landscape, which have a capacity to absorb wind energy development, also in view of the designation of this area for such purposes.
- It is considered that cumulative operational effects on residential amenity are not likely to be significant, principally in terms of noise and shadow flicker, arising from the distances to and location of the proposed development relative to the houses and to other wind farm development in the vicinity.
- The potential for cumulative effects on identified bird species, on water quality, and on aquatic ecology is addressed above.
- The Board is satisfied that the sub-optimal nature of the habitat for bats on this site, and the separation distances between proposed turbines and bat activity, results in the likelihood of significant cumulative effects also being low.

- Peat slippage risk is low at the locations of the development proposed in the area, arising principally due to low slopes and peat depths in this vicinity; shear strength values recorded in the area are generally in the higher range. The Board, therefore, does not have concerns in this respect.
- Depending on the timing of construction, there is the potential for cumulative traffic impacts and localised congestion on local roads at the construction stage, which could result in a level of disamenity and general disturbance for road users including residents in the area, albeit on a temporary basis, and the proposed construction management plans will aid in mitigating any such effects.
- In forming its conclusions in relation to cumulative effects, the Board had regard to the detailed consideration previously undertaken prior to granting other development in the area, including environmental impact assessment, Appropriate Assessment and screening processes, including assessment of cumulative impacts of various land uses.

Overall, it is considered that any cumulative impacts arising are acceptable. In reaching this conclusion, the Board has also had regard to the designation of lands in this area as “Strategic” and “Acceptable in Principle” for wind energy, which had the purpose and effect of directing wind farms to this area, which designations were subject to the strategic environmental impact process in the adoption of the County Development Plan.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with the national and regional policies and guidelines set out above, would be in accordance with the provisions of the Wind Energy Strategy set out in the Clare County Development Plan 2011-2017, as varied, would not be unduly visually dominant and would be acceptable within this landscape, would not seriously injure the amenities of the area or of residential property in the vicinity, would not result in risk of pollution, would not detract from archaeological features or from architectural heritage, 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.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 22nd day of May, 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. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: In the interest of clarity.

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

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

4. (a) All mitigation measures set out in the environmental impact statement, Natura impact statement and supporting documentation shall be implemented in full, except as may otherwise be required to comply with the conditions set out below.

(b) The construction of the proposed development shall be supervised by suitably qualified and experienced environmental personnel, to ensure that all environmental mitigation and monitoring measures are implemented in full and to a satisfactory standard. The environmental supervisor shall report in writing to the planning authority in accordance with an agreed schedule.

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

5. The following design requirements shall be complied with:
- (a) The wind turbines, including masts and blades, and the wind monitoring mast, 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.

Reason: In the interest of visual amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed control building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

8. Prior to the commencement of construction, construction-stage details of proposals for the management of surface water shall be submitted to, and agreed in writing with, the planning authority. The plan shall set out the detailed measures to be undertaken to protect water quality during tree harvesting and construction, and shall include the following:

- (a) Construction-stage design of the proposed drainage management system shall be undertaken by a suitably qualified drainage engineer with experience of design and construction in similar environments.

- (b) All construction areas shall have measures implemented to control surface water. No direct connectivity (including pumping from excavations) is permitted between construction areas and watercourses, or drains connecting to watercourses, which shall be adequately protected by means of settlement ponds, silt bags/socks/tubes or silt fencing.
- (c) Settlement ponds shall be appropriately sized to cater for storm events, and shall be at least of two-stage design or used in train.
- (d) Settlement ponds shall be fitted with a penstock control or similar, to control the release of waters. In light of the vegetation in the vicinity of pond outfalls, suitable coir or jute matting or similar shall be used where necessary.
- (e) Clear span structures only shall be provided at watercourse crossings; bog mats alone shall not be used to span crossings.
- (f) Silt fencing shall be used to protect crossings of watercourses and drains.
- (g) Spoil heaps shall be covered or protected with silt fencing.
- (h) Construction vehicles and machinery shall be restricted to site roads and hardstanding area, where operating off these areas, bog mats shall be used. A minimum of 50 metres separation distance shall be maintained to watercourses and any drains connecting to them.
- (i) Works with a potential to result in pollution or siltation of watercourses shall be supervised by an on-site clerk of works or similar environmental/construction professional who will report on compliance with the relevant mitigation measures. A daily inspection programme of the surface water management system shall be established and recorded. In particular, the satisfactory operation of the settlement ponds shall be monitored.

Reason: To protect water quality during construction.

9. (1) The quality of water discharging to watercourses shall be such that water quality downstream in the vicinity of Freshwater Pearl Mussel populations does not materially deteriorate as a result of felling or construction relating to the proposed development, by itself or in cumulation with other development in within the Doonbeg catchment.
- (2) Proposals for a detailed programme of water quality monitoring throughout the felling and construction periods, to illustrate compliance with the above requirement, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (3) Continuous turbidity monitors shall be installed upstream and downstream of the site during felling and construction.

Reason: To protect water quality and aquatic ecology, including Freshwater Pearl Mussel.

10. Details of a felling plan shall be submitted to, and agreed in writing with, the planning authority. Felling to facilitate the proposed wind farm shall not be undertaken simultaneously with construction. Phasing proposals for felling shall illustrate how water quality will be protected both in relation to the proposed development in itself and in cumulation with other felling and construction within the Doonbeg River catchment.

Reason: To protect water quality.

11. Prior to any extraction of material from the proposed borrow pits, the suitability of the material for use in construction shall be established to the written satisfaction of the planning authority.

Reason: To protect water quality during construction.

12. (1) Excavation at borrow pit 1 shall not be undertaken within 10 metres of the Cragnashingaun Bogs Natural Heritage Area.
- (2) Excavation at borrow pit 2 shall not encroach within the 50 metre buffer distance of the watercourse in proximity to the south.
- (3) Appropriate drainage measures and silt fencing shall be provided in the vicinity of all borrow pits.

Reason: To protect water quality.

13. Any proposed Siltbuster dosing arrangements shall be in accordance with details, including proposals for supervision, water quality testing and regular reporting, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development, and following consultation with Inland Fisheries Ireland. Supervision shall be by a drainage engineer or similar professional with experience of the use of the Siltbuster in similar environments to the written satisfaction of the planning authority.

Reason: To protect water quality.

14. Works in the vicinity of streams shall comply with the “Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites”, issued by the Eastern Regional Fisheries Board.

Reason: To protect water quality.

15. (a) A pre-construction and post-construction monitoring and reporting programme for birds, including Hen Harrier, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, following consultation with the National Parks and Wildlife Service. The surveys shall be undertaken by a suitably qualified and experienced bird specialist. Surveys shall be completed annually for a period of five years following commissioning of the wind farm, and copies of the reports to the planning authority shall also be submitted to the National Parks and Wildlife Service.
- (b) No construction shall be undertaken within 500 metres of any Hen Harrier nest during the breeding season.

Reason: To ensure appropriate monitoring of usage of the area by birds.

16. Wind turbine noise arising from the proposed development shall not exceed the greater of:

- 5 dB(A) above background noise levels or
- 43 dB(A)

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. All noise measurements shall be carried out in accordance with ISO Recommendation 1996 "Acoustics - Description, measurement and assessment of environmental noise". 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.

17. (1) Shadow flicker arising from the proposed development, cumulatively with development that is existing or currently permitted, shall not exceed 30 hours per year or 30 minutes per day at dwellings or other sensitive receptors.

(2) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority, indicating compliance with the above 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 the amenity of dwellings in the vicinity.

18. In the event that the proposed development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference. Details of these measures shall be submitted to, and agreed in writing with, the planning authority prior to commissioning of the turbines.

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

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

Reason: In the interest of air traffic safety.

20. 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:

- (i) 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.

21. Prior to commencement of development, a traffic management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. This plan shall incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan shall address how coordination is to be provided in relation to any concurrent construction in the vicinity. The plan shall also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

Reason: In the interest of traffic safety.

22. The construction of the development shall be managed in accordance with a detailed 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) detailed plans of all temporary facilities,
 - (b) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, including provision of wheel washes, near the entrance, to public roads,
 - (c) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road during the course of site development works,
 - (d) details of appropriate mitigation measures for construction-stage noise, dust and vibration, and monitoring of such levels,
 - (e) containment of all construction-related fuel and oil within constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
 - (f) appropriate provision for the re-fuelling of vehicles within designated impermeable bunded areas, which shall be drained through an oil interceptor,
 - (g) provisions of an appropriately-sized facility for concrete washings,

- (h) measures to prevent any spread of invasive species to or from the site,
- (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 deleterious levels of silt do not enter watercourses or drains connecting to them, and
- (k) details of the intended hours of construction.

A record of daily checks that the works are being undertaken in accordance with the construction management plan shall be available on site for inspection by the planning authority. Prior to the commencement of construction, proposals for the environmental monitoring of construction works on site by a construction/environmental professional, including the monitoring of the implementation of construction-stage mitigation measures, and illustrating compliance with those measures, 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.

23. (1) Roads, hardstanding 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.
- (2) Soil, rock or sand excavated during construction shall not be left stockpiled on site following completion of works. Details of the treatment of stockpiled materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

24. 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 wind monitoring mast, the turbines concerned and all decommissioned structures shall be removed. These reinstatement works shall be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

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

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site on cessation of the project required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory reinstatement of the site. 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: To ensure the satisfactory reinstatement of the site.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the public road required in connection with the development, coupled with an agreement empowering the local 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 road safety.

27. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An 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.

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

Dated this day of 2016.