Section 37E Strategic Infrastructure Application Report for proposed 10-year permission

Proposed Shannon Technology and Energy Park consisting of a proposed Power Plant, which will comprise 3no. turbine halls (approximately 6,175m2 each, and approximately 30.145m in height), each containing 1no. Combined Cycle Gas Turbine (CCGT). Each turbine
hall will have a capacity of approximately 200MW for a total installed capacity of 600MW, at Kilcolgan Lower and Ralappane, Ballylongford, Co. Kerry and on the Shannon Estuary.

An Bord Pleanála Ref: ABP-319566-24

Submission to An Bord Pleanála by Kerry County Council pursuant to Section 37E of the Planning and Development Acts, 2000, as amended.

July 2024

Contents

1. Introduction

1.1 Introduction

An application has been submitted to An Bord Pleanála for a proposed project under S37E of the Planning and Development Act 2000, as amended. This report is being prepared pursuant to S37E(4) and (5) of the Planning and Development Act 2000, as amended. This report sets out the views of Kerry County Council on the effects of the proposed development on the proper planning and sustainable development of the area in which it would be located and on the Environment. The full legislative requirements are contained in Appendix A of this report.

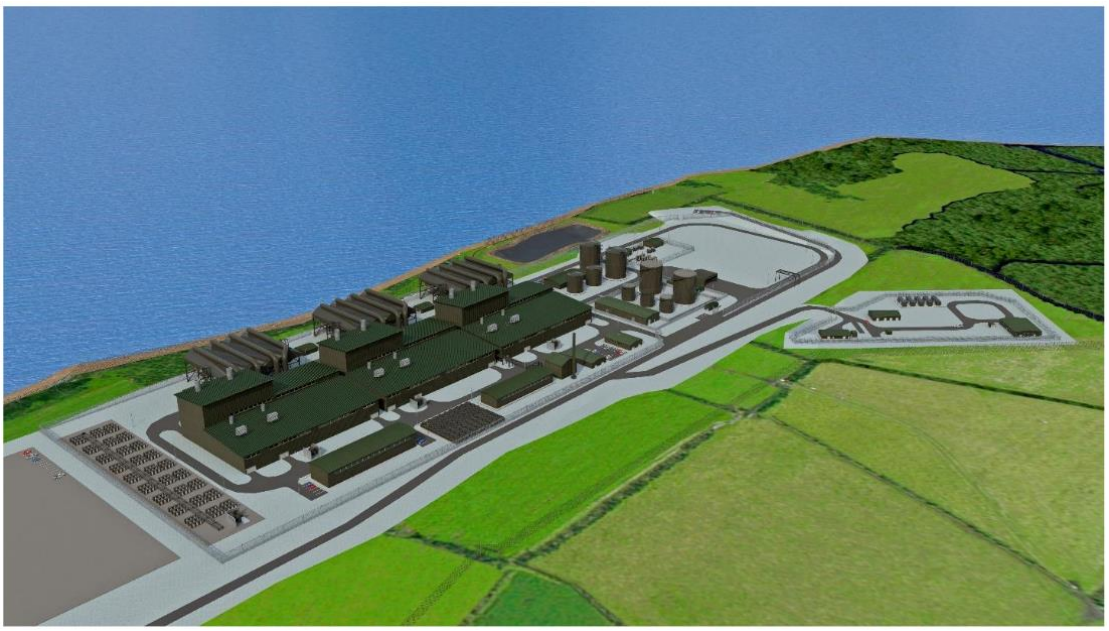


Figure 1: Overview of proposal extracted from the planning documentation submitted

1.2 Report structure

This report is set out in the following manner. Section 1 provides an introduction to the report. Section 2 describes the proposed development, the site location and its geographical context. Section 3 sets out the current planning policy and context, included with respect to energy and climate change. Section 4 provides a planning assessment of the proposal. Section 5 contains observations on the Environmental Impact Assessment Report (EIAR) and Natura impact Statement (NIS) submitted. The planning authority's conclusion is set out in Section 6. Conditions to be considered for inclusion in any grant of permission are set out in Section 7. The report contains 3 Appendices. Appendix A sets out the legislative requirements as set out in S37 of the Planning and Development Act 2000, as amended. Appendix B contains a full description of Proposed Development, while Appendix C includes details of Kerry County Councils internal consultations undertaken in relation to the proposal, including the report from the Fire Authority.

2. Proposed development, site location and geographical context

2.1 Proposed development and location

The proposed development would be located within the townlands of Kilcolgan Lower and Ralappane, Ballylongford, Co. Kerry in the North of the County and on the Shannon Estuary. Included in the proposal for a gas-powered power plant capable of 600 MW of electricity generation are three (3 No.) blocks of Combined Cycle Gas Turbines, a 120 MWh Battery Energy Storage System, Above Ground Installation (AGI) compound, High voltage 220 kV Gas Insulated (GIS) Substation and ancillary structures/works. A full description of the development is outlined Appendix B of this report.

The power plant will employ combined cycle gas turbine (CCGT) technology. The application outlines that the proposal would provide additional and flexible power generation capacity to support intermittent renewable generation and resolve a predicted generation capacity shortfall, in line with national policy goals. For example, during periods of high wind (renewable) generation, it is expected that the Power Plant would be turned down or off by the system operator (EirGrid) to give priority to renewable power.

The application outlines that the proposed development will address Ireland's security of energy supply risks, supports intermittent renewable generation, and resolves a predicted generation capacity shortfall. As electricity from renewable sources increases, a simultaneous increase in electricity demand, and closure of coal, oil and peat-fired electricity generation, means that natural gas is predicted to play an increasingly important role as a backup fuel.

It is anticipated that natural gas demand will increase from 4.4 million tonnes of oil equivalent to between 6.38 to 8.06 million tonnes of oil from now until 2040. Renewable energy generation is weather dependent, and its output fluctuates considerably. For this reason, conventional power plants are required to fill the fluctuating gap between electricity demand and renewable generation. Natural gas is the only major energy source currently available to back-up renewable generation and thereby maintain a resilient electricity supply to the country while supporting the transition to 80% renewable generation by 2030.

The proposed development would be regulated by the following bodies:- Environmental Protection Agency (EPA); Commission for Regulation of Utilities; Health and Safety Authority; and Local Planning Authority (Kerry County Council (KCC)).

2.2 Geographical context having regard to existing and permitted developments

The Tarbert / Ballylongford landbank has been identified as a suitable location for industrial development since the state purchased the first tranche of land at this location in the 1960's. North Kerry's location on the Shannon Estuary presents opportunities for future sustainable economic development and employment growth. The estuary at this location has the benefit of naturally occurring deep and sheltered waters and has long been recognised as having huge potential for industry and employment, both in the

marine area of the Estuary and its fringe lands. Both are key resources and provide space and location for development.

The proposed development site is 41ha and is located within the 430.6Ha Tarbert/Ballylongford strategic landbank. Tarbert village is located to the east as is Shannon Foynes Port a Tier 1 and EU Core Network Port. A Liquified Natural Gas Terminal was previously permitted at this location. That permission has now expired. The site is located reasonably close to national gas and electricity transmission networks. Permission exists for a gas connection from the proposed site. A foreshore lease is in place for a jetty and a foreshore licence for a storm water outfall pipe at the proposed site.

Access to the site is via the local coast road (L1010) to the south, which is one of two roads linking Ballylongford with Tarbert. This road is currently being upgraded. A small section of the Ralappane Stream is located in the southernmost part of the site close to the public road. The site generally slopes to the Shannon Estuary to the north, where the coastline is defined by a low soft sedimentary cliff, typically 2 to 5m in height. The adjoining intertidal area consists of tidal rock or shingle. The Ralappane Stream discharges to the sea to the west of the proposed site.

The site is characterised by pasture fields bounded by hedgerows and small field drains. The area has a dispersed settlement pattern. The immediate vicinity of the site is sparsely populated. The main settlements in the area are Ballylongford, Tarbert and Listowel Town. Dairy farming is the predominant land use in the area with forestry and peatbogs also present. The site adjoins the 'Fort Shannon' military defence site at Ardmore Point – constructed in the 1940's.

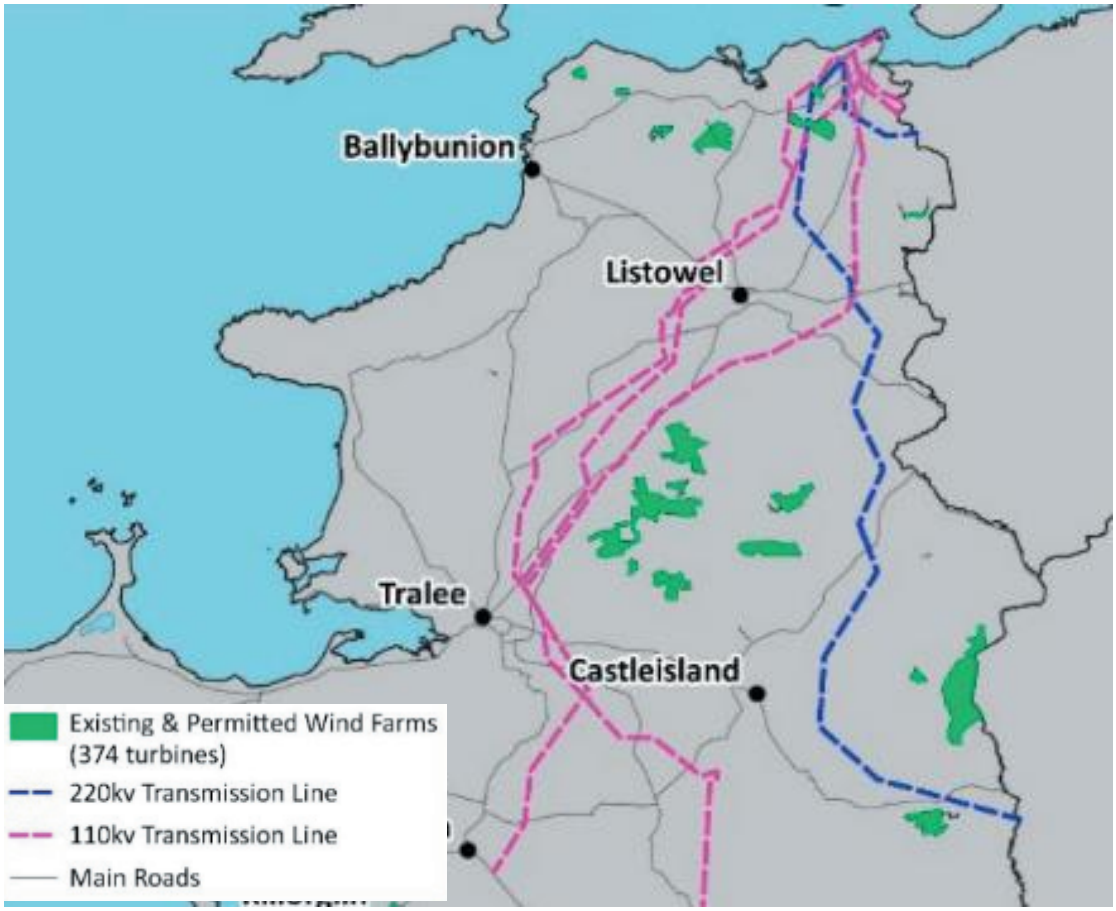
A 885MW coal-fired power station is in operation at Moneypoint on the opposite side of the Shannon Estuary (which is expected to close in 2025). Industrial development in the wider area with high energy demand include the Rusal Aughinish Alumina refinery and Kerry Co-Op Milk Processing Plant in Listowel. An oil storage facility of strategic national importance in located at Tarbert. This was upgraded in 2012 and is managed by the National oil Reserve Agency (NORA). North Kerry supports windfarm development of national significance as shown in Map 1 below, including Leanmore Wind Farm c. 2km to the south-east of the proposed development.

2.3 Context in relation to existing energy infrastructure in the area

Kerry and in particular North Kerry is an existing energy hub of national importance. An oil-fired power station has been operational at Tarbert since 1969. This conventional steam turbine thermal generation power plant with an export capacity of 590MW was expected to close in 2023, though its lifespan has been extended in light of overriding energy security concerns.

It should be noted that a Strategic Infrastructure Development (ABP Ref: PA08.318540) was recently proposed by SSE Generation Ireland Ltd for a 10 year planning permission for the proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) and associated site works at Tarbert Island, Tarbert, Co. Kerry. This application is currently under assessment by An Bord Pleanala.

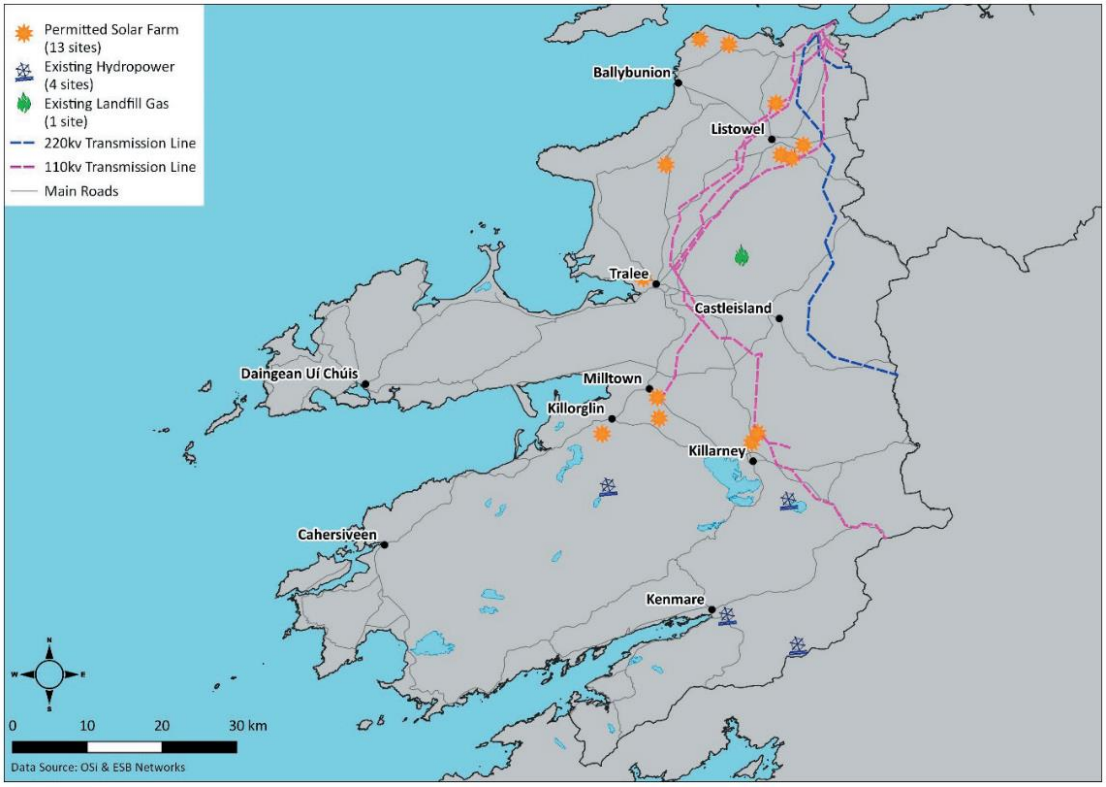
Kerry is a leading County in the transition to renewable energy generation. To date, a total of 362 wind turbines have been constructed in the County, with more permitted and going through the planning process. The 362 constructed wind turbines can generate approximately 742MW of electricity, which equates to approximately 18% of the National wind generation total.



Map 1: Existing and Permitted Wind Turbines in North Kerry

Kerry has also supported the strengthening of the National transmission grid required to support the National transition away from fossil fuel use and dependence. As part of this planning approval has been granted for a 400kV cross Shannon submarine cable between Moneypoint in Clare and Kilpaddoge in North Kerry to facilitate flow of electricity from Kerry to the East of the Country – where demand is greatest. A 220 kV substation and a battery energy storage system are located at Kilpaddoge – which forms part of the Tarbert / Ballylongford landbank.

The existing energy infrastructure, which has been developed over many years, represents major and on-going capital and infrastructural investment in these strategic national assets essential for the continued provision of a secure and reliable electricity.



Map 2: Existing and permitted Renewable Energy Infrastructure in Kerry

3. Planning Policy and Context

3.1 UN Sustainable Development Goals 2030

The UN 2030 Agenda is a plan of action for people, the planet and prosperity which seeks to better incorporate sustainability into planning and policy. The plan sets out 17 Sustainable Development Goals (SDGs) that integrate the three indivisible dimensions of sustainable development – 1) Economic, 2) Social and 3) Environmental (see Figure 2).

Figure 2: UN Sustainable Development Goals

3.2 European Context

3.2.1 Europe 2020

European spatial planning is closely interlinked with a number of trans-national, regional, economic and environmental policies and programmes. The European Union's cohesion policy is currently divided into 11 no. Thematic Objectives (TO) (see Figure 3), aimed at reducing disparities in the development of its territories and to contribute to the priorities of smart, sustainable and inclusive growth envisaged by the Strategy 'Europe 2020'.

Figure 3: 11 EU Cohesion Policy Thematic Objectives

3.2.2 European Green Deal 2019

The European Green Deal is a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use. It is about improving the well-being of people, making Europe climate neutral and protecting the natural habitat which will be good for people, the planet and the economy. The aims of the Green Deal are: for Europe to become climate-neutral by 2050; to protect human life, animals and plants by cutting pollution; to help companies become world leaders in clean products and technologies; and to help ensure a just and inclusive transition.

Figure 4: The European Green Deal

The European Green Deal focuses on 3 key principles for the clean energy transition, which will help reduce greenhouse gas emissions and enhance the quality of life of our citizens:

1. Ensuring a secure and affordable EU energy supply
2. Developing a fully integrated, interconnected and digitalised EU energy market
3. Prioritising energy efficiency, improving the energy performance of our buildings and developing a power sector based largely on renewable sources

The Commission's main objectives to achieve this are outlined as:

- Building interconnected energy systems and better integrated grids to support renewable energy sources
- Promoting innovative technologies and modern infrastructure
- Boosting energy efficiency and eco-design of products
- Decarbonising the gas sector and promote smart integration across sectors
- Empowering consumers and help EU countries to tackle energy poverty
- Promoting EU energy standards and technologies at global level
- Developing the full potential of Europe's offshore wind energy

3.2.3 A hydrogen strategy for a climate-neutral Europe - European Commission 2020

Hydrogen does not emit CO2 and offers a solution to decarbonise carbon intensive industrial processes and economic sectors. Hydrogen also has a strong potential as a vector for renewable energy storage. It is also outlined that a progressive uptake of hydrogen solutions can also lead to repurposing or re-using parts of the existing natural gas infrastructure, helping to avoid stranded assets in pipelines.

To date, hydrogen production is small and is largely 'grey' in nature. Currently 'green' renewable hydrogen and low-carbon 'blue' hydrogen are not yet cost competitive compared to 'grey' fossil-based hydrogen. Cost decline of renewable energy, technological developments and the urgency to reduce greenhouse emissions, are opening up new possibilities for hydrogen - though significant challenges remain.

The priority for the EU is to develop renewable hydrogen, produced using mainly wind and solar energy. In the short and medium term, however, other forms of low-carbon hydrogen are needed, primarily to rapidly reduce emissions from existing hydrogen production and support the parallel and future uptake of renewable hydrogen.

3.3 National Planning Context

3.3.1 National Planning Framework (NPF) - Ireland 2040 and National Development Plan Provisions

The Shannon Integrated Framework Plan is outlined as a case study/example in the National Planning Framework (NPF). Chapter 7 of the Framework is entitled "Realising our Island and Marine Potential". Within this Chapter the Shannon Estuary and in particular the Shannon Integrated Framework Plan is included as a case Study.

National Development Plan 2018-2027, outlines that *"while a significant proportion of renewable power generation is being delivered from wind energy, given the intermittent nature of this technology, a proportion of Ireland's electricity needs will likely continue to be generated from gas over the medium to longer term".* Reference is also made to supply and while domestic gas sources have enhanced the security of supply, Ireland will still need to import gas via the UK on a long-term basis as these resources are projected to decline over the medium term.

3.3.2 The Climate Action and Low Carbon Development (Amendment) Act 2021

The Climate Action and Low Carbon Development (Amendment) Act 2021 was signed into law on the in July 2021. The Act commits Ireland to becoming a carbon-neutral economy by no later than 2050 and to reduce emissions by 51% by the end of this decade and is binding on the entire state. The Act requires local authorities to prepare and update every five years individual Climate Action Plans which will include both mitigation and adaptation measures. The Act also requires that Local Authority Development Plans be aligned with their Climate Action Plan and that more generally that public bodies are required to take account of Climate Action plans in the performance of their functions.

3.3.3 Climate Action and Low-Carbon Development

National Policy Position Ireland. (Department of the Environment, Climate and Communications 2013 & 2021)

National climate policy in Ireland –

- Recognises the threat of climate change for humanity;
- Anticipates and supports mobilisation of a comprehensive international response to climate change, and global transition to a low-carbon future;
- Recognises the challenges and opportunities of the broad transition agenda for society; and
- Aims, as a fundamental national objective, to achieve transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050.

3.3.4 Climate Action Plan 2019

A case study included in the Plan (pg. 53) on the cost of renewable electricity notes that "Renewable generation is intermittent and often unpredictable. This creates new challenges for utilities, market participants, and policy makers. Intermittency also creates the need for a range of technology solutions which may include large-scale interconnection, storage, and dispatchable capacity (e.g., natural gas plants that can generate electricity at times where there is no wind). There is no one-size-fits-all answer to supporting 70% renewables". Section 7.2 of the Plan refers to targets in respect of meeting the required level of emissions reduction by 2020 and notes that "achieving 70% renewable electricity by 2030 will involve phasing out coal- and peat-fired electricity generation plants, increasing our renewable electricity, reinforcing our grid (including greater interconnection to allow electricity to flow between Ireland and other countries), and putting systems in place to manage intermittent sources of power, especially from wind".

3.3.5 National Energy & Climate Plan 2021-2030

Page 108 of the plan states 'Ireland has ambitious plans for renewable electricity with 70% of our electricity due to come from renewable sources by 2030. At times our electrical grid will not be able to use all this renewable generation so having the option to produce green hydrogen and having an integrated energy system will help enable Ireland fully utilise its renewable resources. This in turn will have the potential to reduce the overall cost of reaching decarbonisation targets. This hydrogen produced via underutilised renewable electricity could be stored in the local gas grid and used in the heating and transport sectors. This would provide benefits to all sectors and help the difficult to decarbonise areas of the economy such as industry and heavy goods vehicles. Blending with natural gas can create a demand for hydrogen and reduce emissions in grids across Europe. Current CCGTs (Combined Cycle Gas Turbines) could be reconfigured for H2 and potentially hydrogen turbines could be developed as backups for intermittent renewables.'

3.3.6 Policy Statement on Security of Electricity Supply

Section 2 identifies key challenges, including maintaining security of electricity supply throughout the transition to up to 80% renewable energy by 2030. Much of the older, higher emission conventional generation is expected to close in coming years and will need to be replaced by generation that provides the same support and backup capability but that is also flexible, supporting high levels of wind and solar generation. As more

wind, solar, storage and interconnection is added to the system, conventional generation is expected to operate less. Sufficient conventional generation capacity will still be required but will spend much of its time in reserve for when needed. Natural gas will form the vast majority of this conventional generation, for which there will be a continuing need beyond 2030.

Section 3 recognises the need for significant investment in additional flexible conventional electricity generation, grid infrastructure, interconnection and storage.
The Government has approved that:

- The development of new conventional generation (including gas and gasoil / distillate-fired generation) is a national priority and should be permitted and supported to ensure security of supply and support the growth of renewable electricity generation.
- It is appropriate that existing conventional generation capacity, including coal, heavy fuel oil and biomass fired generation, be retained until the new conventional electricity generation capacity is developed.
- The connection of large energy users to the electricity grid should take account of the potential impact on security of supply and the need to decarbonise the grid.
- It is appropriate for additional electricity transmission and distribution grid infrastructure, interconnection and storage to be permitted and developed in order to support the growth of renewable energy and security of electricity supply.
- It is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed to support security of supply.

3.3.7 All-Island Generation Capacity Statement 2022-2031

Capacity statements set out expected electricity demand and the level of generation capacity required, over the next ten years. The 2022 statement predicts a challenging outlook with capacity deficits identified to 2031. In the short term, deficits will increase due to the deteriorating availability of power plants. In later years the deficits are expected to reduce as new capacity comes forward through the SEM capacity auctions. Further new electricity generation will be required to secure the transition to high levels of renewable electricity. A balanced portfolio of new capacity is required, including new cleaner gas fired generation plant which are renewable gas ready, especially at times when the wind and solar generation is low. This is crucial to ensuring Ireland meets its carbon budgets to 2030 for the electricity sector.
Section 4, Meeting the challenges, notes that actions to be delivered under the Commission for the Regulation of Utilities (CRU), programme of work include the delivery of over 2GW of enduring flexible gas-fired generation capacity, which is renewable gas ready, by 2030.

3.3.8 CRU Information Paper, Security of Electricity Supply – Programme of Actions

Key elements in the programme of actions, include:

- Delivery of new, enduring, capacity, complementary to renewable electricity and central to our low carbon transition.
- The procurement of additional temporary emergency generation capacity.
- The extended availability and operation of older generation capacity otherwise expected to retire in this timeframe.

Temporary measures will be unwound on delivery of other measures. The core element is the procurement of 2GW of flexible gas-fired plant, as an enabler of the decarbonisation of the electricity system, particularly as we accelerate the decarbonisation of the natural gas network.

3.3.9 The Climate Change Adaptation Plan for the Electricity and Gas Networks Sector

This plan focusses on the energy networks (electricity and gas), specifically electricity generation, electricity and gas transmission and distribution infrastructures and interconnectors. The plan outlines that future iterations of this plan may also need to consider the resilience of energy resources to climate change impacts as well as the increased resilience required from electricity networks supporting increased electrification of heat and transport.

3.3.10 Our Rural Future: Rural Development Policy 2021-2025

Our Rural Future provides a national framework for the development of rural Ireland over the coming years. As a predominantly rural county the policy document is of particular relevance to Kerry. The policy document seeks to put the development and regeneration of our rural towns and villages at the heart of decision making so that they are vibrant centres where people can live, work and socialise, with walking, cycling and public transport options connecting people and places. Key deliverables contained in the policy document relate to the following areas:-

- Remote working – supported by the rollout of the National Broadband Plan,
- Revitalising Rural Towns and Villages,
- Jobs for Rural Ireland,
- Rural Living,
- Rural Ireland's Unique Tourism, Culture & Heritage,
- Supporting Communities to create their own future,
- Agriculture, the Marine and Forestry,
- Island and Coastal Communities,
- Transitioning to a climate neutral economy.

3.4 Regional Planning Context

3.4.1 The Southern Regional Spatial and Economic Strategy (RSES) Provisions

The Southern Regional Assembly is responsible for the preparation and implementation of a Regional Spatial and Economic Strategy (RSES) for the Southern Region. The RSES for the Southern Region came into effect on 31st January 2020 and the primary aim of the RSES is to implement Project Ireland 2040 - the National Planning Framework. Furthermore, the Southern Regional Assembly supports the implementation of the Irish Government's Climate Action Plan.

The RSES advocates networked and collaborative approaches to infrastructure development, and in this regard it specifically instances, the 'North Kerry/West Limerick/Shannon Estuary/Clare Axis. S4.9.1 cites, as a good practice example, the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary, noting that this involves inter-county and inter-agency collaboration. This section of the RSES references the zoned lands at Tarbert/Ballylongford in North Kerry. The Tarbert-Ballylongford Landbank is also highlighted in the RSES as a 'Energy Hub' case study.

The following Regional Policy Objectives as set out in the RSES are of relevance: -

RPO 79 (a): Shannon Estuary and Other Harbour Plans
The RSES recognises the national and international importance of the Shannon Estuary, its potential to attract multinational development and the significant work that has been undertaken to progress its promotion and development. It is an objective to support and promote the delivery of the Strategic Development Locations as set out in the SIFP for the Shannon Estuary subject to the implementation of mitigation measures outlined in the SEA and AA undertaken on SIFP and zoned in the Local Authority Development Plans.

RPO 96: Integrating Renewable Energy Sources
It is an objective to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate (a) renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.

RPO 97: Power Stations and Renewable Energy
It is an objective to support the sustainable technology upgrading and conversion of power stations in the Region to increase capacity for use of energy efficient and renewable energy sources.

RPO104: Energy Storage and Carbon Capture
It is an objective to support investment in initiatives to develop innovation, advances in technology and pilot projects for the sustainable development of energy storage and carbon capture within the Region and to work with key stakeholders in developing sustainable forestry, including initiatives for native tree planting and better management of peatland and soil management to support carbon sequestration and enhancement of biodiversity.

RPO 142 (e): Ports
Support the sustainable development of the 9no. strategic development locations adjoining sheltered deep-water in line with the recommendations of the SIFP for the Shannon Estuary and subject to the implementation of mitigation measures outlined in the SEA and AA undertaken on the SIFP.

RPO219 – New Energy Infrastructure
It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.

RPO222 – Electricity Infrastructure
It is an objective to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy

(subject to appropriate environmental assessment and the planning process) to serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity

RPO225: Gas Network
Subject to appropriate environmental assessment and the planning process where required, it is an objective to:

a) Promote renewable gas leading to carbon emission reduction in agriculture, industry, heating and transport as well as sustainable local employment opportunities. Support the transition of the gas network to a "carbon neutral" gas network by 2050, which will drive Ireland and the Region to becoming a low carbon society.
b) Support investment in the sustainable development of agricultural biogas sector and regional gas supply projects which strengthen gas networks in the Region and assist integration of renewable gas to the grid network.
c) Support investment in developing renewable gas and provision of CNG refuelling infrastructure which will help reduce the Green House Gas emissions in both the agriculture and transport sectors and support Carbon Capture and Storage initiatives, which has the potential to decarbonise power generation at scale.
d) Strengthen the gas network sustainably to service settlements and employment areas in the Region, support progress in developing the infrastructures to enable strategic energy projects in the Region. An example is the Tarbert/Ballylongford landbank in Co Kerry which is a strategic development site under the Strategic Integrated Framework Plan for the Shannon Estuary and support for the extension of the Gas Network from Listowel into the Kerry Hub and Knowledge Tri-Angle settlements of Tralee, Killarney and Killorglin.

3.4.2 South West Regional Enterprise Plan to 2024

This plan builds on the first iteration of the REPs and each Steering Committee had a clear mandate to deliver a new Plan to 2024 that would:

- complement and translate national enterprise policy in a regional context;
- facilitate collaboration regionally to address prioritised ecosystem gaps and opportunities, and help achieve Agency and LEO investment and jobs targets in each region; and
- use collective insight and resources in each region, and available regional funding, to progress initiatives to enable enterprise growth and job creation in each region.

In the South-West, industry sectors with significant concentrations of employment exist in financial services, agritech, agri-food, pharma, medtech, ICT, engineering, tourism/hospitality, and manufacturing, whilst sectors such as, cyber security, renewable energy, maritime and the marine are expanding.

The enterprise ecosystem in the South-West is bolstered by a number of centres of excellence, digital enterprise & innovation Hubs, research centres, start-up programmes as well as the Higher Education Institutions, Local Authorities and the evolution of clusters which continues to be supported as an economic development and enterprise capability development tool to support regional growth, and to forge greater linkages

and collaborations amongst the plethora of indigenous and foreign owned enterprises across the region, and beyond.

Strategic Objective No.5 supports the opportunities of Climate Action in the Marine, Circular Bioeconomy, Tourism and Energy Sectors and specifically references the Shannon Estuary and strategic landbanks as identified in the Shannon Integrated Framework Plan (SIFP).

3.4.3 Shannon Integrated Framework Plan Provisions

The Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary is an inter-jurisdictional land and marine based framework plan to guide the future development and management of the Shannon Estuary. It was commissioned by Clare County Council, Kerry County Council, Limerick City and County Councils, Shannon Development and the Shannon Foynes Port Company in 2011 with a view to unlocking the immense economic potential afforded by the naturally occurring deepwater of the Shannon Estuary, in a sustainable manner. The SIFP document and accompanying environmental assessments were finalised in 2013 and have since being incorporated into and or are supported by the Clare, Limerick and Kerry County Development Plans. The Estuary and its environs are a multi-functional zone, with the waters and adjoining lands supporting a range of functions, uses, communities, activities, and environmental resources/assets which bring character and prosperity to the area. The key objective of the SIFP is developing an integrated and balanced approach to facilitating economic growth in all areas of opportunity. The Plan facilitates the diversification of the economy, through the promotion of commercial/industrial employment, environmentally friendly aqua culture, maritime, energy, transport, recreation and tourism industries in a sustainable manner. It also sets out the importance of safeguarding the Estuary's sensitive environmental resources and natural heritage of national, European and International significance.

The Shannon Estuary and adjoining lands have a number of environmental designations, including Natura 2000 designations, archaeological and landscape. These designations were taken into consideration in the setting of 'realistic' SIFP objectives for the Estuary and the Environmental Authorities were heavily consulted with as part of SIFP preparation (NPWS, IFI, the EPA Irish whale and dolphin group). Nine Strategic Development Zones (SDZ) sites have been identified for marine related industry in the SIFP area. Two of these are located in Kerry, on the Tarbert Power Plant site and the Tarbert / Ballylongford Land Bank. The plan identifies these strategic sites as being critical to the future development potential of marine and energy related industry in the Estuary. Site selection involved technical, engineering, planning and environmental considerations and was subject to both Strategic Environmental Assessment and Appropriate Assessment. Within the SIFP the Tarbert – Ballylongford Landbank is identified as Strategic Development Location.

3.5 County Context

3.5.1 Kerry County Council Local Authority Climate Action Plan 2024-2029

Local Government has been identified as a key player in leading climate action at a local, community-based level. Local Authorities (LAs) have been tasked with levering support and resources to deliver effective climate action from the ground up. This approach has been made into law requiring each Local Authority in the country to lead

in Climate Action at a county level. It is envisaged that leadership will be plan-led namely through a Local Authority Climate Action Plan (LACAP). Kerry County Council seeks to influence, advocate and facilitate climate action ambitions within the local community. These ambitions and pathways to achieve targets are outlined in this plan.

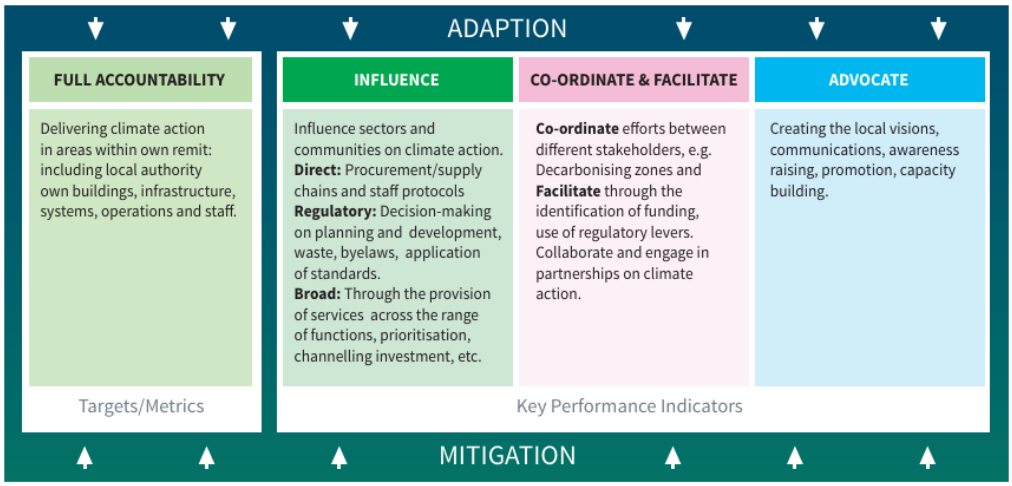


Figure 5: Role of Local Government within Climate Action – from full accountability of its own GHG emissions through to influencing, co-ordinating/facilitating and advocating across its range of functions and responsibilities

Figure 6: Strategic Goals of the Kerry County Council Local Authority Climate Action Plan 2024-2029

REF	MEASURE
EG1	Promote climate action projects that support and maximize environmental cobenefits, such as biodiversity protection and enhancement; improved air, water or soil quality; or enhanced recreation, amenity and cultural heritage value, to ensure win-win benefits are gained.
EG2	Support or facilitate climate action related projects and initiatives which seek to make improvements in soil structure, management and health by increasing soil organic carbon - which will create the environmental co-benefits of improving flood resilience by enhancing water holding capacity of soils and increasing the level of GHG sequestration associated with land use functions.
EG3	Ensure all development underpinned or supported by climate action is planned and implemented in a manner that appropriately considers the potential for environmental co-benefits, potential environmental impacts and environmental protection requirements. No climate action related development project that is likely to have significant negative effects on the receiving environment shall be supported.
EG4	Flood projects, or related maintenance works, shall be carried out in a manner that promotes climate action-biodiversity related co-benefits, and shall have due regard for the protection and enhancement of rare, protected or important habitats and species.
EG5	Ensure climate action related projects are carried out in a manner that promotes climate action-cultural heritage co-benefits, and do not result in unauthorized physical damage to cultural, archaeological or architectural features, or unauthorized or inappropriate alteration of the context of sensitive cultural heritage features.
EG6	Ensure climate action related projects are carried out in a manner that promotes climate action water quality co-benefits, and align with the provisions of the Water Framework Directive and relevant River Basin Management Plan.
EG7	Promote climate action projects that support protected trees, hedgerows and other habitats such as wetlands, flood zones which contribute to green infrastructure.
EG8	Support opportunities to improve ecological connectivity of non-designated habitats and sites to improve overall ecosystem resilience and functioning while supporting climate action within the county.
EG9	Ensure all projects supported by the council have taken the necessary precautions to identify and manage invasives species, particularly with regard to Schedule III species. No climate action related development project that is likely to cause the spread of invasives species listed in Schedule III shall be supported.

Figure 7: Overarching Objectives of the Kerry County Council Local Authority Climate Action Plan 2024-2029

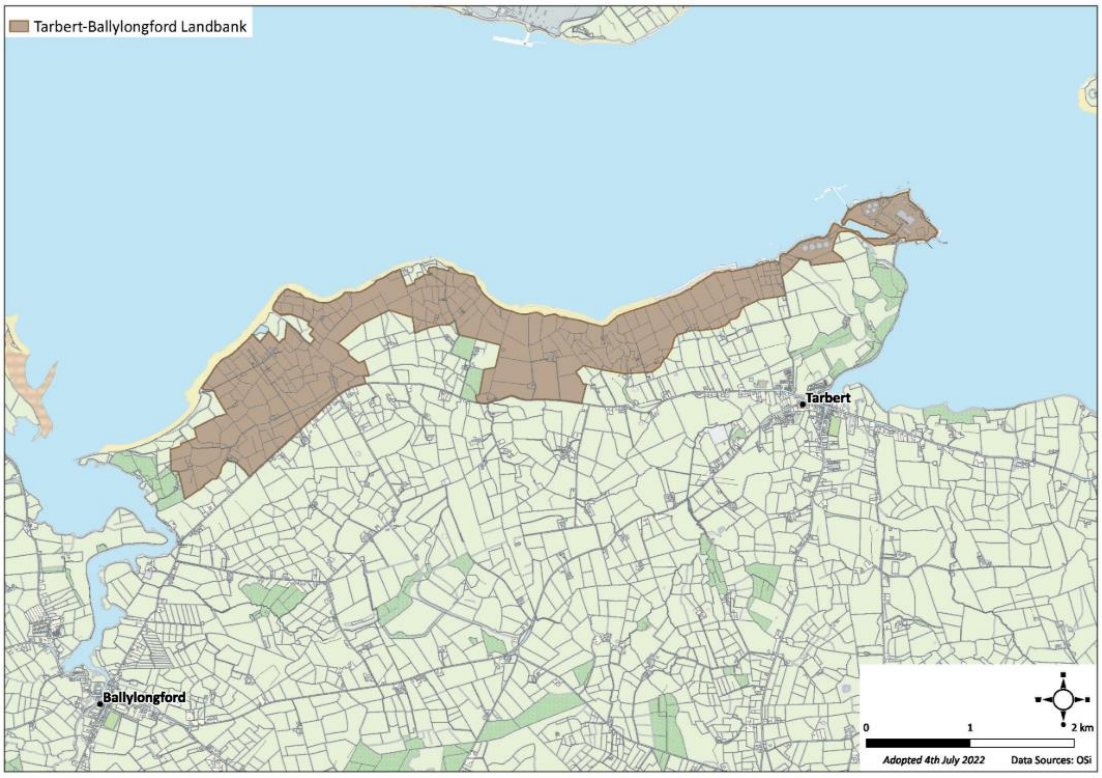
3.5.2 Kerry County Development Plan 2022-2028

The site is located within the functional area of the Kerry County Development Plan (CDP) 2022 - 2028 in an area zoned C2.2 for general industry. Proposals for marine related industry, general industrial development, and particularly those industries creating a synergism with existing uses and contributing to the development of a strategic energy hub at this location will also be encouraged.

Section 3.5.1.4 (North Kerry / West Limerick / Shannon Estuary / Clare Settlement Network) of the Core & Settlement Strategy chapter (Chapter 3) of the CDP states:

Kerry County Council supports the economic role and potential of the established towns of Listowel, Abbeyfeale, Newcastle West (Key Town) and Kilrush as economic drivers in a potential North Kerry/West Limerick/Clare network connected with the Shannon Estuary referred to as the North Kerry/Shannon Estuary Network. This includes the

Shannon Integrated Framework Plan (SIFP) area and strategic locations identified under the SIFP as a Shannon Estuary Coastal Network. This area is viewed as a driver for economic growth within the County and Region. There is potential for innovative projects, collaboration between stakeholders and sectors, infrastructure projects (including multi-modal transport infrastructure, more frequent public transport services and digital connectivity) to/ from and within the network to unlock the strengths and opportunities. This includes the County's Regional Town of Listowel, Ballybunion and support for economic interaction with the AEC, Strategic Development Sites in the Shannon Estuary, the Kerry Hub and Knowledge Triangle and cross county boundary connectivity to other settlements in a network.



Map 3: Extract from Kerry County Development Plan 2022-2028 Tarbert-Ballylongford Landbank

The Tarbert / Ballylongford strategic landbank is specifically highlighted within Section 9.4.2 and Section 9.6.1 of the Economic Development Chapter. The following Objectives from the CDP are of relevance:-

Objective KCDP 9-23
Support and promote the delivery of the Strategic Development Locations (SDLs) as set out in the SIFP for the Shannon Estuary subject to the implementation of mitigation measures outlined in the SEA and AA undertaken on SIFP and zoned in the Local Authority Development Plans.'

Objective KCDP 9-24
Support the promotion, marketing and seeking of financial and expert support for the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary and specific projects emerging from the plan. Projects shall be subject to the relevant environmental assessment requirements including SEA, EIA SFRA and AA as appropriate.'

Objective KCDP 9-25
Promote and facilitate the sustainable development of the Tarbert-Ballylongford landbank for industry, utilising the presence of deep water, existing infrastructure, natural resources, and waterside location to harness the potential of this Strategic Location. Proposals for marine related industry, general industrial development, and particularly those industries creating a synergism with existing uses and contributing to the development of a strategic energy hub at this location will also be encouraged.'

Objective KCDP 9-29
An objective of the Council to Protect sites of significant historical military importance along the Shannon Estuary, including the Battery on Carrig Island, Carrigafoyle Castle, the Bastioned Star Shaped Fort in Tarbert and the core area of Fort Shannon at Ardmore point.

Chapter 12 of the CDP contains the policy and objectives relating to Energy, specifically Section 12.2 Gas Network and Section 12.5 Renewable Energy, which includes a number of policies and objectives of relevance to same, including:-

Objective KCDP 12-1
Support and facilitate the sustainable provision of a reliable energy supply in the County, with emphasis on increasing energy supplies derived from renewable resources whilst seeking to protect and maintain biodiversity, archaeological and built heritage, the landscape and residential amenity and integration of spatial planning and energy planning in the county.'

Objective KCDP 12-3
Facilitate the sustainable expansion of the gas network, including the facilitation of a gas importation facility in the Tarbert/Ballylongford Landbank, and the expansion of the network to the Kerry Hub and Knowledge Triangle settlements of Tralee, Killarney and Killorglin.

Objective KCDP 12-6
Facilitate sustainable energy infrastructure provision, so as to provide for the further physical and economic development of the County.

Objective KCDP 12-7
Support and facilitate the sustainable development of enhanced electricity and gas supplies, additional electricity generation capacity, and associated networks, to serve the existing and future needs of the County.

Objective KCDP 12-36
Facilitate the sustainable development of Battery Storage systems in appropriate locations at or adjacent to existing energy infrastructure, subject to requirements and considerations in relation to: residential amenity, landscape; cultural heritage; Natura 2000 sites and the Habitats & Birds Directive; the objectives of the Water Framework Directive; Flood Directive; electricity infrastructure; and health & safety.

Protected Structures and Architectural Conservation Areas (ACA's)
There are no Protected Structures, identified in the Kerry CDP 2022-2028 Record of Protected Structures, within the site. Two Protected Structures are located within the wider 2 km study area.

The first is Ralapane House (RPS-KY-0888) which is located approximately 300 m to the south of the Proposed Development. This is a two-storey, L-shaped residence of four bays and a porch to the front (south) side which is located at the end of a lane leading north from the L1010 road. The house is believed to date to the 18th century.

The second Protected Structure is the searchlight chamber associated with the Fort Shannon Coast Defence Artillery installation constructed in 1941. It is located adjacent to the north-east boundary of the Proposed Development and 20m to the south of the foreshore. This small concrete structure with flat roof and wide aperture opening looking seawards is located adjacent to the northeast extent of the Site and outside the red line boundary.

In the interests of clarity, it should be noted that two searchlight chambers form part of the Fort Shannon Coast Defence Artillery installation, one (mentioned above) identified on the RPS as RPS-KY-0888 and the other located to the west of RPS-KY-0888, on the eastern boundary of the subject site (See Fig 9 below).

It should be noted that an engine room/underground bunker is also located along the eastern boundary of the subject site (See Fig 9 below).

Figure 8: Fort Shannon Layout
As can be seen in figure 9 below 6 no. pillboxes are associated with the Fort Shannon Coast Defence Artillery installation. Each of the boxes is set into the ground with a square plan a small entrance doorway and narrow vertical slot on each of the four faces. The purpose of the pillboxes was presumably to provide machine gun cover against a direct assault from either the river or the landward side.

Pillbox 6 is within the building envelope of the proposed development.

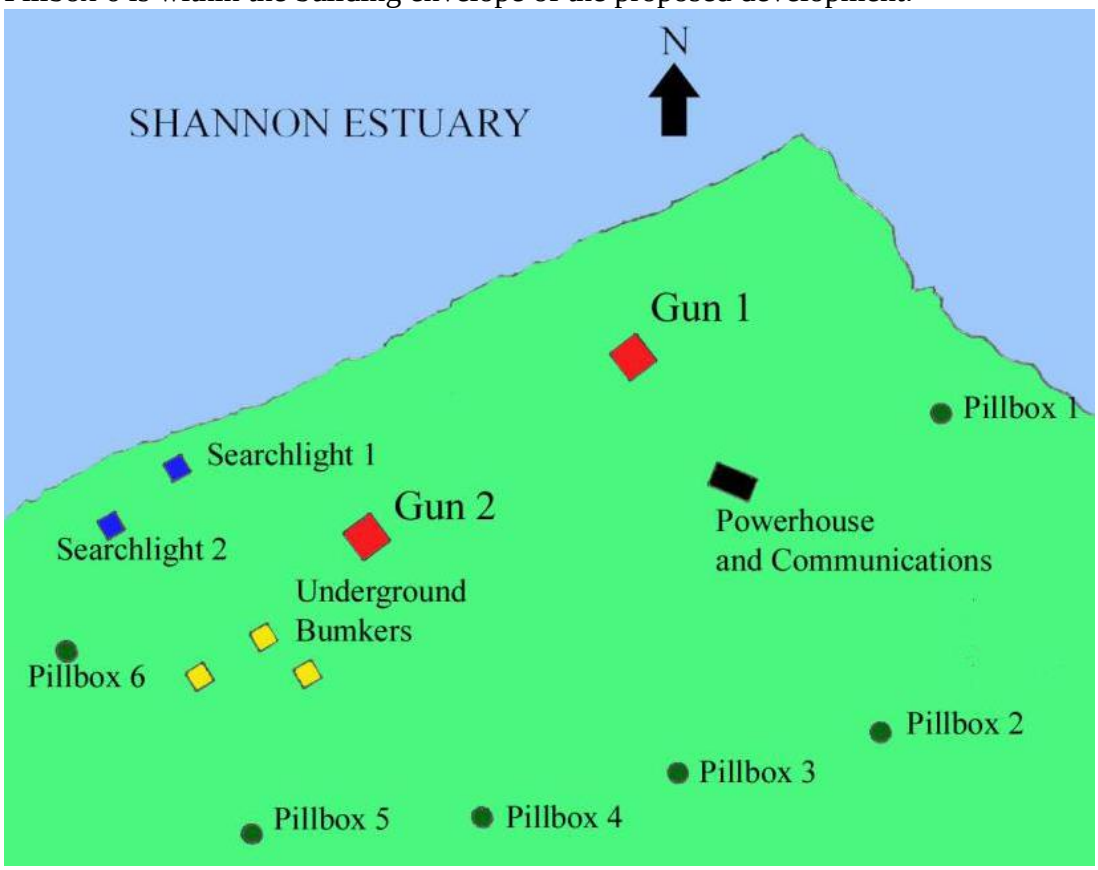


Figure 9: Fort Shannon Layout

Archaeological Monuments and Sites
Area 3 of the proposed development site is the location of the recorded monument Ke003 004, listed in the Record of Monuments & Places as a ringfort (cashel).

Special Area Amenity Order
There is no designated SAAO (Special Area Amenity Order) on site or of relevance to the proposed site in Kerry.

Protected Views and Prospects
There are Protected Views and Prospects in the direction of the site from Carrig Bridge to Carrig Island along the L-1004 local road to the west of the application site.

Map 4: Extract from Kerry County Development Plan 2022-2028 showing protected views and prospects

Nature Conservation and scientific designations

The Lower Shannon candidate Special Area of Conservation (SAC) (Site code: 002165) is partly within and adjacent to the site along the northern/ north-western boundary and also along part of the eastern boundary. The Ballylongford Bay proposed Natural Heritage Area (pNHA) is adjacent to a part of the north-western boundary of the proposed development site. The Shannon-Fergus Estuary Special Protection Area (SPA) (Site code: 004077) is to the west of the proposed development site. There are no Geological (audited or unaudited) sites in the vicinity.

The CDP has no role in the delineation of the above site boundaries or designations. The County Development Plan does however support the protection of same primarily through Chapter 11 of the plan. These environmental designations were also taken into account as part of the Kerry County Development Plan making process.

Nature Conservation Designations

European Sites (SAC and SPAs collectively known as Natura 2000 Sites)

Designated Natura 2000 sites found within and adjacent to the proposed development:-

(i) The Lower River Shannon SAC (Site Code 002165) is located partly within the application site.

(ii) The River Shannon & River Fergus Estuaries SPA (Site code 004077) is located partly within the application site.

Designated European Sites located within the wider vicinity

(iii) The Moanveanlagh Bog SAC (Site Code 002351) is located c.13Km away to the south

(iv) The Stacks to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA (Site Code 004161) is located c.10.5Km to the Southeast.

(v) Tullaher Lough and Bog SAC (Site Code 002343) is located c.14.5Km to the northwest (Co Clare).

Natural Heritage Areas (NHAs)

(i) Bunnaruddee Bog NHA – qualifying interest: peatlands

Proposed Heritage Areas (pNHAs)

The following proposed Natural Heritage Areas located in Kerry are located in the wider vicinity of the project:

(i) Tarbert Bay Site Code: 001386
(ii) Ballylongford Bay Site Code: 001332
(iii) Beal Point Site Code: 001335
(iv) Casheen River Estuary Site Code: 001340
(v) Moanveanlagh Bog site Code: 000374

3.5.2 Kerry Local Economic and Community Plan (LECP) 2016-2022& County Kerry COVID-19 Economic Recovery Plan.

The Local Economic and Community Plan (LECP) 2016-2022 sits alongside the County Development Plan providing a stronger and clearer role for local government in economic and community development. This framework underpins the vision set out in the *Putting People First: Action Programme for Effective Local Government* (DoECLG). The Local Economic Community Plan 2016-2022 is a key document that significantly influences the Development Plan.

Central to the LECP is the marketing of the county as a place to invest, live and to visit. While this will be led by the public sector, existing firms in the county will play a pivotal role in promoting the positive experience of both doing business and living in Kerry. It is crucial to build on the history of entrepreneurship in the county, through brand leaders such as Kerry Group (Listowel), Dairymaster (Causeway), Dingle Distillery (Daingean Uí Chuis) and Fexco (Killorglin).

Sustainable Economic Development Objective 1.10.1: Promote renewable energy initiatives and various alternative power pilots.

Action 1.10.1.1: Support the sustainable development of the Shannon Estuary and particularly the development locations of Tarbert and the Tarbert/ Ballylongford landbank as identified in the SIFP (Shannon Integrated Framework Plan) and in compliance with the Kerry CDP 2015-2021.

3.5.3 Listowel Municipal District Local Area Plan 2020-2026

One of the key objectives of this plan is to provide an improved quality of life for all citizens in the plan area by promoting the area's economic potential, protect its natural and built environment and safeguard its cultural heritage.

The development of the Tarbert/Ballylongford landbank in line with The Strategic Integrated Framework Plan for the Shannon Estuary (SIFP) and the realisation of its potential is outlined to be a strategic use of importance for the Municipal District as set out in S2.1.3 and 2.1.4 of the LAP. The following is included as a 'Overall Strategic Development Objective' for the plan

Development Objective OS-08
It is an objective of the Council to support the sustainable development of the land zoned within the Tarbert/ Ballylongford area in accordance with the policies and objectives of the Strategic Integrated Framework Plan for the Shannon Estuary (SIFP) and the Kerry County Development Plan.

Section 2.3.3 of the LAP specifically relates to the Shannon Estuary (Tarbert / Ballylongford landbank). As part of this the plan recognises the Shannon Estuary as a major shipping artery and further recognises the on-going potential of the Tarbert/ Ballylongford landbank to be sustainably developed for industry in compliance with the EIA and Habitats Directives.

S2.4 of the LAP relates to infrastructure. Included in this section of the plan is the following infrastructure objective:

Development Objective LS-T-01
Sustainably harness the economic potential from the provision of a secure natural gas energy supply to the region.

The development of the Tarbert / Ballylongford landbank is outlined to be a strategic issue of importance in S3.5 of the plan to enable Ballylongford to develop as a service supporting settlement. The enormous potential and significance of local employment possibilities associate with the landbank are also outlined for both Ballylongford and Tarbert. The plan notes that the wastewater treatment infrastructure in both Ballylongford and Tarbert have recently been upgraded with modern tertiary treatment facilities provided. Architectural Conservation Areas for the settlements of Ballylongford and Tarbert are included in the plan.

3.6 Energy Context

3.6.1 EirGrid's All-Island Generation Capacity Statement 2021-2030

Long-term system electricity demand in Ireland is increasing and is forecast to increase significantly, due to the expected expansion of many large energy users, in particular data centres. Generator availability performance has been poor and has been trending downwards for the last number of years. The current position is concerning. The Celtic Interconnector with France and the Greenlink Interconnector with the UK are noted as projects of importance. Over the course of the next 5 years around 1650 MW of generation will retire in Ireland with up to a further 500-600 MW retiring in Northern Ireland.

Under the section headed 'Factors to consider when assessing the management of Security of Supply, Operational requirements and Uncertainties' the report outlines that 'EirGrid believes new cleaner, dispatchable plant is required to replace generation exiting the market between now and 2030 in Ireland. In the future, a more diverse portfolio of technologies will be required. Traditionally, there was a reliance on conventional generation to provide the full range of services and capabilities, while in the future, with less conventional generation synchronised at times of high variable RES output, the services must come from other technologies, which typically provide a subset of the required system services'. The report goes on to outline that it considers 'New cleaner gas fired capacity will be part of the solution to manage future power

system adequacy and security especially at times when the wind and solar output levels are low and for what may be extended periods of time'.

It is noted that this statement has forecast a shortfall in generation capacity of up to 620MW by 2026 in a High Demand Scenario. The need for additional dispatchable generation, such as gas fired power plants, during periods of low wind energy generation being most acute.

3.6.2 EirGrid's All-Island Generation Capacity Statement 2020-2029

It is noted that this statement has forecast a shortfall in generation capacity of up to 570MW by 2026 in a High Demand Scenario. The need for additional dispatchable generation, such as gas fired power plants, during periods of low wind energy generation being most acute.

3.7 Planning History

This landbank designation has facilitated a number of large scale industrial development applications over the years, including:-

- PA81/2426 Oil refinery, tank farm and marine terminal.
- PA02/2292 Demolition of all existing dwelling houses, out building and derelict buildings.
- PA06/3428 Erection of a weather station on a 10m high mast with security fencing.
- ABP Ref 08.PA0002 Liquefied natural gas (LNG) regasification terminal (2008) – permission expired.
- ABP Ref 08.GA0003 & 08.DA0003 Gas pipeline to connect Shannon LNG Terminal at Ralappane, Co. Kerry to existing natural gas network at Leahys, Co. Limerick (2009).
- ABP Ref. 08.PM0002: Modifications/alterations to approved development ref. 08.PA0002 (2013).
- ABP Ref. 08.311233 10-year permission sought for power plant, battery energy storage system, floating storage and regasification unit, jetty, onshore receiving facilities, above ground installation and all ancillary structures/works (2021). This application was refused permission due to the fact that the proposal incorporated an LNG terminal and had a clear focus on the use of LNG as the primary fuel source for related elements such as the proposed power station. It was considered that the development would be contrary to government policy at that time. It is understood that this proposal is subject to a judicial review.

3.8 Other Relevant Planning Applications

- 220/110 KV Station (2011).
- Electricity peaker power generating plant (2013).
- ABP Ref: PA08.318540 SSE Generation Ireland Ltd are seeking a 10 year planning permission for the proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) and associated site works at Tarbert Island, Tarbert, Co. Kerry. This application is still under assessment by An Bord Pleanala.

- PA23/350 Permission granted for the removal of the existing cable joint bay, provision of two no. new lengths of 220kv underground cabling measuring approximately 340m each and provision of a new 220kv switchgear bay within the existing Tarbert substation compound.

3.9 Enforcement Action
None

4. Planning Assessment

4.1 Introduction

It is noted that the proposed site has previously been assessed and a similar proposal refused on same. Within this context it is considered that the most pertinent issue relates to the principle of the proposal within the context of land use policy, climate change and energy security. As required by S37 of the Planning and Development Act as amended this assessment is particularly focused on the proper planning and sustainable development area. Section 6 contains additional observations regarding the submitted NIS and EIAR.

4.2 Principle of the proposed development

The proposed development site is zoned C2.2 for general industry in the current Kerry County Development Plan (CDP) and the Shannon Integrated Framework Plan, which is supported by Regional and National Land Use Policy, as set out in section 4 of this report. It is therefore considered that the proposed development conforms with the lands use zoning requirements and objectives KCDP 9-23, KCDP 9-24, KCDP 9-25, KCDP 12-1, KCDP 12-3, KCDP 12-6, KCDP 12-7 and KCDP 12-36. As such, the proposed development is commensurate with the current land use zoning.

4.3 Project need within the context of Electricity Generation, Gas Supply and Climate

Ireland is transitioning to an energy system with increasing levels of renewable energy and with an increased role for electricity in the provision of heat and transport. Kerry has been to the forefront of this transition in terms of renewable electricity generation.

Current national policy seeks to achieve zero-carbon emissions by 2050. The transition to achieving this scenario requires the development of alternative sources of power generation and continued security of power supply. Security of supply and system resilience requires the provision and maintenance of infrastructure to meet variable and peak electricity demands and for same to be responsive to rapid changes in supply or demand. Conventional gas has fulfilled this role and facilitated the expansion of the renewable energy sector to date. It is noted that RSES development objective RPO96 'Integrating Renewable Energy Sources' seeks to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate a renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.

4.3.2 Electricity Generation and Energy System Resilience

The challenge for electricity supply is for the power system to meet growing electricity demands, while also increasing the amount of low and zero carbon electricity into the supply mix and maintaining a stable and secure grid. The projected growth in renewable generation in the electricity market along with increased demand has increased the importance of gas-fired electricity generation to manage intermittency and increase security of supply. The 2030 target of 70% renewables will still require a significant dispatchable generation capacity in 2030 and beyond to ensure security of supply.
Ireland's Electricity & Gas Networks Sector Climate Change Adaptation Plan outlines that increased variability of wind generation will increase requirements for backup generation and/or storage.

4.3.3 Project Need Overview

It is considered that the proposal has a role to play in the pathway to ultimate elimination of greenhouse gas (GHG) emissions. When operating GHG emissions would impact adversely on air and climate. However, it is noted that a highly flexible gas fired power plant is capable of backing up existing and increasing renewable energy capacity. Within this context, it is considered that the proposal is a sustainable one during the transition period to full decarbonisation.

Operational regulation are matters for the Commission for Regulation of Utilities and Gas Networks Ireland in light of policy pertaining. Various licences would also be required. Notwithstanding the above, the Bord may wish to consider the appropriateness of attaching a condition limiting the life of the planning permission. Such a condition could be problematic as it would reduce operational flexibility, particularly within ever evolving energy and climate change policy environments.

The purpose of setting a finite planning permission period would be to enable the planning authority, in conjunction with the developer and environmental authorities, to review changes in environmental standards and technology over the period since the original permission was granted and to support the transition of energy use and generation away from non-renewable resources. Any such condition should facilitate the repurposing of the development, where necessary.

In the event of infrastructure becoming obsolete, the Planning Authority requests an Bord Pleanála to take this eventuality into account. It is considered that this matter can be adequality dealt with by way of condition.

4.4 Economic and population

The proposed development is of strategic economic importance to the state, region and the area in which the proposal would be located. As part of this the proposal would help secure the nation's energy supply and generate employment. The likey impacts of climate change are accepted. However, it is also difficult to envisage a functioning economy and society in the transition period in the absence of secure electricity and gas supplies.

4.4.1 Energy security and competition

The proposed development would improve Irelands energy security and would therefore help retain and attract economic investment. With reference to EirGrids All Ireland Generation Statement 2020-2029 the application outlines that new additional gas fired conventional power plants are urgently required on the grid. The need for same is reiterated and emphasised in EirGrids All Ireland Generation Statement 2021-2030. It is the applicant's contention that the proposed CCGT would comprise such an additional plant and this appears reasonable. Such matters are of strategic importance to the state.

It should be noted that Shannon LNG Limited was awarded a capacity contract on the 28th of March 2023 from Eirgrid to deliver 400MW of electricity generation capacity at the Shannon Technology & Energy Park site by no later than 1st of October 2026.

4.4.2 Local socio-economic impact

The proposal both by itself and through the opportunities it would create would generate employment, enabling, sustaining, and strengthening the local population and economy. The proposed development would represent a sustainable use of the landbank, which has been earmarked for industrial development since the 1960's. As outlined in section 3, the area in which the proposal would be located is in need of economic development. The proposal and the development of the landbank in conforms with the Shannon Integrated Framework Plan and the South West Regional Enterprise Plan to 2024 as outlined in section 4.

The proposal if permitted would encourage and facilitate the location of high energy demand industry to a location where there is an existing surplus of renewable energy generation and where the potential offshore renewable energy resource is vast. The locating of high energy demand industry near to existing or emerging renewal energy generation locations is part of the long-term solution to climate change and global sustainability. The Tarbert /Ballylongford landbank fulfils these requirements.

In the context of the above, it is likely that the proposed development would directly and indirectly have a positive long-term effect on population and settlement in the area.

4.5 Built Heritage

As stated previously there are no Protected Structures indicated in the Kerry CDP 2022-2028 Record of Protected Structures, within the site. Two Protected Structures are located within the wider 2 km study area, Ralapane House (RPS-KY-0888) and the searchlight chamber associated with the Fort Shannon Coast Defence Artillery installation constructed in 1941.

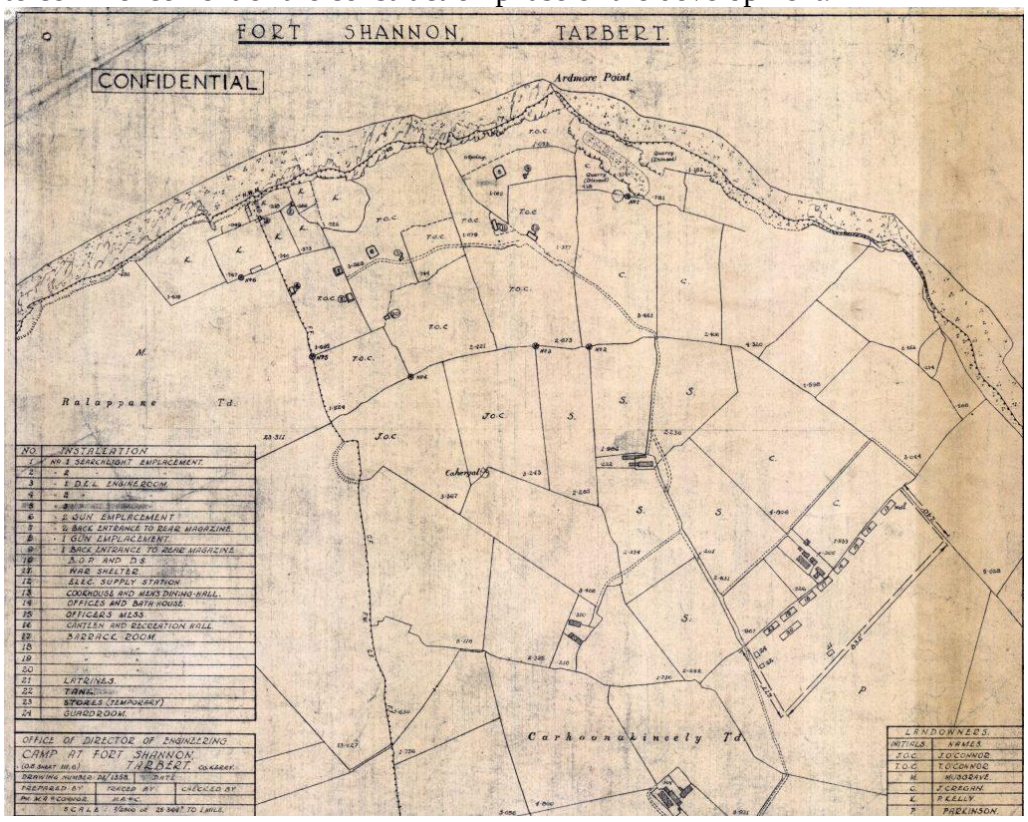
In the interests of clarity, it should be noted that two searchlight chambers form part of the Fort Shannon Coast Defence Artillery installation, one mentioned above and the other located on the eastern boundary of the subject site. While one of these searchlight chambers is a protected structure, Objective KCDP 9-29 is also relevant in this instance as it seeks to protect sites of significant historical military importance along the Shannon Estuary, including the core area of Fort Shannon at Ardmore point. Both searchlight chambers are considered to be within the core are of Fort Shannon and as such should be protected.

It is noted that the pill box which is proposed to be demolished, is one of a number constructed around the fort and is not considered to be located within the core of the Fort. The zoning of the lands where the pill box is located, for industrial development within the Kerry CDP 2022, supports this view.

The eastern boundary proposed as part of this development will straddle a searchlight (searchlight 2), an underground bunker and a pillbox (Pillbox 5). It is considered appropriate that these elements of Fort Shannon should be safeguarded by way of appropriate boundary treatment / setbacks. It is considered that this can be satisfactorily addressed by way of condition.

Having regard to the information contained in the application and to the report of the E. Planner (Conservation), it is considered that the proposal would not adversely impact the special interest of Fort Shannon.

The visual impact of the treatment of the eastern boundary of the proposed site, particularly in terms of character and setting of RPS-KY-0887, should respect the proximity of the protected structure and its position should ensure no negative impact on the character, setting or fabric of the structure or indeed, elements within its curtilage. Any security fencing should be planted with native species associated with the site and maintained to form a feature of the development. Any proposed removal of associated structures shall be photographed and surveyed prior to demolition and a colour annotated photographic survey shall be submitted to the planning authority prior to commencement of the construction phase of the development.



Map 5: Camp at Fort Shannon, Tarbert, Co. Kerry, (not dated), Office of Director of Engineering

The extent of the development associated with the military embankment at Fort Shannon is evident on Map 5 above, which provides documentary evidence as to the nature and extent of the military designed landscape at the location. Although outside the red line of the proposed development site, it is nonetheless considered appropriate that the character and setting of this protected structure forms part of the overall planning assessment. It is accordingly recommended that an analysis of the historic designed military landscape should be carried out prior to commencement of development to inform mitigation in respect of undiscovered structures, tunnels, features, that may be impacted by the development.

Section 12.6.1 of the EIAR also states "there is the possibility that it [the WWII structure] could be accidentally impacted during construction works". The issue of impact to the structure arising during, and post construction, should be managed to ensure no negative impact on the fabric and setting of the structure. Mitigation proposals to minimise the impact of construction should be considered for Ralappane

House and for the military complex. The construction management plan should include proposals to minimise impact and to prevent any accidental damage to structures within the curtilage of the protected structure at Fort Shannon.

4.6 Biodiversity

Nature conservation designations in the area are set out in section 3.5.2. As outlined in the application the Lower River Shannon SAC and the River Shannon and Fergus Estuaries SPA are the most likely to be impacted – even based on proximity alone. These are amongst the largest European Sites in the Country. A substantial amount of specialist studies have been undertaken and scientific data collated for the development site and the surrounding area both as part of this application and previous studies. This increases the scientific certainty of conclusions reached.

It is noted that the boundaries of the River Shannon and Fergus Estuary SPA has been extended since the earlier applications on the subject site and that this has been taken into account as part of the application. As part of this it is noted that there are no significant populations of Special Conservation Interest (SCI) bird species in the vicinity of the proposed development site, influenced by the limited intertidal foraging habitat at this location. Red-throated Diver, Great Northern Diver and Sandwich Tern were recorded in the inshore waters bordering the proposed site and this was taken into account as part of the assessments.

It is noted that the majority of the terrestrial site is characterised by improved agricultural grassland and to a lesser extend a mosaic of improved agricultural grassland and wet grassland. The application outlines that scrub a habitat of local (higher level) importance is encroaching from field margins. The habitats while supporting bird species such as meadow pipit and snipe were determined to be of low value for forging Hen Harrier and unsuitable for breeding Curlew. It is noted that the sedimentary cliffs located along the estuary were not found to be an example of the Annex I habitat ‘vegetated sea cliffs of the Atlantic and Baltic coasts 1230). As expected, badger use was found and given proximity to water a level of Otter use can also expected.

4.7 Water supply, surface water disposal, wastewater treatment.

This is a matter to be clarified by Uisce Éireann.

4.8 Roads and Transport

It is considered that adequate carrying capacity is available on the road network to serve the proposed development, particularly in light of the public infrastructure works currently underway on a section of the L1010 which extends from Tarbert Town (and the National Road network) to the proposed development lands. Subject to the mitigation measures being implemented and the further conditions recommended by KCC being adhered to including the payment of a special development contribution to cover the cost of the upgrade works which would benefit the proposed development, it is considered that the proposed development would not have a significant impact on traffic safety or general infrastructure in the area.

4.9 Residential impact

The proposed development is located c300m from the nearest residential dwelling, Ralappane House. Other residential properties are located along the Coast Road and, as such any views from same would be at a distance and not significant. Temporary disturbance would occur during the construction phase of the project. It is noted that mitigation measures have been outlined in this regard. It is considered that the proposed development is not likely to have significant residual residential amenity impacts.

4.10 Flood Risk Management

Regarding the flood risk assessment associated with the proposed development and other documentation submitted it is considered that the proposal would have a negligible impact in terms of flood risk. It is noted that the design and approval of the proposed new culverts at the crossings of the existing watercourses will require Section 50 licences from the OPW.

4.11 Landscape (and seascape) and visual impact assessment

Landscape status is as set out in section 3.5.2. The proposed site is located on pasture lands located on the southern banks of the Shannon Estuary. The character of the site and the surrounding landscape is that of rolling agricultural pastureland in a coastal location. The site is mostly visible from the estuary itself, from County Clare on the northern side of the estuary and from the west on the Co. Kerry side of the Estuary. The site is not readily visible from the south or east. Large industrial developments are not out of character along the Shannon Estuary. Tarbert Power Plant in Co Kerry, Moneypoint in Co Clare, Aughinish in Co Limerick are all accepted parts of the landscape. Ships using the Shannon Estuary are also part of the landscape / seascape and provide visual interest. Landscaping and site restoration proposals have been submitted as part of the application and are noted.

The proposed power plant would be constructed on a Platform at 18m OD (Ordnance Datum). It is noted that this is 8m OD higher than the platform permitted for the CHP plant on site. The highest venting stack proposed would be 53 OD as compared to the permitted 70 OD stack. The highest stack forms part of the proposed Heat Recovery Steam Generator (HRSG) and would be 35 m above finished ground level.

As referenced in Section 3.5.2, the proposed site is zoned C2.2 for general industry in the County Development Plan and is not designated as an area of special amenity. In general, the proposed development would only be visible from a distance or from the estuary. Scenic routes or views and prospects would not be significantly impacted. The proposal as viewed from the protected view to the west is shown on photomontage no. 8. As outlined, industrial development is located at other locations along the Estuary and has long been zoned for industrial development. Therefore, notwithstanding the rural nature of the site, it is considered that the proposed development would not constitute an incongruous feature in the landscape and would conform with the land use zoning for the site.

5. EIAR / NIS Observations

The Bord may wish to take the following observations on the submitted Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) into consideration:

General Observations

As outlined in the application submitted, the Lower River Shannon SAC and the River Shannon & River Fergus Estuaries SPA are the most likely nature conservation sites to be impacted. These are amongst the largest European Sites in the Country. It is noted that a substantial amount of specialist studies has been undertaken and scientific data collated for the development site and the surrounding, as part of this application and as part of previously undertaken studies. This increases the scientific certainty of conclusions reached.

Emissions from natural gas-fired plant include Nitrogen Oxides. Within this context it is noted and considered appropriate that Moanveanlagh Bog SAC and Tullaher Lough and Bog SAC have been included in the EIAR air quality assessments as sensitive receptors and that these considerations also form part of the AA Screening / NIS submitted.

The boundaries of some proposed Natural Heritage Areas in the area overlap those of Natura 2000 site designations. Where this occurs the pNHA scientific interests may be wider than the qualifying interests of the Natura 2000 sites.

In relation to the proposed outfall, is noted that the application outlines that '*the cliff face is proposed to be armoured with rock to prevent erosion and maintain the integrity of the foreshore'*. The impact of same should be assessed, including in relation to any deflected energy / coastal erosion / habitat loss.

It is noted that a construction laydown area has been indicated including on Figure F2.4 in Volume 3, Section 2 of the EIAR submitted and that this has been taken into account as part of the environmental assessments undertaken. It is noted that detailed ecological assessments have been undertaken of structures proposed to be demolished and of lighting proposals.

5.1 Site selection and Consideration of Alternatives

Overview

The proposal outlines how power demand in Ireland has increased significantly in recent years and how generation capacity has not kept pace. The need for dispatchable power is required to mitigate for aging conventions power plants and the increase in non-dispatchable renewable generation. The need for natural gas is required to increase security of supply. The national and international supply and demand contexts are outlined. The EIAR outlines that natural gas is the only realistic major energy source currently available to back-up and support the growth of renewable generation while maintaining security of supply.

Alternatives with regard to site selection, designs and layouts are clearly set out the EIAR. As part of this, the preference for the proposed multi-shaft combined cycle configuration over a combined Heat and Power Plant (CHP), as is currently permitted on site is outlined.

The EIAR stresses the ability of the Power Plant to operate at a 50% blend of hydrogen by design.

5.2 Energy and Planning Policy

This chapter is clearly set out. With regards Climate Change, Chapter 15 of the EIAR 'Climate' outlines:-

- As the use of coal and peat for electricity generation is reduced, natural gas has been identified as a relatively lower-carbon option to provide security of supply.
- After an operational life of 25.5 years (to 2050), the Proposed Development may be transitioned from a natural gas to a hydrogen-powered facility subject to technology availability and feasibility and approval from planning authorities.
- The National Energy and Climate Plan 2021-2030 recognises that that if Ireland is to meet its ambitious renewable energy target of 80% by 2030, then natural gas has a key role to play in providing a contribution to the energy mix for heat and transportation and as a back up to variable renewable power generation.
- The Proposed Development will result in direct emissions from the combustion of fossil fuel, this is seen as necessary if the overall impact of electricity generation on the climate is to be reduced through the introduction of higher renewable generation capacity.
- At Construction stage, there would be unavoidable GHG emissions resulting from the construction phase of the Proposed Development as materials, energy and fuel use, and transport would be required. However, with embedded mitigation measures their effects have been assessed as minor adverse.
- At Operational Phase, there would be unavoidable GHG emissions resulting from the operational phase of the Proposed Development as materials, energy and fuel use, and transport would be required. The fuel consumption associated with the operating of the Power Plant would contribute the majority of the operational phase emissions. Operational emissions have been assessed as major adverse
- For Ireland to meet its 2030 target for 80% of electricity generation from renewable energy the remaining 20% will predominantly have to be met from natural gas-powered generation.
- As the use of coal and peat for electricity generation will cease by 2025 under the 2024 Climate Action Plan, natural gas has been identified in the Climate Action Plan, and the National Energy and Climate Plan, as the only remaining dispatchable power source capable of providing significant security of electricity supply when wind sources are insufficient
- The Proposed Development will diversify the supply of electricity to the Irish market. It does not in itself increase demand for natural gas or electricity.

5.3 Climate observations

Natural gas has been identified as a "transition fuel" in the goal of decarbonising the energy sector. It is considered that if the ambitious government targets of achieving 80% of energy resource from renewables, there will still be a substantial amount required from non-renewables (20%). Wind energy will not be in a position to supply 100% of energy requirements 100% of the time, and an alternative back up will be required when wind energy is not available (natural gas, bio-gas, bio-fuels, hydrogen, wave energy etc).

It is considered that the proposal would play a positive role in ensuring security of energy supply and be supportive of renewable energy expansion within the foreseeable future and up to 2050. As gas is a fossil fuel, which is not renewable and a contributor to greenhouse emissions, it is considered that the future use of unabated fossil gas post 2050 would not be compatible with current national targets regarding greenhouse emissions. The proposal outlines that the power plant is capable of transitioning to burning a blend of hydrogen. This is an advantage of new infrastructure and is welcomed.

Regarding the well-to-tank emissions calculation methodology outlined in 15.8.1.2 of the EIAR. The Bord should satisfy itself as to the appropriateness of same.

5.4 Land and Soils

Chapter 5 of the EIAR outlines that the proposed site is a greenfield site and requires excavation and regrading of approximately 475,000m3 of overburden soils and rock. Importation of approx. 26,000 tonnes of aggregates is also envisaged. Of the 35,000m3 of topsoil excavated, 13,745m3 is expected to be used as backfill and the remaining 21,255m3 to cover lay down areas, landscaping and berms.

Quarry material should be sourced from an authorised location.

5.5 Water

The reports submitted outline that the likelihood of large-scale hydrocarbon spills is considered to be low and that pollution mitigation and response protocols are outlined to address any such occurrence. It is noted and accepted that the receiving waters of the estuary are naturally turbid. Notwithstanding this, it is noted that sediment control measures are provided for. It is further noted that a discharge license will be required as part of the operational stage.

It is noted that the Ralappane Stream was previously surveyed in 2006 as part of the LNG proposal environmental assessments. As part of this quantitative electrofishing was undertaken. Overall fish numbers recorded were low as would be expected for a watercourse of this limited size and no salmonids or lamprey were recorded.
The NIS outlines that no significant decline in Otter habitat or prey availability is considered likely. The NIS addresses potential for impact on Dolphin within S3.4 of the NIS. As part of this it is outlined that dolphin are accustomed to the naturally turbid nature of the Shannon Estuary. Noise, visual and vibration disturbance aspects are addressed in S3.4.2 of the NIS, with underwater noise addressed in S3.4.3. Operational stage discharges are addressed in S3.4.5. The conclusions outlined are considered reasonable.

The intertidal habitats encountered as part of the 2024 intertidal survey were noted to be '*typical of cobbly rocky shores in Ireland being dominated by Pelvetia canaliculata, Fucus sp. and Ascophyllum nodosum. No rare, protected or unusual species were observed, and no changes were observed compared to previous surveys undertaken in previous years'*. Loss of Annex I habitat (associated with the provision of the trench outfall) estuaries habitat is estimated to be 100m2 while the loss of reef habitat is estimated to be 65m2. S3.4.4 of the NIS outlines that the loss of Annex I habitats relative to the total area of the habitats in the Lower River Shannon SAC is negligible and will not give rise to negative impacts to the structure or functioning of the habitats. Having regard to the extent of habitat loss relative to the extent remaining this conclusion seems reasonable.

5.6 Biodiversity

It is noted that the boundaries of the River Shannon & River Fergus Estuaries SPA have been extended since the LNG terminal was permitted at this location and that this has been taken into account as part of the application. As part of this, it is noted that there are no significant population of SCI bird species in the vicinity of the proposed development site - influenced by the limited intertidal foraging habitat at this location. Red-throated Diver Great Northern Diver and Sandwich Tern were previously recorded in the inshore waters bordering the proposed site and this was taken into account as part of the assessments.

It is noted that the most comprehensive waterbird survey ever undertaken for the Shannon Estuary in 2017/2018 has been referenced in the EIAR submitted. That study undertaken commissioned by the SIFP partnership, assessed waterfowl numbers, usage and distribution on the River Shannon and the River Fergus Estuaries, with particular reference to the identified Strategic Development Zones.

As per the 2021 application, it is noted that the majority of the site is characterised by improved agricultural grassland and to a lesser extent, a mosaic of improved agricultural grassland and wet grassland. The application outlines that scrub, a habitat of local (higher level) importance is encroaching from field margins. The habitats which supporting bird species such as meadow pipit and snipe were determined to be of low value for foraging Hen Harrier and unsuitable for breeding Curlew. The 2021 EAIR outlined that red listed Curlew and Snipe, were recorded feeding in the agricultural wet grassland within and adjoining the development site in the winter months. S.7B.4.5.2 of the current EIAR provides greater context and discussion on same, noting that Curlew were recorded in wet grassland habitats adjacent to Ralappane point to the west and outside of the Proposed Development site and outlines that the terrestrial habitats of value for Curlew are outside the site boundary. While there was some variation between results from the 2019/2020 and 2023 surveys, the species assemblages recorded were noted to be broadly similar. A total of 42 bird species were recorded during the 2021 to 2023 estuarine bird surveys. No species were recorded in nationally important numbers. The report outlines that *there is no evidence that the terrestrial habitats within the Proposed Development site boundary are regularly used as high tides roosts or terrestrial foraging sites.* The Breeding Bird Survey Report 2023 concluded that the proposed development site is of moderate value for breeding birds, which is considered reasonable.

The application outlines that sand martin forage but do not breed within the site. An abandoned Sand Martin colony was found along the coast west of the proposed site. Given the location of sedimentary cliffs within the site and surrounding area, possible sand martin breeding activity should be reviewed prior to the commencement to development, particularly given the 10-year nature of the permission being sought.

It is noted and welcomed that no terrestrial land take of Natura 2000 sites would occur as a result of this proposal. It is noted that the sedimentary cliffs located along the estuary and within the proposed site were not found to be an example of the Annex I habitat vegetated sea cliffs of the Atlantic and Baltic coasts 1230).

As expected, badger use on site was found and given the proximity of water, a level of Otter use can also be expected. These matters are addressed in the reports submitted.
Details of the landscaping plan for the Proposed Development are included, including within Figure F2.4 in Section 2 of Volume 3 of the EIAR submitted. While the details could have been set out more clearly set out, the proposals provide for areas of native woodland and native scrub habitat as well as native wildflower planting. It has also been indicated that it is proposed to retain existing vegetation +/- 5-10m either side of the (Ralappane) Stream (with the exception of where the proposed crossing is to be located).

Map 6: Landscaping proposals as per Figure F2.4 in Volume 3, Section 2 of the EIAR submitted

As part of the proposed landscaping, it is noted that a band of trees is proposed along the southern site boundary. It is considered that this along with the protection of the Ralappane stream, adequately addresses the requirements of Section 11.2.6 of the Kerry County Development Plan 2022-2028, which outlines the following with regard to green and blue infrastructure and ecological corridors: '*Given the extent of the Tarbert Ballylongford landbank and its location relative to areas of nature conservation value, it is of particular importance that ecological connectivity at a landscape level is taken into account as part of development proposals for this area'.*

The proposed development would benefit from the creation of additional features of local biodiversity value as supported in the Kerry CDP 2022. It is considered that this can be addressed by way of condition. It is unclear where the landscape berm shown on

Figure F2.4 in Volume 3, Section 2 of the EIAR submitted, is proposed to be located. Such a berm would be of additional biodiversity value.

5.7 Air Quality, Noise and Human Health

The assessment would benefit from the undertaking of some element of baseline air quality monitoring at and in the vicinity of the application site.

An Bord Pleanála should be satisfied that the noise assessment undertaken addresses the issue of low-frequency noise potentially arising and its impact on human beings and the wider environment and that all all potentially harmful emissions associated with the proposal are included in the assessment.

5.8 Landscape and Visual Impact

It is noted that the landscape assessment incorporates a seascape assessment and has also taken into account potential for impact after dark. The bord should also consider whether further information is required regarding plume visual impact assessment. Landscaping proposals and species selection should take account of the site's coastal location.

5.9 Cultural Heritage

The submitted EIAR Chapter 12 deals with Cultural Heritage including archaeology and pulls together the previous archaeological studies, surveys and archaeological testing that has been carried out on the site over the years and which has identified a rich variety of features and deposits of archaeological interest.

In general terms the EIAR assesses the likely archaeological impacts based on the available information. The rating system used to value 'heritage assets' (Table 12-2) is itself of questionable value and there would be particular issues with the designation of identified/potential archaeological features as being of only 'local significance' (though this statement is qualified several times). In the absence of any detailed information on the true nature, extent or date of these features such a designation cannot be accepted and the significance of these features is effectively unknown.

Indeed, it should be noted that excavations on the similarly located ESB site at Kilpaddoge, 2.5km to the east, have uncovered evidence for both Mesolithic and early Neolithic settlement close to the shoreline, which would be considered of at least regional if not national significance and initially presented as similar features to those on the proposed development site.

The EIAR states that 31 areas of archaeological potential, recorded during previous archaeological testing, are located within the footprint of the proposed development. This is a significant number of areas of potential. The EIAR states that 'full resolution of all archaeological sites and areas identified during testing within the proposed development boundary will be carried out', which would be the minimum requirement.

As the report also notes, the excavated test trenches were 10m apart which in effect means that there are substantial untested areas between many of the trenches within the proposed development site and the true picture of the extent of archaeological features identified during testing has not been established. Notwithstanding the proposal to

excavate of a 5m buffer area around the previously identified features, there is a strong likelihood that groups of features already identified extend further and possibly link to other groups of features within the overall site. As such, there should be a requirement to strip all the untested areas of the proposed development site, under archaeological licence, to establish the full extent of the archaeological material prior to the commencement of excavation of the already identified features. This archaeologically licensed stripping should be conducted in advance of any site works in order to properly inform any proposed mitigation/resolution measures.

Area 3 of the proposed development site is the location of the recorded monument Ke003 004, listed in the Record of Monuments & Places as a ringfort (cashel). The EIAR notes that a buffer zone will be preserved around this monument and will be fenced. However, the report also notes that a number of archaeological features were recorded within the proposed buffer zone during archaeological testing to establish the true extent of the monument. It is possible that some of these features relate to the ringfort and should be viewed as part of the overall monument.
As such, the buffer zone should be measured from the outermost of these features which it is proposed to preserve in situ. The buffer zone should be demarcated with a secure fence during construction works on the site, to prevent accidental damage, tracking of machinery, storage of materials etc. However, on completion of the construction phase this fence should be replaced with a planted boundary using native species to mitigate the visual impact of the development on the monument setting.

A management plan in relation to the medium/long term care, maintenance and management of the ringfort Ke003 004 should also be compiled and a management programme for the monument put in place so that it does not become an overgrown area of back land on the boundary of the development. The erection of an information panel at the location should also be considered and could be used to outline the archaeological history of the development site as well as provide information on the monument itself.
The EIAR notes that a new marine geophysical survey was carried out in February 2024 and that, while it failed to relocate an anomaly identified in an earlier survey in 2007, it did identify an anomaly (A8) which is interpreted as a potential archaeological feature. The report notes the feature will not be impacted directly and is located 390m from the proposed outfall pipe. A 50m buffer zone around this anomaly is proposed and should be implemented.

With respect to Protected Structure in the vicinity, the EIAR outlines the methodology used to assess the impact on the character and setting of the development on curtilage and attendant grounds. It concludes “the terrain within the footprint of the Site slopes downhill to the north and the shoreline. A small concrete structure with flat roof and wide aperture opening looking seawards (Searchlight 1) is located adjacent to the north-east extent of the Site and outside the red line boundary. The Protected Structure is located just outside the Site boundary and will not be physically impacted by the Proposed Development. Similarly, other remains of the associated Fort Shannon Coast Defence Artillery installation are present to the east of the Proposed Development.”

It also outlines cultural heritage assets “will not be physically impacted by the Proposed Development, there is the possibility of negative impact to the setting of the designated assets by noise, dust and vibration from construction related traffic which could

diminish the importance of these assets [and also states] the Proposed Development will be clearly visible from the Lookout Post / Searchlight Emplacement especially the adjacent security fence and the power station building which will be the largest structure within the area.

Appendix A12.2: Protected Structures. This section does not refer to the broader military landscape associated with the Fort Shannon complex.

Note: Section 12.5.7 of the EIAR refers to planned landscapes and highlights Sallowglen. The report notes in error that none of the architectural features are extant. Furthermore, the avenues and approach have remained since the second edition OS period.

The extent of the development associated with the military embankment at Fort Shannon is evident on Map 4 (Conservation Report Appendix C) which provides documentary evidence as to the nature and extent of the military designed landscape at the location. Although outside the red line of the proposed development site, it is nonetheless considered appropriate that the character and setting of this protected structure forms part of the overall planning assessment.

The visual impact of the treatment of the eastern boundary of the proposed site, particularly in terms of character and setting of RPS-KY-0887, should respect the proximity of the protected structure and its position should ensure no negative impact on the character, setting or fabric of the structure or indeed, elements within its curtilage.

It is noted that the EIAR states that "the setting of Ralapane House (RPS KY 003-001) may be temporarily impacted by noise, dust and vibration from the construction works but these will cease as the Proposed Development is completed. The change to setting will be such that the special interests or qualities of the house are slightly affected without a noticeable change". Section 12.6.1 of the EIAR also states "there is the possibility that it [the WWII structure] could be accidentally impacted during construction works". The issue of impact to the structure arising during, and post construction, should be managed to ensure no negative impact on the fabric and setting of the structure.

5.10 Major Accidents and Disasters

The main risk of a major accident or disaster is identified as fire risk. The application outlines that the proposed development, through its training regime, will ensure every employee is aware of his/ her responsibility to work safely, adhere to safety rules and work procedures, use safety equipment provided, is environmentally responsible, and play an active role in the Proposed Development's drive for continual improvement in health, safety and environmental (HSE) performance. It is further noted that the application outlines that pre-operational training and regular refresher courses, using simulators, will be undertaken, involving all relevant parties, including SFPA, KCC's Fire Department and the Proposed Development employees. In this regard the report of the Authority should be taken into account, as appropriate. This is included in Appendix C.

5.11 Mitigation measures

It is noted that the project has been designed having regard to the hierarchy of mitigation measures i.e first avoidance so as to prevent significant impacts from happening in the first place and then reduction of impact i.e. reducing the magnitude and/or likelihood of an impact. This approach is considered to be appropriate.

Mitigation measures for the proposal are outlined including within S3.6 of the NIS. The format provided, while not mirroring the example provided in S3.2.4 of the EU guidance document (EC Commission Notice 2021/C 437/01 'Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC'), is considered to be compatible with same and the measures outlined do target impacts identified earlier in the appropriate assessment.

5.12 Other

Matters of relevance contained in the Planning Assessment Report should also be taken into account, where relevant.

6 Conclusion

While Government policy recognises the need to transition to a zero-carbon economy by 2050, it also recognises that the realisation of renewable energy resources to achieve this target will involve a transitionary period. These policy matters and their relevance to the assessment of the project are a matter for the Bord.

The planning application is supported by comprehensive information including mitigation measures by means of the Environmental Impact Assessment Report and Natura Impact Statement. The environmental studies and assessments completed including the mitigation measures proposed demonstrate that the development would not have a significant effect on the environment or on the residential amenity of the area. However, the Planning Authority has included in section 5 a number of observations on the submitted EIAR and NIS that the Bord may wish to take into consideration.

The roads, water and in particular the energy infrastructure serving and adjacent to the application site is adequate to cater for the proposed development.

The proposed development accords with National and Regional policy as set out in the National Planning Framework and the Regional and Spatial Economic Strategy for the Southern Region. The proposed development aligns with the goals and objectives of the Kerry County Council Local Authority Climate Action Plan 2024-2029 and is consistent with the land use zoning and objectives contained in Kerry County Development Plan and the Listowel Municipal District Local Area Plan and is in accordance with the proper planning and sustainable development of County Kerry and the Shannon Estuary.

7. Matters to consider in relation to any decision.

Kerry County Council requests An Bord Pleanála to consider the following items in making a decision on this application.

7.1 General

(i) All environmental mitigation measures as set out in the information submitted in support of the application, including within the EIAR and the NIS shall be fully implemented, except as may be otherwise required or specified by way of condition.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

7.2 Construction Management Plan

(i) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall include all environmental and ecological measures arising from reports submitted with the planning application and shall provide details of intended construction practice for the development, including:

(a) The location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.

(b) The location of areas for construction site offices and staff facilities.

(c) Details of boundary treatment, site security fencing and hoardings.

(d) Details of on-site car parking facilities for site workers during the course of construction.

(e) Proposals to minimise impact and to prevent any accidental damage to structures within Fort Shannon on adjoining lands to the east and along the eastern site boundary.

Reason: In the interest of clarity, heritage protection, amenities, public health and safety and the proper planning and sustainable development of the area.

7.3 Water Services

(i) Prior to the commencement of development, the developer shall enter into water connection agreement(s) with Irish Water

7.4 Roads and Transportation

(i) Public infrastructure works comprising the L1010 Coast Road Improvement Scheme from Tarbert Town to the proposed development lands at Kilcolgan Lower will be required to be completed prior to the commencement of the main construction elements of the proposed development. This shall not preclude the undertaking of site preparation and earthworks contemporaneously with the upgrading of the L1010 coast road. The precise extent of works, which may be carried out prior to the completion of the public infrastructure works, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development and in default of agreement, shall be determined by An Bord Pleanála.

(ii) Prior to commencement of development, the developer shall submit and agree in writing with the planning authority a detailed traffic management plan. This management plan shall include restrictions on traffic movements at Tarbert

Comprehensive School, which shall prohibit the movement of heavy goods vehicle traffic associated with the construction of the terminal for a minimum period of 20 minutes before and ten minutes after the opening and closing times of the school. It shall also include the staggering of various shift start and finish times.

(iii) The splayed entrance and the area between the entrance and the public road shall not interfere with roadside drainage which shall be maintained, repaired or made good by providing a dished water channel constructed of concrete or piped culvert.

(iv) The splayed entrance shall not cause surface water or seepage water to flow onto the road surface. No water from the proposed development shall be allowed to flow onto the public road.

(v) The applicant shall make good any damage to the public road or existing drainage that may result from the proposed development to the satisfaction of the planning authority.

(vi) The applicant shall provide sightlines of 160m in both directions of the proposed site access road from a point 3.0m back along the centreline of the direct access measured from the line of the nearside edge of the paved surface.

(vii) A "dwell" area of at least 10m shall be provided at access roads immediately adjacent to the public road. The gradient for the dwell area shall lie between plus and minus 2.5%.

(viii) Pre and post construction phase surveys of the public road network identified and agreed with the planning authority, to be used as haul routes, shall be carried out by the applicant.

(ix) Pre and post construction phase principal Inspections of structures and culverts within the road network shall be undertaken at locations to be agreed with the planning authority in advance.

(x) Abnormal Load licences shall be secured by the developer in advance, if required, for the transportation components, units and materials. Consultation with the Road Authority, An Garda Siochana and all necessary stakeholders shall be carried out by the developer in advance of transportation of abnormal loads.

(xi) Any required alterations to the road network for the transportation of components, units and/or materials of shall be agreed in advance with the planning authority and reinstated thereafter to the satisfaction of planning authority. Any temporary alterations to utilities shall be agreed with the appropriate utility provider in advance by the developer. Any land acquisition or temporary access to lands required for the conveyance of abnormal loads or materials will be incumbent on the applicant to agree with the appropriate landowner. A schedule of alterations to the road network including but not limited to signage, street furniture and vegetation shall be agreed in advance with the planning authority.

(xii) Pre and post construction phase surveys shall be undertaken by the developer of landowner's boundaries including but not limited to walls, fences, ditches, vegetation and house front curtilage in advance of transportation of abnormal loads and/or haulage of materials.

(xiii) Traffic Management arrangements for the works shall be in accordance Chapter 8 of the 'Traffic Signs Manual'.

(xiv) Adequate provision must be made within the site for storage of materials, marshalling of incoming and outgoing deliveries and on-site parking of staff involved in the construction phase of the works.

(xv) All vehicles traversing unpaved areas of the construction site shall pass through wheel wash facilities with rumble grids prior to exiting the site and accessing the public road network. These facilities shall be located inside all exits from the site. All vehicles leaving the site shall be monitored to ensure that the public road is kept free of mud and debris.
Any works or excavation on the public road network will be subject to a Road Opening Licence.
Reason: In the interest of road safety, orderly development and the proper planning and sustainable development of the area.

7.5 Environmental Protection

(i) All environmental mitigation measures as set out in the information submitted in support of the application shall be fully implemented, except as may be otherwise required or specified by way of condition.

(ii) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person will be responsible for ensuring that all environmental control measures are fully implemented and maintained, and will also act as the point of contact with the Planning Authority in the event of any environmental difficulties arising with the project. Contact details of the person in question shall be provided to the Planning Authority prior to any works commencing on-site.

(iii) In advance of any works commencing on-site the developer shall prepare and submit a Construction Environmental Management Plan (CEMP) for approval by the Planning Authority. The CEMP shall cover all relevant environmental issues potentially associated with the development phase of the project, including air quality, noise control, water management, waste management etc.

(iv) Noise generated from activities carried out within the development to which this permission relates shall not give rise to public noise nuisance beyond the facility boundaries.

(v) During the course of the construction phase of the project, the developer shall develop and implement a noise and vibration monitoring programme to determine compliance with the relevant noise criteria. The detail of the programme shall be agreed with the Planning Authority in advance of any works commencing on-site.

(vi) The applicant shall arrange the carrying out of a noise and vibration monitoring survey on an annual basis. The Planning Authority reserves the right to nominate the location(s) at which the annual exercise is to be undertaken. The results of the annual survey shall be retained at the facility and made available to the Planning Authority on request. Upon review of any of the monitoring results, the Planning Authority reserves the right to alter the frequency and scope of the said monitoring programme. The applicant shall be liable for all costs associated with the said monitoring programme.

(vii) In the event of complaints being received regarding alleged noise nuisance from the development to which this permission relates and, upon investigation by the Planning Authority, such complaints are found to be justifiable the applicant shall, upon written receipt of notification from the Planning Authority, retain

the services of an acoustic specialist to establish the cause of the noise nuisance and the remediation measures required in order to abate said nuisance. The applicant shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein.

(viii) All operations undertaken within the development to which this permission relates shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary and/or at sensitive locations.

(ix) Dust suppression equipment must be available at all times to minimize the risk of excess dust generation during the construction phase of the project.

(x) During the construction and development phase of the project, total dust deposition (soluble and insoluble) levels shall not exceed the following limits at the site boundaries: 350 mg/m2/day (when averaged over a 30-day period).

(xi) During the construction and development phase of the project, the facility shall be provided with a suitable wheel-wash. The wheel-wash shall be maintained on an on-going basis.

(xii) If required by the Planning Authority, the applicant shall retain the services of a competent person(s) to undertake air quality monitoring at the facility. The scope of same shall be agreed in advance with the Planning Authority. A report shall be furnished to the Planning Authority as soon as practical after the monitoring is carried out. The applicant will be liable for all costs associated with this monitoring.

(xiii) In the event of complaints being received regarding alleged odour nuisance from the development to which this permission relates and, upon investigation by the Planning Authority, such complaints are found to be justifiable the applicant shall, upon written receipt of notification from the Planning Authority, retain the services of an odour specialist to establish the cause of the odour nuisance and the remediation measures required in order to abate said nuisance. The applicant shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein.

(xiv) The applicant shall install and maintain in a prominent location on the site a wind sock or other wind direction indicator, which shall be visible from the public roadway outside the site.

(xv) The developer shall prepare and implement a site-specific water management plan, to include detailed drawings of adequate scale, for each development phase of the project. The plan shall provide specific details of the measures which are to be implemented on-site in relation to (a) sediment and erosion control, and (b) the management of any other potentially polluting substances. The plan shall be developed taking account of all relevant guidance and standards and shall be submitted to the planning authority in advance of any works commencing on-site.

(xvi) The developer shall retain the services of a competent environment consultant to carry out both freshwater and marine water biological monitoring prior to and after the construction phase of the proposed development. A proposed plan for the monitoring programme shall be submitted to the Planning Authority for agreement prior to the commencement of any works on-site and the results of all such monitoring shall be submitted to the planning authority upon completion.

(xvii) No silt/sediment laden water shall be discharged from the development to any watercourse in the vicinity of the site. In this regard, during the development

phase of the project, a suitable system for the collection and treatment of any sediment/siltation arising shall be installed on-site and maintained thereafter for the duration of the development works.

(xviii) Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.

(xix) All tank and drum storage areas shall, as a minimum, be bunded, either locally or remotely, to a volume not less than the greater of the following:

- 110% of the capacity of the largest tank or drum within the bunded area; or
- 25% of the total volume of substance which could be stored within the bunded area.
- All inlets, outlets, vent pipes, valves and gauges must be within the bunded area.
- All drainage from bunded areas shall be treated as contaminated unless it can be demonstrated to be otherwise. All drainage from bunded areas shall be diverted for collection and safe disposal, unless it can be deemed uncontaminated.
- All tanks, containers and drums shall be labelled to clearly indicate their contents.

(xx) The developer shall install and maintain a Class 1 bypass oil separator system on the storm water discharge from the impermeable areas at the facility. The separator shall be in accordance with I.S. EN-858 (Separator systems for light liquids).

(xxi) The applicant shall enter into a maintenance contract with a suitably qualified and authorized entity for the on-going maintenance of the oil-separator system. The contract shall be maintained on an on-going basis and the applicant shall maintain records of same.

(xxii) Prior to the commencement of works on-site, the developer shall arrange preparation of an Oil and Hazardous & Noxious Substances (HNS) Spill Contingency Plan for the facility and all relevant activities associated with the facility. The plan shall be prepared in accordance with the requirements of the National Maritime Oil/HNS Contingency Plan and the relevant guidance referenced therein, including Standard Operating Procedure 05-2020.

(xxiii) A suitably stocked spill-kit, to include an adequate supply of absorbent materials, shall be retained at the facility to ensure the appropriate containment and management of any spill potentially occurring at the facility. All facility personnel should be made aware of the location and proper use of this material.

(xxiv) The development shall be provided with an on-site wastewater treatment system in accordance with the Environmental Protection Agency Code of Practice "Domestic Wastewater Treatment Systems (Population Equivalent < 10)", as outlined in the plans and particulars received by the Planning Authority.

(xxv) Within one month of commissioning of the wastewater treatment system, the applicant/developer shall submit a certificate {this shall include relevant photographs and as constructed records of the installation} from a suitably qualified person, the holder of up-to-date professional indemnity insurance, stating that the on-site wastewater treatment system has been installed in accordance with –

- The terms of the planning permission;
- The Environmental Protection Agency Code of Practice "Domestic Wastewater Treatment Systems (Population Equivalent < 10)".

A copy of the insurance certificate confirming that the qualified person referred to above held up-to-date professional indemnity insurance at the time of preparation of the installation certificate shall be submitted along with the certificate.

(xxvi) Prior to the commencement of any works on-site, the applicant shall carry out a detailed survey of the structures due for demolition in order to identify the potential presence of any asbestos containing material or other potentially hazardous materials. A report on the findings of the survey, along with any recommendations arising therefrom, shall be submitted to the Planning Authority.

(xxvii) Prior to the commencement of the development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to the how the RWMP will be measured and monitored for effectiveness. These details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the Planning Authority for written agreement prior to the commencement of the development and, once agreed, shall be fully implemented unless otherwise agreed with or directed by the Planning Authority. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

(xxviii) The development shall be provided with suitable waste storage facilities. The storage facilities shall provide adequate capacity for the proper storage and appropriate segregation of all wastes arising from the proposed development, in such as manner as to avoid any potential risk of environmental pollution.

(xxix) The lighting scheme for the proposed facility shall be the minimum required for operational, safety and security purposes. A detailed lighting plan shall be developed prior to the commencement of any works on-site for agreement with the Planning Authority.

7.6 Biodiversity

(i) Pre-construction sand martin and otter surveys shall be undertaken in line with best practice, the result of which shall be submitted to the planning authority for file purposes.

(ii) An operational stage biodiversity management plan for the site shall be developed by a suitably qualified individual and agreed in writing with the planning authority prior to the commencement of the powerplant operations. As part of this, opportunities for bird / sand martin nesting, pollinator friendly grasslands and freshwater aquatic interest and riparian habitat enhancement measures shall be considered.

Reason: In the interests of biodiversity and the proper planning and sustainable development of the area.

7.7 Conservation related

(i) An analysis of the historic designed military landscape should be carried out prior to commencement of development to inform mitigation in respect of

undiscovered structures, tunnels, features, that may be impacted by the development.

(ii) The security fencing on the eastern side of the proposed development shall be setback from the existing structures associated with Fort Shannon. These include Searchlight 2, an underground bunker and Pillbox 5 and any security fencing should be planted with native species associated with the site and maintained to form a feature of the development. Details of same to be submitted to the Planning Authority for written agreement prior to commencement of the construction phase of the development.

(iii) The vegetation surrounding pill box 6 shall be carefully removed and the pill box shall be photographed and surveyed prior to demolition and a colour annotated photographic survey shall be submitted to the planning authority prior to commencement of the construction phase of the development.

(iv) Mitigation proposals to minimise the impact of construction should be considered for Ralappane House and for the military complex. The construction management plan should include proposals to minimise impact and to prevent any accidental damage to structures within the curtilage of the protected structure at Fort Shannon.

7.8 Archaeology related

(i) All topsoil within untested areas of the proposed development site should be stripped under licence and any identified archaeological features and strata mapped so as to provide a detailed picture of the archaeology on the site. This work should be carried out prior to the excavation of the already identified archaeological features in order to properly inform any mitigation and/or excavation methodology for the site. All ground disturbance on the foreshore (outfall pipe) should also be archaeologically monitored under licence. A report on the results of this controlled stripping and the monitoring should be submitted to the planning authority on completion

(ii) All the archaeological/potential archaeological features and strata identified during previous surveys and archaeological testing and any additional features identified during the course of the stripping of the untested areas should be fully excavated, under licence from the National Monuments Service and a report submitted to the planning authority on completion. These excavations should be completed prior to the commencement of construction works on the site.

(iii) The EIAR states that a 30m buffer zone around the recorded monument Ke003 004 will be part of 'embedded mitigation for the project. This buffer zone should be measured from the outermost of the features identified during archaeological testing or the outermost element of the recorded ringfort based either on the archaeological investigations or the map representations of the monument, whichever is the outermost feature. The buffer zone should be securely fenced during construction and following completion of the works this fence should be replaced with a planted boundary using native species.

(iv) Given the proposed preservation in situ of the location of the recorded monument Ke003 004 a management plan for the monument should be compiled and recommendations for the medium/long term care and maintenance of the monument should form the basis for an on-going management programme. As part of this plan the erection of an information board at the location should be considered. The board could outline the range

and significance of the archaeological material found on the development site as well as providing information of the recorded monument.

(v) A 50m buffer zone around the underwater anomaly A8 should be implemented, as proposed.

7.9 Visual amenity

(i) Details of the material, colours and textures of all external finishes to the proposed buildings and structures shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

7.10 Development levies

(i) 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

(ii) 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 in respect of

- Upgrading and widening the L1010 coast road to the standard required to facilitate the project. This will take account of works completed to date on the L1010 to facilitate undergrounding of Electrical Services and connection to the substation.
- Upgrading footpaths and the road surface of Bridewell Street, Tarbert and the development of an off-street car park to facilitate proposed traffic management and parking control measures.
- Improvements at the junction of the R551 and L1010 to accommodate the projected traffic volumes travelling along the Coast Road.

The value of the contribution outlined shall be agreed in writing, with the Planning Authority prior to commencement of construction of the development

7.11 Bond and allied matters

(i) Prior to commencement of the development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security in a sum to be agreed with the planning authority, to secure the reinstatement of public roads that may be damaged by the transport of materials and/or used as haul routes for construction to the development 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 quantum of the security shall be agreed between the planning authority and the developer in advance of commencement of the development.

(ii) 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 on 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.

Signed:

Paul Neary
Actg. Director of Services / Oifig Stiúrthóir Seirbhísí,
Planning, Environment & Emergency Management/Pleanáil, Comhshaol & Bainistíocht Éigeandála

Date: 10th July 2024

Appendix A – Legislative Requirements as set out in S37 of the Planning and Development Act 2000, as amended.

(4) The planning authority for the area (or, as the case may be, each planning authority for the areas) in which the proposed development would be situated shall, within 10 weeks from the making of the application to the Board under this section (or such longer period as may be specified by the Board), prepare and submit to the Board a report setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area of the authority, having regard in particular to the matters specified in *section 34(2)* .

(5) The F323 **[** chief executive **]** of a planning authority shall, before submitting any report in relation to a proposed development to the Board under *subsection (4)* , submit the report to the members of the authority and seek the views of the members on the proposed development.

(6) The members of the planning authority may, by resolution, decide to attach recommendations specified in the resolution to the report of the authority; where the members so decide those recommendations (together with the meetings administrator ' s record) shall be attached to the report submitted to the Board under *subsection (4)* .

(7) In *subsection (6)* ' the meetings adminis trator ' s record ' means a record prepared by the meeting administrator (within the meaning of section 46 of the Local Government Act 2001) of the views expressed by the members on the proposed development.

(8) In addition to the report referred to in *subsection (4)* , the Board may, where it considers it necessary to do so, require the planning authority or authorities referred to in that subsection or any planning authority or authorities on whose area or areas it would have a significant effect to furnish to the Board such information in relation to the effects of the proposed development on the proper planning and sustainable development of the area concerned and on the environment as the Board may specify. **]**

Appendix B – Description of Proposed Development

Shannon Technology and Energy Park (STEP) Power Plant, herein referred to as the 'proposed development'. The proposed development the subject of this application for permission will be located within the townlands of Kilcolgan Lower and Ralappane, between Tarbert and Ballylongford, Co. Kerry and on the Shannon Estuary. The proposed development will consist of:

1. A proposed Power Plant, which will comprise 3no. turbine halls (approximately 6,175m2 each, and approximately 30.145m in height), each containing 1no. Combined Cycle Gas Turbine (CCGT). Each turbine hall will have a capacity of approximately 200MW for a total installed capacity of 600MW. Each turbine hall will comprise:

- 2no. gas turbines with generators;
- 2no. heat recovery steam generators (HRSG) with exhaust stacks exiting at approximately 35m in height;
- 1no. steam turbine with generator and exhaust duct;
- 1no. electrical equipment room;
- 1no. auxiliary control room;
- 1no. Distributed Control System (DCS) room;
- 1no. batteries room;
- 1no. standby diesel generator room;
- 1no. overhead crane;
- 1no. auxiliary transformer.

Each turbine hall will be linked via 1no. exhaust duct to 1no. Air Cooled Condenser (ACC) (approximately 2,711.9m2 each, and approximately 32.605m in height). Each Air Cooled Condenser will comprise:

- 1no. single-storey air cooled condenser (ACC) electrical Power Distribution Centre (approximately 103.7m2 and approximately 4.25m in height);
- 1no. condensate collection tank;
- 1no. single-storey condensate polishing equipment enclosure (approximately 103m2 and approximately 5.014m in height);
- 1no. single-storey ACC air extraction and equipment enclosure (approximately 196m2 and approximately 10.25m in height).

The Power Plant will also include the following ancillary structures:

- 1no. 2-storey electrical (GIS) substation building (approximately 1,096m2 and approximately 13.5m in height);
- 1no. air cooled heat exchangers structure (approximately 1,292.5m2 and approximately 10m in height), with sound retention wall;
- 1no. single-storey workshop/stores/canteen building (approximately 732m2 and approximately 8.013m in height);
- 1no. single-storey auxiliary boiler building (approximately 204m2 and approximately 13.050m in height) and exhaust stack (approximately 32m in height);
- 1no. single-storey central control operations building (approximately 318m2 and approximately 6.41m in height);
- 1no. single-storey administration building (approximately 318m2 and approximately 5.435m in height);
- 1no. single-storey water treatment building (approximately 630m2 and approximately 7.445m in height);

- 1no. single-storey firewater pumps enclosure (approximately 47m2 and approximately 7.185m in height);
- 1no. effluent sump;
- 2no. raw/service/fire water storage tanks (approximately 24.15m in height);
- 2no. demineralised water storage tanks (approximately 15.65m in height);
- 3no. generator step-up transformers (each approximately 104m2 and approximately 6.04m in height), each with a sound retention wall;
- 1no. single-storey fuel gas metering enclosure (approximately 166m2 and approximately 5.725m in height);
- 1no. single-storey fuel gas regulating enclosure (approximately 166m2 and approximately 5.725m in height);
- 1no. single-storey security building (approximately 63.8m2 and approximately 3.657m in height);
- 1no. single-storey metering & regulating area kiosk enclosure (approximately 9m2 and approximately 3m in height);
- 1no. single-storey metering & regulating area analyzer enclosure (approximately 13.2m2 and approximately 3m in height);
- 1no. single-storey metering & regulating area instrument enclosure (approximately 13.2m2 and approximately 3m in height);
- 1no. single-storey fuel oil forwarding pump building (approximately 823m2 and approximately 6.935m in height);
- 1no. centrifuge and fuel oil unloading pump building (approximately 263m2 and approximately 7.185m in height);
- 1no. fuel oil truck unloading area and shelter (approximately 304m2 and approximately 8.85m in height);
- 2no. fuel oil storage tanks (approximately 21.15m in height);
- 3no. fuel oil storage day tanks (approximately 15.65m in height); and
- 3no. flue gas heaters (approximately 307.8m2 and approximately 5.73m in height).

2. A proposed 120 megawatt hour (MWh) (1-hr) Battery Energy Storage System (BESS) (approximately 5,552.7m2 and approximately 6.296m in height), which will comprise 27no. battery containers, approximately 4.5 MWh each, containing lithium ion batteries, and ancillary power conversion system (PCS) skids, as well as:

- 1no. BESS power distribution centre (approximately 37.2m2 and approximately 4.25m in height);
- 1no. BESS step-up transformer (approximately 91.5m2 and approximately 5.7m in height); and
- 1no. BESS auxiliary transformer (approximately 25m2 and approximately 3m in height) and sound retention wall.

3. A proposed Above Ground Installation (AGI) to include:

- 2no. single-storey chromatograph buildings (approximately 14.19m2 and approximately 2.7m in height each);
- 1no. single-storey control & instrumentation building (approximately 186.7m2 and approximately 4.29m in height);
- 1no. single-storey metering building (approximately 480m2 and approximately 5.175m in height);
- 5no. single-storey boiler unit buildings (approximately 42.24m2 and approximately 8m in height each);

- 1no. single-storey regulator building (approximately 243.6m2 and approximately 5.27m in height);
- 1no. single-storey generator kiosk building (approximately 60.72m2 and approximately 3.25m in height);
- The following ancillary structures: heat exchangers; filtering; reverse flow valve arrangement; pig trap; and fuel gas let down units.

The AGI will facilitate the import of natural gas to the national gas transmission network via the already consented 26 km Shannon Pipeline (ABP Reg. Ref. PL08.GA0003 and PL08.DA0003).

4. All ancillary structures/works, including: the demolition of a small farm complex (in ruin), to include 2no. outhouses (in ruin) and a former habitable dwelling (in ruin), a gun emplacement structure (in ruin), a well (in ruin), and a field boundary wall structure (in ruin); 2no. oil/water separators; 1no. retaining wall; 1no. firewater retention pond; utility racks; utility sleepers; 2no. crossover platforms; water supply connection; 1no. electrical grid interface building (indicative) preengineered/package biological waste water treatment system and a surface water drainage network, both of which will discharge directly to the Shannon Estuary via a discharge pipe; all car parking, including mobility and EV spaces, and cycle parking; new access off the L-1010 (Coast Road); 2no. culverts; internal roadways; pre-cast concrete bridge over the Ralappane Stream; all temporary construction works, including laydown area; all site development works, including earthworks to create a level platform at +18mOD for the main footprint of the proposed development (excluding the proposed AGI), and landscaping; security fencing and gates, including 2.9m high chain link outer site perimeter fence, a 4m high inner site security fence, internal 2.4m high palisade fencing and external 2.995m high weld mesh fencing for the AGI; CCTV cameras; telecommunications connections; and all lighting.

Both an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development and accompany this application for permission.

The proposed development relates to development which comprises an activity requiring an Industrial Emission Licence.

The proposed development is an establishment for the purposes of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances (COMAH)) Regulations 2015 (S.I.209 of 2015). The COMAH Regulations implement the latest version of the 'Seveso III' Directive (Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012).

Appendix C: Kerry County Council internal consultations, including Fire Service Report and recommendations.

Kerry County Council - Internal consultees

Michael Boyce, Environment Department

MEMORANDUM

To : Damien Ginty – Planning Department.

From : Mick Boyce, S.E.E. – Environment Department.

Re : Strategic Infrastructure Development Application – Shannon LNG Ltd. (STEP Power Plant)

Date : 28th May, 2024.

With reference to the above application, I have reviewed the supporting information submitted. The application relates to a large development involving a number of distinct elements, including a power plant and a battery storage facility. Under the SID process, Kerry County Council is required to submit a report on the proposal for consideration by an Bord Pleanala.

In the event that an Bord Pleanala grants approval for this proposed development, I have suggested some conditions which might be considered. These encompass both the development and operational phases of the proposed project. While I am mindful of the fact that operational issues would most likely be dealt with separately by way of a licence application under the Industrial Emissions Directive provisions, I have nevertheless included conditions which I think might be relevant.

The following is the full list of suggested conditions :

- All environmental mitigation measures as set out in the information submitted in support of the application shall be fully implemented, except as may be otherwise required or specified by way of condition.

- The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person will be responsible for ensuring that all environmental control measures are fully implemented and maintained, and will also act as the point of contact with the Planning Authority in the event of any environmental difficulties arising with the project. Contact details of the person in question shall be provided to the Planning Authority prior to any works commencing on-site.

- In advance of any works commencing on-site the developer shall prepare and submit a Construction Environmental Management Plan (CEMP) for approval by

the Planning Authority. The CEMP shall cover all relevant environmental issues potentially associated with the development phase of the project, including air quality, noise control, water management, waste management etc.

- Noise generated from activities carried out within the development to which this permission relates shall not give rise to public noise nuisance beyond the facility boundaries.

- During the course of the construction phase of the project, the developer shall develop and implement a noise and vibration monitoring programme to determine compliance with the relevant noise criteria. The detail of the programme shall be agreed with the Planning Authority in advance of any works commencing on-site.

- The applicant shall arrange the carrying out of a noise and vibration monitoring survey on an annual basis. The Planning Authority reserves the right to nominate the location(s) at which the annual exercise is to be undertaken. The results of the annual survey shall be retained at the facility and made available to the Planning Authority on request. Upon review of any of the monitoring results, the Planning Authority reserves the right to alter the frequency and scope of the said monitoring programme. The applicant shall be liable for all costs associated with the said monitoring programme.

- In the event of complaints being received regarding alleged noise nuisance from the development to which this permission relates and, upon investigation by the Planning Authority, such complaints are found to be justifiable the applicant shall, upon written receipt of notification from the Planning Authority, retain the services of an acoustic specialist to establish the cause of the noise nuisance and the remediation measures required in order to abate said nuisance. The applicant shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein.

- All operations undertaken within the development to which this permission relates shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary and/or at sensitive locations.

- Dust suppression equipment must be available at all times to minimize the risk of excess dust generation during the construction phase of the project.

- During the construction and development phase of the project, total dust deposition (soluble and insoluble) levels shall not exceed the following limits at the site boundaries: 350 mg/m^2/day (when averaged over a 30-day period).

- During the construction and development phase of the project, the facility shall be provided with a suitable wheel-wash. The wheel-wash shall be maintained on an on-going basis.

- If required by the Planning Authority, the applicant shall retain the services of a competent person(s) to undertake air quality monitoring at the facility. The scope of same shall be agreed in advance with the Planning Authority. A report shall be furnished to the Planning Authority as soon as practical after the monitoring is carried out. The applicant will be liable for all costs associated with this monitoring.

- In the event of complaints being received regarding alleged odour nuisance from the development to which this permission relates and, upon investigation by the Planning Authority, such complaints are found to be justifiable the applicant shall, upon written receipt of notification from the Planning Authority, retain the services of an odour specialist to establish the cause of the odour nuisance and the remediation measures required in order to abate said nuisance. The applicant shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein.

- The applicant shall install and maintain in a prominent location on the site a wind sock or other wind direction indicator, which shall be visible from the public roadway outside the site.

- The developer shall prepare and implement a site-specific water management plan, to include detailed drawings of adequate scale, for each development phase of the project. The plan shall provide specific details of the measures which are to be implemented on-site in relation to (a) sediment and erosion control, and (b) the management of any other potentially polluting substances. The plan shall be developed taking account of all relevant guidance and standards and shall be submitted to the planning authority in advance of any works commencing on-site.

- The developer shall retain the services of a competent environment consultant to carry out both freshwater and marine water biological monitoring prior to and after the construction phase of the proposed development. A proposed plan for the monitoring programme shall be submitted to the Planning Authority for agreement prior to the commencement of any works on-site and the results of all such monitoring shall be submitted to the planning authority upon completion.

- No silt/sediment laden water shall be discharged from the development to any watercourse in the vicinity of the site. In this regard, during the development phase of the project, a suitable system for the collection and treatment of any sediment/siltation arising shall be installed on-site and maintained thereafter for the duration of the development works.

- Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.

- All tank and drum storage areas shall, as a minimum, be bunded, either locally or remotely, to a volume not less than the greater of the following:
    - 110% of the capacity of the largest tank or drum within the bunded area; or
    - 25% of the total volume of substance which could be stored within the bunded area.
    - All inlets, outlets, vent pipes, valves and gauges must be within the bunded area.
    - All drainage from bunded areas shall be treated as contaminated unless it can be demonstrated to be otherwise. All drainage from bunded areas shall be diverted for collection and safe disposal, unless it can be deemed uncontaminated.
    - All tanks, containers and drums shall be labelled to clearly indicate their contents.

- The developer shall install and maintain a Class 1 bypass oil separator system on the storm water discharge from the impermeable areas at the facility. The separator shall be in accordance with I.S. EN-858 (Separator systems for light liquids).

- The applicant shall enter into a maintenance contract with a suitably qualified and authorized entity for the on-going maintenance of the oil-separator system. The contract shall be maintained on an on-going basis and the applicant shall maintain records of same.

- Prior to the commencement of works on-site, the developer shall arrange preparation of an Oil and Hazardous & Noxious Substances (HNS) Spill Contingency Plan for the facility and all relevant activities associated with the facility. The plan shall be prepared in accordance with the requirements of the National Maritime Oil/HNS Contingency Plan and the relevant guidance referenced therein, including Standard Operating Procedure 05-2020.

- A suitably stocked spill-kit, to include an adequate supply of absorbent materials, shall be retained at the facility to ensure the appropriate containment and management of any spill potentially occurring at the facility. All facility personnel should be made aware of the location and proper use of this material.

- The development shall be provided with an on-site wastewater treatment system in accordance with the Environmental Protection Agency Code of Practice *"Domestic Wastewater Treatment Systems (Population Equivalent $\leq$ 10)"*, as outlined in the plans and particulars received by the Planning Authority.

- Within one month of commissioning of the wastewater treatment system, the applicant/developer shall submit a certificate {this shall include relevant photographs and as constructed records of the installation} from a suitably qualified person, the holder of up-to-date professional indemnity insurance,

stating that the on-site wastewater treatment system has been installed in accordance with –

- The terms of the planning permission;
- The Environmental Protection Agency Code of Practice *"Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)"*.

A copy of the insurance certificate confirming that the qualified person referred to above held up-to-date professional indemnity insurance at the time of preparation of the installation certificate shall be submitted along with the certificate.

- Prior to the commencement of any works on-site, the applicant shall carry out a detailed survey of the structures due for demolition in order to identify the potential presence of any asbestos containing material or other potentially hazardous materials. A report on the findings of the survey, along with any recommendations arising therefrom, shall be submitted to the Planning Authority.

- Prior to the commencement of the development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to the how the RWMP will be measured and monitored for effectiveness. These details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the Planning Authority for written agreement prior to the commencement of the development and, once agreed, shall be fully implemented unless otherwise agreed with or directed by the Planning Authority. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

- The development shall be provided with suitable waste storage facilities. The storage facilities shall provide adequate capacity for the proper storage and appropriate segregation of all wastes arising from the proposed development, in such as manner as to avoid any potential risk of environmental pollution.

- The lighting scheme for the proposed facility shall be the minimum required for operational, safety and security purposes. A detailed lighting plan shall be developed prior to the commencement of any works on-site for agreement with the Planning Authority.

Mick Boyce, S.E.E.

Dr Michael Connolly, County Archaeologist

MEMORANDUM

Date/Dáta: 10th May 2024.

To/Chuig: Damien Ginty, Senior Planner	**From/O: Michael Connolly County Archaeologist**

Re/Le: Shannon Technology & Energy Park Power Plant SID

Damien,

I would make the following comments in relation to the submitted documentation dealing with archaeology in relation to the proposed Shannon Technology & Energy Park Power Plant site at Kilcolgan Lower and Ralappane, Ballylongford.

The submitted EIAR Chapter 12 deals with Cultural Heritage including archaeology and pulls together the previous archaeological studies, surveys and archaeological testing that has been carried out on the site over the years and which has identified a rich variety of features and deposits of archaeological interest.

In general terms the EIAR assesses the likely archaeological impacts based on the available information. The rating system used to value 'heritage assets' (Table 12-2) is itself of questionable value and there would be particular issues with the designation of identified/potential archaeological features as being of only 'local significance' (though this statement is qualified several times). In the absence of any detailed information on the true nature, extent or date of these features such a designation cannot be accepted and the significance of these features is effectively unknown.

Indeed, it should be noted that excavations on the similarly located ESB site at Kilpaddoge, 2.5km to the east, have uncovered evidence for both Mesolithic and early Neolithic settlement close to the shoreline, which would be considered of at least regional if not national significance and initially presented as similar features to those on the proposed development site.

The EIAR states that 31 areas of archaeological potential, recorded during previous archaeological testing, are located with the footprint of the proposed development. This is a significant number of areas of potential. The EIAR states that 'full resolution of all archaeological sites and areas identified during testing within the proposed development boundary will be carried out', which would be the minimum requirement.

As the report also notes, the excavated test trenches were 10m apart which in effect means that there are substantial untested areas between many of the trenches within the proposed development site and the true picture of the extent of archaeological features identified during testing has not been established. Notwithstanding the proposal to excavate of a 5m buffer area around the previously identified features, there is a strong likelihood that groups of features already identified extend further and possibly link to other groups of features within the overall site. As such, there should be a requirement to strip all the untested areas of the proposed development site, under archaeological licence, to establish the full extent of the archaeological material prior to the commencement of excavation of the already identified features. This archaeologically licensed stripping should be conducted in advance of any site works in order to properly inform any proposed mitigation/resolution measures.

Area 3 of the proposed development site is the location of the recorded monument Ke003 004, listed in the Record of Monuments & Places as a ringfort (cashel). The EIAR notes that a buffer zone will be preserved around this monument and will be fenced. However, the report also notes that a number of archaeological features were recorded within the proposed buffer zone during archaeological testing to establish the true extent of the monument. It is possible that some of these features relate to the ringfort and should be viewed as part of the overall monument.

As such, the buffer zone should be measured from the outermost of these features which it is proposed to preserve *in situ*. The buffer zone should be demarcated with a secure fence during construction works on the site, to prevent accidental damage, tracking of machinery, storage of materials etc. However, on completion of the construction phase this fence should be replaced with a planted boundary using native species to mitigate the visual impact of the development on the monument setting.

A management plan in relation to the medium/long term care, maintenance and management of the ringfort Ke003 004 should also be compiled and a management programme for the monument put in place so that it does not become an overgrown area of back land on the boundary of the development. The erection of an information panel at the location should also be considered and could be used to outline the archaeological history of the development site as well as provide information on the monument itself.

The EIAR notes that a new marine geophysical survey was carried out in February 2024 and that, while it failed to relocate an anomaly identified in an earlier survey in 2007, it did identify an anomaly (A8) which is interpreted as a potential archaeological feature. The report notes the feature will not be impacted directly and is located 390m from the proposed outfall pipe. A 50m buffer zone around this anomaly is proposed and should be implemented.

In summary:

- All topsoil within untested areas of the proposed development site should be stripped under licence and any identified archaeological features and strata mapped so as to provide a detailed picture of the archaeology on the site. This work should be carried out prior to the excavation of the already identified archaeological features in order to properly inform any mitigation and/or excavation methodology for the site. All ground disturbance on the foreshore (outfall pipe) should also be archaeologically

monitored under licence. A report on the results of this controlled stripping and the monitoring should be submitted to the planning authority on completion.

- All the archaeological/potential archaeological features and strata identified during previous surveys and archaeological testing and any additional features identified during the course of the stripping of the untested areas should be fully excavated, under licence from the National Monuments Service and a report submitted to the planning authority on completion. These excavations should be completed prior to the commencement of construction works on the site.
- The EIAR states that a 30m buffer zone around the recorded monument Ke003 004 will be part of 'embedded mitigation for the project. This buffer zone should be measured from the outermost of the features identified during archaeological testing or the outermost element of the recorded ringfort based either on the archaeological investigations or the map representations of the monument, whichever is the outermost feature. The buffer zone should be securely fenced during construction and following completion of the works this fence should be replaced with a planted boundary using native species
- Given the proposed preservation in situ of the location of the recorded monument Ke003 004 a management plan for the monument should be compiled and recommendations for the medium/long term care and maintenance of the monument should form the basis for an on-going management programme. As part of this plan the erection of an information board at the location should be considered. The board could outline the range and significance of the archaeological material found on the development site as well as providing information of the recorded monument.
- A 50m buffer zone around the underwater anomaly A8 should be implemented, as proposed.

Regards,

_____

Dr Michael Connolly,
County Archaeologist

Eoin Kelleher, Planner and Ecologist

Kerry County Council
Memo

From: Eoin Kelleher E.Planner and Ecologist, Environmental Assessment Unit
To: Seán Flahive, E. Planner
RE: SID Project ABP Ref:319566-24- Biodiversity considerations
Date: 30.05.24

1. Project overview

10-year permission for proposed development of a 600MW Powerplant, 120MW Battery Energy Storage System, above ground installation and ancillary works at Kilcolgan Lower and Ralappane, between Tarbert and Balylongford, Co Kerry (steppowerplant.com).

This proposal is a modification of that submitted to an Bord Pleanála in 2021 by way of ABP Ref:PA08.311233. It is noted the 2021 proposal was refused planning permission by the Bord, but not for reasons relating to biodiversity. It is understood that the 2021 proposal is subject to a judicial review. It is noted that this proposal does not contain an LNG terminal nor associated seawater intake.

It is noted that the following (supplementary) ecological surveys have been undertaken in support of the proposal in addition to the surveys previously undertaken:- Breeding Bird Survey 2023, Mammal surveys 2022-2024 (Badger, Otter and Bats), Estuarine Bird Survey 2018-2023, Intertidal survey (March 2024)

2. Kerry CDP 2022-2028 – Biodiversity considerations

Land use zoning / strategic level environmental assessment

It is noted that since the 2021 application was submitted that the industrial landbank zoning at this location was reaffirmed by way of the Kerry CDP 2022-2028. It is noted that lands to the east associated with Fort Shannon were removed from the zoning and other lands in the vicinity of Tarbert island were added. The lands which are the subject of this application remain within the industrial landbank zoning. The Kerry CDP 2022 – 2028 was subject to public consultation, Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment.

Integrating watercourses into development proposals

Volume 1, Chapter 11 Environment, S.11.2.6 Green and Blue Infrastructure - Ecological Corridors

Ecological corridors/ steppingstones are habitat patches that may not necessarily be of high conservation value themselves but serve to maintain ecological connectivity in the landscape. An ecological corridor permits the movement of wildlife between areas of high conservation interest or through areas that have little ability to support these species. Examples of ecological corridors include field boundaries comprising of stone

walls, hedgerows and treelines, which support biodiversity by providing food and shelter for plants and animals.....Given the extent of the Tarbert Ballylongford landbank and its location relative to areas of nature conservation value, it is of particular importance that ecological connectivity at a landscape level is taken into account as part of development proposals for this area.

KCDP 11-22 Encourage and facilitate the retention and creation of features of local biodiversity value, ecological corridors and networks that connect areas of high conservation value such as watercourses, woodlands, hedgerows, earth banks and wetlands

Development Objective KCDP 11-24
It is an objective of the Council to promote the integration and improvement of natural watercourses in development proposals having regard to the IFI's guidance Planning for Watercourses in the Urban Environment.

Volume 1, Chapter 13 Water & Waste Management
Development Objective KCDP 13-8
It is an objective of the Council to protect rivers, streams and other watercourses and where applicable ensure developments follow guidelines outlined in the IFI's Planning for Watercourses in the Urban Environment, 2020.

Kerry CDP 2022 requirements – public lighting
Kerry CDP 2022-2028, Volume 1 Section 11.3.3 Light Pollution
When used inappropriately or excessively, artificial lighting can cause light pollution.....

Development Objective KCDP 11-42
It is an objective of the Council to require proposals for development that include the provision of external lighting, to clearly demonstrate that the lighting scheme is the minimum needed for security and working purposes and also to ensure that external lighting and lighting schemes are designed so that the incidence of light spillage is minimised ensuring that the amenities of adjoining properties, wildlife and the surrounding environment are protected.

Section 11.3.3.2 Lights and Biodiversity
Excessive or directional lighting can also impact on nocturnal species effecting their ability to forage (feed) or commute. Bat species vary in their sensitivity to light pollution. Kerry has international important populations of the annexed II Lesser Horseshoe bat, a bat species particularly vulnerable to light pollution and habitat loss and fragmentation arising from same.

Development Objective KCDP 11-44
It is an objective of the Council to take into consideration the Bat Conservation Trust 2018 Note 08/18 Bats and Artificial Lighting in the UK Guidelines when choosing lighting specifications for developments and/or Bat specialist advice, so as to ensure the requirements of the Habitats Directive are adhered to, including Article 10.

Kerry CDP 2022-2028 Volume 6 Section 1.14.2 Lighting and illumination
The following good practice should be considered for development proposals:

- Adequately light the area or object without using more light then necessary
- Provide safety for all users, whether motorists, services, pedestrians or cyclists
- Eliminate or minimise glare and excessive lighting
- Prevent light trespass
- Minimise sky glow
- Choose light fixtures to allow for aesthetic considerations
- Maximise energy efficiency
- Take cognisance of protected species, where applicable
- Have regard to Bat Conservation Trust 2018 Guideline Note 08/18

Nature based solutions to storm water management
The nature-based approach to management of surface water run-off is supported by the policies and objectives of the Kerry CDP 2022, e.g in relation to public realm proposals (Volume 1, S4.2.7), landscaping (Volume 6, S.1.5.4.5) and storm water management (Volume 1, S13.2.4).

Fine Sediment Control
S1.3.6 of Volume 6 of the Kerry CDP, includes:-

Many development projects have the potential to generate soiled water run-off containing sediment and silt, particularly during the construction phase. Such run-off can be harmful to the ecological functioning of watercourses downstream. Freshwaters are generally more vulnerable to sedimentation than coastal and estuarine waters, which can have greater dilution capacities and can be more naturally turbid. It is accepted that in certain instances soil and or vegetation characteristics may facilitate natural interception of sediments from overland surface water run-off. In other cases, there may be sufficient capacity in naturally occurring landscape features or in the urban drainage infrastructure to cater for the sediment and run-off likely to arise.

Sediment control measures and or a Construction Erosion and Sediment Control Plan CESCP will be required by the Planning Authority, where deemed necessary or may be submitted as part of a planning application as a best practice measure - regardless of ecological risk. Where required the purpose of a Construction Erosion and Sediment Control Plan (CESCP) is to:
- Minimise erosion potential by effective planning, procedures and water management;
- Apply erosion control measures to prevent the movement of sediment; and
- Apply sediment control measures to prevent off-site sediment release in the event of sediment movement.

Kerry CDP – derelict and vacant properties / biodiversity
S4.3.4 of Volume 1 of the Kerry CDP (Derelict and Vacant Properties), includes:-

Derelict properties may be used as homes for wildlife such as swifts, bats and barn owls. In many cases these will be protected by law, and a NPWS derogation licence will be needed for their conversion. Where feasible, the retention of features used by such wildlife, or their appropriate replacement where permissible, should be considered during the renovation of derelict buildings which contain these features.

Development Objective KCDP 4-39: It is an objective of the Council to take into consideration the potential for impact on wildlife as part of derelict site renovation proposals, as outlined in S 4.3.4 of this plan.

3. Nature conservation designations in the vicinity

European Sites (SAC and SPAs collectively known as Natura 2000 Sites)

(i) The Lower River Shannon SAC (Site Code 002165) is located partly within the application site.
(ii) The River Shannon & River Fergus Estuaries SPA (Site Code 004077) is located partly within the application site.

Designated European Sites located within the wider vicinity

(i) The Moanveanlagh Bog SAC (Site Code 002165) is located c13m away to the south
(ii) The Stacks to Mulaghareirk Mountains, West Limerick Hills & Mount Eagle SPA (Site Code 004161) is located c10.5km to the Southeast.
(iii) Tullagher Lough and Bog SAC (Site Code 002343) is located c14.5Km to the northwest (Co. Clare).

Natural Heritage Areas (NHAs)

(i) Bunnaruddee Bog NHA (Site Code 001352) – qualifying interest: peatlands

Proposed Natural Heritage Areas (pNHAs)

(i) Tarbert Bay pNHA (Site Code 001386).
(ii) Ballylongford Bay pNHA (Site Code 001332) adjacent to the NW boundary of the site.
(iii) Beal Point pNHA (Site Code 001335).
(iv) Casheen River Estuary (Site Code 001340).
(v) Moanveanlagh Bog (Site Code 000374).

4. Observations

4.1 General observations

As outlined in the application submitted, the Lower River Shannon SAC and the River Shannon & River Fergus Estuaries SPA ae the most likely nature conservation sites to be impacted. These are amongst the largest European Sites in the Country. It is noted that a substantial amount of specialist studies have been undertaken and scientific data collated for the development site and the surrounding, as part of this application and as part of previously undertaken studies. This increases the scientific certainty of conclusions reached.

Emissions from natural gas-fired plant include Nitrogen Oxides. Within this context it is noted and considered appropriate that Moanveanlagh Bog SAC and Tullaher Lough and Bog SAC have been included in the EIAR air quality assessments as sensitive receptors and that these considerations also form part of the AA Screening / NIS submitted.

The boundaries of some proposed Natural Heritage Areas in the area overlap those of Natura 2000 site designations. Where this occurs the pNHA scientific interests may be wider than the qualifying interests of the Natura 2000 sites.

In relation to the proposed outfall, is noted that the application outlines that '*the cliff face is proposed to be armoured with rock to prevent erosion and maintain the integrity of the foreshore*'. The impact of same should be assessed, including in relation to any deflected energy / coastal erosion / habitat loss.

It is noted that a construction laydown area has been indicated including on Figure F2.4 in Volume 3, Section 2 of the EIAR submitted and that this has been taken into account as part of the environmental assessments undertaken. It is noted that detailed ecological assessments have been undertaken of structures proposed to be demolished and of lighting proposals.

4.2 Birdlife

It is noted that the boundaries of the River Shannon & River Fergus Estuaries SPA have been extended since the LNG terminal was permitted at this location and that this has been taken into account as part of the application. As part of this, it is noted that there are no significant population of SCI bird species in the vicinity of the prosed development site - influenced by the limited intertidal foraging habitat at this location. Red-throated Diver Great Northern Diver and Sandwich Tern were previously recorded in the inshore waters bordering the proposed site and this was taken into account as part of the assessments.

It is noted that the most comprehensive waterbird survey ever undertaken for the Shannon Estuary in 2017/2018 has been referenced in the EIAR submitted. That study undertaken commissioned by the SIFP partnership, assessed waterfowl numbers, usage and distribution on the River Shannon and the River Fergus Estuaries, with particular reference to the identified Strategic Development Zones.

As per the 2021 application, it is noted that the majority of the site is characterised by improved agricultural grassland and to a lesser extent, a mosaic of improved agricultural grassland and wet grassland. The application outlines that scrub, a habitat of local (higher level) importance is encroaching from field margins. The habitats which supporting bird species such as meadow pipit and snipe were determined to be of low value for foraging Hen Harrier and unsuitable for breeding Curlew. The 2021 EAIR outlined that red listed Curlew and Snipe, were recorded feeding in the agricultural wet grassland within and adjoining the development site in the winter months. S.7B.4.5.2 of the current EIAR provides greater context and discussion on same, noting that Curlew were recorded in wet grassland habitats adjacent to Ralappane point to the west and outside of the Proposed Development site and outlines that the terrestrial habitats of value for Curlew are outside the site boundary. While there was some variation between results from the 2019/2020 and 2023 surveys, the species assemblages recorded were noted to be broadly similar. A total of 42 bird species were recorded during the 2021 to 2023 estuarine bird surveys. No species were recorded in nationally important numbers The report outlines that *there is no evidence that the terrestrial habitats within the Proposed Development site boundary are regularly used as high tides roosts or terrestrial foraging sites.* The Breeding Bird Survey Report 2023 concluded that the proposed development site is of moderate value for breeding birds, which is considered reasonable.

The application outlines that sand martin forage but do not breed within the site. An abandoned Sand Martin colony was found along the coast west of the proposed site. Given the location of sedimentary cliffs within the site and surrounding area, possible sand martin breeding activity should be reviewed prior to the commencement to development, particularly given the 10-year nature of the permission being sought.

4.3 Water aspects

The reports submitted outline that the likelihood of large-scale hydrocarbon spills is considered to be low and that pollution mitigation and response protocols are outlined to address any such occurrence. It is noted and accepted that the receiving waters of the estuary are naturally turbid. Notwithstanding this, it is noted that sediment control measures are provided for. It is further noted that a discharge license will be required as part of the operational stage.

It is noted that the Ralappane Stream was previously surveyed in 2006 as part of the LNG proposal environmental assessments. As part of this quantitative electrofishing was undertaken. Overall fish numbers recorded were low as would be expected for a watercourse of this limited size and no salmonids or lamprey were recorded.

The NIS outlines that no significant decline in Otter habitat or prey availability is considered likely. The NIS addresses potential for impact on Dolphin within S3.4 of the NIS. As part of this it is outlined that dolphin are accustomed to the naturally turbid nature of the Shannon Estuary. Noise, visual and vibration disturbance aspects are addressed in S3.4.2 of the NIS, with underwater noise addressed in S3.4.3. Operational stage discharges are addressed in S3.4.5. The conclusions outlined are considered reasonable.

The intertidal habitats encountered as part of the 2024 intertidal survey were noted to be *'typical of cobbly rocky shores in Ireland being dominated by Pelvetia canaliculata, Fucus sp. and Ascophyllum nodosum. No rare, protected or unusual species were observed, and no changes were observed compared to previous surveys undertaken in previous years'*. Loss of Annex I habitat (associated with the provision of the trench outfall) estuaries habitat is estimated to be 100m2 while the loss of reef habitat is estimated to be 65m2. S3.4.4 of the NIS outlines that the loss of Annex I habitats relative to the total area of the habitats in the Lower River Shannon SAC is negligible and will not give rise to negative impacts to the structure or functioning of the habitats. Having regard to the extent of habitat loss relative to the extent remaining this conclusion seems reasonable.

4.4 Terrestrial ecology

It is noted and welcomed that no terrestrial land take of Natura 2000 sites would occur as a result of this proposal. It is noted that the sedimentary cliffs located along the estuary and within the proposed site were not found to be an example of the Annex I habitat vegetated sea cliffs of the Atlantic and Baltic coasts 1230).

As expected, badger use on site was found and given the proximity of water, a level of Otter use can also be expected. These matters are addressed in the reports submitted. Details of the landscaping plan for the Proposed Development are included, including within Figure F2.4 in Section 2 of Volume 3 of the EIAR submitted. While the details could have been set out more clearly set out, the proposals provide for areas of native woodland and native scrub habitat as well as native wildflower planting. It has also been indicated that it is proposed to retain existing vegetation +/- 5-10m either side of the (Ralappane) Stream (with the exception of where the proposed crossing is to be located).

Above: Landscaping proposals as per Figure F2.4 in Volume 3, Section 2 of the EIAR submitted

As part of the proposed landscaping, it is noted that a band of trees is proposed along the southern site boundary. It is considered that this along with the protection of the Ralappane stream, adequately addresses the requirements of Section 11.2.6 of the Kerry County Development Plan 2022-2028, which outlines the following with regard to green and blue infrastructure and ecological corridors: '*Given the extent of the Tarbert Ballylongford landbank and its location relative to areas of nature conservation value, it is of particular importance that ecological connectivity at a landscape level is taken into account as part of development proposals for this area*'.

The proposed development would benefit from the creation of additional features of local biodiversity value as supported in the Kerry CDP 2022. It is considered that this can be addressed by way of condition. It is unclear where the landscape berm shown on Figure F2.4 in Volume 3, Section 2 of the EIAR submitted, is proposed to be located. Such a berm would be of additional biodiversity value.

4.5 Mitigation measures

It is noted that the project has been designed having regard to the hierarchy of mitigation measures i.e first avoidance so as to prevent significant impacts from happening in the first place and then reduction of impact i.e. reducing the magnitude and/or likelihood of an impact. This approach is considered to be appropriate.

Mitigation measures for the proposal are outlined including within S3.6 of the NIS. The format provided, while not mirroring the example provided in S3.2.4 of the EU guidance document (EC Commission Notice 2021/C 437/01 'Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC'), is considered to be compatible with same and the measures outlined do target impacts identified earlier in the appropriate assessment.

5 Recommended conditions to be included in any grant of planning permission

5.1 General

All environmental mitigation measures as set out in the information submitted in support of the application, including within the EIAR and the NIS shall be fully implemented, except as may be otherwise required or specified by way of condition.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

5.2 Environmental Protection

(i) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person will be responsible for ensuring that all environmental control measures are fully implemented and maintained, and will also act as the point of contact with the Planning Authority in the event of any environmental difficulties arising with the project. Contact details of the

person in question shall be provided to the Planning Authority prior to any works commencing on-site.

(ii) In advance of any works commencing on-site the developer shall prepare and submit a Construction Environmental Management Plan (CEMP) for approval by the Planning Authority. The CEMP shall cover all relevant environmental issues potentially associated with the development phase of the project, including air quality, noise control, water management, waste management etc.

(iii) No silt/sediment laden water shall be discharged from the development to any watercourse in the vicinity of the site. In this regard, during the development phase of the project, a suitable system for the collection and treatment of any sediment/siltation arising shall be installed on-site and maintained thereafter for the duration of the development works.

(iv) Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.

Reason: In the interests of clarity, environmental protection and the proper planning and sustainable development of the area.

5.3 Biodiversity

(i) Pre-construction sand martin and otter surveys shall be undertaken in line with best practice, the result of which shall be submitted to the planning authority for file purposes.

(ii) An operational stage biodiversity management plan for the site shall be developed by a suitably qualified individual and agreed in writing with the planning authority prior to the commencement of the powerplant operations. As part of this, opportunities for bird / sand martin nesting, pollinator friendly grasslands and freshwater aquatic interest and riparian habitat enhancement measures shall be considered.

Reason: In the interests of biodiversity and the proper planning and sustainable development of the area.

5.4 Construction Management Plan

The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall include all environmental and ecological measures arising from reports submitted with the planning application and shall provide details of intended construction practice for the development, including:

(a) The location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
(b) The location of areas for construction site offices and staff facilities.
(c) Details of boundary treatment, site security fencing and hoardings.

(d) Details of on-site car parking facilities for site workers during the course of construction.

Reason: In the interest of clarity, amenities, public health and safety and the proper planning and sustainable development of the area.

6. Summary

A considerable amount of ecological surveys and assessments have been undertaken, in support of the proposal. It is evident that the proposal has had regard to the requirements of the Kerry CDP 2022-2028 and that the requirements of same along with the ecological findings have influenced the proposal, including proposed landscaping, lighting arrangements etc - which is considered to be appropriate. It is noted that the reports submitted conclude that the proposal is compatible with the requirements of the Habitats Directive. In the interests of clarity, biodiversity and the proper planning and sustainable development, a number of recommended conditions have been outlined.

Eoghan O' Brien, Flood Risk Management

Seán Flahive

From:	Eoghan O'Brien
Sent:	Friday 24 May 2024 12:09
To:	Seán Flahive
Cc:	Sharon O'Keeffe; Mike McEnery
Subject:	RE: Proposed 600MW Powerplant, 120MW Battery Energy Storage System, above ground installation at Kilcolgan Lower and Ralappane between Tarbert and Ballylongford

Hi Seán,

I reviewed the planning documentation and specifically the flood risk assessment associated with the proposed development and based on the documentation submitted the proposal would have a negligible impact in terms of flood risk.
The design and approval of the proposed new stream culverts at the crossings of the existing watercourses will need Section 50 licences from the OPW.

If a decision to grant planning is approved the applicant must provide a detailed submission for agreement outlining the exact measures proposed for the management, treatment and discharge of all surface water and run-off on the site, for the protection of watercourses. Any proposed measures will need to be outlined in the detailed Construction and Environmental Management Plan to allow for regular monitoring/inspection and to ensure ongoing maintenance and repair both pre and post construction.

Declan O' Mahony, Roads and Transportation (Special Development Contribution recommended)

Ceantar Bardasach Lios Tuathail
Comhairle Contae Chiarraí,
Áras an Phiarsaigh,
Lios Tuathail,
Co. Chiarraí.

COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Listowel Municipal District
Kerry County Council,
Áras an Phiarsaigh,
Listowel,
Co. Kerry.

Guthán | Tel 068 21004/21245 Faics | Fax 068 22453 Rphost | Email listowelAO@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

MEMORANDUM

To:	Mr. Damien Ginty, Senior Planner, Planning Department, Kerry County Council
CC:	Mr. Seán Flahive, Senior Executive Planner, Planning Department, Kerry County Council
From:	Declan O'Mahony, A/Senior Executive Engineer, Listowel MD
Date:	27th May 2024
Re:	SID – Shannon Technology & Energy Park (Proposed 600MW Powerplant, 120MW Battery Energy Storage System, above ground installation at Kilcolgan Lower and Ralappane between Tarbert and Ballylongford) - ABP Case Reference ABP-319566-24)

Please find hereunder a roads report with recommendations the above referenced Strategic Infrastructure Development:

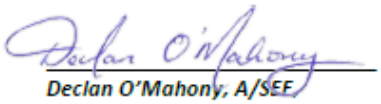
1. Public infrastructure works comprising the L1010 Coast Road Improvement Scheme from Tarbert Town to the proposed development lands at Kilcolgan Lower will be required to be completed prior to the commencement of the main construction elements of the proposed development. This shall not preclude the undertaking of site preparation and earthworks contemporaneously with the upgrading of the L1010 coast road. The precise extent of works, which may be carried out prior to the completion of the public infrastructure works, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development and in default of agreement, shall be determined by An Bord Pleanála.
2. Prior to commencement of development, the developer shall submit and agree in writing with the planning authority a detailed traffic management plan. This management plan shall include restrictions on traffic movements at Tarbert Comprehensive School, which shall prohibit the movement of heavy goods vehicle traffic associated with the construction of the terminal for a minimum period of 20 minutes before and ten minutes after the opening and closing times of the school. It shall also include the staggering of various shift start and finish times.
3. 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 in respect of
   - Upgrading and widening the L1010 coast road to the standard required to facilitate the project. This will take account of works completed to date on the L1010 to facilitate undergrounding of Electrical Services and connection to the substation.
   - Upgrading footpaths and the road surface of Bridewell Street, Tarbert and the development of an off-street car park to facilitate proposed traffic management and parking control measures.
   - Improvements at the junction of the R551 and L1010 to accommodate the projected traffic volumes travelling along the Coast Road.
4. The splayed entrance and the area between the entrance and the public road shall not interfere with roadside drainage which shall be maintained, repaired or made good by providing a dished water channel constructed of concrete or piped culvert.

5. The splayed entrance shall not cause surface water or seepage water to flow onto the road surface. No water from the proposed development shall be allowed to flow onto the public road.
6. The applicant shall make good any damage to the public road or existing drainage that may result from the proposed development to the satisfaction of the planning authority.
7. The applicant shall provide sightlines of 160m in both directions of the proposed site access road from a point 3.0m back along the centreline of the direct access measured from the line of the nearside edge of the paved surface.
8. A "dwell" area of at least 10m shall be provided at access roads immediately adjacent to the public road. The gradient for the dwell area shall lie between plus and minus 2.5%.
9. Pre and post construction phase surveys of the public road network identified and agreed with the planning authority, to be used as haul routes, shall be carried out by the applicant.
10. Pre and post construction phase principal Inspections of structures and culverts within the road network shall be undertaken at locations to be agreed with the planning authority in advance.
11. Prior to commencement of the development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security in a sum to be agreed with the planning authority, to secure the reinstatement of public roads that may be damaged by the transport of materials and/or used as haul routes for construction to the development 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 quantum of the security shall be agreed between the planning authority and the developer in advance of commencement of the development.
12. Abnormal Load licences shall be secured by the developer in advance, if required, for the transportation components, units and materials. Consultation with the Road Authority, An Garda Siochana and all necessary stakeholders shall be carried out by the developer in advance of transportation of abnormal loads.
13. Any required alterations to the road network for the transportation of components, units and/or materials of shall be agreed in advance with the planning authority and reinstated thereafter to the satisfaction of planning authority. Any temporary alterations to utilities shall be agreed with the appropriate utility provider in advance by the developer. Any land acquisition or temporary access to lands required for the conveyance of abnormal loads or materials will be incumbent on the applicant to agree with the appropriate landowner. A schedule of alterations to the road network including but not limited to signage, street furniture and vegetation shall be agreed in advance with the planning authority.
14. Pre and post construction phase surveys shall be undertaken by the developer of landowner's boundaries including but not limited to walls, fences, ditches, vegetation and house front curtilage in advance of transportation of abnormal loads and/or haulage of materials.
15. Traffic Management arrangements for the works shall be in accordance Chapter 8 of the 'Traffic Signs Manual'.
16. Adequate provision must be made within the site for storage of materials, marshalling of incoming and outgoing deliveries and on-site parking of staff involved in the construction phase of the works.
17. All vehicles traversing unpaved areas of the construction site shall pass through wheel wash facilities with rumble grids prior to exiting the site and accessing the public road network.

These facilities shall be located inside all exits from the site. All vehicles leaving the site shall be monitored to ensure that the public road is kept free of mud and debris.

18. Any works or excavation on the public road network will be subject to a Road Opening Licence.

Yours sincerely,



Declan O'Mahony, A/SEE
Listowel Municipal District Engineer,
Kerry County Council.

Andrew Macilwraith, Chief Fire Officer, Fire Authority

MEMO

To: **Planning Department, Kerry County Council**

From: **Fire Services Department, Kerry County Council**

Date: **22nd May 2024**

RE: **Case Number: ABP-319566-24**

I refer to the proposed 600MW Powerplant, 120MW Battery Energy Storage System, above ground installation at Kilcolgan Lower and Ralappane between Tarbert and Ballylongford

The Fire Service Department wish to make the following observations,

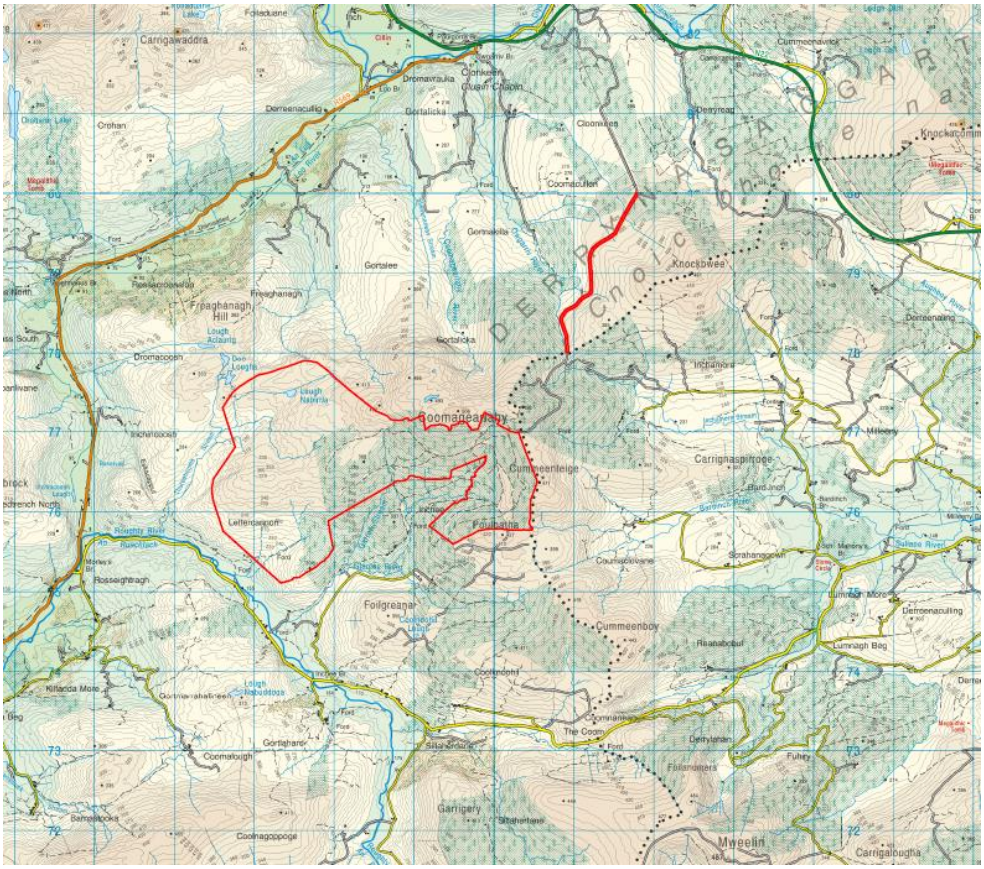
- The proposed development will require a Fire Safety Certificate application.
- The proposed development will require a Disability Access Certificate application.
- The proposed development falls within of the provisions of the Control of Major Accident Hazards (COMAH) involving Dangerous Substances Regulations and the operator must inform the Central Competent Authority the HSA in writing of the development.

Michael Flynn

Andrew Macilwraith
Chief Fire Officer

Proposed Repowering of Kilgarvan Wind Farm

Removal of 28 no. existing turbines and relevant ancillary infrastructure and erection of 11 no wind turbines with a blade tip height range from 199.5m to 200m, a hub height range from 118m to 125m and a rotor diameter range from 149m to 163m, along with associated foundations and hard standing areas in the townlands of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry



An Bord Pleanála Ref: ABP-319471-24

Submission to An Bord Pleanála by Kerry County Council pursuant to Section 37E (4) of the Planning and Development Acts, 2000, as amended.

Comhairle Cabhair, Cairdeas

July 2024

Table of Contents

1.0 Introduction.

1.1 Legal Context.

This submission has been prepared in accordance with the provisions of Section 37E (4) of the Planning and Development Act 2000 as amended and as inserted by Section 3 of the Planning & Development (Strategic Infrastructure) Act 2006.

This report contains the views of the Planning Authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area with respect to matters specified under Section 34(2) of the Planning and Development Acts 2000 as amended.

1.2 Applicant Details.

The applicant is Orsted Onshore Ireland Midco Ltd, a renewable energy company who own and operate a 378 MW portfolio of onshore wind farms across the island of Ireland.

Address: Floor 5, City Quarter, Lapp's Quay, Cork, T12 A2XD

1.3 Development Location.

The proposed development is located in the of Inchincoosh, Inchee, Lettercannon, Coomacullen and Cloonkeen, Co. Kerry.

1.4 Development Description.

The proposed development will consist of:

a) Removal of 28 no. existing turbines and relevant ancillary infrastructure permitted under Kerry County Council and An Bord Pleanála Planning References; 02/124, 03/2176, 03/2306, 07/1605, 07/4364, Pl. 08.209629, 07/4515, 07/4701, Pl. 08.232259 and 05/1351;
b) Erection of 11 no. wind turbines with a blade tip height range from 199.5m to 200m, a hub height range from 118m to 125m and a rotor diameter range from 149m to 163m, along with associated foundations and hard standing areas;
c) A thirty-five year operational life from the date of full commissioning of the wind farm;
d) Underground electrical 33kV and communication cabling connecting the proposed turbines and meteorological mast to the existing 110kV Coomagearlahy substation in the townland of Inchee;
e) Upgrade of and the continued use of the existing onsite Coomagearlahy 110kV substation in the townland of Inchee, permitted under Kerry County Council References 07/3648, 04/1648, 06/1143, 06/2660;
f) Upgrade of existing tracks, hardstand areas and provision of new site access roads and junctions;
g) The extension and reuse of the 1 no. existing borrow pit;
h) 2 no. temporary construction compounds;
i) Meteorological mast, with a height of 100m and upgrade of existing associated foundation and hard standing area;
j) Forestry felling;
k) Site drainage;
l) Biodiversity Enhancement measures;
m) Operational stage site signage; and,
n) All ancillary works and apparatus.

The applicant is seeking a 10-year permission with an operational life of 35 years once commissioned.

An Environmental Impact Statement Report (EIAR) and Natura Impact Statement (NIS) has been prepared in relation to the project and accompany this planning application.

1.5 Project Overview

This proposal seeks to decommission the existing 28 no. turbines, replace them with 11 no. wind turbines, and upgrade the associated infrastructure at the Existing Kilgarvan Wind Farm site in the townlands of Inchincoosh, Lettercannon, Inchee, Coomacullen, and Cloonkeen in County Kerry. As part of this, it is noted that upgrade works are proposed to the existing 110kV Coomagearlahy sub-station.

The proposal provides for a limited range of turbine dimensions comprising: a total tip height in the range of 199m minimum to 200m maximum; a hub height in the range of 118m minimum to 125m maximum, and a rotor diameter in the range of 149m minimum to 163m maximum. Each turbine will be capable of generating from approximately 6 MW to 7.2 MW, with an overall installed capacity of at least 50MW. A borrow pit, a met mast as well as 2.No construction compounds are also proposed. The borrow pit would be an extension of an existing one. It is outlined that the borrow pit would be excavated by breaking or blasting and would be backfilled with up to 3m of peat and spoil material.

In terms of the range of turbine dimensions proposed, the discussion surrounding multiple design variations with regards to the proposed development took place in the context of the consultations with the Board under Section 37B of the Act. The Board's representatives advised that the prospective applicant could submit an application accompanied by an EIAR that assessed options proposed by the applicant, as outlined in the Board's written record of this meeting on 7th of December 2022. A robust assessment of the turbine options put forward with this application has been included within Chapter 3 Reasonable Alternatives of the EIAR.

This application seeks a ten-year permission and a 35-year operational life from the date of full commissioning of the Proposed Development

The application is accompanied with an EIAR and an NIS. A 'white-tailed eagle outline risk management plan' and other reports are included within the appendices to the EIAR.

2.0 Site Context.

2.1 Site Location and Description.

The Proposed Development site is located entirely in the administrative area of County Kerry, contiguous to the border of County Cork, approximately 5.5km northeast of the village of Kilgarvan Co. Kerry, and approximately 6km west of Coolea, Co. Cork. It is proposed to continue to access the wind farm site via the existing wind farm entrance off the N22 at Cloonkeen.

Current land-use on the site comprises wind energy in relation to the Existing Kilgarvan Wind Farm, low-intensity agriculture and small areas of coniferous forestry. Land-use in the wider area comprises a mix of agriculture, low density residential areas, commercial forestry and wind energy. The Site Location context is shown in Figure 1 below.

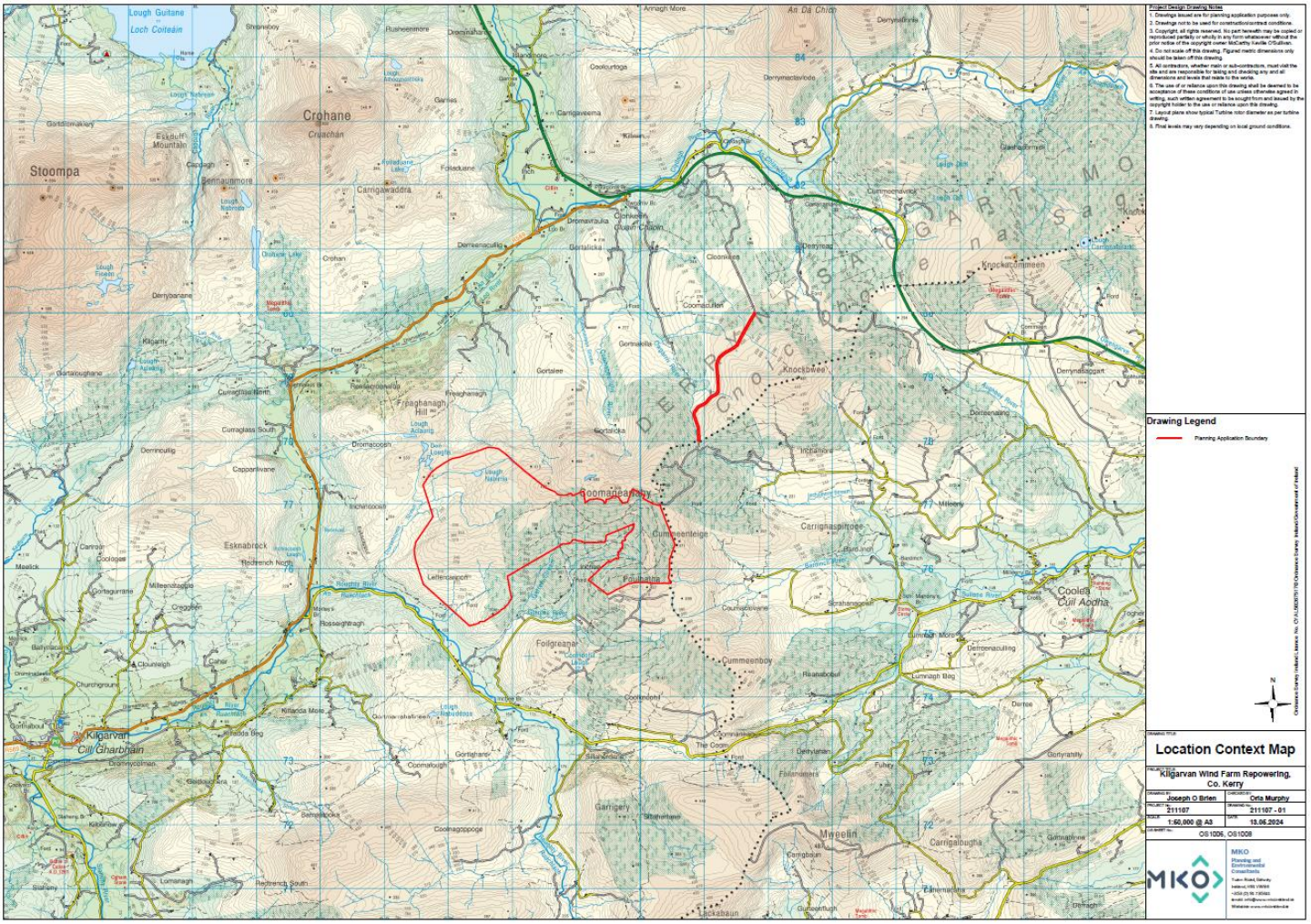


Figure 1: Location Context Map

The Proposed Development is located within an area designated in the adopted Kerry County Development Plan, 2022-2028 as a 'Repower Area'. This area is indicated on Figure 2 below.

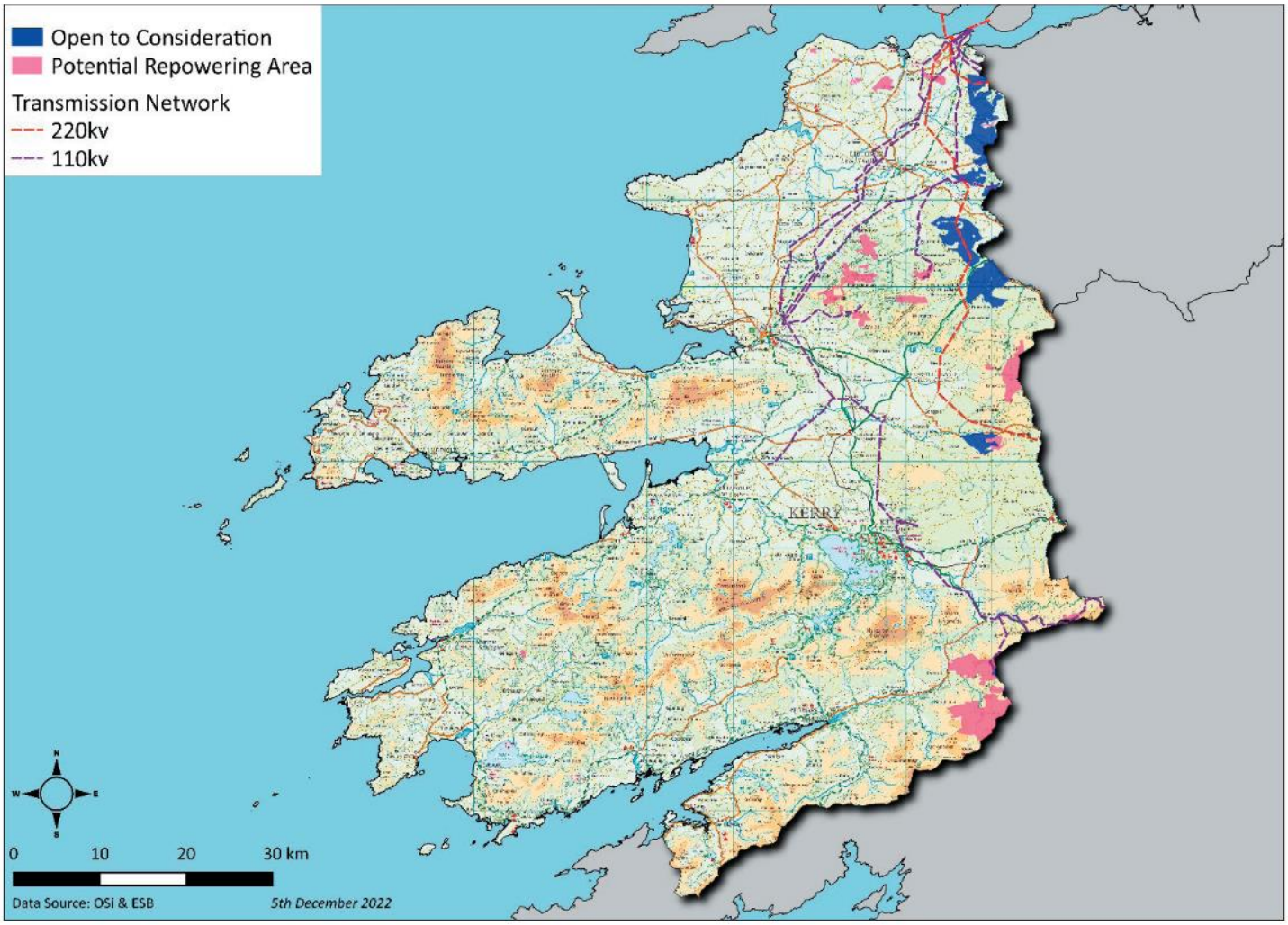


Figure 2: Wind Energy Area (Kerry County Development Plan 2022-2028)

2.2 Relevant Planning History Relating to the Subject Site and the Surrounding Area.

Kilgarvan I

The first windfarm, known as Kilgarvan I was granted planning permission in December 2002 and subsequently began to operate in 2006.

This windfarm consists of a total of 4 no. planning applications:

- Pl. Ref: 02/1241 – The development of 17 no. 60m in height wind turbines
- Pl. Ref: 03/2176 - change the turbine hub height from 60m to 80m in the existing planning permission for a wind farm (Pl. Ref: 02/1241)
- Pl. Ref: 03/992176 (Extension of Duration on 03/2176)
- Pl. Ref: 03/2306 – 4 turbine extension to the existing wind farm

Kilgarvan II

The second windfarm, known as Kilgarvan II was granted permission under three separate windfarm sites – Inchincoosh, Lettercannon and Sillahertane, and began operation collectively in 2009. These are summarised as follows:

Inchincoosh Windfarm: The Inchincoosh project consists of six Nordex N90 turbines, granted planning permission under Kerry County Council Pl. Ref. 07/1605 and Ref. 07/4364, each with a hub height of 80m and a rotor diameter of 90m. The overall height from ground to blade tip for each turbine is 125m.

Lettercannon Windfarm: The Lettercannon project consists of seven Nordex N90 turbines & associated infrastructure granted planning permission under An Bord Pleanala Ref PL 08. 209629 & Kerry County Council Refs. 07/4515 and Ref. 07/4701, each with a hub height of 80m and a rotor diameter of 90m. The overall height from ground to blade tip for each turbine is 125m.

Sillahertane Windfarm: The Sillahertane project consists of 10 no. 850kW Vestas V52 wind turbines granted planning permission under Kerry County Council Pl Ref 03/1359. o This application does not form part of the repowering project, and therefore is not reviewed further in this Report.

Planning Reference	Development Description	Applicant	Decision
Kilgarvan I			
02/1241	Construct a windfarm consisting of 17 wind turbines, an electrical substation with control building, 2 no. 50m high meteorological masts, construct and extend existing internal site tracks and associated works - EIS received	Coillte Teoranta And SWS Services Co-Op	Conditional 27/12/2002 30 Conditions
03/2176	Change the turbine hub height from 60m to 80m in the existing planning permission for a wind farm (EIS received)	Coillte Teoranta & SWS Services Co-Op Ltd	Conditional 2 Conditions 22/10/2003
03/992176	The change of turbine hub height from 60m to 80m in the existing planning permission for a wind farm	SWS Natural Resources Ltd.	Extension of Duration Granted – Expiry 21st October 2018
03/2306	Construct a wind farm extension to planning reg no 1241/02, extension will consist of 4 wind turbines (hub height 80 m, blade diameter 80 m), construction and extension of existing internal site tracks and associated works. EIS received	SWS Group & Coillte	Conditional 15 Conditions 28/10/2003
07/3648	Carry out alteration to an existing electrical substation (planning ref. No. 02/1241) where the alteration is an additional transformer bay and 20kv substation including a control building, power transformer, reactive power compensation system and associated works.	SWS Natural Resources Ltd.	Conditional 1 Condition 13/11/2007
19/1325	The installation of battery arrays, located within container units (18 number units, each 30m2 by c.2.6m tall), a control building (c.160.5m2 by c.6.4m tall) and transformer (c.5m tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV,	Brookfield renewable Ireland LTD.	Conditional 8 Conditions 28/07/2020

Planning Reference	Development Description	Applicant	Decision
	internal access roads and drainage. The overall development site is c.1.6ha. The application includes a natura impact statement (NIS)		
Kilgarvan II			
Inchincoosh			
07/1605	Erect six wind turbines hub height 80m, blade diameter 90m, one 80m high meteorological mast, four borrowpits, construction of internal site tracks and associated works	John O'Donoghue, Helen O'Sullivan And Daniel Quill	Conditional for 5 no. turbines 13 Conditions 02/08/2007 Refused Turbine No. 6.
07/4364	Erect one wind turbine, hub height 80m, blade diameter 90m (as an addition to a five wind turbine development granted permission under planning ref. No. 07/1605) and to construct an internal site track and associated works	John O'Donoghue, Helen O'Sullivan And Daniel Quill	Conditional 12 Conditions 29/01/2008
Lettercannon			
ABP Ref: 08.209629 **LPA Ref: 03/2508**	6 no. 3MW wind turbines, service roadways and control house and 1 no. 60m monitoring mast (temporary) and river crossing (temp.) and associated works	John Dineen	Conditional (Revised) 12 Conditions 27/04/2005
07/4515	Move one wind turbine (T1) as an alteration to a six wind turbine development granted planning permission by An Bord Pleanála (ABP ref pl. 08.209629 and Kerry County Council planning register ref 03/2508). It is proposed to move the turbine approximately 480m to the northeast of its current location	SWS Natural Resources Ltd	Conditional 12 Conditions 13/02/2008
07/4701	Erect one wind turbine (T9), hub height 80m, blade diameter 90m, as an addition to a six wind turbine development granted planning permission by An Bord Pleanála (ABP ref: pl.08.209629 and Kerry County Council planning register ref. 03/2508) and to construct an internal site track and associated works	SWS Natural Resources Ltd	Conditional 12 Conditions 22/02/2008

Planning Reference	Development Description	Applicant	Decision
ABP Ref: P08.232259 **LPA Ref: 06/2298**	Erect 1 no. permanent meteorological mast of 80 metres in height with internal access road	Inchincoosh Windfarm Ltd.	Conditional (Revised) 5 Conditions 07/07/2009
05/1351	Erect two temporary 75m high meteorological masts for a duration of 3-4 months, the erection of two permanent 75m- high meteorological masts and associated equipment for the purposes of monitoring windspeeds	SWS Natural Resources	Conditional 17 Conditions 31/08/2010
Grid Infrastructure			
04/1648	Construct an overhead transmission line of single circuit 110kv from the windfarm at Inchee and construct a 110kv switching substation. An EIS has been submitted in support of this application.	Coillte Teoranta And South Western Services Co-Op Society	Conditional 10 Conditions 24/02/2005
06/1143	Alteration to 110kv substation (planning ref. No. 04/1648) where the alteration is 1 no. Additional end mast tower (18m high), 1 no. Additional static wire lightening conductor and the re-orientation of site control building as required by ESB national grid	SWS Natural Resources	Conditional 1 Condition 31/05/2006
06/2660	For the alteration to 100kv substation (planning ref no. 04/1648) where the alteration is 1 no. Additional line bay consisting of circuit breaker and associated equipment as required by ESB national grid	ESB National Grid	Conditional 1 Condition 18/10/2006
04/356 – Cork County Council	Construction of 5.8km overhead transmission line of single circuit 110kV	Coillte Teoranta	Granted – Unconditional 12/07/2004
Other Applications			
01/2351	To erect a 30 meter telecommunications hexagonal lattice tower with transmission equipment container	Meteor Mobile Communications	Conditional 13 Conditions 01/11/2006
ABP Ref: PL08.221244 **LPA Ref: 06/3727**	Retention of development consisting of a 30 metre hexagonal lattice tower with transmission equipment, associated equipment container and previously granted under Planning Ref No. 01/2351	Meteor Mobile Communications Limited	Conditional 2 Conditions 31/05/2007

Planning Reference	Development Description	Applicant	Decision
11/990	Retain and operate an existing 30m hexagonal lattice tower with transmission equipment, equipment container and palisade perimeter fencing as permitted under planning ref no. 06/3727; ABP PL08.221244	Meteor Mobile Communications Limited	Conditional 4 Conditions 26/03/2012
18/496	Retain an existing development at this site. The development consists of an existing 30 metre high telecommunications support structure carrying telecommunications equipment, together with existing equipment container and associated equipment within a fenced compound as previously granted under local authority ref. No. 11/990.	Meteor Mobile Communications Limited	Conditional 3 Conditions 28/09/2018

Table 1 – Valid Planning History

2.3 Relevant enforcement information relating to the subject site.

There are no enforcement procedures relating to the site.

3.0 Relevant European, National, Regional and Local Policies.

3.1 UN Sustainable Development Goals 2030

The UN 2030 Agenda is a plan of action for people, the planet and prosperity which seeks to better incorporate sustainability into planning and policy. The plan sets out 17 Sustainable Development Goals (SDGs) that integrate the three indivisible dimensions of sustainable development – 1) Economic, 2) Social and 3) Environmental (see Figure 2).

Figure 3: UN Sustainable Development Goals

3.2 European Context.

3.2.1 Europe 2020

European spatial planning is closely interlinked with a number of trans-national, regional, economic and environmental policies and programmes. The European Union's cohesion policy is currently divided into 11 no. Thematic Objectives (TO) (see Figure 3), aimed at reducing disparities in the development of its territories and to contribute to the priorities of smart, sustainable and inclusive growth envisaged by the Strategy 'Europe 2020'.

Figure 4: 11 EU Cohesion Policy Thematic Objectives

3.2.2 European Green Deal 2019

The European Green Deal is a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use. It is about improving the well-being of people, making Europe climate neutral and protecting the natural habitat which will be good for people, the planet and the economy. The aims of the Green Deal are: for Europe to become climate-neutral by 2050; to protect human life, animals and plants by cutting pollution; to help companies become world leaders in clean products and technologies; and to help ensure a just and inclusive transition.

Figure 5: The European Green Deal

The European Green Deal focuses on 3 key principles for the clean energy transition, which will help reduce greenhouse gas emissions and enhance the quality of life of our citizens:

1. Ensuring a secure and affordable EU energy supply
2. Developing a fully integrated, interconnected and digitalised EU energy market
3. Prioritising energy efficiency**,** improving the energy performance of our buildings and developing a power sector based largely on renewable sources

The Commission's main objectives to achieve this are outlined as to:

- Build interconnected energy systems and better integrated grids to support renewable energy sources
- Promote innovative technologies and modern infrastructure
- Boost energy efficiency and eco-design of products
- Decarbonise the gas sector and promote smart integration across sectors
- Empower consumers and help EU countries to tackle energy poverty
- Promote EU energy standards and technologies at global level
- Develop the full potential of Europe's offshore wind energy

3.2.3 European Commission Energy Roadmap 2050.

In December 2011, the European Commission adopted the Energy Roadmap 2050, which commits the EU to reducing greenhouse gas emissions to 80-95% below 1990 levels by 2050 in the context of necessary reductions by developed countries as a group.

3.2.4 European Green Deal and European Climate Law.

The European Green Deal provides an action plan to boost the efficient use of resources by moving to a clean, circular economy and restore biodiversity and cut pollution. The plan outlines investments needed and financing tools available. It explains how to ensure a just and inclusive transition.

The EU aims to be climate neutral by 2050. A European Climate Law is proposed to turn this political commitment into a legal requirement. As part of the European Green Deal, the Commission proposed in September 2020 to raise the 2030 greenhouse gas emission reduction target, including emissions and removals, to at least 55% compared to 1990.

It looked at the actions required across all sectors, including increased energy efficiency and renewable energy, and started the process of making detailed legislative proposals by June 2021 to implement and achieve the increased ambition.

This will enable the EU to move towards a climate-neutral economy and implement its commitments under the Paris Agreement by updating its Nationally Determined Contribution.

The 2030 climate and energy framework includes EU-wide targets and policy objectives for the period from 2021 to 2030.

3.2.5 2030 Climate and Energy Framework - existing ambition.

Key targets for 2030:

- At least 40% cuts in greenhouse gas emissions (from 1990 levels)
- At least 32% share for renewable energy
- At least 32.5% improvement in energy efficiency

The 40% greenhouse gas target is implemented by the EU Emissions Trading System, the Effort Sharing Regulation with Member States' emissions reduction targets and the Land use, land use change and forestry Regulation. In this way, all sectors will contribute to the achievement of the 40% target by both reducing emissions and increasing removals.

All three pieces of climate legislation will now be updated with a view to implementing the proposed net greenhouse gas emissions reduction target.

3.2.6 Renewable Energy Directive – recast to 2030 (RED II).

In December 2018**,** the revised renewable energy directive 2018/2001/EU entered into force**.** In RED II, the overall EU target for Renewable Energy Sources consumption by 2030 has been raised to 32%. The Directive 2009/28/EC specifies national renewable energy targets for 2020 for each country. In particular, the RED II introduces sustainability for forestry feedstocks. It introduces the process known as indirect land use change (ILUC) which relates to development in carbon stock areas such as forests, wetlands and peatlands. As this may cause the release of CO2 stored in trees and soil, indirect land use change risks negating the greenhouse gas savings that result from renewable energy.

3.3 National Context.

3.3.1 The Climate Action and Low Carbon Development (Amendment) Act 2021

The Climate Action and Low Carbon Development (Amendment) Act 2021 was signed into law on the in July 2021. The Act commits Ireland to becoming a carbon-neutral economy by no later than 2050 and to reduce emissions by 51% by the end of this decade and is binding on the entire state. The Act requires local authorities to prepare and update every five years individual Climate Action Plans which will include both mitigation and adaptation measures. The Act also requires that Local Authority Development Plans be aligned with their Climate Action Plan and that more generally that public bodies are required to take account of Climate Action plans in the performance of their functions.

3.3.2 Climate Action and Low-Carbon Development

National Policy Position Ireland. (Department of the Environment, Climate and Communications 2013 & 2021)

National climate policy in Ireland –

- Recognises the threat of climate change for humanity;
- Anticipates and supports mobilisation of a comprehensive international response to climate change, and global transition to a low-carbon future;
- Recognises the challenges and opportunities of the broad transition agenda for society; and
- Aims, as a fundamental national objective, to achieve transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050.

3.3.3 Climate Action Plan 2019.

The Climate Action Plan states Ireland will support the ambition emerging within the EU to achieve a net zero target by 2050. The plan also commits to evaluate in detail the changes required to adopt such a goal in Ireland. A pathway to 2030 is considered which would be consistent with a net zero target by 2050. Key features include:

- A five-year Carbon Budget and sectoral targets with a detailed plan of actions to deliver them
- A Climate Action Delivery Board overseen by the Department of the Taoiseach
- An independent Climate Action Council to recommend the Carbon Budget and evaluate policy
- Strong accountability to an Oireachtas Climate Action Committee
- Carbon proofing all Government decisions and major investments

The proposal is to increase reliance on renewables from 30% to 70% adding 12GW of renewable energy capacity (with peat and coal plants closing). It is noted that this will be a significant challenge. It is proposed to better manage peatlands and soils to deliver carbon abatement from land-use. It notes peatlands cover 21% of the state's land area and accounts for 64% of its total soil organic carbon stock, but is very vulnerable to drainage for forestry, grazing and extraction. Measures to develop and manage this carbon sink include undertaking further research to assess the potential to sequester, store and reduce emissions of carbon through the management, restoration and rehabilitation of peatlands as outlined in the National Peatlands Strategy.

3.3.4 Policy Statement on Security of Electricity Supply

Section 2 identifies key challenges, including maintaining security of electricity supply throughout the transition to up to 80% renewable energy by 2030. Much of the older, higher emission conventional generation is expected to close in coming years and will need to be replaced by generation that provides the same support and backup capability but that is also flexible, supporting high levels of wind and solar generation. As more wind, solar, storage and interconnection is added to the system, conventional generation is expected to operate less. Sufficient conventional generation capacity will still be required but will spend much of its time in reserve for when needed. Natural gas will form the vast majority of this conventional generation, for which there will be a continuing need beyond 2030.

Section 3 recognises the need for significant investment in additional flexible conventional electricity generation, grid infrastructure, interconnection and storage. The Government has approved that:

- The development of new conventional generation (including gas and gasoil / distillate-fired generation) is a national priority and should be permitted and supported to ensure security of supply and support the growth of renewable electricity generation.
- It is appropriate that existing conventional generation capacity, including coal, heavy fuel oil and biomass fired generation, be retained until the new conventional electricity generation capacity is developed.
- The connection of large energy users to the electricity grid should take account of the potential impact on security of supply and the need to decarbonise the grid.
- It is appropriate for additional electricity transmission and distribution grid infrastructure, interconnection and storage to be permitted and developed in order to support the growth of renewable energy and security of electricity supply.
- It is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed to support security of supply.

3.3.5 National Planning Framework: Project Ireland 2040

The National Planning Framework is the national planning policy document for Ireland. It is a strategic plan that sets out a goal for Ireland to 2040. One of the key principles of the National Planning Framework is that of Transition to a Low Carbon and Climate Resilient Society. It sets out a series of National Policy Objectives, the following being pertinent to the proposed development:

NPO 52 - The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

NPO 54 - Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

NPO 55 - Promote renewable energy use and generation at <u>appropriate locations</u> within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

3.3.6 Wind Energy Development Guidelines for Planning Authorities 2006.

The guidelines provide advice on wind energy development in terms of the Development Plan and development management processes. Chapter 6 provides guidance on siting and design of wind energy development in the landscape. This includes advice on siting, spatial extent and scale, cumulative effect, spacing of turbines, layout of turbines and height of turbines. Advice is also given regarding landscape character types as a basis for the application of the guidance on siting and design. It is acknowledged that visual impact is amongst the more important issues to be taken into account when deciding a particular application. The factors to be assessed comprise landscape sensitivity, visual presence of the wind farm, its aesthetic impact on the landscape and the significance of that impact.

As per these Guidelines the current proposed site could be assessed as, in part 'Flat Peatland' with some elements of 'Hilly and flat farmland' in accordance with the landscape character types. While flat peatlands are considered generally appropriate for wind farm development it is noted that:

> '*the openness of vista across these landscapes will result in a clear visibility of other wind energy developments in the area. Given that the wind energy developments are likely to be extensive and high, it is important that are not perceived to <u>crowd and dominate the flat landscape</u>. More than*

one energy development might be acceptable in the distant background provided it was only faintly visible under normal atmospheric conditions'.

In relation to hilly and flat farmland it is stated *'due regard must be given to houses, farmsteads and centres of population'.* In relation to height it is stated *'Turbines should relate in terms of scale to landscape elements and will therefore tend not to be tall'.* Again, as with areas characterised as flat peatlands it is noted the wind farms should never dominate the landscape.

The guidelines are currently under review.

3.3.7 Draft Revised Wind Energy Development Guidelines, December 2019 Department of Housing, Planning and Local Government.

The Guidelines primarily focus on addressing a number of key aspects including noise, visual amenity, setback, shadow flicker, community consultation obligations, community dividend and grid connections. The guidelines are intended to ensure a consistency of approach throughout the country in the identification of suitable locations for wind energy development and the treatment of planning applications for wind energy developments.

A setback distance for visual amenity purposes of 4 times the tip height is to be applied between a wind turbine and the nearest point of the curtilage of any residential property in the vicinity of the proposed development, subject to a mandatory minimum setback of 500 metres.

The Draft Guidelines confirm a policy of zero shadow flicker and contain a similar siting and layout guidance with respect to flat peatland areas as the 2006 guidelines.

3.3.8 Department Circular PL5/2017 - Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change

In 2017, the (then) Department of Housing, Planning, Community, and Local Government issued Circular PL5/2017 to provide an update on the advice contained within previous Departmental Circular PL20-13. Circular PL20-13 advised that local authorities should defer amending their existing Development Plan policies in relation to wind energy and renewable and should instead operate their existing development plan policies and objectives in relation to wind and renewables until the completion of a focused review of the Wind Energy Development Guidelines 2006. The new circular (PL05/2017) reconfirms that this continues to be the advice of the Department.

The Department Circular also sets out the four key aspects of the preferred draft approach being developed to address the key aspects of the review of the 2006 Wind Energy Guidelines including noise limits, visual amenity setback, shadow flicker elimination, and community engagement and benefit obligations.

3.4 Regional Context.

3.4.1 Regional Spatial and Economic Strategy.

Southern Regional Assembly has the responsibility for the preparation and implementation of a Regional Spatial and Economic Strategy (RSES) for the Southern Region. The RSES sets out the strategic regional development framework for the Region. The primary aim of the RSES is to implement Project Ireland 2040 - the National Planning Framework (NPF), at the regional tier of Government and to support NPF policy for achieving balanced regional development.

The Regional Spatial and Economic Strategy supports the research and development of renewable energy resources throughout the southern region. In particular, RPOs 95-104 support renewable energy generation

(both onshore and offshore), the upgrading of the grid to integrate renewable energy resources, and innovation and research (including energy storage and carbon capture).

3.5 Local Context.

3.5.1 Kerry County Council Local Authority Climate Action Plan 2024-2029

Local Government has been identified as a key player in leading climate action at a local, community-based level. Local Authorities (LAs) have been tasked with levering support and resources to deliver effective climate action from the ground up. This approach has been made into law requiring each Local Authority in the country to lead in Climate Action at a county level. It is envisaged that leadership will be plan-led namely through a Local Authority Climate Action Plan (LACAP). Kerry County Council seeks to influence, advocate and facilitate climate action ambitions within the local community. These ambitions and pathways to achieve targets are outlined in this plan.

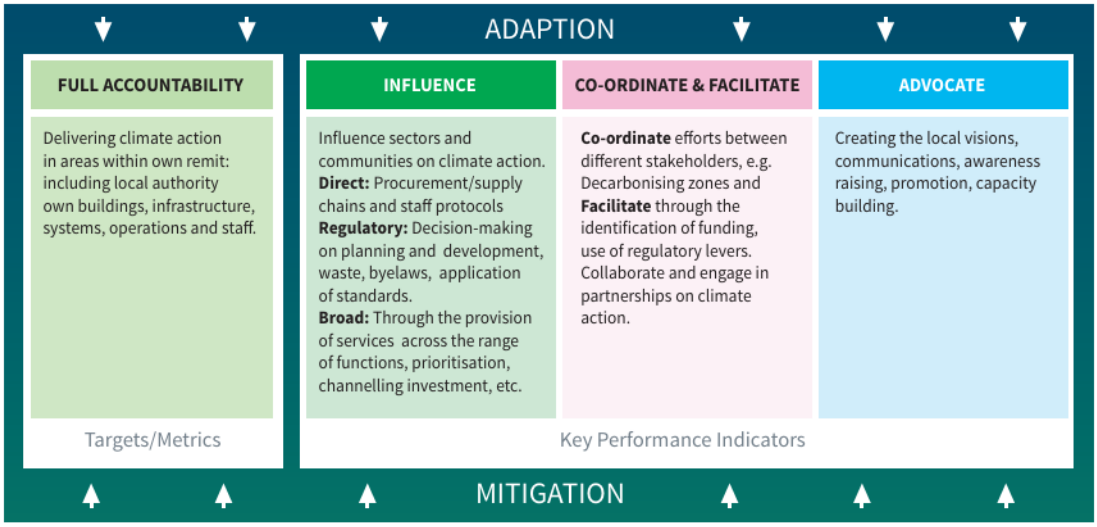


Figure 6: Role of Local Government within Climate Action – from full accountability of its own GHG emissions through to influencing, co-ordinating/facilitating and advocating across its range of functions and responsibilities

Figure 7: Strategic Goals of the Kerry County Council Local Authority Climate Action Plan 2024-2029

REF	MEASURE
EG1	Promote climate action projects that support and maximize environmental cobenefits, such as biodiversity protection and enhancement; improved air, water or soil quality; or enhanced recreation, amenity and cultural heritage value, to ensure win-win benefits are gained.
EG2	Support or facilitate climate action related projects and initiatives which seek to make improvements in soil structure, management and health by increasing soil organic carbon - which will create the environmental co-benefits of improving flood resilience by enhancing water holding capacity of soils and increasing the level of GHG sequestration associated with land use functions.
EG3	Ensure all development underpinned or supported by climate action is planned and implemented in a manner that appropriately considers the potential for environmental co-benefits, potential environmental impacts and environmental protection requirements. No climate action related development project that is likely to have significant negative effects on the receiving environment shall be supported.
EG4	Flood projects, or related maintenance works, shall be carried out in a manner that promotes climate action-biodiversity related co-benefits, and shall have due regard for the protection and enhancement of rare, protected or important habitats and species.
EG5	Ensure climate action related projects are carried out in a manner that promotes climate action-cultural heritage co-benefits, and do not result in unauthorized physical damage to cultural, archaeological or architectural features, or unauthorized or inappropriate alteration of the context of sensitive cultural heritage features.
EG6	Ensure climate action related projects are carried out in a manner that promotes climate action water quality co-benefits, and align with the provisions of the Water Framework Directive and relevant River Basin Management Plan.
EG7	Promote climate action projects that support protected trees, hedgerows and other habitats such as wetlands, flood zones which contribute to green infrastructure.
EG8	Support opportunities to improve ecological connectivity of non-designated habitats and sites to improve overall ecosystem resilience and functioning while supporting climate action within the county.
EG9	Ensure all projects supported by the council have taken the necessary precautions to identify and manage invasives species, particularly with regard to Schedule III species. No climate action related development project that is likely to cause the spread of invasives species listed in Schedule III shall be supported.

Figure 8: Overarching Objectives of the Kerry County Council Local Authority Climate Action Plan 2024-2029

3.5.2 Kerry County Development Plan 2022-2028.

Chapter 2 of the County Development Plan deals specifically with Climate Change & Achieving a Sustainable Future. Section 2.6.2.1 (Transition to a Carbon Neutral Economy and Society) states:

> *'The Council will facilitate the provision of a framework, and work with all stakeholders for action on decarbonisation across all sectors including agriculture, transport, electricity, and the built environment……. The council, in conjunction with stakeholders will facilitate low-carbon and renewable energy generation (electricity and heat) technologies. The plan is also supportive of improved energy efficiency projects and initiatives.'*

Section 2.6.2.2 Energy Policy and Planning states:

> *Kerry County Council recognises that the transition to a low carbon economy is an integral part of Ireland's climate change strategy and that renewable energies form a core component of reducing our reliance on fossil fuels. In particular, decarbonisation of the heating and transport*

sectors are challenges of significance to this plan……. National renewable energy targets are acknowledged and to date, Kerry has made a significant contribution towards realising these targets, having regard to wind energy developments already constructed and permitted in the County. Detailed policy in relation to renewable energy including micro generation and community consultation is contained in Chapter 12 of this plan. In addition, the plan facilitates the development of offshore wind energy proposals and associated 'green' industry.'

Section 2.6.4 (Summary of Mitigation and Adaptation Measures Incorporated into the Plan) identifies one of the mitigatory measures in this plan as

'Promoting repowering of windfarms, renewable energy technologies, spin off industry and enterprise,'

Chapter 9 deals with Economic Development. Section 9.3 (Sustainable Economic Development and Climate Action) states:

'Kerry County Council recognises the need for a 'Just Transition' to a low carbon economy which can offer significant opportunities to achieve sectoral diversification in the Green Economy and lead the way to a greener future including the following:

- *Support the development of the green economy including appropriate renewable energy and bioenergy economic developments that will assist in reducing greenhouse gas emissions and assist with the transition to a low carbon economy.'*

It should also be noted that Objective KCDP 9-3 sets out that it is an objective of the Council to:

'Facilitate and support training, upskilling and employment opportunities for rural communities in areas such as renewable energy, sustainable tourism, energy retrofitting, the Bioeconomy and the Circular Economy.'

Chapter 11 deals with the Environment and Section 11.6 Landscape states:

'The landscape has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation; contributes to the formation of local cultures and is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity; is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas; is a key element of individual and social well-being and its protection, management and planning entail rights and responsibilities for everyone" (European Landscape Convention, 2000).'

Section 11.6.3.1 Visually Sensitive Areas states:

'Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation.

These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.

The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.'

Section 11.6.4 Development in Designated Areas states:

'Visually sensitive landscapes are particularly notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural recreational activities. The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socioeconomic development of these areas. Development is not precluded in visually sensitive landscapes however, development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.,

Section 11.6.5 Views and Prospects states:

'County Kerry contains views and prospects of outstanding natural beauty which are recognised internationally. There is a need to protect and conserve these adjoining public roads throughout the County. Any development which hinders or materially affects these views/prospects will not be permitted.'

Objective KCDP 11-69 seeks to

'Ensure that developments in upland areas provide sufficient storm water attenuation to avoid the occurrence of river erosion or flooding downstream subject to hydrological and ground/peat stability assessments.'

Objective KCDP 11-79 seeks to

'Preserve the views and prospects as defined on Maps contained in Volume 4.'

Objective KCDP 11-80 seeks to

'Facilitate the sustainable development of existing and the identification of new Viewing Points along the route of the Wild Atlantic Way in conjunction with Fáilte Ireland, while ensuring the protection of environmental attributes in the area through the implementation of environmental protection objectives, standards and guidelines of this Plan.'

KCDP 11-81 seeks to

'Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.'

Chapter 12 deals with Energy and Section 12.5 Renewable Energy states:

'The Council will continue to support and facilitate the sustainable development of the renewable energy sector in line with the strategic goals set out by the Department of Communications, Climate Action and the Environment whilst balancing the need for new development with the protection of the environmental, cultural and heritage assets of the county.'

Section 12.5.4.1 Wind Energy states:

'It is the policy of the Council to support, in principle and in appropriate locations, the sustainable development of wind energy resources in County Kerry.'

Section 12.5.4.1.7 Repower Areas states

'As wind turbine technology continues to advance, existing windfarms and sites developed today have the potential to greatly increase efficiency and capacity by upgrading older turbines with more efficient technology or their replacement with larger capacity turbines in the future. For the purposes of this plan and related development objectives, repowering includes wind farm upgrades, renewal, repowering or extension to permitted operational duration…'

'Repowering proposals differ from new applications in so far as they may be able to avail of the existing infrastructure and accordingly may not result in direct habitat loss of value within Hen Harrier SPAs. It is further noted that some windfarms in the SPA predate the European Site designation. Nonetheless, repowering proposals may still require grid upgrade works and / or transport upgrade works if taller turbines with greater capacity are proposed. In addition, displacement effects resulting from the unavailability of otherwise suitable habitat may still arise, as may disturbance risks (particularly during the construction stage) and collision risks (at the operational stage)…'

Objective KCDP 12-14 seeks to

'Maximise the development of all renewable energies at appropriate locations in a manner consistent with the proper planning and sustainable development of the County.'

Objective KCDP 12-15 seeks to

'Support and facilitate proposals for hybrid energy systems and/or co-location of renewable energy where applicable where such development has satisfactorily demonstrated that it will not have adverse impacts on the surrounding environment.'

Objective KCDP 12-16 seeks to

'Facilitate and promote sustainable alternative forms of renewable energy including hydro, bio, solar, geothermal and off-shore wind energy.'

Objective KCDP 12-18 seeks to

'Ensure that projects shall be designed and developed in line with the Draft Revised Wind Energy Development Guidelines (DHPLG, 2019) and any update of these guidelines in terms of siting, layout and environmental assessment.'

Objective KCDP 12-21 seeks to

(a) Facilitate the sustainable replacement of turbines or repower energy projects in areas shown as 'Repowering areas' and areas 'Open-to-Consideration'. Such proposals will be required to comply with Article 6 of the Habitats Directive.

(b) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall not result in insufficient habitat for the Hen Harrier in line with the conservation objectives of the SPA. As part of this re-powering, proposals will not be permitted to result in the taking out of additional Hen Harrier foraging habitat within the SPA.

(c) Ensure that all mitigation measures outlined in a Natura Impact Statement, submitted in support of Repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall be certain beyond all reasonable scientific doubt and shall be supported by robust evidence including at least 2 years of annual ornithological survey work.

(d) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier do not constitute an unacceptable collision risk to Hen Harrier. As part of this, early engagement with statutory and non-statutory holders of ecological data should be undertaken, including with the Irish Hen Harrier Winter Survey.

3.5.3 Kenmare Municipal District Local Area Plan 2024-2030.

This plan became effective from May 24th 2024. The LAP supports measures to cut emissions in line with national targets, particularly in the key areas of transport and the built environment. This aligns with local targets as they evolve in Kerry's Local Authority Climate Action Plan to be adopted in 2024.

A Climate Action Audit was carried out for this LAP and provides more detail on how the Plan aligns with climate action policy. It sets out that the LAP promotes the development of appropriately scaled renewable energy installations.

3.5.4 Kerry County Council's Climate Change Adaption Strategy Sept. 2019-2024

This strategy identifies specific challenges to be faced by Kerry County Council from climate change. The strategy includes objectives and corresponding actions on how the council will adapt to these challenges. In relation to Land Use and Development, sustainable policies and measures are devised and implemented to influence positive behavioural changes, support climate adaptation actions and endorse approaches for successful transition to a low carbon and climate resilient society.

3.6 Policy Summary

European, National, Regional and Local policy recognises the need for greater security of energy supply and competition in the Irish context. Local Planning Policy in particular, has designated a number of existing wind energy sites as repowering areas within which the replacement of existing wind energy farms may be favorably considered.

4.0 European, National and Local Designations.

4.1 European Designations, Natural Heritage Areas, which may be affected by the proposed development (whether in or proximate to same).

The designated Natura 2000 sites found adjacent to the proposed development include:

- Killarney National Park, Macgillycuddy Reeks and Caragh catchment cSAC (3.3km)
- Old Domestic Building Curraglass Wood (6kmO
- Kilgarvan Ice House (7km)
- St Gobnet's Wood (9.4km)
- Glanlough Woods (11km)
- Blackwater (Cork/Waterford) (11.5km)
- Mullaghanish Bog (11.9km)
- Derryclogher Bog (12.9km)
- Kenmare River (c.20km)
- Mucksna Wood (c.20km)
- Mullaghareirk to Musheramore mts (10.2km)
- Killarney National Park (12km)

The following Natural Heritage Areas / proposed Natural Heritage Areas are also located within or adjacent to the site:

- The Roughty River pNHA located 2.5km south west of the application site.
- Sillahertane Bog NHA located 3km south of the application site.

4.2 Protected Structures and Architectural Conservation Areas (ACA's).

There are no protected structures or architectural conservation areas within or adjacent to the proposed development site.

4.3 Archaeological Monuments and Sites.

There are 6 no. monuments listed within the subject site boundary as indicated on the table below:

SMR No.	Class	Townland	ITM E	ITM N	Turbine ID	Distance to nearest turbine (m)
KE085-050	Hut site	Inchincoosh	506731	577332	T7	150

SMR No.	Class	Townland	ITM E	ITM N	Turbine ID	Distance to nearest turbine (m)
KE085-051	Hut site	Inchincoosh	506715	577333	T7	165
KE085-052	Hut site	Inchincoosh	506689	577334	T7	189
KE086-012	Building	Inchee	508833	576635	T8	405
KE085-053001	Megalithic tomb - unclassified	Lettercannon	507646	575845	T11	238
KE085-053002	Hut site	Lettercannon	507646	575845	T11	238

Table 2 – List of Monuments within the subject site

Three new archaeological / cultural heritage features were noted within the existing Lettercannon section of the Proposed Development. They are located adjacent to existing roads which were built as part of the Lettercannon windfarm. Indicated on the table below:

CH No.	Class	Townland	ITM E	ITM N	Distance to nearest existing turbine (m)	Distance to nearest proposed turbine (m)
CH 1	Hut / House	Lettercannon	507552	575666	230m to T12 (Lettercannon)	430m to T11
CH 2	Hut site	Lettercannon	507568	575664	230m to T12 (Lettercannon)	430m to T11
CH 3	Hut site	Lettercannon	507555	575881	116m to T12 (Lettercannon)	294m to T11

Table 3 – List of archaeological / cultural heritage features within the subject site

4.4 Special Area Amenity Order.

There is no designated SAAO (Special Area Amenity Order) on site.

4.5 Kerry County Development Plan 2022-2028 Visually Sensitive Areas.

The site is located in an area designated as Visually Sensitive in the Kerry County Development Plan 2022-2028.

5.0 Assessment on the effects of the proposed development on the environment and the proper planning and sustainable development of the area.

5.1 Introduction

It is noted that an existing windfarm is already in situ on the current site. Within this context it is considered that the most pertinent issue relates to the principle of the proposal within the context of land use policy, climate change and energy security. As required by S37 of the Planning and Development Act as amended this assessment is particularly focused on the proper planning and sustainable development of the area. Section 6 contains additional observations regarding the submitted NIS and EIAR.

5.2 Principle of Development

The principle of development has been established through the provision of the existing windfarm(s), which have been lawfully established on site. The repowering of this existing windfarm is in line with Objective KCDP 12-21, which seeks to *(a) Facilitate the sustainable replacement of turbines or repower energy projects in areas shown as 'Repowering areas' and areas 'Open-to-Consideration'. Such proposals will be required to comply with Article 6 of the Habitats Directive.*

5.3 Visual Impact and Landscape Assessment.

The proposed development seeks to remove 28 no. existing turbines and relevant ancillary infrastructure and replace them with 11 no. wind turbines with a blade tip height range from 199.5m to 200m, a hub height range from 118m to 125m and a rotor diameter range from 149m to 163m, along with associated foundations and hard standing areas.

The proposed application site is within the line of sight of Protected Views and Prospects from the R569 regional road to the west, the L3201 local road to the south and the N22 to the north east of the application site. These roads have views to the east, north and southwest over the application site, which contains an existing windfarm.

The Zone of Theoretical Visibility (ZTV) maps submitted with this application clearly illustrate that the proposed turbines will be visible over a very wide area. Figure 13-3 in chapter 13 of the EIAR an Existing Vs Proposed Comparative ZTV. It demonstrates that there are certain locations in the wider area where only the existing turbines are theoretically visible, that there are certain locations in the wider area where only the proposed turbines are theoretically visible and finally that there are certain locations in the wider area where both the existing and proposed turbines are theoretically visible. In summary the ZTV maps submitted indicate that the difference to the Zone of Theoretical Visibility between the existing windfarm and the proposed turbines is minimal.

The photomontages submitted have been analysed and give a general impression of how the new turbines will be viewed from the surrounding area, when compared against the existing windfarm. It should be noted that the photomontages submitted give two wind turbine options. These are as follows:

- 122.5m Hub Height & 155m Rotor Diameter (Option 1)
- 125m Hub Height & 149m Rotor Diameter (Option 2)

The issue of turbine dimensions proposed has been discussed in section 1.5 (project overview) of this report. In terms of visual impact, the difference between the two options is marginal.

Viewpoint 1 from the N22 national road in the townland of Inch shows that the proposed new turbines will be more dominant than the existing turbines when viewed from this stretch of the main Cork/Kerry Road. While it is noted that the proposed turbines are discernibly more dominant, it is considered that the difference between option 1 and option 2 is not significantly noticeable from the photomontages submitted.

Viewpoints 2 and 8 of the proposed development are from the CDP Protected View/Prospect along the L3201 to the south of the subject site shows that the proposed new turbines will be less dominant than the existing turbines when viewed from various points along this local road. The number of turbines visible at this location has significantly reduced from 15 existing turbines to 6 proposed turbines at viewpoint 2 and from 7 existing turbines to 3 proposed turbines at Viewpoint 8. It is considered that the proposed development reduces the visual clutter at these locations and is an improvement on the existing windfarm when viewed from these 2 points along this Protected View/Prospect. As with viewpoint 1, it is considered that the difference between option 1 and option 2 is not significantly noticeable from the photomontages submitted.

Viewpoint 3 of the proposed development is from Kilgarvan Village along the R569 Regional Road shows that the proposed new turbines will more dominant over the existing landscape given the increased height of the new turbines, but there is a clear and noticeable reduction in visual clutter in terms of the proposed reduction in the number of turbines, when viewed from this location. While the new turbines are more visible, on balance, it is considered that the proposed turbines when viewed from this location, due to a reduction in number, do not impact on visual amenity any more than the existing windfarm.

Viewpoint 9 of the proposed development is from the CDP Protected View/Prospect along the R569 regional road to the west of the subject site. This montage shows that the proposed new turbines would be marginally more visible than the existing turbines when viewed from various points along this regional road. There are currently no turbines visible from this location. Under the current proposal, the blades from proposed turbine 10 would be partially visible from this location. It is considered that the current proposal, with the blades of one turbine being visible at this location would not significantly detract from this protected view/prospect at this location.

Viewpoint 11 of the proposed development is from a County Cork Designated Scenic Route SR22 in the townland of Coomnaclohy, to the east of the subject site. This montage shows that the proposed new turbines would be marginally more visible than the existing turbines when viewed from various points along this route. The existing turbines can be partially seen given the topography of the surrounding landscape. The proposed turbines would also be partially visible, however due to a reduction in number, the difference between the existing and proposed wind turbines is marginal.

Visual Impact and Landscape Assessment Summary.
Having regard to the number, size and scale of the 11 no. proposed turbines to replace the 28 no. existing turbines, it is considered that as per the zone of theoretical visibility and the photomontages submitted, the reduction in the number of wind turbines would make a positive impact, reducing visual clutter and providing clear differentiation between the wind turbines and the landscape that they occupy.

As such and on balance, it is considered that the proposed wind turbines would not have a significant negative visual impact on the landscape and would not materially affect protected views and prospects.

The proposed development if permitted would be in line with current repowering policy in the County Development Plan as well as local regional and national policy in relation to the promotion of renewable energy generation.

5.4 Roads and Transport

An assessment of the traffic effects on the local road network was undertaken for the Proposed Development. The assessment considers the likely impacts resulting from the additional traffic movements that will be generated by the Proposed Development during the construction, operational and decommissioning phases on the transport delivery route to the site.

During this main part of the construction phase, based on the forecast increase in traffic volumes set out above it is forecast that the impact on the delivery routes will be negative, temporary and imperceptible. Once the Proposed Development is operational the traffic impact created by maintenance staff will be imperceptible. The residual effect for the decommissioning phase will be less than for the construction stage as set out above and will be slight to imperceptible.

The proposed development was reviewed by the area engineer and deemed acceptable subject to conditions being imposed on any grant of planning permission issued.

5.5 Flood Risk Management

The application was reviewed in terms of the risk of flooding associated with the proposed windfarm redevelopment. The proposal as detailed in the application will not increase the risk of flooding downstream of the development if all mitigation and monitoring measures relating to the pre-commencement, construction, operational and decommissioning phases of the proposed development as set out in the application and summarised in the Schedule of mitigation and monitoring proposals are implemented.

The Construction Environmental Management Plan (CEMP) outlines measures for the management of all surface water and run-off on the site, for the protection of watercourses and in particular, sediment and erosion control. These measures will need to be implemented in full and a robust monitoring and audit system put in place to ensure compliance with the developed CEMP and to ensure regular inspection, maintenance and repair of the drainage channels, settlement ponds, swales, dams, silt fences and outfalls.

Should the Bord grant permission the detailed design of the surface water drainage and management system and the developed CEMP should be updated prior to the commencement of construction to include all mitigations and monitoring measures, planning conditions and alterations to the EIAR.

The issues outline above can be resolved vie recommended conditions to An Bord Pleanala.

5.6 Environment/Water Services

As outlined, the proposal is for the removal of 28 turbines with construction of 11 new turbines. Main issues to note from water quality aspect include:

- Removal of existing 28 turbines
- Construction of 11 turbines
- Underground cabling
- Upgrading existing tracks & hardstand areas
- Extension & re-use of existing borrow pit
- Temporary construction compounds
- Construction of meterological masts
- Forestry felling of approx. 8.9 hectares
- Drainage works on site.

The Proposed Development site is located within 3 surface water catchments:

1) The Dunmanus-Bantry Kenmare surface water catchment;
2) The Laune-Maine-Dingle Bay catchment; and,
3) The Flesk River sub-catchment.

A total of 36 surface water grab samples were undertaken to determine the baseline water quality of the primary surface waters originating from the Proposed Development site. The monitoring and sampling completed in July 2022 occurred during a dry period with minimal rainfall. Meanwhile the sampling completed in January 2023 was preceded by a mixture of dry and wet days.

5.7 Noise and vibration.

All buildings within 3 km of the Proposed Development were identified. Of the 102 buildings identified, two were subsequently classified as derelict. These locations are not considered to be Noise Sensitive Receptors (NSR's) for the purposes of this part of the EIAR.

All NSRs are shown on EIAR Figure 12-2. For clarity a series of inset maps showing the individual numbering of the NSRs are also included as Figures A1.1a-b within Annex 1 of Technical Appendix 12-2 of the EIAR.

Predicted noise levels associated with the existing turbine removal and construction activities are below the guidelines considered acceptable at all receptors for all phases of the Proposed Development and therefore no significant effects are anticipated.

An additional comparison was made between predicted noise levels from the Existing Kilgarvan Wind Farm turbines, and those turbines associated with the Proposed Development at 14 Noise Assessment Locations (NAL's). The comparison showed that the predicted output of the Proposed Development will be lower at each of the NALs than the Existing Kilgarvan Wind Farm turbines.

Whilst it is not possible to predict if aerodynamic noise from the proposed wind turbines will occur, potential mitigation measures to reduce this possibility have been identified and the developer is proposing to appoint a community liaison officer with a commitment to investigate complaints which may relate to same. However, the detail of appropriate mitigation to be adopted can only be determined once the wind farm is operational, In the event that frequent and sustained aerodynamic noise from the proposed wind turbines is identified, suitable mitigation will be implemented and therefore no significant effects are likely.

5.8 Shadow flicker.

All sensitive receptors within 2km of the EIAR Site Boundary were identified and mapped. This included all occupied and unoccupied dwellings. In addition, a planning history search to identify properties that may have been granted planning permission, but not yet been constructed, was carried out. Any property with a valid planning permission for a dwelling house was also added to the sensitive receptors' dataset.

The study area for the shadow flicker assessment is ten times rotor diameter from each turbine as set out in the Guidelines. All residential properties located within ten rotor diameters which is assumed to be 1.63 kilometres at its largest extent, have been included in the assessment. A significant minimum separation distance of 1,269m from third party dwellings has been achieved with the project design, thus exceeding the necessary setback distance. There are 14 No. properties located within 1.63 kilometres of the proposed turbines as detailed above, of which 4 no. properties are involved. The shadow flicker study area and sensitive receptor locations are shown in Figure 5-6.

In relation to Shadow Flicker, it is noted the proposal adheres to the guidance of the Wind Energy Development Guidelines, 2006 (2006 WEDGs) and are discussed further in Chapter 12 and Chapter 5 of the EIAR, respectively.

Where exceedances are experienced, suitable mitigation measures are outlined in Chapter 5 of the EIAR which will be employed at the potentially affected properties to ensure that the limits set out in the 2006 WEDGs are not exceeded at any dwelling within the Shadow Flicker Study Area. It is also noted that the proposed wind turbines can be brought in line with the requirements of the Draft Revised Wind Energy Development Guidelines (2019 Draft WEDGs) should they be adopted while this application is in the planning system, through an alteration of the implementation of the mitigation measures outlined.

Furthermore, the proposed turbine locations adhere to the recommended 500m set back distance in the 2006 WEDGs and also the 4 times tip height set-back distance (for non-involved Sensitive Properties) set out for visual amenity purposes, prescribed by the 2019 draft WEDGs.

The assessment caried out as part of the EIAR is also based on compliance with the 2019 draft guidelines to ensure that no existing dwelling or other affected property will experience shadow flicker as a result of the wind energy development.

Chapter 5 of the submitted EIAR states:
"…it is noted that the Proposed Development will not result in any significant effects on Human Beings in the area surrounding the Proposed Development. Following appropriate mitigation, as per the draft Guidelines there will be no daily or annual shadow flicker exceedances at any dwelling within 2 km of the Proposed Development.

Provided that the Proposed Development is constructed and operated in accordance with the design, best practice and mitigation that is described within this application, significant effects on population and human health, associated with health and safety, noise, dust, traffic and shadow flicker, are not anticipated."

Overall, the Proposed Development has been designed in accordance with the 2006 WEDGs and the 2019 draft WEDGs. In this regard the EIAR submitted with the planning application considers all relevant potential environmental impacts that could arise, and the design of the Proposed Development has followed the design principles established in both the 2006 WEDGs and the 2019 draft WEDGs.

5.9 Archaeological, Architectural and Cultural Heritage.
The application in respect of the repowering of the Kilgarvan Windfarm is accompanied by a detailed EIAR, part of which (Chapter 14) deals with Cultural Heritage including archaeology. The EIAR notes that there are 8 archaeological monuments or features within the development site, 5 monuments listed in the Record of Monuments & Places and/or Sites and Monuments Record:

KE085- 051 Hut site Inchincoosh 506715 577333 T7 165
KE085- 052 Hut site Inchincoosh 506689 577334 T7 189
KE086- 012 Building Inchee 508833 576635 T8 405
KE085- 053001 Megalithic tomb - unclassified Lettercannon 507646 575845 T11 238
KE085- 053002 Hut site Lettercannon 507646 575845 T11 238

And a further three monuments which were recorded during archaeological assessment/monitoring as part of previous windfarm planning applications within the site:

CH 1 Hut / House Lettercannon 507552 575666
CH 2 Hut site Lettercannon 507568 575664
CH 3 Hut site Lettercannon 507555 575881

The EIAR notes that while none of the monuments will be directly impacted by the proposed development there is a potential for a number of the monuments/features to be damaged during the proposed works, particularly during the decommissioning of existing turbines. The EIAR states that this is particularly true in relation to:

KE086- 012 Building Inchee 508833 576635 T8 405
KE085- 053001 Megalithic tomb - unclassified Lettercannon 507646 575845 T11 238
KE085- 053002 Hut site Lettercannon 507646 575845 T11 238
CH 1 Hut / House Lettercannon 507552 575666
CH 2 Hut site Lettercannon 507568 575664

CH 3 Hut site Lettercannon 507555 575881

In the case of these six monuments/features the EIAR recommends that the monuments are fenced off during construction work to protect against accidental damage and this mitigation is appropriate.

The EIAR notes that much of the existing infrastructure will be reused but there will still be a need to construct new roads, turbine bases, cabling ducts/trenches, hardstands, drainage works, compounds etc. The EIAR outlines the potential for the survival of sub-surface monuments/features and artefacts and proposes that all excavations/ground works in previously undisturbed areas of the site will be archaeologically monitored. This monitoring will be carried out under licence from the National Monuments Service and reports will be submitted to the planning authority and the NMS on completion. Again, this mitigation is appropriate.

The proposed mitigation measures outlined in the EIAR are appropriate and address the identified direct and potential impacts on the recorded and potential archaeology of the development site.

There are no Protected Structures on site.

6. EIAR/NIS Observations

The Bord may wish to take the following observations on the submitted Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) into consideration:

General Observations

While it is noted that the planning history of the site is outlined in the planning report submitted, it does not appear to have been indicated if there are limits to the duration of consent for the operation of the existing turbines or if they enjoy the at least theoretical benefit of operating in perpetuity. This information would have been useful, to more fully establish the 'baseline' and the 'Do -Nothing Scenario'. The do-nothing scenario is set out in S6.5.2 of the EIAR, however this does not discuss impacts on Terrestrial Ecology as could result from this scenario – positive or negative.

Notwithstanding the above, this assessment will be undertaken on the 'worst case scenario' basis i.e that the existing turbines have a limited operational duration after which the site would have been restored.

6.1 Birdlife

Potential for impact on birdlife and in particular the white-tailed eagle is considered to be an important consideration for this proposal. The field survey constraints and limitations as set out in S6.4.7 of the EIAR are noted. It is considered that the information collected and submitted is sufficiently detailed and extensive to allow for impact assessment.

Potential operational disturbance / displacement of birdlife is assessed within S6.5.5.5.1 of the EIAR. As part of this, it is outlined that there is low likelihood of any significant change in the pattern of usage of the site post-construction. This is accepted however as outlined previously it does not provide details on the alternative 'do nothing' scenario associated with site restoration.

It is noted that in the interest of breeding birds, 'construction will not commence during the Breeding Bird season from April to July inclusive. Construction may commence at any stage from August onwards to the end of March, so that construction activities are ongoing by the time the next breeding bird season comes around and can continue throughout the next breeding season'. This is considered to be acceptable.

It is also noted and considered appropriate that the proposal has been informed by observed avian flightlines as described and mapped in Appendix 6-2 of the EIAR. It is further noted and welcomed that a 'white-tailed eagle outline risk management plan' has been prepared for the proposal and is included as appendix 6.9 of the EIAR. It is noted that this has taken account of the mitigation to prevent eagle mortality as agreed for the existing Grousemount Wind Farm and which is required by the Kerry CDP 2022-2028. This approach is considered to be acceptable. The EIAR outlines that a suitably qualified ornithologist will be appointed to develop and oversee the implementation of the finalised white-tailed eagle risk management plan – which is considered to be appropriate.

6.2 Aquatic interests

While the proposal seeks to utilise existing internal roadways, it is nonetheless considered important that sufficient storm water attenuation is provided so as to avoid the occurrence of river erosion or flooding downstream, as is required by KCDP development objective 11-69. This attenuation should preferably be provided by way of nature-based-solutions e.g. leaky dams, ponds. This is of more relevance now than when the previous applications were permitted, due to recognition of increased likelihood of intense rainfall events associated with climate change.

Sensitive salmonid watercourses are located downstream. It is noted that a peat management plan has been submitted as part of the proposal, which is considered appropriate. As part of this, a safety buffer zone has been

identified in the Peat Stability Risk Assessment (PSRA) Appendix 8-1. Similarly stockpile restriction areas are outlined in Appendix A.2 Figure A-2-1 to Figure A-2-3 of the PSRA).

Responsibility for implementation and monitoring of water quality related mitigation measures should be clearly identified and should be overseen by a suitably qualified person/team.

6.3 Lesser Horseshoe Bat

The proposal is located outside of core sustenance zones identified for protection in the conservation objectives for LHB associated with European Sites in the vicinity. There is no potential for impact on LHB related conservation objectives.

6.4 Habitat loss / Blanket bog / site rehabilitation

Habitat value is generally greater towards the west of the wind farm site, where areas of wet heath, outcropping rock, blanket bog and dry heath habitats are present. It is noted that a Blanket Bog Rehabilitation and Management Plan is proposed to rehabilitate/restore an area of blanket bog (c.5.5ha), which has previously been partly drained and planted with conifers, in order to mitigate for the loss of blanket bog and heath habitats as a result of the Proposed Development. The proposed works include the felling of coniferous forestry and drain blocking which will be completed during the construction phase of the Proposed Development.

The application outlined that peat material will be used to reinstate around the existing hardstands which are not proposed to be replaced with new turbines, with an assumed thickness of 0.5m. Site rehabilitation works along the access roadways which would no longer required by the windfarm does not appear to be proposed.

It is noted that S3.2 of the 'Blanket Bog Rehabilitation and Management Plan' outlines monitored requirements, including monitoring of habitat restoration and revegetation of decommissioned areas of the Existing Kilgarvan Wind Farm, including the borrow pit. As part of this status reports are to be submitted to NPWS and KCC.

6.5 Decommissioning

The EIAR outlines that a decommissioning plan will be agreed with Kerry County Council prior to decommissioning of the Proposed Development. An (outline) Decommissioning Plan is included as Appendix 4-5 of the EIAR. As part of this plan, the importation of soil is provided for to be spread and graded over the turbine foundations. Invasive species management protocols are also outlined.

6.6 European Sites

The Site Boundary does not lie within any EU Natura 2000. The closest Natura 2000 site is Killarney National Park, Macgillycuddy's Reeks & Caragh River Catchment SAC (000365) is located within 0.1km of the entrance from the public road at Cloonkeen. The nearest of the proposed turbines is 1.6km from this SAC. The main risks to the SAC from the proposal are water quality related. Old domestic building, Curraglass Wood SAC 002041 is located c. 2.8km over-land to EIAR Site Boundary. The proposal is located outside of core sustenance zones identified for protection in the conservation objectives for Lesser Horseshoe Bat (LHB) associated with this and other European Sites in the vicinity. There is no realistic potential for impact on LHB related conservation objectives. Mullaghanish to Musheramore Mts. SPA 004162 is c. 7.8km over-land to EIAR Site Boundary with the nearest turbine being c.10km to the SPA. This SPA is designated for breeding Hen Harrier. There is no realistic potential for impact on the conservation objectives of the SPA.

6.7 Overall conclusion

Having regard to the information submitted, significant adverse impacts on biodiversity interests based on existing conditions are not anticipated.

7.0 Assessment of Adequacy and Conclusions of the EIAR submitted.

A considerable amount of ecological surveys and assessments have been undertaken, in support of the proposal. It is evident that the proposal has had regard to the requirements of the Kerry CDP 2022-2028 and that the requirements of same along with the ecological findings have influenced the proposal, including the proposed provision of an outline White-tailed Eagle Risk Management Plan - which is considered to be appropriate. It is noted that the reports submitted conclude that the proposal is compatible with the requirements of the Habitats Directive. In the interests of clarity, biodiversity and the proper planning and sustainable development, a number of recommended conditions have been outlined.

8.0 Conclusion

While Government policy recognises the need to transition to a zero-carbon economy by 2050, it also recognises that the realisation of renewable energy resources to achieve this target will involve a transitionary period. These policy matters and their relevance to the assessment of the project are a matter for the Bord.

The planning application is supported by comprehensive information including mitigation measures by means of the Environmental Impact Assessment Report and Natura Impact Statement. The environmental studies and assessments completed including the mitigation measures proposed demonstrate that the development would not have a significant effect on the environment or on the residential amenity of the area. However, the Planning Authority has included in section 6 a number of observations on the submitted EIAR and NIS that the bord may wish to take into consideration.

The roads, water and in particular the energy infrastructure serving and adjacent to the application site is adequate to cater for the proposed development.

The proposed development accords with National and Regional policy as set out in the National Planning Framework and the Regional and Spatial Economic Strategy for the Southern Region. The proposed development aligns with the goals and objectives of the Kerry County Council Local Authority Climate Action Plan 2024-2029 and is consistent with the land use zoning and objectives contained in Kerry County Development Plan and the Kenmare Municipal District Local Area Plan and is in accordance with the proper planning and sustainable development of County Kerry.

In order to offset any potential impact of a renewable energy development on the community it is the policy of Kerry County Council to seek the developers to provide support to local communities by providing resources for Community Benefit Funds. It is considered reasonable that renewable energy developments contribute to the community within a 20km radius of the development site within the county, at a rate of €2/MWh. An appropriate condition should be attached to any consent issued in this regard.

9.0 Matters to consider in relation to any decision

Kerry County Council requests An Bord Pleanála to consider the following items in making a decision on this application.

9.1 General

(i) All environmental mitigation measures as set out in the information submitted in support of the application, including within the EIAR and the NIS shall be fully implemented, except as may be otherwise required or specified by way of condition.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

9.2 Environmental Protection

(i) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person will be responsible for ensuring that all environmental control measures are fully implemented and maintained, and will also act as the point of contact with the Planning Authority in the event of any environmental difficulties arising with the project. Contact details of the person in question shall be provided to the Planning Authority prior to any works commencing on-site.

(ii) In advance of any works commencing on-site the developer shall prepare and submit a Construction Environmental Management Plan (CEMP) for approval by the Planning Authority. The CEMP shall cover all relevant environmental issues potentially associated with the development phase of the project, including air quality, noise control, water management, waste management etc.

(iii) No silt/sediment laden water shall be discharged from the development to any watercourse in the vicinity of the site. In this regard, during the development phase of the project, a suitable system for the collection and treatment of any sediment/siltation arising shall be installed on-site and maintained thereafter for the duration of the development works.

(iv) Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.

Reason: In the interests of clarity, environmental protection and the proper planning and sustainable development of the area.

9.3 Biodiversity

(i) A Blanket Bog Rehabilitation and Management Plan and a White-tailed Eagle Risk Management Plan shall be provided as outlined in the plans and particulars submitted as part of the planning application.

Reason: In the interests of biodiversity and the proper planning and sustainable development of the area.

9.4 Construction Management Plan

(i) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall include all environmental and ecological measures arising from reports submitted with the planning application and shall provide details of intended construction practice for the development, including:

(a) The location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
(b) The location of areas for construction site offices and staff facilities.
(c) Details of boundary treatment, site security fencing and hoardings.

(d) Details of on-site car parking facilities for site workers during the course of construction.
(e) Details of a monitoring and audit system to be put in place to ensure compliance with the developed CEMP and to ensure regular inspection, maintenance and repair of the drainage channels, settlement ponds, swales, dams, silt fences and outfalls.

Reason: In the interest of clarity, environmental protection and the proper planning and sustainable development of the area.

9.5 Roads and Transportation

(i) Works adjacent to the Public Road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road.

(ii) The formation of the existing splayed entrance shall not interfere with the roadside drainage, which shall be maintained, repaired or made good by providing a dished channel constructed of concrete or piped culvert.

(iii) The applicant must make good any damage cause to the public road because of their works to the satisfaction of the Kerry County Council Roads Engineer.

(iv) All works adjacent to or on the public road shall require a road opening licence approved by the Roads & Transportation Directorate. The approval of this licence will be subject to the developer / contractor possessing the adequate level of insurance which indemnifies Kerry County Council. The developer / contractor will furthermore have to produce a company safety statement along with a site-specific safety plan. The site-specific safety plan shall include a site-specific risk assessment and a traffic management plan.

(v) The applicant shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road. Wheel washes shall be installed during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road.

(vi) All vehicles during construction phase of this proposed development must be parked within the site.

(vii) During the Construction and Delivery Phases, suitable Advance Warning Signage shall be provided as appropriate on the approaches to entrance to the Windfarm, to the satisfaction of the Road Authority and always maintained in satisfactory condition during the Construction and Delivery phases. The signage shall be clearly legible from the public roadway at the entrance to the site and shall be maintained to not be obscured or rendered illegible by dust, mud or vegetation. This signage should design and located in accordance with the Traffic Signs Manual.

(viii) The delivery times and haulage routes to be agreed in advance with the Road Authorities and An Garda Síochána.

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

9.6 Water Services

(i) Detailed design of the surface water drainage and management system and the developed CEMP should be updated prior to the commencement of construction to include all mitigations and monitoring measures, planning conditions and alterations to the EIAR and must be submitted to the Planning Authority for written approval prior to the commencement of development.

Reason: In the interests of clarity, environmental protection and the proper planning and sustainable development of the area.

9.7 Environment Department

(i) The Run off control and drainage management proposals submitted with this application shall be fully implemented.

(ii) Runoff from access tracks, turbine bases, and developed areas (construction compounds, met masts) will be collected and treated in local (proposed) silt traps and settlement ponds/swales and then discharged over buffered outfalls. Runoff from the decommissioned areas will be treated in local swales before being discharged over buffered outfalls.

(iii) The surface water sampling regime highlighted and proposed in the Environmental Impact Assessment submitted with the application shall be fully implemented. The sampling regime will be agreed with the relevant local authority in advance.

(iv) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the project. This person would be responsible for ensuring that all environmental control measures are fully implemented and maintained, and would also act as the point of contact in the event of any environmental difficulties arising with the project.

(v) No polluting matters including sediment laden waters shall be discharged directly or indirectly to any waters from the proposed works including the felling operations. Suitable measures shall be put in place onsite in advance of any demolition works to prevent sediment laden waters entering any waters. The ongoing management of these measures is critical.

(vi) The developer shall ensure that proven forestry best practice methods are used to mitigate the risk of release of sediments/suspended solids to any water course/surface drain during the felling and ground works operations on site for the duration of the proposed development.

(vii) In the event of complaints being received regarding alleged noise nuisance from the proposed rock breaking or borrow pit excavations and construction phase of this development to which this permission relates and, upon investigation by Kerry County Council, such complaints are found to be justifiable the applicant shall, upon written receipt of notification from the Planning Authority, retain the services of an acoustic specialist to establish the cause of the noise or nuisance and the remediation measures required in order to abate said nuisance. The applicant shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein.

(viii) If deemed necessary by the Planning Authority, the applicant shall carry out ambient noise monitoring at locations adjacent to the site during the demolition and construction phase of the development. The scope of the monitoring shall be agreed in advance with the Planning Authority.

(ix) Settlement ponds shall be designed to suit each specific drainage catchment and the proposed settlement ponds at the borrow pit will be designed to ensure suitable effective retention.

(x) The burning or burial of waste is prohibited at the site.

(xi) Any and all hazardous waste/material generated at the site shall be taken directly to a suitably authorised waste facility or transfer to a suitably licensed waste collector.

Reason: In the interests of clarity, environmental protection and the proper planning and sustainable development of the area.

9.8 Archaeology related

(i) The following archaeological monuments/features should be securely fenced off during construction and appropriate signage should advertise the presence of the monuments in order to avoid accidental damage. The fencing should be established and erected under archaeological supervision. No excavation, storage of materials or traffic of machinery should be permitted within these buffer zones

- KE086- 012 Building Inchee 508833 576635 T8 405
- KE085- 053001 Megalithic tomb - unclassified Lettercannon 507646 575845 T11 238

- KE085- 053002 Hut site Lettercannon 507646 575845 T11 238
- CH 1 Hut / House Lettercannon 507552 575666
- CH 2 Hut site Lettercannon 507568 575664
- CH 3 Hut site Lettercannon 507555 575881

(ii) All soil/peat stripping, excavations and ground works in proximity to the identified archaeological monuments/features and in previously undisturbed areas of the proposed development site should be archaeologically monitored, under licence from the National Monuments Service. On completion of the monitoring reports outlining the results should be submitted to the planning authority and the NM

Reason: In the interests of archaeological conservation and the proper planning and sustainable development of the area.

9.9 Development levies

(i) 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

The value of the contribution outlined shall be agreed in writing, with the Planning Authority prior to commencement of construction of the development.

Reason: In the interests of orderly development.

9.10 Community Contribution Fund

Prior to commencement of development, details of the community gain proposals shall be submitted to, and agreed in writing, with the planning authority.

Reason: In the interests of the community and orderly development of the area.

9.11 Bond and allied matters

(i) A Bond of €50,000 shall be placed on this development, to be used if required, to repair any damage to the public road because of this development.

Reason: In the interest of road safety, orderly development and the proper planning and sustainable development of the area.

Signed:

Paul Neary
Actg. Director of Services / Oifig Stiúrthóir Seirbhísí,
Planning, Environment & Emergency Management/Pleanáil, Comhshaol & Bainistíocht Éigeandála

Date: 10th July 2024

Appendix A Internal Consultations.

Internal consultations:

Internal consultations were carried out within Kerry County Council with the following individuals:

1. Dr. Michael Connolly, County Archaeologist.
2. Mr. Eoin Kelleher, Executive Planner & Ecologist.
3. Mick Boyce, Senior Executive Engineer, Environment Department.
4. Eoghan O'Brien, Senior Executive Engineer, Flooding & Coastal Protection Unit.
5. John Ahern, Senior Executive Engineer, Killarney Municipal District.

MEMORANDUM

Date/Dáta: 23rd May 2024.

To/Chuig: Damien Ginty, Senior Planner	From/O: Michael Connolly County Archaeologist

Re/Le: Proposed Windfarm repowering Application of the existing Kilgarvan Wind Farm in the townlands of Inchincoosh, Inchee, Lttercannon, Coomacullen and Cloonkeen, Co.Kerry

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Damien,

The application in respect of the repowering of the Kilgarvan Windfarm is accompanied by a detailed EIAR, part of which (Chapter 14) deals with Cultural Heritage including archaeology. The EIAR notes that there are 8 archaeological monuments or features within the development site, 5 monuments listed in the Record of Monuments & Places and/or Sites and Monuments Record:

KE085- 051 Hut site Inchincoosh 506715 577333 T7 165

KE085- 052 Hut site Inchincoosh 506689 577334 T7 189

KE086- 012 Building Inchee 508833 576635 T8 405

KE085- 053001 Megalithic tomb - unclassified Lettercannon 507646 575845 T11 238

KE085- 053002 Hut site Lettercannon 507646 575845 T11 238

And a further three monuments which were recorded during archaeological assessment/monitoring as part of previous windfarm planning applications within the site:

CH 1 Hut / House Lettercannon 507552 575666

CH 2 Hut site Lettercannon 507568 575664

CH 3 Hut site Lettercannon 507555 575881

The EIAR notes that while none of the monuments will be directly impacted by the proposed development there is a potential for a number of the monuments/features to be damaged during the proposed works, particularly during the decommissioning of existing turbines. The EIAR states that this is particularly true in relation to:

KE086- 012 Building Inchee 508833 576635 T8 405

KE085- 053001 Megalithic tomb - unclassified Lettercannon 507646 575845 T11 238

KE085- 053002 Hut site Lettercannon 507646 575845 T11 238

CH 1 Hut / House Lettercannon 507552 575666

CH 2 Hut site Lettercannon 507568 575664

CH 3 Hut site Lettercannon 507555 575881

In the case of these six monuments/features the EIAR recommends that the monuments are fenced off during construction work to protect against accidental damage and this mitigation is appropriate

The EIAR notes that much of the existing infrastructure will be reused but there will still be a need to construct new roads, turbine bases, cabling ducts/trenches, hardstands, drainage works, compounds etc. The EIAR outlines the potential for the survival of sub-surface monuments/features and artefacts and proposes that all excavations/ground works in previously undisturbed areas of the site will be archaeologically monitored. This monitoring will be carried out under licence from the National Monuments Service and reports will be submitted to the planning authority and the NMS on completion. Again, this mitigation is appropriate.

The proposed mitigation measures outlined in the EIAR are appropriate and address the identified direct and potential impacts on the recorded and potential archaeology of the development site. In summary, the following Conditions should attach to any grant of permission:

1. The following archaeological monuments/features should be securely fenced off during construction and appropriate signage should advertise the presence of the monuments in order to avoid accidental damage. The fencing should be established and erected under archaeological supervision. No excavation, storage of materials or traffic of machinery should be permitted within these buffer zones

- KE086- 012 Building Inchee 508833 576635 T8 405
- KE085- 053001 Megalithic tomb - unclassified Lettercannon 507646 575845 T11 238
- KE085- 053002 Hut site Lettercannon 507646 575845 T11 238
- CH 1 Hut / House Lettercannon 507552 575666
- CH 2 Hut site Lettercannon 507568 575664
- CH 3 Hut site Lettercannon 507555 575881

2. ALL soil/peat stripping, excavations and ground works in proximity to the identified archaeological monuments/features and in previously undisturbed areas of the proposed development site should be archaeologically monitored, under licence from the National Monuments Service. On completion of the monitoring reports outlining the results should be submitted to the planning authority and the NMS

Regards,

Dr Michael Connolly,
County Archaeologist

Kerry County Council
Memo

From: Eoin Kelleher E.Planner and Ecologist, Environmental Assessment Unit
To: Seán Flahive, E. Planner
RE: SID Project ABP Ref:319471-24- Biodiversity considerations
Date: 17.06.24

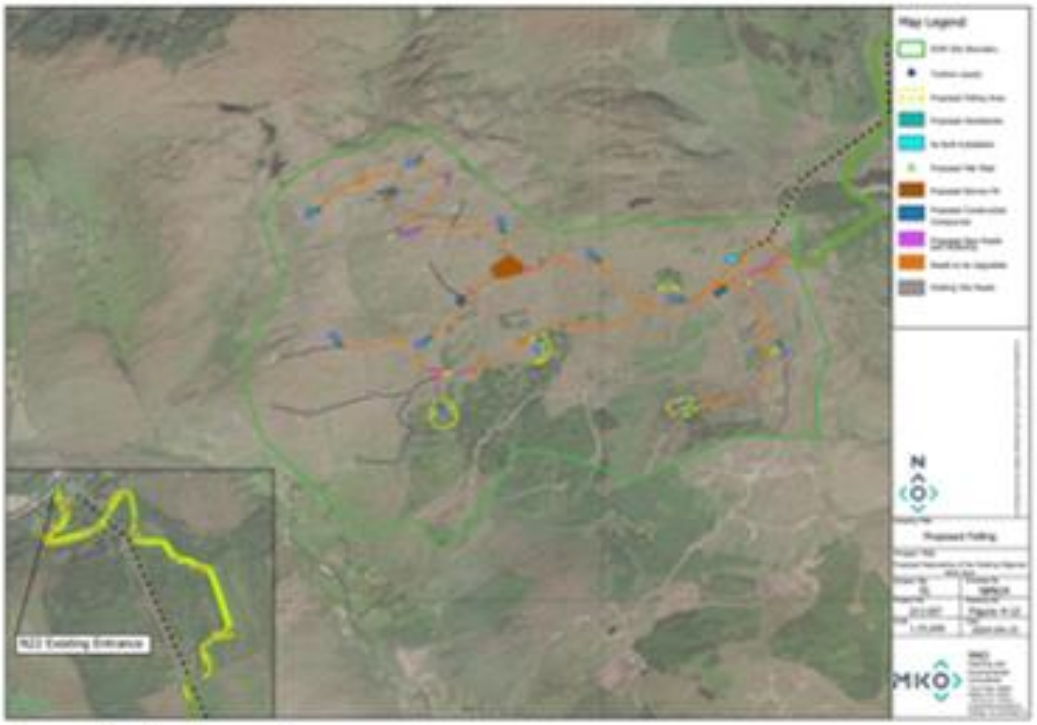
1. **Project overview**

This (Kilgarvan Planning) proposal seeks to decommission the existing 28 no. turbines, replace them with 11 no. wind turbines, and upgrade the associated infrastructure at the Existing Kilgarvan Wind Farm site in the townlands of Inchincoosh, Lettercannon, Inchee, Coomacullen, and Cloonkeen in County Kerry. As part of this, it is noted that upgrade works are proposed to the existing 110kV Coomagearlahy sub-station.

The proposal provides for a limited range of turbine dimensions comprising: a total tip height in the range of 199m minimum to 200m maximum; a hub height in the range of 118m minimum to 125m maximum, and a rotor diameter in the range of 149m minimum to 163m maximum. Each turbine will be capable of generating from approximately 6 MW to 7.2 MW, with an overall installed capacity of at least 50MW. A borrow pit, a met mast as well as 2.No construction compounds are also proposed. The borrow pit would be an extension of an existing one. It is outlined that the borrow pit would be excavated by breaking or blasting and would be backfilled with up to 3m of peat and spoil material.

This application seeks a ten-year permission and a 35-year operational life from the date of full commissioning of the Proposed Development

The application is accompanied with an EIAR and an NIS. A 'white-tailed eagle outline risk management plan' and other reports are included within the appendices to the EIAR.



Above: Project overview

2. Kerry CDP 2022-2028 – Biodiversity considerations

Potential repowering area / strategic level environmental assessment

It is noted that the subject site is located within an area identified on map 12.4 of the Kerry CDP 2022-2028, as a potential repowering area. The Kerry CDP 2022 – 2028 was subject to public consultation, Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment.

Volume 1

KCDP 12-21 (a) Facilitate the sustainable replacement of turbines or repower energy projects in areas shown as 'Repowering areas' and areas 'Open-to-Consideration'. Such proposals will be required to comply with Article 6 of the Habitats Directive.

12.5.4.1.7 Repower Areas

…repowering proposals will be required to demonstrate that they will not have a negative impact on ecologically sensitive sites including NHAs and/or pNHA. Any repowering proposal in the vicinity of known White Tailed Sea Eagle (WTSE) habitat (foraging/commuting/roosting/ breeding) is subject to the mitigation outlined in Chapter 12, Section 12.5.4.1.4

White Tailed Sea Eagle mitigation as outlined in Chapter 12, Section 12.5.4.1.4

Ensure that any application proposed in an area known to support the White-Tailed Sea Eagle is informed by at least two years of ornithological survey (breeding and winter) by a suitably qualified expert and if applicable, the ornithological impact assessment takes into account the results of ongoing monitoring of existing renewable energy infrastructure in the area and should include mitigation to prevent eagle mortality as agreed for the existing Grousemount Wind Farm.

KCDP 11-69 Ensure that developments in upland areas provide sufficient storm water attenuation to avoid the occurrence of river erosion or flooding downstream subject to hydrological and ground/peat stability assessments

Volume 6, subsection 1
Fine Sediment Control
S1.3.6 of Volume 6 of the Kerry CDP, includes the requirements in relation to fine sediment control:-

Section 1 Development Management Standards & Guidelines, subsection 1.15.1 Wind Energy is also of relevance.

3. Nature conservation designations in the vicinity

Nature conservation sites located in the vicinity are outlined in S6.4 of the EIAR. The European Sites list is replicated in S2.2 of the NIS. These are considered to be complete lists.

4. Observations

4.1 General observations

While it is noted that the planning history of the site is outlined in the planning report submitted, it does not appear to have been indicated if there are limits to the duration of consent for the operation of the existing turbines or if they enjoy the at least theoretical benefit of operating in perpetuity. This information would have been useful, to more fully establish the 'baseline' and the 'Do -Nothing Scenario'. The do-nothing scenario is set out in S6.5.2 of the EIAR, however this does not discuss impacts on Terrestrial Ecology as could result from this scenario – positive or negative.

Notwithstanding the above, this assessment will be undertaken on the 'worst case scenario' basis i.e that the existing turbines have a limited operational duration after which the site would have been restored.

4.2. Birdlife

Potential for impact on birdlife and in particular the white-tailed eagle is considered to be an important consideration for this proposal. The field survey constraints and limitations as set out in S6.4.7 of the EIAR are noted. It is considered that the information collected and submitted is sufficiently detailed and extensive to allow for impact assessment.

Potential operational disturbance / displacement of birdlife is assessed within S6.5.5.5.1 of the EIAR. As part of this, it is outlined that there is low likelihood of any significant change in the pattern of usage of the site post-construction. This is accepted however as outlined previously it does not provide details on the alternative 'do nothing' scenario associated with site restoration.

It is noted that in the interest of breeding birds, 'construction will not commence during the Breeding Bird season from April to July inclusive. Construction may

commence at any stage from August onwards to the end of March, so that construction activities are ongoing by the time the next breeding bird season comes around and can continue throughout the next breeding season'. This is considered to be acceptable.

It is also noted and considered appropriate that the proposal has been informed by observed avian flightlines as described and mapped in Appendix 6-2 of the EIAR. It is further noted and welcomed that a 'white-tailed eagle outline risk management plan' has been prepared for the proposal and is included as appendix 6.9 of the EIAR. It is noted that this has taken account of the mitigation to prevent eagle mortality as agreed for the existing Grousemount Wind Farm and which is required by the Kerry CDP 2022-2028. This approach is considered to be acceptable. The EIAR outlines that a suitably qualified ornithologist will be appointed to develop and oversee the implementation of the finalised white-tailed eagle risk management plan – which is considered to be appropriate.

4.3 Aquatic interests

While the proposal seeks to utilise existing internal roadways, it is nonetheless considered important that sufficient storm water attenuation is provided so as to avoid the occurrence of river erosion or flooding downstream, as is required by KCDP development objective 11-69. This attenuation should preferably be provided by way of nature-based-solutions e.g. leaky dams, ponds. This is of more relevance now than when the previous applications were permitted, due to recognition of increased likelihood of intense rainfall events associated with climate change.

Sensitive salmonid watercourses are located downstream. It is noted that a peat management plan has been submitted as part of the proposal, which is considered appropriate. As part of this, a safety buffer zone has been identified in the Peat Stability Risk Assessment (PSRA) Appendix 8-1. Similarly stockpile restriction areas are outlined in Appendix A.2 Figure A-2-1 to Figure A-2-3 of the PSRA).

Responsibility for implementation and monitoring of water quality related mitigation measures should be clearly identified and should be overseen by a suitably qualified person/team.

4.4 Lesser Horseshoe Bat (LHB)

The proposal is located outside of core sustenance zones identified for protection in the conservation objectives for LHB associated with European Sites in the vicinity. There is no potential for impact on LHB related conservation objectives.

4.5 Habitat loss / Blanket bog / site rehabilitation

Habitat value is generally greater towards the west of the wind farm site, where areas of wet heath, outcropping rock, blanket bog and dry heath habitats are present. It is noted that a Blanket Bog Rehabilitation and Management Plan is proposed to rehabilitate/restore an area of blanket bog (c.5.5ha), which has previously been partly drained and planted with conifers, in order to mitigate for the loss of blanket bog and heath habitats as a result of the Proposed Development. The proposed works include

the felling of coniferous forestry and drain blocking which will be completed during the construction phase of the Proposed Development.

The application outlined that peat material will be used to reinstate around the existing hardstands which are not proposed to be replaced with new turbines, with an assumed thickness of 0.5m. Site rehabilitation works along the access roadways which would no longer required by the windfarm does not appear to be proposed.

It is noted that S3.2 of the 'Blanket Bog Rehabilitation and Management Plan' outlines monitored requirements, including monitoring of habitat restoration and revegetation of decommissioned areas of the Existing Kilgarvan Wind Farm, including the borrow pit. As part of this status reports are to be submitted to NPWS and KCC.

4.6 Decommissioning

The EIAR outlines that a decommissioning plan will be agreed with Kerry County Council prior to decommissioning of the Proposed Development. An (outline) Decommissioning Plan is included as Appendix 4-5 of the EIAR. As part of this plan, the importation of soil is provided for to be spread and graded over the turbine foundations. Invasive species management protocols are also outlined.

4.7 European sites

The Site Boundary does not lie within any EU Natura 2000. The closest Natura 2000 site is Killarney National Park, Macgillycuddy's Reeks & Caragh River Catchment SAC (000365) is located within 0.1km of the entrance from the public road at Cloonkeen. The nearest of the proposed turbines is 1.6km from this SAC. The main risks to the SAC from the proposal are water quality related. Old domestic building, Curraglass Wood SAC 002041 is located c. 2.8km over-land to EIAR Site Boundary. The proposal is located outside of core sustenance zones identified for protection in the conservation objectives for Lesser Horseshoe Bat (LHB) associated with this and other European Sites in the vicinity. There is no realistic potential for impact on LHB related conservation objectives. Mullaghanish to Musheramore Mts. SPA 004162 is c. 7.8km over-land to EIAR Site Boundary with the nearest turbine being c.10km to the SPA. This SPA is designated for breeding Hen Harrier. There is no realistic potential for impact on the conservation objectives of the SPA.

5. Overall conclusion

Having regard to the information submitted, significant adverse impacts on biodiversity interests based on existing conditions are not anticipated. However, if the existing windfarm or elements of it are time limited, the Bord should satisfy itself that the 'do nothing scenario' has also been adequately assessed, which may also require a review of environmental data, assessments and requirements of planning history files.

6. Recommended conditions to be included in any grant of planning permission

6.1 General

All environmental mitigation measures as set out in the information submitted in support of the application, including within the EIAR and the NIS shall be fully implemented, except as may be otherwise required or specified by way of condition.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

6.2 Environmental Protection

(i) The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. This person will be responsible for ensuring that all environmental control measures are fully implemented and maintained, and will also act as the point of contact with the Planning Authority in the event of any environmental difficulties arising with the project. Contact details of the person in question shall be provided to the Planning Authority prior to any works commencing on-site.

(ii) In advance of any works commencing on-site the developer shall prepare and submit a Construction Environmental Management Plan (CEMP) for approval by the Planning Authority. The CEMP shall cover all relevant environmental issues potentially associated with the development phase of the project, including air quality, noise control, water management, waste management etc.

(iii) No silt/sediment laden water shall be discharged from the development to any watercourse in the vicinity of the site. In this regard, during the development phase of the project, a suitable system for the collection and treatment of any sediment/siltation arising shall be installed on-site and maintained thereafter for the duration of the development works.

(iv) Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.

Reason: In the interests of clarity, environmental protection and the proper planning and sustainable development of the area.

6.3 Biodiversity

A Blanket Bog Rehabilitation and Management Plan and a White-tailed Eagle Risk Management Plan shall be provided as outlined in the plans and particulars submitted as part of the planning application.

Reason: In the interests of biodiversity and the proper planning and sustainable development of the area.

6.4 Construction Management Plan

The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall include all environmental and ecological measures arising from reports submitted with the planning application and shall provide details of intended construction practice for the development, including:

(a) The location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
(b) The location of areas for construction site offices and staff facilities.
(c) Details of boundary treatment, site security fencing and hoardings.
(d) Details of on-site car parking facilities for site workers during the course of construction.

Reason: In the interest of clarity, environmental protection and the proper planning and sustainable development of the area.

6. Summary

A considerable amount of ecological surveys and assessments have been undertaken, in support of the proposal. It is evident that the proposal has had regard to the requirements of the Kerry CDP 2022-2028 and that the requirements of same along with the ecological findings have influenced the proposal, including the proposed provision of an outline White-tailed Eagle Risk Management Plan - which is considered to be appropriate. It is noted that the reports submitted conclude that the proposal is compatible with the requirements of the Habitats Directive. The Bord should satisfy itself that the 'do nothing scenario' has been adequately assessed. In the interests of clarity, biodiversity and the proper planning and sustainable development, a number of recommended conditions have been outlined.

MEMORANDUM

To: Mick Boyce. – SEE Environment Department.

From: Stuart Roche - Environment Department.

Re: ABP-319471-24 - Proposed Windfarm repowering Application of the existing Kilgarven Wind Farm

Date: 30th May 2024.

Mick

I had a look at the above proposed re-powering application on SID Website and the associated Environmental Impact Assessment report submitted. As outlined, the proposal is for the removal of 28 turbines with construction of 11 new turbines. Main issues to note from water quality aspect:

- Removal of existing 28 turbines
- Construction of 11 turbines
- Underground cabling
- Upgrading existing tracks & hardstand areas
- Extension & re-use of existing borrow pit
- Temporary construction compounds
- Construction of meterological masts
- Forestry felling of approx. 8.9 hectares
- Drainage works on site.

I note that the Proposed Development site is located in 3 surface water catchments. To the southwest, the vast majority of the Proposed Development site, is located within the Dunmanus-Bantry Kenmare surface water catchment. A small area in the northwest and the majority of the main access road are located in the Laune-Maine-Dingle Bay catchment. A total of 36 surface water grab samples were undertaken to determine the baseline water quality of the primary surface waters originating from the Proposed Development site. The monitoring and sampling completed in July 2022 occurred during a dry period with minimal rainfall. Meanwhile the sampling completed in January 2023 was preceded by a mixture of dry and wet days.

Proposed Development site is located within the Flesk River sub-catchment (Flesk [Kerry]_SC_010) and 3 no. WFD river sub-basins. The northwest of the Proposed Development site is located in the Loo_010 river WFD sub-basin.

Should An Bord Pleanala see fit to grant this application, I would recommend that the following conditions should be applied to any permission which might issue in relation to this application :

- All environmental mitigation measures as set in the information submitted in support of the application to which this permission relates shall be fully implemented, except as may be otherwise required or specified by way of planning conditions.

- The Run off control and drainage management proposals submitted with this application shall be fully implemented.

- Runoff from access tracks, turbine bases, and developed areas (construction compounds, met masts) will be collected and treated in local (proposed) silt traps and settlement ponds/swales and then discharged over buffered outfalls. Runoff from the decommissioned areas will be treated in local swales before being discharged over buffered outfalls.

- Bunds shall be installed around all temporary oil-containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain or watercourse.

- The surface water sampling regime highlighted and proposed in the Environmental Impact Assessment submitted with the application shall be fully implemented. The sampling regime will be agreed with the relevant local authority in advance.

- The developer shall appoint a full-time, appropriately qualified environmental manager for the duration of the project. This person would be responsible for ensuring that all environmental control measures are fully implemented and maintained, and would also act as the point of contact in the event of any environmental difficulties arising with the project.

- No polluting matters including sediment laden waters shall be discharged directly or indirectly to any waters from the proposed works including the felling operations. Suitable measures shall be put in place onsite in advance of any demolition works to prevent sediment laden waters entering any waters. The ongoing management of these measures is critical.

- The developer shall ensure that proven forestry best practice methods are used to mitigate the risk of release of sediments/suspended soilds to any water course/surface drain during the felling and ground works operations on site for the duration of the proposed development.

- In the event of complaints being received regarding alleged noise nuisance from the proposed rock breaking or borrow pit excavations and construction phase of this development to which this permission relates and, upon investigation by Kerry County Council, such complaints are found to be justifiable the applicant shall, upon written receipt of notification from the Planning Authority, retain the services of an acoustic specialist to establish the cause of the noise or nuisance and the remediation measures required in order to abate said nuisance. The applicant shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein.

- If deemed necessary by the Planning Authority, the applicant shall carry out ambient noise monitoring at locations adjacent to the site during the demolition and construction phase of the development. The scope of the monitoring shall be agreed in advance with the Planning Authority.

- Settlement ponds shall be designed to suit each specific drainage catchment and the proposed settlement ponds at the borrow pit will be designed to ensure suitable effective retention.

- The burning or burial of waste is prohibited at the site.

- Any and all hazardous waste/material generated at the site shall be taken directly to a suitably authorised waste facility or transfer to a suitably licensed waste collector.

If you need any further information on the above, please don't hesitate to contact me.

Best regards

Stuart Roche
Environment Section
Kerry County Council

Seán Flahive

From: Eoghan O'Brien
Sent: Thursday 13 June 2024 11:03
To: Seán Flahive
Cc: Mike McEnery
Subject: RE: ABP-319471-24 - Proposed Windfarm repowering Application of the existing Kilgarven Wind Farm

Sean

I reviewed the application in terms of the risk of flooding associated with the proposed windfarm redevelopment. The proposal as detailed in the application will not increase the risk of flooding downstream of the development if all mitigation and monitoring measures relating to the pre-commencement, construction, operational and decommissioning phases of the proposed development as set out in the application and summarised in the Schedule of mitigation and monitoring proposals are implemented.

The Construction Environmental Management Plan (CEMP) outlines measures for the management of all surface water and run-off on the site, for the protection of watercourses and in particular, sediment and erosion control. These measures will need to be implemented in full and a robust monitoring and audit system put in place to ensure compliance with the developed CEMP and to ensure regular inspection, maintenance and repair of the drainage channels, settlement ponds, swales, dams, silt fences and outfalls.

If planning is granted the detailed design of the surface water drainage and management system and the developed CEMP should be updated prior to the commencement of construction to include all mitigations and monitoring measures, planning conditions and alterations to the EIAR and must be submitted to the Planning Authority for written approval prior to the commencement of development.

Eoghan O'Brien
Senior Executive Engineer | Flooding & Coastal Protection Unit |
Kerry County Council | Princes Street | Tralee | Co. Kerry V92 YX54
Mob: 086-3891039 ☎ 066-7162126 | ✉ eoghan.obrien@kerrycoco.ie

Comhairle Contae Chiarraí
Kerry County Council

Kerry County Council
Roads & Transportation

To: Sean Flahive, Executive Planner,

From: John Ahern S.E.E., Killarney M.D. Engineer

CC: Dawn Diggins

Date: 26th June 2024

Re: ABP-319471-24, Proposed Repowering of the Existing Kilgarvan Wind Farm, Co. Kerry

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Regarding the above proposed development, I have no object to the proposal subject to the following conditions and recommendations of the Directorate of the Roads & Transportation which are to be applied,

Conditions and Recommendation

1. Works adjacent to the Public Road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road.
2. The formation of the existing splayed entrance shall not interfere with the roadside drainage, which shall be maintained, repaired or made good by providing a dished channel constructed of concrete or piped culvert.
3. The applicant must make good any damage cause to the public road because of their works to the satisfaction of the Kerry County Council Roads Engineer.
4. All works adjacent to or on the public road shall require a road opening licence approved by the Roads & Transportation Directorate. The approval of this licence will be subject to the developer / contractor possessing the adequate level of insurance which indemnifies Kerry County Council. The developer / contractor will furthermore have to produce a company safety statement along with a site-specific safety plan. The site-specific safety plan shall include a site-specific risk assessment and a traffic management plan.
5. The applicant shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road. Wheel washes shall be installed during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road.
6. All vehicles during construction phase of this proposed development must be parked within the site.
7. During the Construction and Delivery Phases, suitable Advance Warning Signage shall be provided as appropriate on the approaches to entrance to the Windfarm, to the satisfaction of the Road Authority and always maintained in satisfactory condition during the Construction and Delivery phases. The signage shall be clearly legible from the public roadway at the entrance to the site and shall be maintained to not be obscured or rendered illegible by dust, mud or vegetation. This signage should design and located in accordance with the Traffic Signs Manual.

8. The delivery times and haulage routes to be agreed in advance with the Road Authorities and An Garda Síochána.

9. A Bond of €50,000 shall be placed on this development, to be used if required, to repair any damage to the public road because of this development.

Yours faithfully,

_____

John Ahern, S.E.E.,
Municipal District Engineer,
Killarney