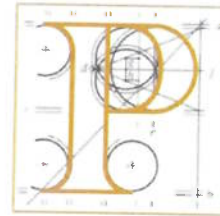


Our Case Number: ABP-321029-24



An
Bord
Pleanála

Kerry County Council
Planning Department
County Buildings
Rathass
Tralee
Co. Kerry

Date: 06 January 2025

Re: 10 year planning permission for wind energy development consisting of 17 no. wind turbines and related works
Located on land at Cummeennabuddoge (County Kerry), Clydaghroe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork). (www.cummeennabuddogeplanning.ie)

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Ellen Moss
Executive Officer
Direct Line: 01-8737285
PA09

Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

An Roinn Pleanála

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ KERRY COUNTY COUNCIL

Planning Department

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email plan@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Ár dTag./Our Ref/DG.MMcC.13122024

16th December 2024

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
17 DEC 2024	
Fee: €	_____ Type: _____
Time: _____	By: <i>Reg Post</i>

Re: The provision of 17 wind turbines, associated hardstand areas and one 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works.

A Chara

I enclose herewith the CE report prepared and presented to the elected members in accordance with Section 37E of the Planning & Development Act 2000 (as amended).

This report was considered by the Council at the November ordinary monthly meeting held on the 18th of November 2024.

Please note that the Council did **not** attach additional recommendations to the report by way of resolution.

In accordance with Section 37E(6) a copy of the meeting agenda and an extract from the meeting administrators record (the minutes) is enclosed. The meeting administrators record was confirmed at the December ordinary monthly meeting held on Friday 13th December 2024.

In addition, please see the internal reports which informed the final report brought to the November ordinary monthly meeting.

Mise le meas


Damien Ginty
Senior Planner





COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183500 Suíomh | Web www.kerrycoco.ie

12 Samhain 2024

Chuig/ Cathaoirleach Chomhairle Contae Chiarraí
Chuig/ Gach ball de Chomhairle Contae Chiarraí

A Chomhairleoir, a Chara,

Tionólfar an gnáth Cruinniú de Chomhairle Contae Chiarraí i Seomra na Comhairle, Áras an Chontae, Trá Lí, dé Luain, 18 Samhain 2024. Tosnóidh an cruinniú ag 10.30 r.n. agus scrúdófar na míreanna ar an Clár thíosluaite.

The next Ordinary Meeting of Kerry County Council will be held in the Council Chamber, County Buildings, Tralee on Monday, 18 November 2024 commencing at 10.30 a.m. to consider the items on the attached Agenda.

For Members who are unable to attend the meeting in person, a link will be issued to access the meeting remotely.

Mise, le meas,

Liam Quinlan
Riarthóir Cruinnithe / Meetings Administrator
Comhairle Contae Chiarraí / Kerry County Council

AGENDA/CLÁR OIBRE

1. To note Protocols/Induction for Meetings
2. Cathaoirleach's Report on the CPG meeting held on 12 November 2024.
3. Confirmation of the Minutes of the October Ordinary meeting of Kerry County Council held on 21 October 2024.
4. Chief Executive's Report to Council.
5. To consider the disposal of a plot of land measuring approximately 0.01 hectares or thereabouts, in Folio KY26414F at 6 Derrylea, Oakpark, Tralee, Co Kerry, situated in the townland of Muing West in the Barony of Trughanacmy to Ernest & Mary Spillane in accordance with the terms of notice issued 05 October 2024 pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

To be dealt with by J. Kennelly, Director of Services
6. Report pursuant to section 13 (1A) of the Planning and Development Act 2000 (as amended) regarding Rural Housing Policy.

To be dealt with by J. Nolan, Director of Services.
7. To consider Chief Executive's Report on Strategic Infrastructure Application Ref. ABP- 321029-24, 10-year planning permission for wind energy development consisting of 17 no. wind turbines and related works, located on land at Cummeennabuddoge, Clydaghroe, Glashacormick and Cummeenavrick, Co. Kerry, (and Caherdowney, Co. Cork).

To be dealt with by J. Nolan, Director of Services.
8. To consider the adoption of amendments to Kerry County Council standing orders.

To be dealt with by C. O'Connor, Director of Services
9. To approve the proposed Councillor and Sectoral Representatives to Strategic Policy Committees.

To be dealt with by C. O'Connor, Director of Services
10. To note Kerry County Council Noise Action Plan Round 4 2024-2028.

To be dealt with by F. Hartnett, Director of Services

11. Summary of proceedings at the following events on behalf of the Kerry County Council delegates that attended in accordance with Section 142(5)(f) of the Local Government Act 2001 as amended:
 - (a) Celtic Conferences Conference on the theme 'A Practical Guide to Budget 2025' held in Carlingford, Co. Louth, on 11-13 October 2024 by Cllr. Brendan Cronin
12. To approve the opening of tenders for:(Matter for Resolution)
 - (a) Refurbishment of Paths in Tralee Town Park – Closing Date: Wednesday 30 October 2024
 - (b) Provision of Garage Services for the Tralee Municipal District Metro Area of Kerry County Council (RFT: 4578787) – Closing Date: 14 November 2024.
 - (c) Tralee Town Park Playground Upgrade (RFT: 4564331) – Closing Date: 15 November 2024.
 - (d) Consultancy Services for Town Centre Health Checks – Dingle and Ballybunion (RFT: 4598833) – Closing Date: 20 November 2024
 - (e) Kerry, South Cork, Cork North and West Local Enterprise Offices for Business Programme (CFT: 4604377) – Closing Date: 22 November 2024
 - (f) Collection of Timber, Glass, C and D and Green Waste from Dingle CAS (RFT 4555814:) - Closing Date: 29 November 2024.
 - (g) Develop Integrated Urban Strategies for both Tralee and Killarney Towns, Co. Kerry, accordance with the Town Centre First Heritage Revival Scheme (THRIVE) (RFT: 4613399) – Closing Date: 29 November 2024
 - (h) The Design of Trail Head / Recreational Support Facilities At Ballyheigue, Banna and Rossbeigh Beaches (RFT 4664236) – Closing Date: 12 December 2024.
 - (i) Provision of Consultancy Services to deliver a Town Centre First Masterplan for Kenmare Co Kerry. (RFT 4649717) – Closing Date: 6 December 2024
 - (j) Provision of Engineering Services for Maherbeg Beach Facility Centre for Water Sports Activities – Closing Date: Friday 13 December 2024

(k) Provision of Design Consultants for URDF Project: Phase 4 Tralee – Closing
Date: Friday 13 December 2024

13. Notices of Motion 1 – 31.

14. Correspondence - Conferences and Seminars(Matter for Resolution)

- (a) To approve the attendance of Elected Members to the AILG Module 5 2024 Training held in Sligo on Thursday 24 October and Limerick (Southern Region) on Saturday 2 November 2024
- (b) To approve the attendance of Elected Members to the AILG Module 6 2024 Training to be held on Thursday 14 November (Southern Region) and Saturday 16 November 2024 (Out of Region) in Galway.
- (c) Conference: To approve the attendance of Elected Members to the Celtic Conference on "Health Services Entitlements" to be held between 13 – 15 December in Clonakilty, Cork .

15. Correspondence General – Comhfhreagras Ginearálta

Matters arising from the minutes as confirmed.

- 1. Any other business – Aon Ghnó Eile

Extract of Draft Minutes - Ordinary Meeting of Kerry County Council held on 18 November 2024

18.11.2024.01 Section 37E Strategic Infrastructure Application

Planning permission for wind energy development consisting of 17 no. wind turbines and related works, located on land at Cummeennabuddoge, Clydaghróe, Glashacormick and Cummeenavrick, Co. Kerry, (and Caherdowney, Co. Cork).

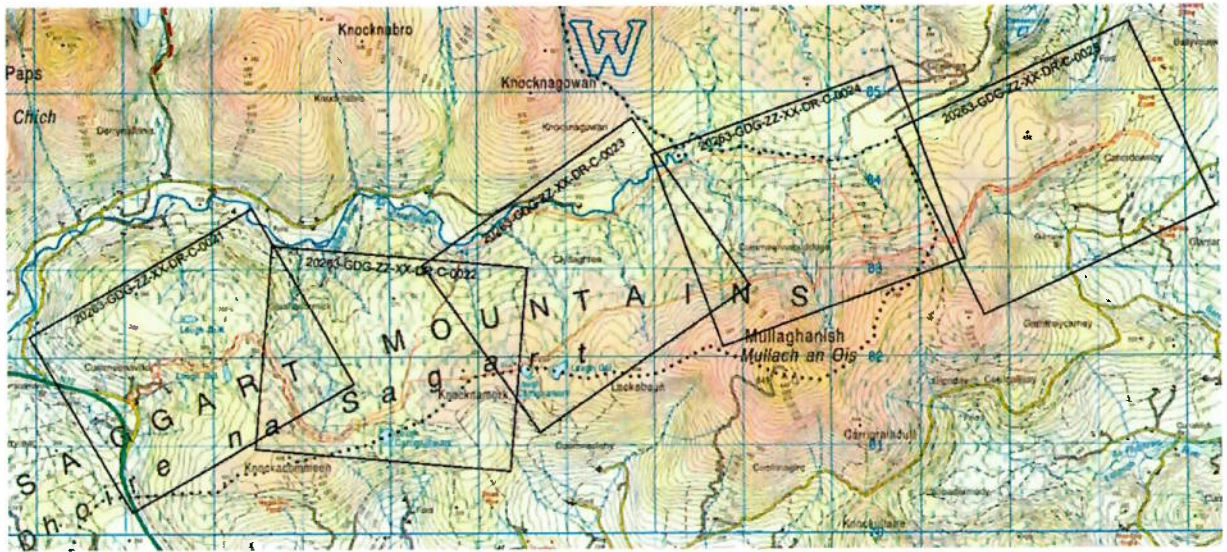
Mr. D. Ginty Senior Planner referred Elected Members to the report on the Strategic Infrastructure Application Ref. ABP- 321029-24 for the provision of 17 wind turbines, associated hardstand areas and one 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works.

The detailed report which has been circulated to the Members for their consideration contains the views of the Planning Authority of the effect of the proposed development on the environment and proper sustainable development of the area.

Mr. D. Ginty, Senior Planner, outlined the report as had been circulated

Cummeennabuddoge Wind Farm

The provision of 17 wind turbines, associated hardstand areas and one 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works.



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

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1.0 Introduction.

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.

Applicant Details.

The applicant is Cummeennabuddoge Wind Designated Activity Company (DAC) and the shareholders of the Applicant are FuturEnergy Ireland (FEI) and SSE Renewables. The applicants state that both the companies have been involved in building and operating wind farm projects in Ireland over the past 10 years and are currently working in a co-development arrangement to reduce carbon emissions and contribute to national and international climate change targets. FEI is a joint venture company owned on a 50:50 basis by Coillte CGA and the ESB.

Development Location.

The proposed development is located in the townlands of Cummeennabuddoge (Coimín na Bodóige) (County Kerry), Clydaghroe (An Chlaoideach Rua) (County Kerry), Glashacormick (Glaise Chormaic) (County Kerry), Cummeenavrick (Coimín an Bhroic) (County Kerry), Caherdowney (Cathair Dhúnaigh) (County Cork).

Development Description.

The proposed development will consist of the following:

- 17 wind turbines and associated hardstand areas;
- The turbine dimensions are as follows:
 - o a total tip height in the range of 199.5m minimum to 200m maximum inclusive;
 - o hub height in the range of 118m minimum to 125.5m maximum inclusive; and
 - o rotor diameter in the range of 149m minimum to 163m maximum inclusive.
- One 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works;
- Underground electrical and communication cabling connecting the wind turbines to the proposed on site substation and associated ancillary works;
- 110kV Underground cabling from the new 110kV permanent electrical substation to the existing 220/110kV Ballyvouskill Substation to facilitate export of electricity to the National Electricity Grid;

- Erection of 1 no. Meteorological Mast of 110 metres above existing ground level for the measuring of meteorological conditions, including a lightning rod which will extend above the mast;
- New permanent access tracks and permanent upgrades to existing tracks and site access;
- Four borrow pits;
- Six permanent peat repository areas;
- Permanent placement of peat along sections of site access roads within the restrictions outlined in Technical Appendix 10-3 peat management plan for the site;
- Construction of 3 no. temporary construction compounds and associated ancillary infrastructure including temporary site offices, staff facilities and car-parking areas, all to be removed at the end of the construction phase;
- Permanent and temporary site drainage;
- Keyhole forestry felling to accommodate the construction and operation of the proposed development;
- Upgrading of existing site entrance at the local access road adjacent to the N22, health and safety signage, information signage, and direction signage;
- All other associated site development works including necessary earthworks to facilitate the construction and operation of the proposed development;

A thirty five-year operational life from the date of full commissioning of the entire wind farm is being sought and the subsequent decommissioning.

The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

Project Overview

Proposed Development Components- Parameters	
Turbine	
17 wind turbines and associated hardstand areas with the following parameters: A total tip height in the range of 199.5m minimum to 200m maximum inclusive; Hub height in the range of 118m minimum to 125.5m maximum inclusive; Rotor diameter in the range of 149m minimum to 163m maximum inclusive; and Power output in the range of 6.0MW minimum to 7.2MW maximum, per turbine.	
Component	Length /Area
New Access Tracks (Founded)	19.04km
Upgrade Of Existing Access Tracks	6.99km
Turning Heads (5 No.)	2,945m ²
Turbine Foundation (17 No.)	22m diameter foundation 6,461m ² total
Crane Hardstanding (17 No.)	185,842m ²
Met Mast Height	110m
Met Mast Hardstand Area	625m ²
Length of Internal Grid Connection Cables	89.7km (laid within access tracks), based on 4 arrays with 4 cables each.
Grid Connection Route to National Grid	3.6 km
Onsite Substation	8,411m ²
Peat Repository 1	30,586m ²
Peat Repository 2	19,948m ²
Peat Repository 3	32,264m ²
Peat Repository 4	10,254m ²
Peat Repository 5	16,333m ²
Peat Repository 6	17,460m ²
Borrow Pit 1	16,952m ²
Borrow Pit 2	45,357m ²
Borrow Pit 3	35,832m ²
Borrow Pit 4	38,866m ²
Temporary Construction Compound 1	7,500m ²
Temporary Construction Compound 2	7,500m ²
Temporary Construction Compound 3	4,878m ²

Table 1: Project Overview

Site Context.

Site Location and Description.

The proposed development is located approximately 6km north of Ballymakeery town, in the Derrynasaggart Mountains, Co. Kerry. It encompasses the townlands of Cummeennabuddoge and Clydaghroe and is approximately 709 ha in size. The proposed access route passes through the townlands of Cummeenavrick and Glashacormick, Co. Kerry. Most of the grid connection is located in Co. Cork, running eastwards towards the existing Ballyvouskill substation.

The proposed development site is connected to the N22 national road by an existing access track. Land use at the proposed development site currently consists of coniferous plantation with existing forestry tracks traversing the proposed development site, and localised areas of cut forest. The grid connection route follows an existing track before diverting through undeveloped hillside and into agricultural fields, alongside an existing farm track before entering the Ballyvouskill 220kV substation site.

The land use/activities on the site consist of active commercial planted forestry and historical small scale peat extraction.

Existing wind farms are present to the north, south and east of the proposed development. In addition, the study area is surrounded by other forestry sites and areas of historic and active peat cutting activities, with evidence of peat harvesting located adjacent to the south-west of the main proposed development site. The Site Location context is shown in Figure 1 below.

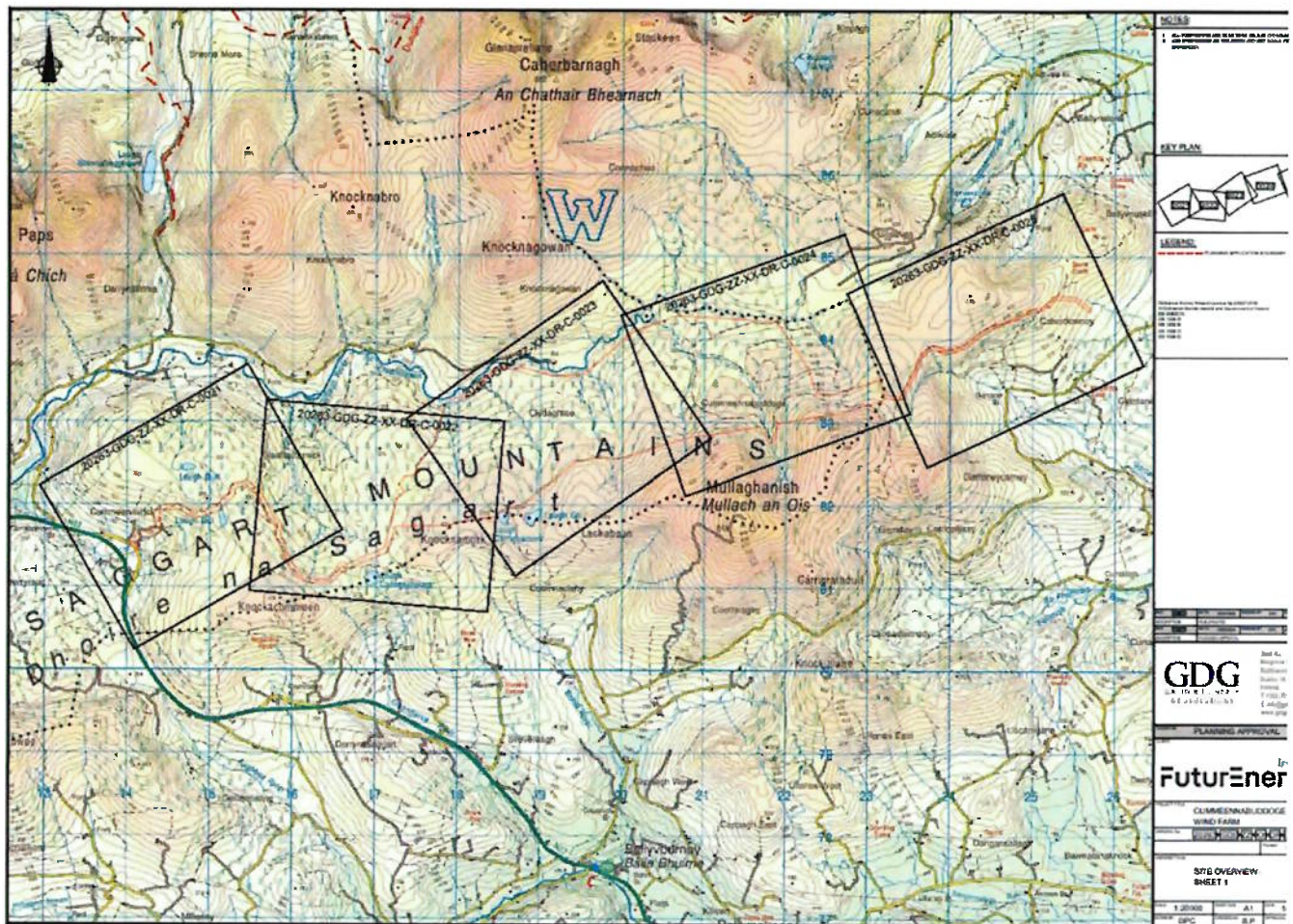


Figure 1: Location Context Map

The subject site is not located within a designated wind energy area as per the adopted Kerry County Development Plan, 2022-2028. This can be seen in Figure 2 below.

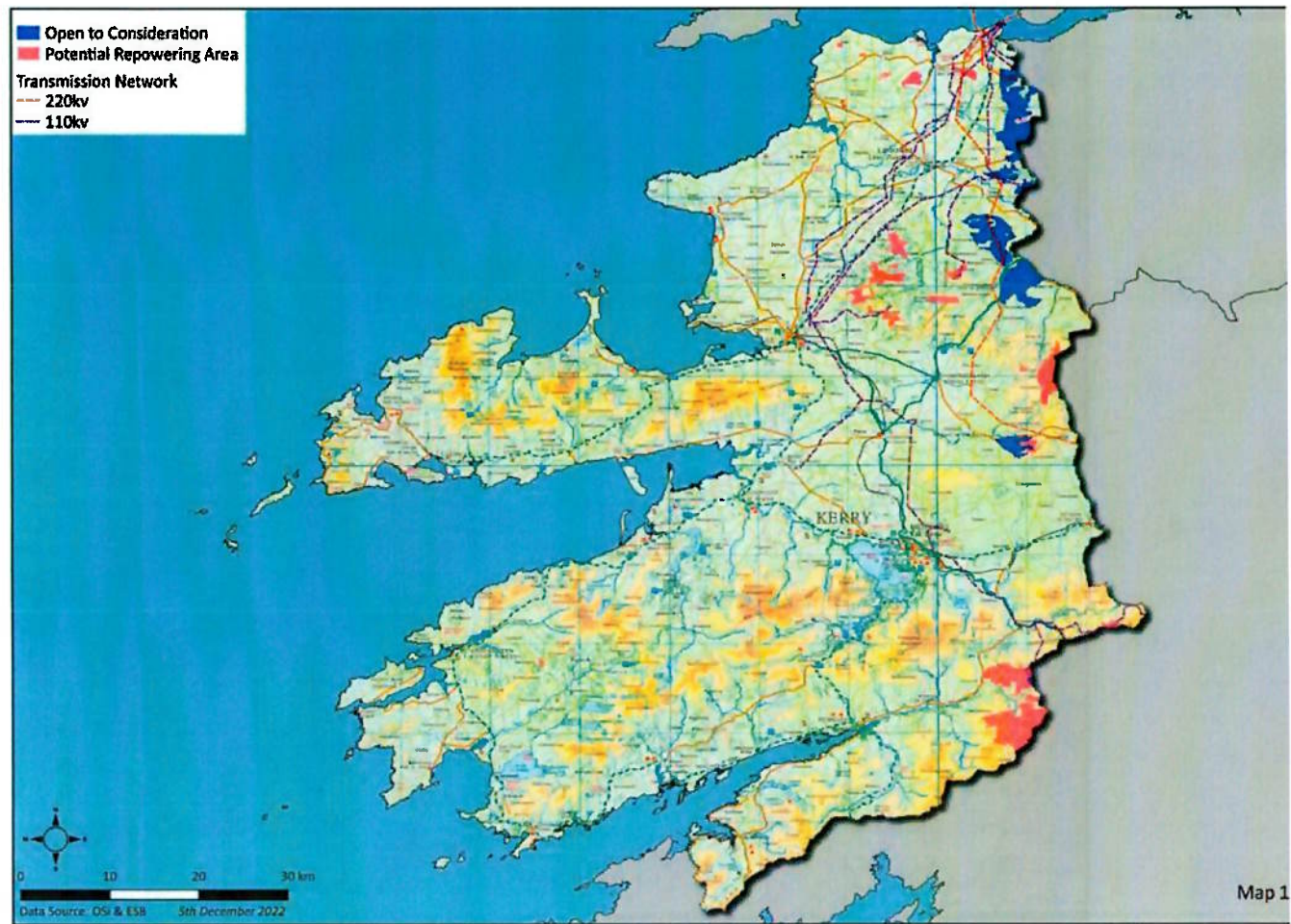


Figure 2: Wind Energy Area (Kerry County Development Plan 2022-2028)

The subject site is also in a visually sensitive area as per the adopted Kerry County Development Plan, 2022-2028. This can be seen in Figure 3 below.

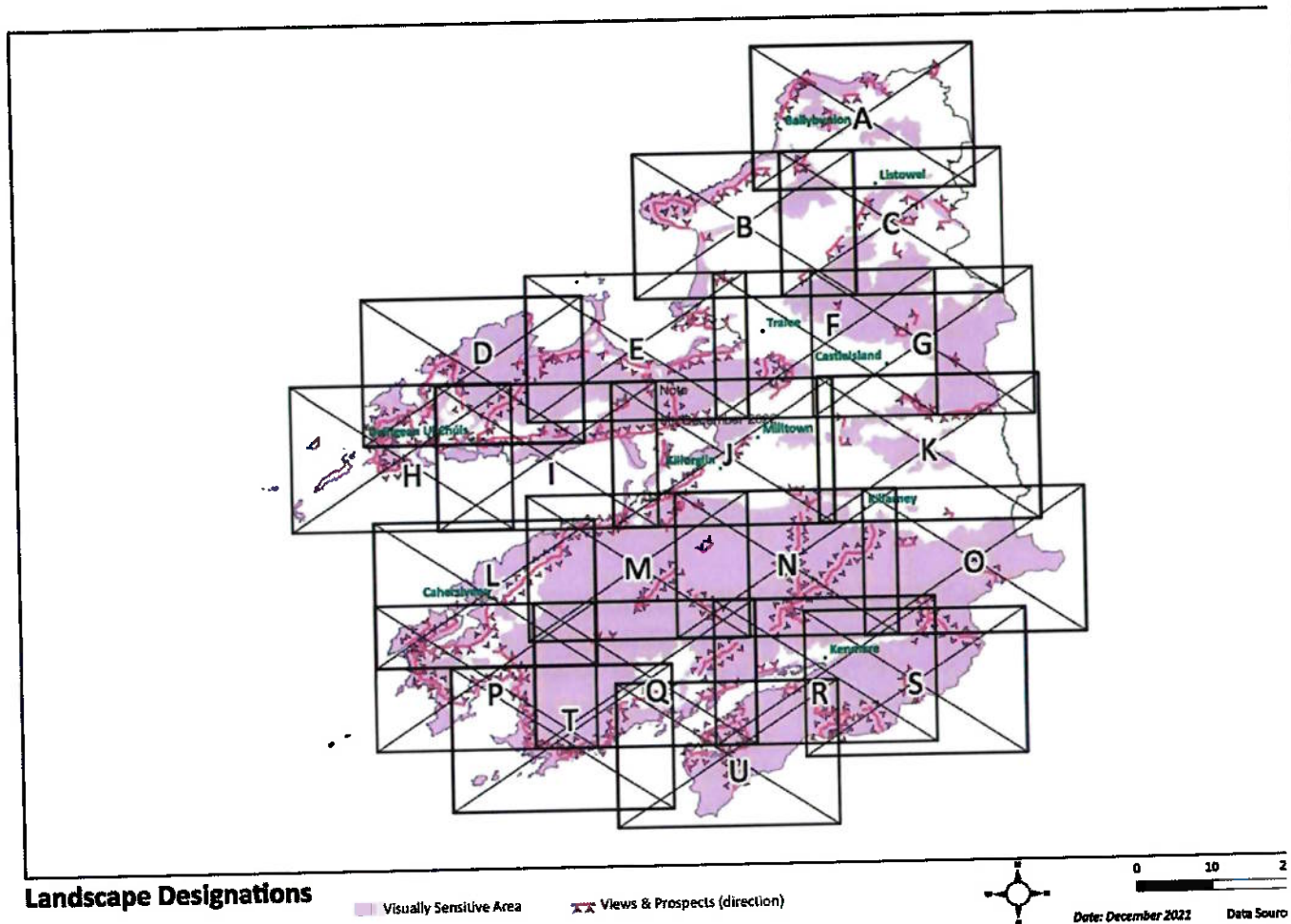


Figure 3: Landscape Designations (Kerry County Development Plan 2022-2028)

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

Subject Site

10/75 and ABP-236593 – Airtricity

The application was made to KCC in January 2010 for a windfarm consisting of 20 wind turbines, sub-station, borrow pits, and ancillary development located on the proposed development site. Planning permission was refused by KCC in March 2010 on the basis of:

- a) Risk to water quality due to siltation as a result of the nature and scale of the development in a sensitive location;
- b) Lack of adequate effluent disposal arrangements; and
- c) Absence of pre-development archaeological assessment

Surrounding Area

Five turbines have been constructed adjacent to the proposed development site, as have a substation, grid connections and site access roads. The permitted turbines are under 04/3152, 06/1680 (duration of permission extended under 06/91680), 07/306, and 10/1302 & ABP-238677.

KCC-10/1302 and ABP-238677 – John Creedon

Following a decision to refuse permission by the Planning Authority because of water quality in Lough Leane, permission was granted by An Bord Pleanála for a one-turbine extension to a three-turbine wind farm.

KCC-99/1490 and ABP-121160 – Future Wind Partnership

This was an application for 17 wind turbines and sub-station by Future Wind Partnership (forerunner of Airtricity) adjacent to the subject site. Permission was granted by KCC in August 2000, but refused on appeal because of visual amenity in a secondary special amenity area.

KCC-04/3152 – John Creedon

Permission was granted to John Creedon for two wind turbines at Clydaghroe, Clonkeen, County Kerry. The Clydagh Valley had been zoned for wind energy development in the 2003 Kerry County Development Plan. These turbines have been constructed and are operational.

KCC-06/1680 – Tadhg O Criodain

Permission was granted for two wind turbines and a control house at Cummeennabuddoge and Clydaghroe, Cloonkeen Co Kerry. This development has been constructed and operates as Clydaghroe Wind Farm.

KCC-06/91680 – Tadhg O Criodain

Grant of extension of duration of permission for 06/1680.

KCC-06/4894 – Airtricity Developments (Ireland) Ltd and Coillte Teo

Permission was granted for a sub-station, previously permitted at an adjacent location by Cork County Council under planning register reference number 06/10251. This substation has been constructed and is operated under the name of Garrow Sub-station.

KCC-07/306 – John Creedon

Permission was granted for one wind turbine, which has been constructed and is operational.

KCC-10/465 – Tadgh O Criodain

Grant of permission for a substation to serve the two wind turbines previously granted under planning register reference number 06/1680.

KCC-10/1023 – ESB

Permission granted to alter and extend existing the 110 kV station at Cummeennabuddoge, Killaha, Co Kerry.

KCC-22/816 and ABP-317406 – part Grid Connection Knocknamork

This application was for part of the grid connection serving the permitted Knocknamork Wind Farm. The Planning Authority refused permission on the grounds of water quality and Lough Leane. An Bord Pleanala overturned this decision and granted permission on 23rd January 2024.

KCC-23/646 and ABP-317889 – Inchamore Wind Farm Entrance Works

This development was for entrance works to serve Inchamore Wind Farm (in Kerry); The Planning Authority refused permission for two reasons.

- The first reason related to access; the second related to water quality and
- the potential impact on the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC.

An Bord Pleanala overturned this decision and granted permission on 15th February 2024.

Mullaghanish

Numerous permissions have been granted for development of a transmission station, including a mast of circa 225m, and associated development at Mullaghanish. These include 91/213 (radio station and mast), 94/325 (extend mast to 178 m), 98/982 (palisadefence), 00/2474 (replace 170 m mast with 220 m), 07/1965 (replace 170 m mast with 220 m) 12/467 (continuation of use of 220 m mast), 12/606 (extension of building, new substation building). 19/1260 (fuel tank storage building); all granted by Kerry County Council; none appealed

Other Wind Energy Development within the Lough Leane Catchment, County Kerry

02/1241 – Coillte Teo and SWS Services Co-Op – 17 wind turbines at Inchee and Lettercannon, Coomagearlahy, Kilgarvan – granted; operational.

Relevant enforcement information relating to the subject site.

There are no enforcement matters relating to the site.

Relevant European, National, Regional and Local Policies.

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 4).



Figure 3: UN Sustainable Development Goals

European Context.

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 4), 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

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.

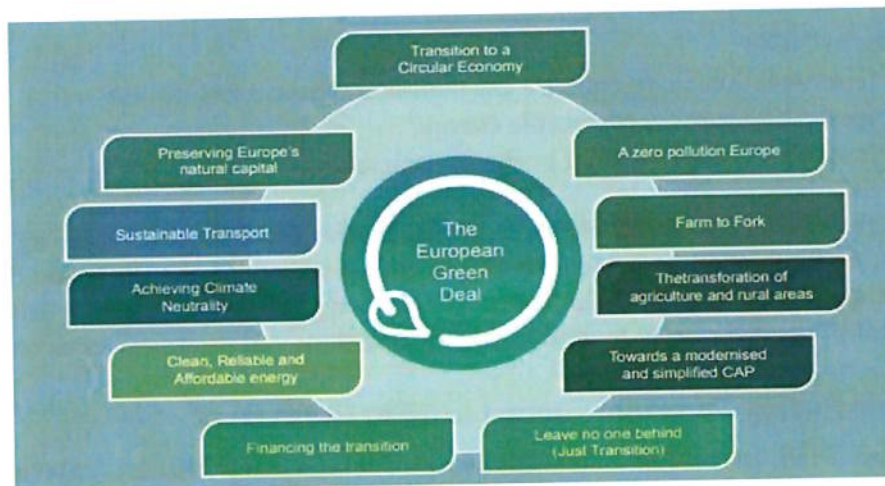


Figure 5: The European Green Deal

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

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.

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.

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 are to contribute to the achievement of the 40% target by both reducing emissions and increasing removals.

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.

National Context.

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

The Climate Action and Low Carbon Development (Amendment) Act 2021 was signed into law 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 more generally public bodies are required to take account of Climate Action plans in the performance of their functions.

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.

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.

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.

National Planning Framework: Project Ireland 2040

The National Planning Framework (NPF) 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, (NPO's) 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 appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

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 considered 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 crowd and dominate the flat landscape. 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.

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

The Guidelines primarily focus on addressing several 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 such planning applications.*

The draft guidelines state that 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/sensitive receptor 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.

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.

Regional Context.

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, RPO's 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).

Local Context.

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 (LA's) have been tasked with leveraging 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.

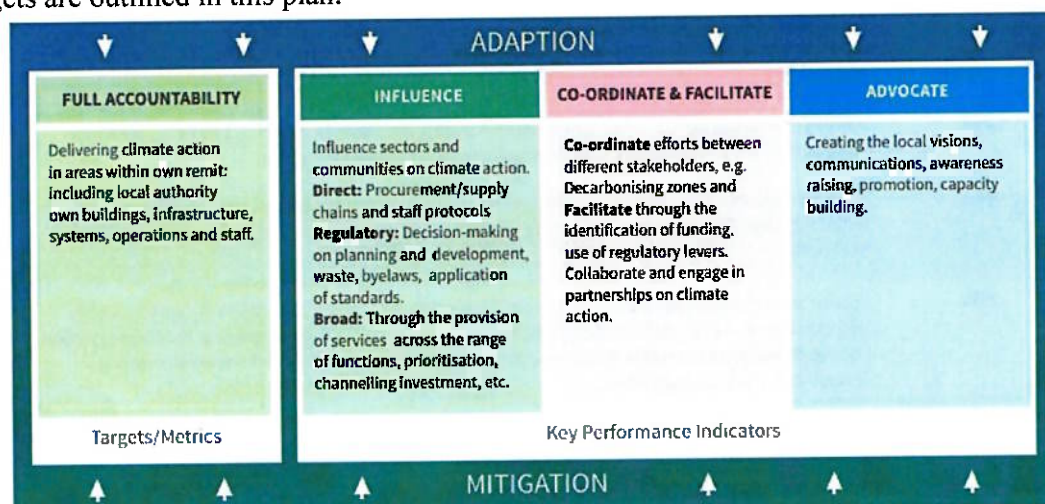


Figure 6:

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

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 8 deals with Gaeltacht Areas, Culture & Heritage. Section 8.3.2 (Archaeological Landscapes) states:

'Given the richness of the archaeological heritage of the County it is of little surprise that there are a number of very significant archaeological landscapes around the County. These landscapes are of regional, national and in some cases international significance and every effort should be made to ensure their protection and preservation. The nineteen landscapes identified are described in detail in Volume 3. These important landscapes are listed for special protection with special emphasis on objectives that protect the monuments and their landscape settings but also their visual aspect and monument inter-visibility.'

Archaeological Landscape

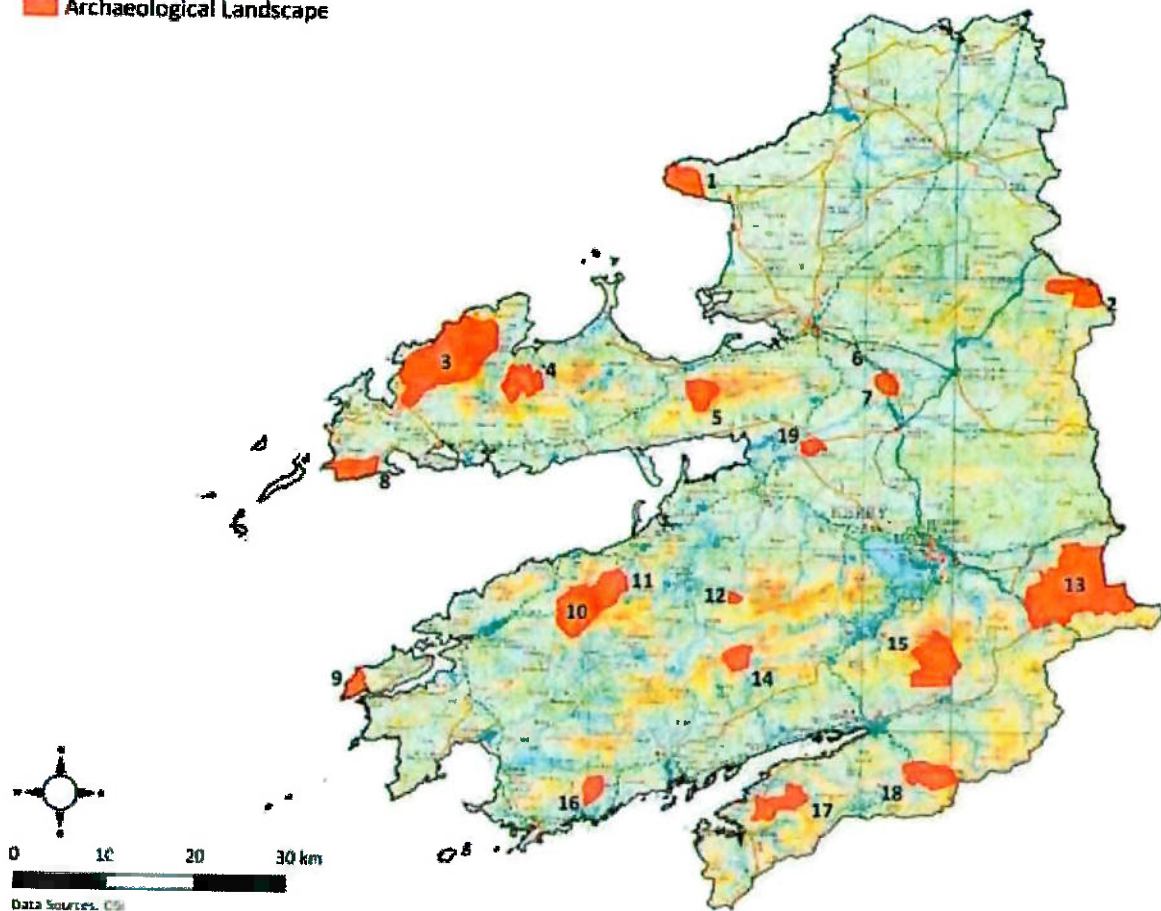


Figure 9: Identified Significant Archaeological Landscapes

It should also be noted that Objective KCDP 8-28 sets out that it is an objective of the Council to:

'Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes.'

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 12-19 seeks to

'Facilitate the sustainable development of wind energy development within open-to-consideration areas at appropriate locations where it can be demonstrated to the satisfaction of the planning authority that there will be no significant adverse impact on residential amenity, on the built and natural environment, or on the visual character of the landscape.'

Objective KCDP 12-20 seeks to

'Ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-Consideration' and 'Repower Areas''

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.*

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.

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 through the County Development Plan has designated a number of existing wind energy sites as repowering areas within which the replacement and provision of existing wind energy farms may be favorably considered. In addition, the County Development Plan has also designated areas of the County as Open to Consideration to wind energy development where wind farm developments may be considered subject to other planning criteria.

European, National and Local Designations.

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, Macgillicuddy Reeks and Caragh catchment SAC (Adjacent to the north)
- Mullaghanish Bog SAC (75m south)
- St. Gobnet's Wood SAC (4km south)
- Blackwater River (Cork/ Waterford) SAC (6km north east)
- Mullaghanish to Musheramore Mountains SPA (500m)
- The Gearagh SPA (14.2km)
- Killarney National Park SPA (19km)

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.

Archaeological Monuments and Sites.

There are a large number of recorded monuments listed within the subject site boundary as indicated on the table below:

CH No	ID	Summary	Townland
CH001	KE077-001----	Hut site	Cummeennabuddoge
CH002	KE076-044----	Enclosure	Knocknabro
CH003	KE076-009001-	Enclosure	Knocknabro
CH004	KE076-009002-	Hut site	Knocknabro
CH005	KE076-009008-	Field boundary	Knocknabro
CH006	KE076-009007-	Hut site	Knocknabro
CH007	KE076-009----	Enclosure	Knocknabro
CH008	KE076-009003-	Hut site	Knocknabro
CH009	KE076-009004-	Hut site	Knocknabro
CH010	KE076-009005-	Hut site	Knocknabro
CH011	KE076-009006-	Hut site	Knocknabro
CH012	KE076-002008-	Hut site	Knocknabro
CH013	KE076-002009-	Hut site	Knocknabro
CH014	KE076-002005-	Hut site	Knocknabro
CH015	KE076-002006-	Hut site	Knocknabro
CH016	KE076-002007-	Hut site	Knocknabro
CH017	KE076-002001-	Hut site	Knocknabro
CH018	KE076-002002-	Field boundary	Knocknabro
CH019	KE076-002----	Enclosure	Knocknabro
CH020	KE076-002003-	Hut site	Knocknabro
CH021	KE076-014----	Enclosure	Glashacornick
CH022	KE076-045----	Hut site	Knocknagowan
CH023	CO047-012----	Fulacht fia	Curacahill
CH024	CO047-013----	Fulacht fia	Curacahill
CH025	CO048-003001-	Ringfort - rath	Adrivale
CH026	CO048-003002-	Souterrain	Adrivale
CH027	CO048-160----	Ringfort - rath	Gneeves (Muskerry West By.)
CH028	CO048-157----	Ringfort - rath	Gneeves (Muskerry West By.)
CH029	CO048-158----	Souterrain	Gneeves (Muskerry West By.)
CH030	CO048-052----	Fulacht fia	Curragh (Muskerry West By., Drishane Par.)
CH031	CO048-053----	Fulacht fia	Curragh (Muskerry West By., Drishane Par.)
CH032	CO048-058----	Ringfort - cashel	Curragh (Muskerry West By., Drishane Par.)
CH033	CO048-054----	Fulacht fia	Curragh (Muskerry West By., Drishane Par.)
CH034	CO048-055001-	Enclosure	Curragh (Muskerry West By., Drishane Par.)
CH035	CO048-055002-	Souterrain	Curragh (Muskerry West By., Drishane Par.)
CH036	CO048-056----	Stone circle - five-stone	Ballyvouskill
CH037	CO048-086----	Megalithic tomb - wedge tomb	Caherdowney
CH038	CO058-015----	Redundant record	Leaba Dhiarmada

CH039	CO058-070----	Hut site	Com An Ghadhair
CH040	CO058-003----	Ringfort - rath	Doire Na Sagart
CH041	CO058-006----	Ringfort - cashel	An Sliabh Riabhach
CH042	CO058-007----	Standing stone - pair	An Sliabh Riabhach
CH043	CO058-008----	Standing stone	An Sliabh Riabhach
CH044	CO058-075----	Megalithic tomb - wedge tomb	Doire Na Sagart
CH045	CO058-060----	Megalithic tomb - wedge tomb	Doire Na Sagart
CH046	CO058-076----	Megalithic tomb - wedge tomb	Doire Na Sagart
CH089	CO048-002----	Fulacht fia	CAurachcahill
CH090	CO057-012----	Structure	Ná Miláná
CH091	CO058-001----	Kiln - lime	AN Doinán Álainn
CH092	CO058-002----	Kiln - lime	AN Doinán Álainn
CH093	CO058-004002-	Stone row	Doire Na Sagart
CH094	CO058-005----	Ringfort - cashel	Doire Na Sagart
CH095	CO058-009----	Architectural fragment	An Sliabh Riabhach
CH096	CO058-010001-	Designed landscape - belvedere	An Sliabh Riabhach
CH097	CO058-010002-	Redundant record	An Sliabh Riabhach, Gort na Tiobrafán
CH098	CO058-011----	Castle - unclassified	An Sliabh Riabhach
CH099	CO058-012----	Standing stone	An Sliabh Riabhach
CH100	CO058-014----	Ringfort - rath	Ah nCheapach Thoir
CH101	CO058-016----	Standing stone	Na hUláin Thiar
CH102	CO058-017----	Ringfort - rath	Na hUláin Thiar

CH103	CO058-018----	Ringfort - rath	Na hUláin Thiar
CH104	CO058-019----	Ringfort - rath	Na hUláin Thiar
CH105	CO058-020----	Fulacht fia	Na hUláin Thiar
CH106	CO058-021----	Ringfort - rath	Na hUláin Thiar
CH107	CO058-061001-	Ringfort - rath	Na hUláin Thiar
CH108	CO058-061002-	Souterrain	Na hUláin Thiar
CH109	CO058-062----	Cairn - unclassified	Na hUláin Thiar
CH110	CO058-063----	Fulacht fia	Na hUláin Thiar
CH111	CO058-064----	Fulacht fia	Na hUláin Thiar
CH112	CO059-051001-	Cairn - unclassified	Daingean Na Saileach
CH113	CO059-051002-	Cairn - ring-cairn	Daingean Na Saileach
CH114	CO059-051003-	Kiln - com-drying	Daingean Na Saileach
CH115	KE068-043----	Hut site	Gortderrig
CH116	KE068-045----	Enclosure	Gortnagane
CH117	KE068-046----	Enclosure	Gortnagane
CH118	KE068-047----	Enclosure	Shrone More
CH119	KE068-048----	Enclosure	Shrone More
CH120	KE068-049----	Enclosure	Awnaskirtaun
CH121	KE068-104----	Hut site	Gortnagane
CH122	KE068-106----	Hut site	Gortnagane
CH123	KE068-107----	Mound	Gortnagane
CH124	KE068-108----	Hut site	Gortnagane
CH125	KE068-126001-	Field boundary	Gortderrig, Gortnagane
CH126	KE068-165----	Fulacht fia	Gortnagane
CH127	KE068-168----	Hut site	Gortderrig
CH128	KE068-169001-	Hut site	Shrone More
CH129	KE068-169002-	Hut site	Shrone More
CH130	KE068-169003-	Hut site	Shrone More
CH131	KE068-169004-	Hut site	Shrone More
CH132	KE068-169005-	Mound	Shrone More
CH133	KE068-170----	Field system	Shrone More
CH134	KE068-173----	Hut site	Gortderrig
CH135	KE076-002004-	Hut site	Knockabro
CH136	KE076-003----	Enclosure	Knockagowan
CH137	KE076-003001-	Hut site	Knockagowan
CH138	KE076-003002-	Hut site	Knockagowan
CH139	KE076-003003-	Enclosure	Knockagowan
CH140	KE076-003004-	Hut site	Knockagowan
CH141	KE076-010----	Enclosure	Derrynafinnia
CH142	KE076-019----	Cairn - unclassified	Derrynafinnia, Gortderrig
CH143	KE076-040001-	Hut site	Derrynafinnia

CH144	KE076-040002-	Hut site	Derrynafinnia
CH145	KE076-040003-	Hut site	Derrynafinnia
CH146	KE076-040004-	Hut site	Derrynafinnia
CH147	KE076-040005-	Hut site	Derrynafinnia
CH148	KE076-040006-	Standing stone	Derrynafinnia
CH149	KE076-040007-	Hut site	Derrynafinnia
CH150	KE076-040008-	Hut site	Derrynafinnia
CH151	KE076-046----	Hut site	Derrynafinnia
CH152	KE076-047----	Field boundary	Derrynafinnia
CH153	KE076-058----	Country house	Glashacormack
CH154	KE076-067----	Kiln - lime	Derrymaclovade
CH155	KE076-068001-	Hut site	Derrynafinnia
CH156	KE076-068002-	Hut site	Derrynafinnia
CH157	KE076-068003-	Hut site	Derrynafinnia
CH158	KE076-068004-	Field boundary	Derrynafinnia
CH159	KE076-069----	Fulacht fia	Derrynafinnia
CH160	KE076-071----	Redundant record	Derryreag
CH161	KE076-083001-	Hut site	Derrynafinnia
CH162	KE076-083002-	Hut site	Derrynafinnia
CH163	KE076-083003-	Hut site	Derrynafinnia
CH164	KE076-083004-	Hut site	Derrynafinnia
CH165	KE076-083005-	Hut site	Derrynafinnia

CH166	KE076-083006-	Hut site	Derrynaflinnia
CH167	KE076-084001-	Hut site	Derrynaflinnia
CH168	KE076-084002-	Hut site	Derrynaflinnia
CH169	KE076-084003-	Hut site	Derrynaflinnia
CH170	KE076-085----	Fulacht fia	Derrynaflinnia
CH171	CO048-087----	Ringfort - rath	Caherdorney
CH172	CO048-088----	Kiln - Lime	Carrigacoolen
CH173	CO048-104----	Enclosure	Carrigacoolen
CH174	CO048-142----	"	Glantane East
CH175	CO048-159----	Earthwork	Carrigacoolen
CH176	CO058-043----	RATH	Baile Mhic Íre
CH177	CO059-002----	Standing stone	Gelann Daimh
CH178	CO059-001001-	Ringfort - RATH	Gelann Daimh
CH179	CO059-049----	Rath	Lios Carrigán
CH180	CO059-003001-	Ringfort - rath	Gelann Daimh
CH181	CO059-004----	Hut site	Curraleigh (Muskerry West By.)
CH182	CO059-005----	Enclosure	Curraleigh (Muskerry West By.)
CH183	CO059-050001-	Enclosure	Lios Carrigán
CH184	CO059-006----	Ringfort	Garraneycamey
CH185	CO059-007----	RATH	Garraneycamey
CH186	CO059-008----	RATH	Garraneycamey

Table 2 – List of Monuments within the subject site

Areas of archaeological potential (AAPs) are areas or locations whose characteristics present a higher potential for unknown archaeological features to be present. Seven AAPs have been identified within the study area for the proposed development (Table 3 below).

CH No	Description	Within Proposed Development Site	Townland
CH062	Lough Carricknamork/Lough Gal – two small lakes 100 m apart near the summit of Knocknamork which straddle the Cork-Kerry border. The name 'Lough Gal' may indicate prehistoric activity.	Yes	Coomnaclohy/Clydaghroe
CH063	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH064	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH065	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH066	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH067	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Cummeennabudoge
CH068	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Cummeennabudoge
CH076	Lough Gal	No	Glashacormick
CH077	Lough Gal - includes and Topographical File recorded in the National Museum Database of stray archaeological finds	Yes	Clydaghroe/Coomnaclohy
CH079	Unnamed Stream located adjacent to proposed delivery access route	No	Cummeenavrick

Table 3 – AAPs effected by the study area

Special Area Amenity Order.

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

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.

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

Introduction

The Applicant proposes a wind farm consisting of 17 turbines with a tip height of between 199.5 to 200 metres (m), and associated infrastructure on land at Clydaghroe and Cummeennabuddoge Clonkeen, County Kerry.

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, archaeology, ecology, 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.

Compliance with National Policy

Government policy recognises the need to transition to a zero-carbon economy by 2050 and also recognises the need for energy security. It is considered that the provision of renewable energy infrastructure such as windfarms will be key in achieving these goals. As such Kerry County Council is positively disposed to the provision of suitable renewable energy infrastructure projects at appropriate locations.

Principle of Development

In terms of the principle of development, it should be noted that the subject site is not in an area identified for the provision of wind energy infrastructure in the Kerry County Development Plan 2022-2028. The subject site is not in an area designated 'Areas Open to Consideration' or 'Repower areas' and such areas are not deemed suitable for commercial wind farm development because of their overall sensitivity arising from landscape, ecological, recreational and or cultural and built heritage resources.

Objective KCDP 12-19 of the Kerry County Development Plan 2022-2028 seeks to

'Facilitate the sustainable development of wind energy development within open-to consideration areas at appropriate locations where it can be demonstrated to the satisfaction of the planning authority that there will be no significant adverse impact on residential amenity, on the built and natural environment, or on the visual character of the landscape.'

Objective KCDP 12-20 of the Kerry County Development Plan 2022-2028 seeks to

'Ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-Consideration' and 'Repower Areas''

The proposed windfarm would contravene Objective KCDP 12-19 and KCDP 12-20 of the Kerry County Development Plan 2022-2028 in relation to wind energy development and wind energy projects in areas outside of 'Open-to-Consideration' and 'Repower Areas'. The proposed development and the undesirable precedent it would set for similar development at inappropriate locations in the County, would therefore be contrary to the proper planning and sustainable development of the area.

Visual Impact and Landscape Assessment.

The site lies within an area designated by Kerry County Council as a Visually Sensitive Area (VSA) in the Kerry County Development Plan 2022-2028. 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. 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. 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.

In light of the above and the fact that the subject site is not in an area identified for the provision of wind energy infrastructure as per the Kerry County Development Plan, it is considered that the proposed development is not in accordance with the proper planning and sustainable development of the area and as such would constitute an inappropriate development in a visually sensitive area.

Roads and Transport

This section of the report considers the potential traffic and transport effects associated with the construction of the proposed development on the surrounding public road network.

The construction programme associated with the proposed development is anticipated to cover a 24 month period. During this time, 11,034 HGVs would access the proposed development site, which equates to 96 daily two-way HGV trips during the peak construction months (Month 1, 2 and 3).

A robust assessment has been submitted, which uses a conservative scenario for two-way traffic movements, including the assumption that 20% of stone would be imported to the proposed development site.

The impact of total construction traffic could increase traffic flows along the road links within the Study Area by the following percentages:

- N22 north of the Proposed Development Site – 1.6%;
- N22 south of the Proposed Development Site – 1.8%;
- N40 Cork South Ring Road – 0.3%; and
- N28 at Ringaskiddy – 0.7%.

The percentage increase in HGVs associated with the highest movement month of the construction programme for the proposed development could increase HGV traffic flows by the following percentages;

- N22 north of the Proposed Development Site – 17.9%;
- N22 south of the Proposed Development Site – 17.8%;
- N40 Cork South Ring Road – 5.0%; and
- N28 at Ringaskiddy – 6.5%.

The documentation submitted with this application notes that these increased traffic levels are temporary in nature and represent the expected traffic generation during the busiest month of construction. Generated traffic by the proposed development during other months of the construction programme will be considerably lower.

The documentation submitted with this application infers that the traffic levels anticipated during the busiest month of construction can be accommodated by the existing road network within the Study Area, and further managed / minimised by the implementation of a Construction Traffic Management Plan.

Flood Risk Management

The application was reviewed in terms of the risk of flooding associated with the proposed windfarm development. 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 are adopted and implemented. Should the board consider granting permission the following should be taken into consideration:

- The proposed development is located within Flood Zone C, as defined in the Planning guidelines except for where access tracks cross watercourses within the site. At these locations (8no), the culverts/bridge structures will be required to comply with OPW Section 50 licence requirements to ensure that there is no increase in flood risk elsewhere because of the crossings.
- The main potential negative impacts from the development in terms of flooding and surface water pollution are an increase in the rate and composition of surface water run-off arising from physical disturbance of ground, mismanagement of excavations, excavated material and peat storage areas, and operation of machinery, all of which could lead to increased silt run-off, risk of localised flooding, changes to surface water flows, concrete and fuel contamination.
- The Surface Water Management Plan and associated drainage drawings outline measures for the management of surface water and run-off from 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 Construction Environmental Management Plan and to ensure regular inspection, maintenance and repair of the drainage channels, settlement ponds, swales, dams, silt fences and outfalls.
- 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 should be submitted to the Planning Authority for written approval prior to the commencement of development.

Environment/Water Services

Given the scale and nature of the overall proposed development, there are significant concerns regarding the risk to water quality potentially arising from this proposed development, in particular the potential hydromorphological impact of the proposed development and the likely impact on the natural drainage of the area, particularly given the sensitivity and profile of the Lough Leane Catchment.

The proposed development is predominantly within the Clydagh Valley, which is within the overall Lough Leane Catchment. There was a significant algal bloom in Lough Leane in the late 1990s. The Lough Leane Catchment Monitoring and Management Project was established thereafter, which was an early example of an integrated catchment management approach. The project identified that sediment-derived phosphorus was a potentially significant input to the lake system, this was illustrated by the significance of a landslide event in the Clydagh Valley in 2003.

In addition, Water quality management is of significant concern. In relation to the WFD (Water Framework Directive), the project straddles several waterbodies. Much of the project is within the Flesk (Kerry)_010 and the Flesk (Kerry)_020 waterbodies. The Flesk (Kerry)_020 waterbody is considered at risk of achieving its WFD objective with hydromorphology identified as a pressure. There is an onus under the WFD to maintain good status and to improve less than good status waterbodies. Large applications such as this one have the potential to undermine the waterbody's ability to achieve its WFD objectives.

It is considered that the management of development works for the proposed development particularly from the water-quality management perspective, can be extremely challenging, especially given the terrain, ground conditions and high rainfall levels.

Consequently, the proposed development would, if permitted, mitigate against the Flesk waterbody from achieving its Water Framework Directive Objective. In addition, the Council are not satisfied that the proposed development would not have adverse impacts on water quality downstream and would not result in adverse impacts on the integrity of the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC, in view of the sites' Conservation Objectives.

Noise.

The documentation submitted with this application infers that noise from construction works related to the proposed development are assessed as being not significant due to the large separation distances between properties and the construction site. Although noise from access track construction may temporarily breach limits prescribed in BS 5228 at one property, the duration over which it may do so and would not result in a significant impact.

With an appropriate mitigation scheme, operational noise from the proposed development is not considered significant at any of the properties assessed as the relevant derived noise limits will be met.

Shadow flicker.

The documentation submitted with this application has assessed the full Proposed Turbine Range for likelihood of shadow flicker effects at all dwellings located within 10-times the rotor diameter (1,630m & 1490m) of the proposed wind turbines using a shadow flicker model.

Shadow flicker is a rare phenomenon and can only occur during the infrequent coincidence of a number of specific, variable meteorological and geographic factors. The shadow flicker model is also based on a number of precautionary assumptions which significantly overestimate the likely shadow flicker impact at any receptor.

There is no likelihood of any significant effects during the construction or decommissioning phases as the proposed wind turbines will not be operational.

Technological mitigation measures are available, and widely implemented, to exclude the likelihood for shadow flicker to occur. These measures will ensure that no dwelling experiences shadow flicker arising from the proposed development, in line with the 2006 Guidelines, and the Draft Revised 2019 Guidelines should they come into force in the future, and the Applicant's commitment to near zero shadow flicker.

Therefore, it is concluded that the proposed development will not result in any likely significant shadow flicker effects, either individually or in combination with other existing, permitted or proposed developments.

Archaeological, Architectural and Cultural Heritage.

It is noted that the application is accompanied by an archaeological assessment of the development contained in Chapter 14 of the EIAR.

The report correctly notes that there is only one recorded monument within the proposed development area Ke077 001, a hut site in Cummeennabuddoge townland, which was not found during the course of this assessment. There are other recorded monuments in the wider area but none in close proximity to the proposed development area.

The report also correctly identifies that much of the area of the proposed development has previously been disturbed by the extensive mix of mature and new forestry across much of the area. This would have impacted any potential archaeological deposits or features in these areas.

The report does note that there are areas of higher potential within the site where development may impact on previously unrecorded archaeological strata or features, specifically stream crossings and townland boundaries.

The mitigation measures proposed involve a mix of geophysical survey (where possible), pre-development archaeological testing and licenced archaeological monitoring. In general, these measures are appropriate to the development as described.

However, the proposed development is located within a protected archaeological landscape, as defined in the Kerry County Development Plan 2022-2028:

13. The Paps – Annaghabeg, Annaghmore, Doocarrig More, Gortacoreen, Gortderrig, Shrone More, Shrone Beg, Gortnagane, Raheen, Awnaskirtaun, Knocknabro, Knockagowan, Derrynafinnia, Derrymaclavilode, Killeen, Carrigaveema & Coolcurtoga.

According to legend The Paps are the earthly manifestation of the breasts (Paps) of the Mother Goddess Anu and would have been venerated as such throughout prehistory. The cairns on the summits of the mountains are likely to contain small passage tombs, while other features on the summit are also likely of similar date. The slopes of the mountains and surrounding area are littered with hutsites, enclosures, megalithic structures, triple banked barrow etc. While the locally important Christian focus at 'The City' in Gortnagane is likely to be of prehistoric origin also given the name Caher Crov Dearg and the likely association with the triadic mother goddess in the form Badb Catha or Raven of Battle. These sacred mountains and their surrounding archaeological, mythological and historic landscape are still venerated, albeit in Christian guise, to this day.

This is the largest and one of the most significant of the 19 archaeological landscapes listed for protection within the CDP as it is still a focus of veneration and visitation to the present day is a long established place in the cultural and spiritual consciousness of the county and further afield. The relevant objective of the CDP in relation to these landscapes is KCDP 8-28 which states:

Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes.

It is clearly stated within Chapter 14 of the EIAR relating to the archaeological assessment of the proposed development that all of the monuments included in the protected landscape will be within the zone of theoretical visibility for the proposed development (Chapter 14 page 46). Indeed, the report goes on to state that;

The Proposed Development will have a long-term, negative moderate effect (indirect-visual) on the surrounding archaeological, architectural and cultural heritage landscape, specifically CH083 The Paps Archaeological Landscape

It is considered that 'moderate', is a very subjective assessment of the visual impact which is clearly significant and affects the southern aspect of both the mountain peaks and the surrounding landscape. The proposed mitigation by way of information boards to 'partially offset' this impact is not acceptable as a mitigation measure.

The proposed development if permitted would have a significant visual impact on The Paps Archaeological Landscape, which cannot be mitigated and would contravene Objective KCDP 8-28 of the County Development Plan.

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:

Kerry County Development Plan Context – biodiversity considerations

The Kerry CDP contains policies and objectives for the protection of European Sites and biodiversity more generally. It also provides an emphasis on biodiversity enhancement.

KCDP 11-1 Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.

KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

KCDP 11-3 Work with all stakeholders in order to conserve, manage and where possible enhance the County's natural heritage including all habitats, species, landscapes and geological heritage of conservation interest and to promote increased understanding and awareness of the natural heritage of the County.

KCDP 11-15 Facilitate and support the protection and enhancement of wetlands as nature-based solutions to flood management, climate change, and the biodiversity crisis.

KCDP 11-16 Ensure invasive species are managed in compliance with the provisions of the EC (Birds and Habitats) Regulations (SI 477 of 2011), as amended, particularly Sections 49, 50 and the Third Schedule. Best practices, as produced and updated by relevant authorities, are to be adhered to in the management of invasive species particularly on sites proposed for development.

KCDP 11-19 Support actions from the All-Ireland Pollinator Plan including the plan's recommendations for grassland management and pollinator friendly species.

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.

KCDP 11-24 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.

KCDP 11-68 Protect and sustainably enhance, where appropriate, flood conveyance, retention and storage features in the landscape, including wetlands.

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.

Other publications of relevance

- Freshwater Pearl Mussel Guidance: '*Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland*'. Atkinson et al 2024. <https://e-mussels.eu/europe/conservation-guidelines>
- Lesser Horseshoe Bat Species Action Plan 2022-2026
- The Hen Harrier Threat Response Plan 2024-2028
- Irish Wildlife Manuals, No. 132. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland)
- NPWS (2017) Conservation Objectives: Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC 000365. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

Particular sensitivity of Lough Leane Catchment

The proposed development is located within the Lough Leane Catchment. The Lough Leane catchment is particularly sensitive to sediment and phosphorus input. The Lough Leane monitoring programme and an associated multiagency management group were initiated following following phosphorus loading related Algal blooms in Lough Leane in the 1990's, to work individually and collectively, to reduce the amount of phosphorus and nitrates entering Lough Leane.

Notwithstanding this, the conservation objective for Lough Leane, which forms part of the Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC, is to restore (rather than maintain) its favourable conservation condition. As part of this, a target of annual average total phosphorus (TP) concentration of $\leq 10\mu\text{g/l}$ TP is outlined within the associated conservation objective report. It is understood that this concentration has generally been exceeded over the last number of years.

A 2021 NPWS report on the *Najas flexilis* population within Lough Leane has outlined that the population has recently collapsed (Roden, C., Murphy, P. & Ryan, J.B. (2021) A study of lakes with Slender Naiad (*Najas flexilis*). Irish Wildlife Manuals, No. 132. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland). It is thought that this may be related to pressures associated with the 2018 drought conditions.

The Clydagh is a fast-flowing spate river draining the northern portion of the Deerynasaggart Mountains. It has a history of bursting its banks. Historically the Clydagh Valley was the scene of the County's most tragic recorded flood events where people, homes and livestock were washed away in August 1831. In more recent times, Storm Diana on the 26th of November 2018 and Storm Ciara on the 9th of February 2020 resulted in embankment failure / road subsidence and closure at Derrymaclovode and Dromavrauca respectively. Climate change uncertainty and fires in the catchment (e.g the 2021 forest fires in Killarney National Park) are additional pressures in the catchment.

Biodiversity assessment

Overview

The proposed windfarm development is not located within an area identified as 'open to consideration' for windfarm development in the Kerry CDP 2022-2028. As such the project is considered to be a developer led rather than a plan led proposal, was not assessed as part of the Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) or the Strategic Flood Risk Assessment (SFRA) undertaken as part of the Kerry CDP plan preparation, and materially contravenes the CDP. There is no meaningful windfarm specific guidance set out in the CDP for proposals such as this proposed to be located outside of the 'open to consideration' designated areas.

AA Screening

For completeness and clarity purposes it is considered that the Castlemaine Harbour SAC and SPA, which are located downstream should have been included within the AA Screening Assessment.

Appropriate Assessment

The NIS submitted has identified the potential for the construction of the proposed development to result in pollution reaching watercourses that drain into the River Clydagh as part of the SAC, which could change the water quality, biology and chemistry of the river and consequently the SAC species it supports. Mitigation measures aimed at addressing same are outlined in Section 6 of the NIS. As part of this, it is outlined that 'mitigation for all water features aims to preserve existing water quality ratings as far as practicably possible'.

While the concise format of the NIS submitted is welcomed, it is noted that for the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, the NIS does not distinguish between whether the conservation objectives are to restore or maintain favourable conservation status of the individual qualifying interests.

Furthermore, it is considered that the mitigation measures could have been set out in a manner more in keeping with S3.2.4 of the 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'. It is noted that the mitigation outlined in S6 of the NIS relies on embedded mitigation and measures set out in various other reports submitted as part of the application. Therefore, it is considered that these should similarly be presented in a manner compatible with the EU guidance document referred to.

The concerns of the environment department as outlined in the report prepared on the 23rd of October 2024, regarding water quality and hydro-morphology are noted. Any impacts on water quality could adversely impact Qualifying Interest aquatic species and habitats downstream and should be avoided. Based on the information submitted and the report received from the Environment Section, it is considered that a definitive appropriate assessment cannot be completed in favour of the proposal.

Furthermore, proximity to the Mullaghanish to Musheramore Mountains Special Protection Area (Site code: 004162) is noted. Windfarm development at this location was not taken into consideration as part of the strategic level environmental assessments undertaken as part of the

Kerry CDP 2022-2028. Having regard to Hen Harrier population trends here and nationally, a wider consideration of potential for impact on the species would be beneficial, which should also take into account repowering proposals supported by the Kerry County Development Plan 2022-2028 and the Hen Harrier Threat Response Plan 2024-2028. It is noted that proposals permitted as part of the planning application 23.646 to the west of the N22 required works to be undertaken between September and March (outside of the bird breeding season) and that no such mitigation is outlined for this proposal.

Wider Biodiversity Considerations

It would have been beneficial if the documentation submitted outlined compatibility with the Freshwater Pearl Mussel Guidance Document: *'Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland'*. Atkinson et al 2024. <https://e-mussels.eu/europe/conservation-guidelines>

The Kerry CDP places an increased emphasis on biodiversity enhancement. Within this context and having regard to the historical alterations of the hydrology within the landholding by way of forestry activities etc, and having regard to development objective KCDP 11-69, it is considered that increased operational stage upstream storage of flood waters would have been beneficial.

Overall conclusion and recommendation of the Environmental Assessment Unit

It is considered that biodiversity and climate change commitments have equal standing, and creating opportunities to achieve both, without compromising each other, should be plan led and supported by strategic level environmental assessment.

Having regard to the above and in particular to the concerns raised by the Environment Section, it is considered that it is not possible to conclude beyond reasonable scientific doubt, that this proposal would not adversely impact the Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC.

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 transitional period. These policy matters and their relevance to the assessment of the project are a matter for the Bord.

While the above national policy position is noted, European policy and in particular the Water Framework Directive are also relevant in relation to the assessment of this Strategic Infrastructure Development. The Planning Authority is not satisfied that the proposed development would not have adverse impacts on water quality of the Flesk river and on water quality downstream, which could result in adverse impacts on the integrity of the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC. As such the proposed development would not be in accordance with the objective of the Water Framework Directive to maintain good status and to improve less than good status waterbodies.

With respect to local policy, and in particular the wind energy areas in the Kerry County Development Plan 2022-2028, the proposed windfarm is in an area that has not been zoned or designated for the provision of wind energy infrastructure. As such, it is considered that the proposed development would not be in accordance with the plan lead approach to the provision of such infrastructure and would set an undesirable precedent for the provision of similar development in other inappropriate locations.

The proposed windfarm would also have a significant visual impact on The Paps Archaeological Landscape, that cannot be mitigated. As such, it is considered that the proposed development contravenes the objectives of the County Development Plan, specifically KCDP 8-28, which seeks to ensure the active protection of the 19 identified, significant archaeological landscapes.

Recommendation

In light of the above, a refusal is recommended.

Refusal of permission is recommended in this case, for the following reasons:

1. The proposed windfarm would contravene Objective KCDP 12-19 and KCDP 12-20 of the Kerry County Development Plan 2022-2028 in relation to wind energy development and wind energy projects. Development Objective 12-20 of the Kerry County Development Plan 2022-2028 seeks to ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-consideration' and 'Repower Areas'. The proposed development site is located outside of areas designated as being either a 'Repower Area' or an area that is 'Open-to-Consideration'. The proposed development and the undesirable precedent it would set for similar development at inappropriate locations in the County, would not be in accordance with the stated objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed windfarm if permitted would prevent the Flesk waterbody from achieving its Water Framework Directive Objective with hydromorphology identified as a pressure. The proposed development is not in accordance with the objective of the Water Framework Directive to maintain good status and to improve less than good status waterbodies and would therefore be contrary to the proper planning and sustainable development of the area. As such, the Planning Authority is not satisfied that the proposed development would not have adverse impacts on water quality downstream and would not result in adverse impacts on the integrity of the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC, in view of the sites' Conservation Objectives. The proposal would therefore conflict with Development Objectives KCD 11-1 and 11-2 and would be contrary to the protection of the environment, biodiversity, water and natural heritage and the proper planning and sustainable development of the area.
3. The proposed windfarm would have a significant visual impact on The Paps Archaeological Landscape, that cannot be mitigated. As such, it is considered that the proposed development if permitted would contravene the objectives of the County Development Plan, specifically KCDP 8-28, which seeks to ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes. As such the proposed development contravenes the objectives of the County Development Plan, would injure or interfere with an archeological area and would therefore be contrary to the proper planning and sustainable development of the area.

Signed:

James Nolan

James Nolan

Director of Services / Oifig Stiúrthóir Seirbhísí,

Planning, Environment & Emergency Management/Pleanáil, Comhshaol & Bainistíocht Éigeandála

Date: 15th November 2024

Cllr. Johnny Healy-Rae noted that the Council has no option but to object to the application. However, he said that this is by far one the most remote terrain in the County. It already has an existing number of wind farms on site. During the County Development Plan process the Members proposed this area for zoning wind farms but was removed by the regulator. Many of the existing infrastructure is already in place, it is very remote and is completely a suitable location for the construction of wind farms. In addition, the area is miles away from any existing house. He invited any member from An Bord Pleanála to visit the area to see how remote it is and how suitable it is for windfarms.

The Chief Executive said as a Planning Authority we are obliged to recommend a refusal on the application. It is outside the designated area.

Cllr. Michael Foley said the County Development Plan will be tested and will set a precedence going forward will open the flood gates for these farms to be re-opened again.

Cllr. Jackie Healy-Rae said that the point that is been made here that the Members originally submitted these areas to be suitable for windfarms, but the Planning Regulator took them out.

Mr. J. Nolan Director of Service said there is a recommendation for refusal, but it based on three grounds as per the County Development plan. It is not just based on the Zoning issues, but also in respect of the Water Framework Directive and Archaeological Heritage. It would be inconsistent of us to recommend it for planning given the County Development Plan policy.

Mr. D. Ginty Senior Planner said the report recommended to an Bord Pleanála that the application should be refused for three reasons.

Firstly, the application is outside of "areas opened to consideration" or "repowering areas" designated in CDP.

Secondly, the proposed development is located within a protected archaeological landscape, as defined in the Kerry County Development Plan 2022-2028. Kerry County Council would have significant concerns in relation to its impact on Archaeology.

Thirdly, there are significant concerns in relation to water quality. In particular, the River Flesk and Lough Leane Catchment are particularly sensitive to sediment and phosphorus input.

It was agreed to accept the Chief Executive Report on the Strategic Infrastructure Application Ref. ABP- 321029-24, 10-year planning permission for wind energy development consisting of 17 no. wind turbines and related works, located on land at Cummeennabuddoge, Clydaghroe, Glashacormick and Cummeenavrick, Co. Kerry, (and Caherdowney, Co. Cork).



INTERNAL REPORTS

Dr. Michael Connolly	County Archaeologist
Eoin Kelleher	Executive Planner & Ecologist
Mark O'Sullivan	Executive Environmental Officer
Eoghan O'Brien	Senior Executive Engineer, Flooding, Coastal & Marine Unit
Maurice O'Connell	Senior Assistant Chief Fire Officer
John Ahern	Senior Executive Engineer, Killarney Municipal District

MEMORANDUM

Date/Dáta: 15th October 2024.

To/Chuig: Damien Ginty,
Senior Planner

From/O: Michael Connolly
County Archaeologist

Re/Le: Ten year planning permission for wind energy development consisting of 17 no. wind turbines and related works Located on land at Cummeennabuddoge (County Kerry), Clydaghroe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork).

Damien,

The application in respect of Cummeennabuddoge Windfarm is accompanied by an archaeological assessment of the development contained in Chapter 14 of the EIAR.

The report correctly notes that there is only one recorded monument within the proposed development area Ke077 001, a hut site in Cummeennabuddoge townland, which was not found during the course of this assessment. There are other recorded monuments in the wider area but none in close proximity to the proposed development area.

The report also correctly identifies that much of the area of the proposed development has previously been disturbed by the extensive mix of mature and new forestry across much of the area. This would have impacted any potential archaeological deposits or features in these areas.

The report does note that there are areas of higher potential within the site where development may impact on previously unrecorded archaeological strata or features, specifically stream crossings and townland boundaries.

The mitigation measures proposed involve a mix of geophysical survey (where possible), pre-development archaeological testing and licenced archaeological monitoring. In general, these measures are appropriate to the development as described.

The major issue here relates to the location of the development within the landscape of east Kerry, specifically its location bounding what is a protected archaeological landscape, as defined in the Kerry County Development Plan 2022-2028:

13. The Paps – Annaghbeg, Annaghmore, Doocarrig More, Gortacoreen, Gortderrig, Shrone More, Shrone Beg, Gortnagane, Raheen, Awnaskirtaun, Knocknabro, Knockagowan, Derrynafinnia, Derrymaclavode, Killeen, Carrigaveema & Coolcortoga.

According to legend The Paps are the earthly manifestation of the breasts (Paps) of the Mother Goddess Anu and would have been venerated as such throughout prehistory. The cairns on the summits of the mountains are likely to contain small passage tombs, while other features on the summit are also likely of similar date. The slopes of the mountains and surrounding area are littered with hutsites, enclosures, megalithic structures, triple banked barrow etc. While the locally important Christian focus at 'The City' in Gortnagane is likely to be of prehistoric origin also given the name Caher/Crov Dearg and the likely association with the triadic mother

goddess in the form Badb Catha or Raven of Battle. These sacred mountains and their surrounding archaeological, mythological and historic landscape are still venerated, albeit in Christian guise, to this day.

This is the largest and one of the most significant of the 19 archaeological landscapes listed for protection within the CDP as it is still a focus of veneration and visitation to the present day and has long established place in the cultural and spiritual consciousness of the county and further afield. The relevant objective of the CDP in relation to these landscapes is KCDP 8-28 which states the following:

Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes.

It is clearly stated within Chapter 14 of the EIAR relating to the archaeological assessment of the proposed development that all of the monuments included in the protected landscape will be within the zone of theoretical visibility for the proposed development (Chapter 14 page 46). Indeed, the report goes on to state that;

The Proposed Development will have a long-term, negative moderate effect (indirect-visual) on the surrounding archaeological, architectural and cultural heritage landscape, specifically CH083 The Paps Archaeological Landscape

I would suggest that 'moderate, is a very subjective assessment of the visual impact which is clearly significant and affects the southern aspect of both the mountain peaks and the surrounding landscape. It is also clear that this impact cannot be mitigated and the suggestion that the erection of information boards in publicly accessible areas might 'partially offset' the impact is nonsense.

On the basis that the proposed development would have a significant visual impact on The Paps Archaeological Landscape, that this impact cannot be mitigated and that, as such, the development contravenes the objectives of the County Development Plan, specifically KCDP 8-28, planning permission should not be granted.

Regards,

Dr Michael Connolly,
County Archaeologist

Kerry County Council Memo

From: Eoin Kelleher, E Planner & Ecologist, Environmental Assessment Unit
To: Fiona O' Sullivan. Area Planner, Development Management, Planning and Sustainable Development
Date: 24/10/2024

Development Description: 10 year planning permission for wind energy development consisting of 17 no. wind turbines and related works.

321029 | An Bord Pleanála

Development Address: Located on land at Cummeennabuddoge (County Kerry), Clydaghroe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork). (www.cummeennabuddogeplanning.ie)

Overview of the proposal

The proposal provides for the following:-

- 17 wind turbines and associated hardstand areas;
- The turbine dimensions are as follows: – a total tip height in the range of 199.5m minimum to 200m maximum inclusive; – hub height in the range of 118m minimum to 125.5m maximum inclusive; and – rotor diameter in the range of 149m minimum to 163m maximum inclusive.
- One 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works;
- Underground electrical and communication cabling connecting the wind turbines to the proposed on site substation and associated ancillary works;
- 110kV Underground cabling from the new 110kV permanent electrical substation to the existing 220/110kV Ballyvouskill Substation to facilitate export of electricity to the National Electricity Grid;
- Erection of 1 no. Meteorological Mast of 110 metres above existing ground level for the measuring of meteorological conditions, including a lightning rod which will extent above the mast;
- New permanent access tracks and permanent upgrades to existing tracks and site access;
- Four borrow pits;
- Six permanent peat repository areas;
- Permanent placement of peat along sections of site access roads within the restrictions outlined in Technical Appendix 10-3 peat management plan for the site;

- Construction of 3 no. temporary construction compounds and associated ancillary infrastructure including temporary site offices, staff facilities and car-parking areas, all to be removed at the end of the construction phase;
- Permanent and temporary Site drainage;
- Keyhole forestry felling to accommodate the construction and operation of the proposed development;
- Upgrading of existing site entrance at the local access road adjacent to the N22, Healthy and safety signage, information signage, and direction signage; • All other associated site development works including necessary earthworks to facilitate the construction and operation of the Proposed Development;

Kerry County Development Plan Context – biodiversity considerations

The Kerry CDP contains policies and objectives for the protection of European Sites and biodiversity more generally. It also provides an emphasis on biodiversity enhancement.

KCDP 11-1 Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.

KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

KCDP 11-3 Work with all stakeholders in order to conserve, manage and where possible enhance the County's natural heritage including all habitats, species, landscapes and geological heritage of conservation interest and to promote increased understanding and awareness of the natural heritage of the County.

KCDP 11-15 Facilitate and support the protection and enhancement of wetlands as nature-based solutions to flood management, climate change, and the biodiversity crisis.

KCDP 11-16 Ensure invasive species are managed in compliance with the provisions of the EC (Birds and Habitats) Regulations (SI 477 of 2011), as amended, particularly Sections 49, 50 and the Third Schedule. Best practices, as produced and updated by relevant authorities, are to be adhered to in the management of invasive species particularly on sites proposed for development.

KCDP 11-19 Support actions from the All-Ireland Pollinator Plan including the plan's recommendations for grassland management and pollinator friendly species.

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.

KCDP 11-24 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.

KCDP 11-68 Protect and sustainably enhance, where appropriate, flood conveyance, retention and storage features in the landscape, including wetlands.

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.

Other publications of relevance

- Freshwater Pearl Mussel Guidance: '*Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland*'. Atkinson et al 2024. <https://e-mussels.eu/europe/conservation-guidelines>
- Lesser Horseshoe Bat Species Action Plan 2022-2026
- The Hen Harrier Threat Response Plan 2024-2028
- Irish Wildlife Manuals, No. 132. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland)
- NPWS (2017) Conservation Objectives: Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC 000365. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

Particular sensitivity of Lough Leane Catchment

The proposed development is located within the Lough Leane Catchment. The Lough Leane catchment is particularly sensitive to sediment and phosphorus input. The Lough Leane monitoring programme and an associated multiagency management group were initiated following following phosphorus loading related Algal blooms in Lough Leane in the 1990's, to work individually and collectively, to reduce the amount of phosphorus and nitrates entering Lough Leane.

Notwithstanding this, the conservation objective for Lough Leane, which forms part of the Killarney National Park, McGillycuddy Reeks and Caragh River Catchment SAC, is to restore (rather than maintain) its favourable conservation condition. As part of this, a target of annual average total phosphorus (TP) concentration of $\leq 10\mu\text{g/l}$ TP is outlined within the associated conservation objective report. It is understood that this concentration has generally been exceeded over the last number of years.

A 2021 NPWS report on the *Najas flexilis* population within Lough Leane has outlined that the population has recently collapsed (Roden, C., Murphy, P. & Ryan, J.B. (2021) A study of lakes with Slender Naiad (*Najas flexilis*). Irish Wildlife Manuals, No. 132. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland). It is thought that this may be related to pressures associated with the 2018 drought conditions.

The Clydagh is a fast-flowing spate river draining the northern portion of the Deerynasagart Mountains. It has a history of bursting its banks. Historically the Clydagh Valley was the scene of the County's most tragic recorded flood events where people, homes and livestock were washed away in August 1831. In more recent times, Storm Diana on the 26th of November 2018 and Storm Ciara on the 9th of February 2020 resulted in embankment failure / road subsidence and closure at Derrymaclavode and Dromavrauka respectively. Climate change uncertainty and fires in the catchment (e.g the 2021 forest fires in Killarney National Park) are additional pressures in the catchment.

Biodiversity assessment

Overview

The proposed windfarm development is now located within an area identified as 'open to consideration' for windfarm development in the Kerry CDP 2022-2028. As such the project is considered to be a developer led rather than a plan led proposal, was not assessed as part of the Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) or the Strategic Flood Risk Assessment (SFRA) undertaken as part of the Kerry CDP plan preparation, and materially contravenes the CDP. There is no meaningful windfarm specific guidance set out in the CDP for proposals such as this proposed to be located outside of the open to consideration designated areas.

AA Screening

For completeness and clarity purposes it is considered that the Castlemaine Harbour SAC and SPA, which are located downstream should have been included within the AA Screening Assessment.

Appropriate Assessment

The NIS submitted has identified the potential for the construction of the Proposed Development to result in pollution reaching watercourses that drain into the River Clydagh as part of the SAC, which could change the water quality, biology and chemistry of the river and consequently the SAC species it supports. Mitigation measures aimed at addressing same are outlined in Section 6 of the NIS. As part of this, it is outlined that 'mitigation for all water features aims to preserve existing water quality ratings as far as practicably possible'.

While the concise format of the NIS submitted is welcomed, it is noted not considered to be satisfactory that for the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, the NIS does not distinguish between whether the conservation objectives are to restore or maintain favourable conservation status of the individual qualifying interests.

Furthermore, it is considered that the mitigation measures could have been set out in a manner more in keeping with S3.2.4 of the 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'. It is noted that the mitigation outlined in S6 of the NIS relies on embedded mitigation

and measures set out in various other reports submitted as part of the application. Therefore, it is considered that these should similarly be presented in a manner compatible with the EU guidance document referred to.

The concerns of the environment department as outlined in the report prepared on the 23rd of October 2024, regarding water quality and hydro-morphology are noted. Any impacts on water quality could adversely impact Qualifying Interest aquatic species and habitats downstream and should be avoided. Based on the information submitted and the report received from the Environment Section, it is considered that a definitive appropriate assessment cannot be completed in favour of the proposal.

Furthermore, proximity to the Mullaghanish to Musheramore Mountains Special Protection Area (Site code: 004162) is noted. Windfarm development at this location was not taken into consideration as part of the strategic level environmental assessments undertaken as part of the Kerry CDP 2022-2028. Having regard to Hen Harrier population trends here and nationally, a wider consideration of potential for impact on the species would be beneficial, which should also take into account repowering proposals supported by the Kerry County Development Plan 2022-2028 and the Hen Harrier Threat Response Plan 2024-2028. It is noted that proposals permitted as part of the planning application 23.646 to the west of the N22 required works to be undertaken between September and March (outside of the bird breeding season) and that no such mitigation is outlined for this proposal.

Wider biodiversity considerations

It would have been beneficial if the documentation submitted outlined compatibility with the Freshwater Pearl Mussel Guidance Document: '*Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland*'. Atkinson et al 2024. <https://e-mussels.eu/europe/conservation-guidelines>

The Kerry CDP places an increased emphasis on biodiversity enhancement. Within this context and having regard to the historical alterations of the hydrology within the landholding by way of forestry activities etc, and having regard to development objective KCDP 11-69, it is considered that increased operational stage upstream storage of flood waters would have been beneficial.

Conclusion and recommendation

It is considered that biodiversity and climate change commitments have equal standing, and creating opportunities to achieve both, without compromising each other, should be plan led and supported by strategic level environmental assessment.

Having regard to the above and in particular to the concerns raised by the Environment Section, it is considered that it is not possible to conclude beyond reasonable scientific doubt, that this proposal would not adversely impact the Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC. S1.7 of the Kerry CDP 2022-2028 outlines that ...' the plan only supports strategies plans and projects or aspects of same which are compatible with the requirements of the Habitats Directive'. Development Objectives KCDP 11-1 and 11-2 also relate.

It is therefore recommended that this proposal be refused for the following reasons:-

1. Development Objective 12-20 of the Kerry County Development Plan 2022-2028 seeks to ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-consideration' and 'Repower Areas'. These areas are presented on Map 12.4: Wind Energy Areas of the Development Plan. The proposed development site is located outside of areas designated as being either a 'Repower Area' or an area that is 'Open-to-Consideration'. The proposed development would not be in accordance with the stated objective of the Development Plan and therefore would be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority is not satisfied that the proposed development would not have adverse impacts on water quality downstream and would not result in adverse impacts on the integrity of the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC, in view of the sites' Conservation Objectives. The proposal would therefore conflict with Development Objectives KCD 11-1 and 11-2 and would be contrary to the protection of the environment, biodiversity, water and natural heritage and the proper planning and sustainable development of the area.


Eoin Kelleher
Executive Planner and Ecologist
Environmental Assessment Unit

MEMORANDUM

To: Planning Section
Cc: Mick Boyce, S.S.E. – Environment Section.
From: Mark O' Sullivan, E.E.O. – Environment Section
Re: ABP SID Application – Cummeennabuddoge Windfarm
Date: 23rd October 2024.

I refer to the above application by Cummeennabuddoge Wind DAC to develop a seventeen turbine windfarm and all associated works on lands at Clydaghroe and Cummeennabuddoge, Clonkeen, Co. Kerry.

I have reviewed elements of the environmental information submitted in the planning application in relation to soils & geology, hydrology and noise. It should be noted that I have not reviewed or commented on any of the geotechnical issues covered (soils & geology) including peat stability or any elements of the human beings, landscape and visual impact, cultural heritage, ecology or traffic aspects of the report. I note that the proposed development includes over 90km of underground cabling, 19km of new track, 7km of track upgrade, 4 onsite borrow pits and 6 peat deposition areas. I note that it is proposed to connect the proposed wind farm in question via a underground cable through a series of townlands in the Clydagh valley to the existing Ballyvouskill 220kV substation.

Given the scale and nature of the overall proposed development, the Environment Section, Kerry County Council have genuine concerns about the risk to water quality potentially arising from this large proposed wind farm development, in particular the potential hydromorphological impact of the proposed development and the likely impact on the natural drainage of the area, particularly given the sensitivity and profile of the Lough Leane Catchment.

The proposed development is predominantly with the Clydagh Valley, which is within the overall Lough Leane Catchment. There was a significant algal bloom in Lough Leane in the late 1990s. The Lough Leane Catchment Monitoring and Management Project was established thereafter, which was an early example of an integrated catchment management approach. The project identified that sediment-derived phosphorus was a potentially significant input to the lake system, this was illustrated by the significance of a landslide event in the Clydagh Valley in 2003.

Water quality management is the issue of most concern to this department. In relation to the WFD (Water Framework Directive), the project straddles a number of waterbodies. Much of the project is within the Flesk (Kerry)_010 and the Flesk (Kerry)_020 waterbodies. The Flesk (Kerry)_020 waterbody is considered at risk of achieving its

WFD objective with hydromorphology identified as a pressure. There is an onus under the WFD to maintain good status and to improve less than good status waterbodies. Large applications such as this one have the potential to undermine the waterbody's ability to achieve its WFD objectives.

We are mindful of the fact that the management of development works for projects such as this proposed development particularly from the water-quality management perspective, can be extremely challenging, especially given the terrain, ground conditions and high rainfall levels.

Based on the above, we are not in a position to recommend approval of this application.

Mark O' Sullivan E.E.O.

Seán Flahive

From: Eoghan O'Brien
Sent: Wednesday 6 November 2024 10:41
To: Mary McCarthy (Planning)
Cc: Seán Flahive; Mike McEnery
Subject: RE: Cummeennabuddoge Windfarm - 10 year planning permission for wind energy development consisting of 17 no. wind turbines and related works

With regard to ABP Planning case ABP-321029-24, the Flooding Coastal & Marine Unit comments are as follows:

We have reviewed the application in terms of the risk of flooding associated with the proposed windfarm development. 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 are adopted and implemented.

- The proposed development is located within Flood Zone C, as defined in the Planning guidelines except for where access tracks cross watercourses within the site. At these locations (8no), the culverts/bridge structures will be required to comply with OPW Section 50 licence requirements to ensure that there is no increase in flood risk elsewhere because of the crossings.
- The main potential negative impacts from the development in terms of flooding and surface water pollution are an increase in the rate and composition of surface water run-off arising from physical disturbance of ground, mismanagement of excavations, excavated material and peat storage areas, and operation of machinery, all of which could lead to increased silt run-off, risk of localised flooding, changes to surface water flows, concrete and fuel contamination.
- The Surface Water Management Plan and associated drainage drawings outlines measures for the management of surface water and run-off from 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 Construction Environmental Management Plan 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.

Regards,

Eoghan O'Brien

Senior Executive Engineer | Flooding, Coastal & Marine 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

Roinn na Seirbhísí Dóiteáin

Stáisiún Dóiteáin,
Balúnach,
Trá Lí, Co. Chiarraí,
V92 X858.



COMHAIRLE CONTAE CHIARRAÍ KERRY COUNTY COUNCIL

Fire Services Department

Fire Station,
Balloonagh,
Tralee, Co. Kerry,
V92 X858.

Guthán | Tel 066 7123111 Facs | Fax 066 7129433 Rphost | Email fireoff@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Date: 22.10.2024

To: Mary McCarthy
Planning Department,
Kerry County Council,
County Buildings,
Tralee,
Co. Kerry

Re: Case Number ABP-321029-24

Development Description and Location

Planning permission is sought for development comprising:

- 17 wind turbines and associated hardstand areas;
- The turbine dimensions are as follows:
 - a total tip height in the range of 199.5m minimum to 200m maximum inclusive;
 - hub height in the range of 118m minimum to 125.5m maximum inclusive; and
 - rotor diameter in the range of 149m minimum to 163m maximum inclusive.
- One 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works;
- Underground electrical and communication cabling connecting the wind turbines to the proposed on site substation and associated ancillary works;
- 110kV Underground cabling from the new 110kV permanent electrical substation to the existing 220/110kV Ballyvouskill Substation to facilitate export of electricity to the National Electricity Grid;
- Erection of 1 no. Meteorological Mast of 110 metres above existing ground level for the measuring of meteorological conditions, including a lightning rod which will extent above the mast;
- New permanent access tracks and permanent upgrades to existing tracks and site access;
- Four borrow pits;
- Six permanent peat repository areas;
- Permanent placement of peat along sections of site access roads within the restrictions outlined in Technical Appendix 10-3 peat management plan for the site;
- Construction of 3 no. temporary construction compounds and associated ancillary infrastructure including temporary site offices, staff facilities and car-parking areas, all to be removed at the end of the construction phase;
- Permanent and temporary Site drainage;
- Keyhole forestry felling to accommodate the construction and operation of the proposed development;



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- Upgrading of existing site entrance at the local access road adjacent to the N22, Healthy and safety signage, information signage, and direction signage;
- All other associated site development works including necessary earthworks to facilitate the construction and operation of the Proposed Development;

On lands at Clydaghroe and Cummeennabuddoge, Clonkeen, almost entirely within County Kerry, although a proportion of the grid connection is proposed within County Cork.

A Chara

I refer to your recent email of the 17th October 2024 on the above referenced ABP Case No. Following examination of the submission this Fire/Building Control Authority has no objection to the planning application.

However, we recommend that the Planning Authority advise the applicant of the following in relation to the proposed construction of the One 110kV permanent electrical substation (438m²) and a control building with welfare facilities (195m²) :

1. Pursuant to Part II and Article 8 of the Building Control Regulations a person who intends to carry out any works, or to make a material change of use as regards a building to which this part applies, shall give, to the Building Control Authority in whose functional area the works or building are, is or will be situated, notice in writing of such intention in these Regulations referred to as a ("Commencement Notice") not less than fourteen days and not more than twenty-eight days before the commencement of the works or the making of the material change of use.

In this regard, the applicant should submit to the Building Control Authority a commencement notice for the proposed buildings. A commencement notice should be filed electronically on the Building Control Management System.

2. Pursuant to Part III and Article 12 of the Building Control Regulations where a fire safety certificate is required in respect of works or a building, a person shall not carry out such works or make a material change of use as regards such a building-

(a) in the absence of a fire safety certificate in respect of the works or building, or

(b) in contravention of any condition subject to which the certificate is granted.

In this regard, the applicant should submit to the Building Control Authority a Fire Safety Certificate Application for each of the proposed buildings. The fire safety applications should be filed electronically on the Building Control Management System

3. Pursuant to Part IIIB and Article 20D of the Building Control Regulations where a disability access certificate is required in respect of all works or buildings, a person shall make an application to the Building Control Authority for such certificate and not carry out such works or make a material change of use as regards such a building in contravention of Part M of the Building Regulations or any conditions subject to which the certificate is granted.

In this regard, the applicant should submit to the Building Control Authority a Disability Access Application for each of the proposed buildings. A disability access application should be filed electronically on the Building Control Management System

Accordingly, the applicant should be advised to engage a qualified and competent individual/company in fire safety and disabled access matters, to assist them in ensuring compliance with the above referenced articles of the Building Control Regulations.

The Building Control Department would strongly advise that where applicable a Disability Access Certificate (DAC) should be applied for at the same time as a Fire Safety Certificate Application (FSC), i.e. prior to the commencement of the works.


Maurice O'Connell
Senior Assistant Chief Fire Officer



To: Sean Flahive, Executive Planner,
From: John Ahern S.E.E., Killarney M.D. Engineer
CC: Dawn Diggins
Date: 8th November 2024
Re: ABP-321029-24, Cummeennabuddoge Wind Farm, Co. Kerry

Regarding the above proposed development, if this development receives approval, I would recommend that the following conditions and recommendations of the Directorate of the Roads & Transportation be applied,

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 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.
3. 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.
4. 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 any construction vehicles and plant from depositing debris and dirt on the public road.
5. All vehicles during construction phase of this proposed development must be parked within the site.
6. Suitable Advance Warning Signage should be provided during the construction and delivery phases as appropriate on the proposed approaches to entrance to the Windfarm. This signage should be to the satisfaction of the Road Authority and always maintained in a satisfactory condition during the construction and delivery phases. The signage should be clearly legible and should be maintained so not be obscured or rendered illegible by dust, mud or vegetation. This signage should design and located in accordance with the Traffic Signs Manual.
7. The delivery times and haulage routes to be agreed in advance with the Road Authorities and An Garda Síochána.

8. A Bond of €75,000 shall be placed on this development, to be used if required, to repair any damage to the public road (N22) due to the construction and delivery phases of this development.
9. As result of the additional traffic generated for this proposed development a specific development contribution is required to improve the public road infrastructure which is in an extremely poor condition and serves this proposed development

Item	Cost
Contribution toward to upgrading the access road (Old Section of N22), A 75% Contribution to the upgrade the surface of the public road to cater for the traffic generated (especially HVGs) by this proposed development	€105,000

John Ahern, S.E.E.,
Municipal District Engineer,
Killarney

An Roinn Pleanála

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL**

Planning Department

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

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15th November 2024

Chuig/To: Cathaoirleach Cllr. Breandán Fitzgerald agus gach Ball de Chomhairle Contae Chiarraí

Ábhar/Subject: Section 37E Strategic Infrastructure Development Application Report

A Chomhairleoir, a chara,

I enclose herewith the Chief Executive's report to An Bord Pleanála on:

- Ref. ABP- 321029-24, 10-year planning permission for wind energy development consisting of 17 no. wind turbines and related works, located on land at Cummeennabuddoge, Clydaghróe, Glashacormick and Cummeenavrick, Co. Kerry, (and Caherdowney, Co. Cork), in accordance with Section 37E (4) of the Planning and Development Act 2000 as amended.

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 areas with respect to matters specified under Section 34(2) of the Planning and Development Acts 2000 as amended.

Before submitting the report to An Bord Pleanála, the views of the elected members must be sought in relation to the proposed development. Therefore, this matter is due to be considered by the Council at the next Ordinary Monthly Meeting, on 18th November 2024.

Please note that in accordance with Section 37E (6) the Council may, by resolution, attached recommendations to the report. In addition, the meeting administrator record (an extract from the minutes) must also be forwarded to the Board together with the report and recommendations of the Council.

James Nolan

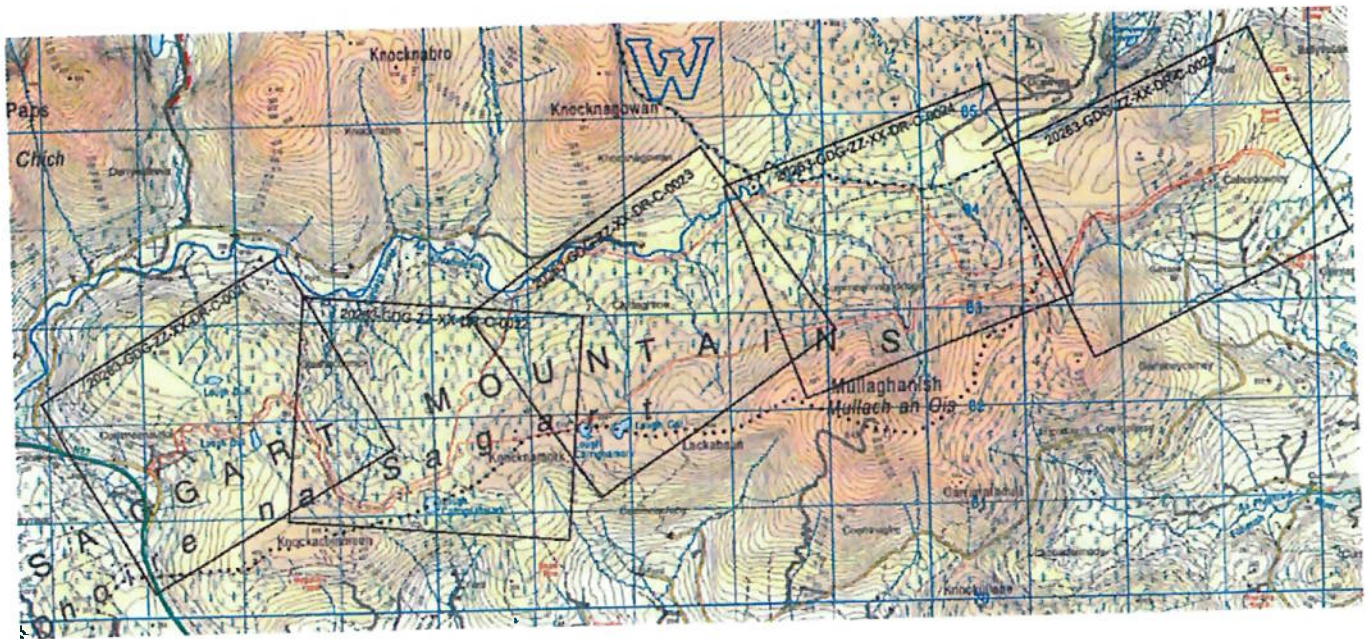
Director of Services / Oifig Stiúrthóir Serbhísí
Planning, Environment & Emergency Management / Pleanáil, Comhshaol & Bainistíocht Éigeandála



GAEILGE AGUS FÁILTE

Cummeennabuddoge Wind Farm

The provision of 17 wind turbines, associated hardstand areas and one 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works.



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

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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 Cummeennabuddoge Wind Designated Activity Company (DAC) and the shareholders of the Applicant are FuturEnergy Ireland (FEI) and SSE Renewables. The applicants state that both the companies have been involved in building and operating wind farm projects in Ireland over the past 10 years and are currently working in a co-development arrangement to reduce carbon emissions and contribute to national and international climate change targets. FEI is a joint venture company owned on a 50:50 basis by Coillte CGA and the ESB.

1.3 Development Location.

The proposed development is located in the townlands of Cummeennabuddoge (Coimín na Bodóige) (County Kerry), Clydaghroe (An Chlaoideach Rua) (County Kerry), Glashacormick (Glaise Chormaic) (County Kerry), Cummeenavrick (Coimín an Bhroic) (County Kerry), Caherdowney (Cathair Dhúnaigh) (County Cork).

1.4 Development Description.

The proposed development will consist of the following:

- 17 wind turbines and associated hardstand areas;
- The turbine dimensions are as follows:
 - o a total tip height in the range of 199.5m minimum to 200m maximum inclusive;
 - o hub height in the range of 118m minimum to 125.5m maximum inclusive; and
 - o rotor diameter in the range of 149m minimum to 163m maximum inclusive.
- One 110kV permanent electrical substation including a control building with welfare facilities, electrical plant and equipment, security fencing, underground cabling, wastewater holding tank and ancillary structures and associated works;
- Underground electrical and communication cabling connecting the wind turbines to the proposed on site substation and associated ancillary works;
- 110kV Underground cabling from the new 110kV permanent electrical substation to the existing 220/110kV Ballyvouskill Substation to facilitate export of electricity to the National Electricity Grid;
- Erection of 1 no. Meteorological Mast of 110 metres above existing ground level for the measuring of meteorological conditions, including a lightning rod which will extend above the mast;
- New permanent access tracks and permanent upgrades to existing tracks and site access;
- Four borrow pits;
- Six permanent peat repository areas;
- Permanent placement of peat along sections of site access roads within the restrictions outlined in Technical Appendix 10-3 peat management plan for the site;
- Construction of 3 no. temporary construction compounds and associated ancillary infrastructure including temporary site offices, staff facilities and car-parking areas, all to be removed at the end of the construction phase;
- Permanent and temporary site drainage;

- Keyhole forestry felling to accommodate the construction and operation of the proposed development;
- Upgrading of existing site entrance at the local access road adjacent to the N22, healthy and safety signage, information signage, and direction signage;
- All other associated site development works including necessary earthworks to facilitate the construction and operation of the proposed development;

A thirty five-year operational life from the date of full commissioning of the entire wind farm is being sought and the subsequent decommissioning.

The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

1.5 Project Overview

Proposed Development Components- Parameters	
Turbine	
17 wind turbines and associated hardstand areas with the following parameters: A total tip height in the range of 199.5m minimum to 200m maximum inclusive; Hub height in the range of 118m minimum to 125.5m maximum inclusive; Rotor diameter in the range of 149m minimum to 163m maximum inclusive; and Power output in the range of 6.0MW minimum to 7.2MW maximum, per turbine.	
Component	Length /Area
New Access Tracks (Founded)	19.04km
Upgrade Of Existing Access Tracks	6.99km
Turning Heads (5 No.)	2,945m ²
Turbine Foundation (17 No.)	22m diameter foundation 6,461m ² total
Crane Hardstanding (17 No.)	185,842m ²
Met Mast Height	110m
Met Mast Hardstand Area	625m ²
Length of Internal Grid Connection Cables	89.7km (laid within access tracks), based on 4 arrays with 4 cables each.
Grid Connection Route to National Grid	3.6 km
Onsite Substation	8,411m ²
Peat Repository 1	30,586m ²
Peat Repository 2	19,948m ²
Peat Repository 3	32,264m ²
Peat Repository 4	10,254m ²
Peat Repository 5	16,333m ²
Peat Repository 6	17,460m ²
Borrow Pit 1	16,952m ²
Borrow Pit 2	45,357m ²
Borrow Pit 3	35,832m ²
Borrow Pit 4	38,866m ²
Temporary Construction Compound 1	7,500m ²
Temporary Construction Compound 2	7,500m ²
Temporary Construction Compound 3	4,878m ²

Table 1: Project Overview

2 Site Context.

2.1 Site Location and Description.

The proposed development is located approximately 6km north of Ballymakeery town, in the Derrynasaggart Mountains, Co. Kerry. It encompasses the townlands of Cummeennabuddoge and Clydaghroe and is approximately 709 ha in size. The proposed access route passes through the townlands of Cummeenavrick and Glashacormick, Co. Kerry. Most of the grid connection is located in Co. Cork, running eastwards towards the existing Ballyvouskill substation.

The proposed development site is connected to the N22 national road by an existing access track. Land use at the proposed development site currently consists of coniferous plantation with existing forestry tracks traversing the proposed development site, and localised areas of cut forest. The grid connection route follows an existing track before diverting through undeveloped hillside and into agricultural fields, alongside an existing farm track before entering the Ballyvouskill 220kV substation site.

The land use/activities on the site consist of active commercial planted forestry and historical small scale peat extraction.

Existing wind farms are present to the north, south and east of the proposed development. In addition, the study area is surrounded by other forestry sites and areas of historic and active peat cutting activities, with evidence of peat harvesting located adjacent to the south-west of the main proposed development site. The Site Location context is shown in Figure 1 below.

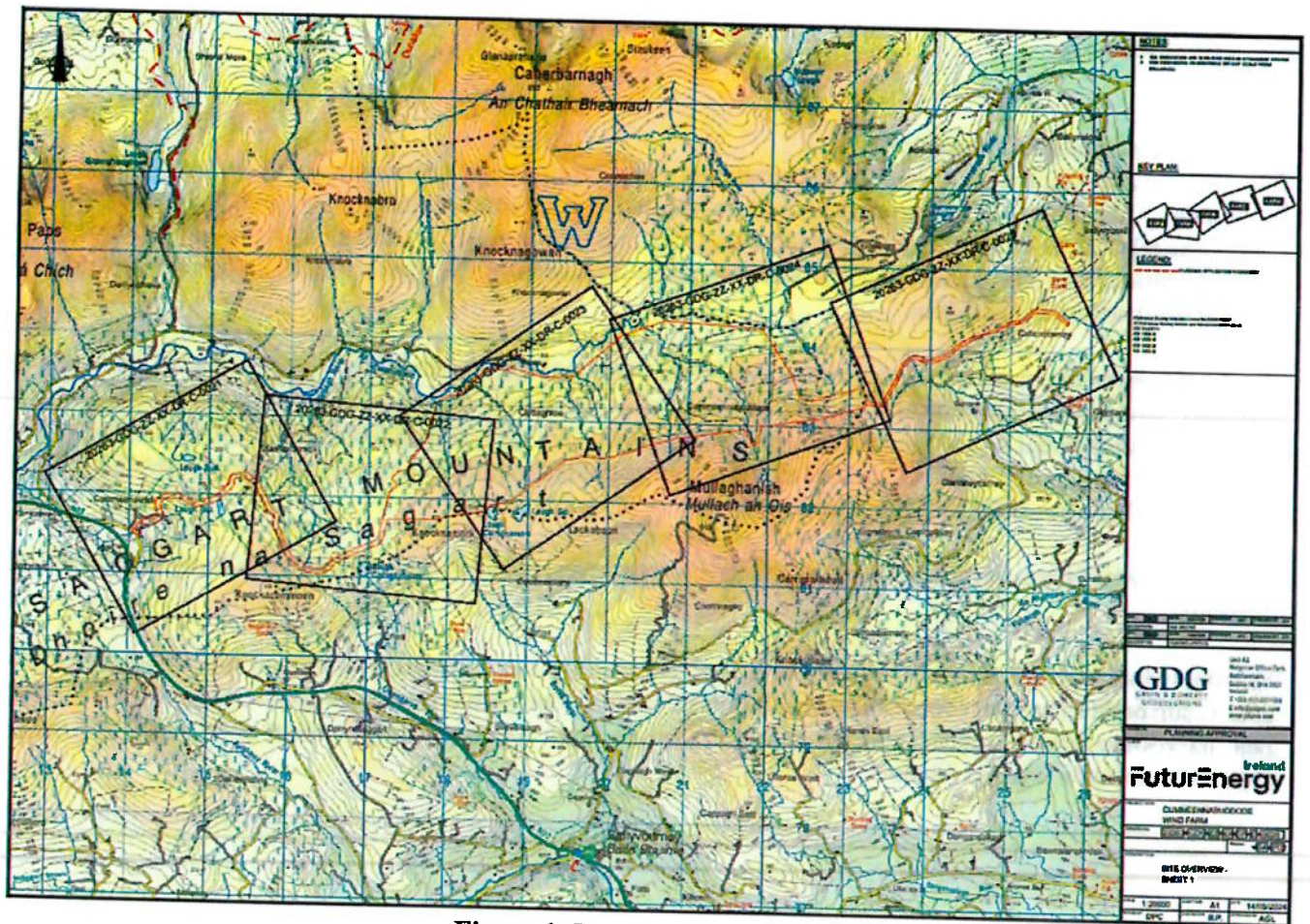


Figure 1: Location Context Map

The subject site is not located within a designated wind energy area as per the adopted Kerry County Development Plan, 2022-2028. This can be seen in Figure 2 below.

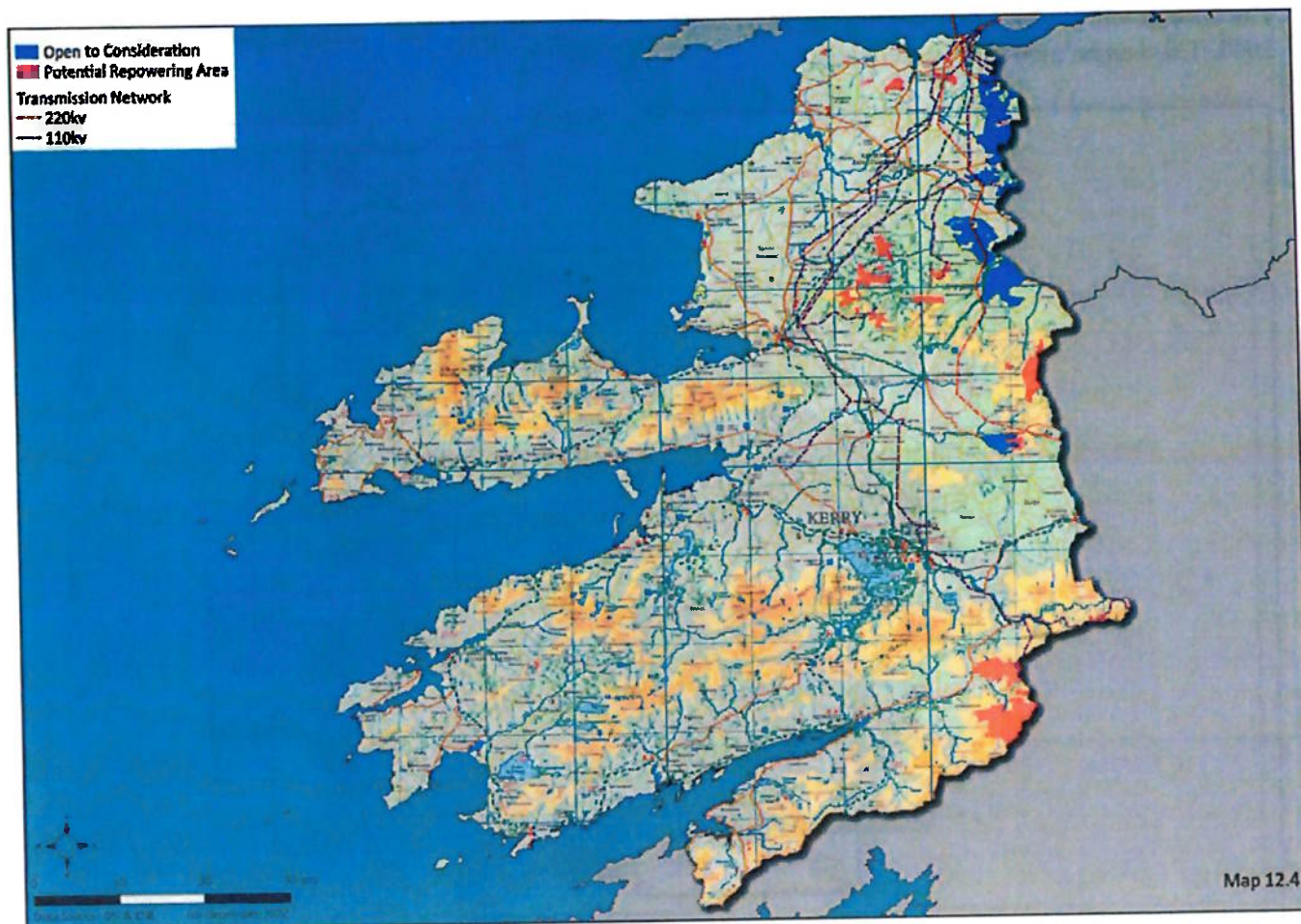


Figure 2: Wind Energy Area (Kerry County Development Plan 2022-2028)

The subject site is also in a visually sensitive area as per the adopted Kerry County Development Plan, 2022-2028. This can be seen in Figure 3 below.

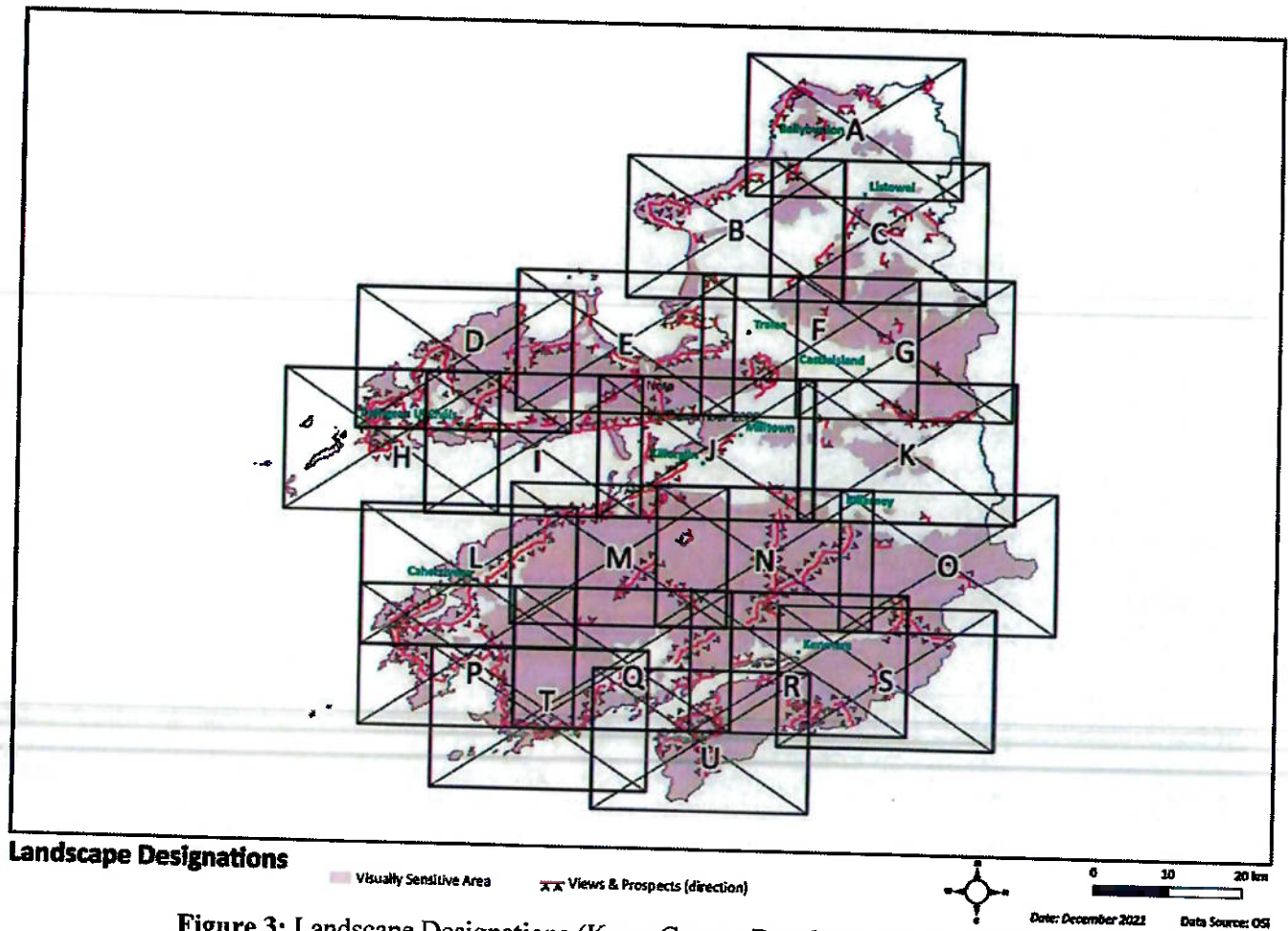


Figure 3: Landscape Designations (Kerry County Development Plan 2022-2028)

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

Subject Site

10/75 and ABP-236593 – Airtricity

The application was made to KCC in January 2010 for a windfarm consisting of 20 wind turbines, sub-station, borrow pits, and ancillary development located on the proposed development site. Planning permission was refused by KCC in March 2010 on the basis of:

- a) Risk to water quality due to siltation as a result of the nature and scale of the development in a sensitive location;
- b) Lack of adequate effluent disposal arrangements; and
- c) Absence of pre-development archaeological assessment

Surrounding Area

Five turbines have been constructed adjacent to the proposed development site, as have a substation, grid connections and site access roads. The permitted turbines are under 04/3152, 06/1680 (duration of permission extended under 06/91680), 07/306, and 10/1302 & ABP-238677.

KCC-10/1302 and ABP-238677 – John Creedon

Following a decision to refuse permission by the Planning Authority because of water quality in Lough Leane, permission was granted by An Bord Pleanála for a one-turbine extension to a three-turbine wind farm.

KCC-99/1490 and ABP-121160 – Future Wind Partnership

This was an application for 17 wind turbines and sub-station by Future Wind Partnership (fore-runner of Airtricity) adjacent to the subject site. Permission was granted by KCC in August 2000, but refused on appeal because of visual amenity in a secondary special amenity area.

KCC-04/3152 – John Creedon

Permission was granted to John Creedon for two wind turbines at Clydaghroe, Clonkeen, County Kerry. The Clydagh Valley had been zoned for wind energy development in the 2003 Kerry County Development Plan. These turbines have been constructed and are operational.

KCC-06/1680 – Tadhg O Criodain

Permission was granted for two wind turbines and a control house at Cummeennabuddoge and Clydaghroe, Clonkeen Co Kerry. This development has been constructed and operates as Clydaghroe Wind Farm.

KCC-06/91680 – Tadhg O Criodain

Grant of extension of duration of permission for 06/1680.

KCC-06/4894 – Airtricity Developments (Ireland) Ltd and Coillte Teo

Permission was granted for a sub-station, previously permitted at an adjacent location by Cork County Council under planning register reference number 06/10251. This substation has been constructed and is operated under the name of Garrow Sub-station.

KCC-07/306 – John Creedon

Permission was granted for one wind turbine, which has been constructed and is operational.

KCC-10/465 – Tadhg O Criodain

Grant of permission for a substation to serve the two wind turbines previously granted under planning register reference number 06/1680.

KCC-10/1023 – ESB

Permission granted to alter and extend existing the 110 kV station at Cummeennabuddoge, Killaha, Co Kerry.

KCC-22/816 and ABP-317406 – part Grid Connection Knocknamork

This application was for part of the grid connection serving the permitted Knocknamork Wind Farm. The Planning Authority refused permission on the grounds of water quality and Lough Leane. An Bord Pleanala overturned this decision and granted permission on 23rd January 2024.

KCC-23/646 and ABP-317889 – Inchamore Wind Farm Entrance Works

This development was for entrance works to serve Inchamore Wind Farm (in Kerry); The Planning Authority refused permission for two reasons.

- The first reason related to access; the second related to water quality and
- the potential impact on the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC.

An Bord Pleanala overturned this decision and granted permission on 15th February 2024.

Mullaghanish

Numerous permissions have been granted for development of a transmission station, including a mast of circa 225m, and associated development at Mullaghanish. These include 91/213 (radio station and mast), 94/325 (extend mast to 178 m), 98/982 (palisadefence), 00/2474 (replace 170 m mast with 220 m), 07/1965 (replace 170 m mast with 220 m) 12/467 (continuation of use of 220 m mast), 12/606 (extension of building, new substation building). 19/1260 (fuel tank storage building); all granted by Kerry County Council; none appealed

Other Wind Energy Development within the Lough Leane Catchment, County Kerry

02/1241 – Coillte Teo and SWS Services Co-Op – 17 wind turbines at Inchee and Lettercannon, Coomagearlahy, Kilgarvan – granted; operational.

2.3 Relevant enforcement information relating to the subject site.

There are no enforcement matters relating to the site.

3 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 4).



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 4), 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.

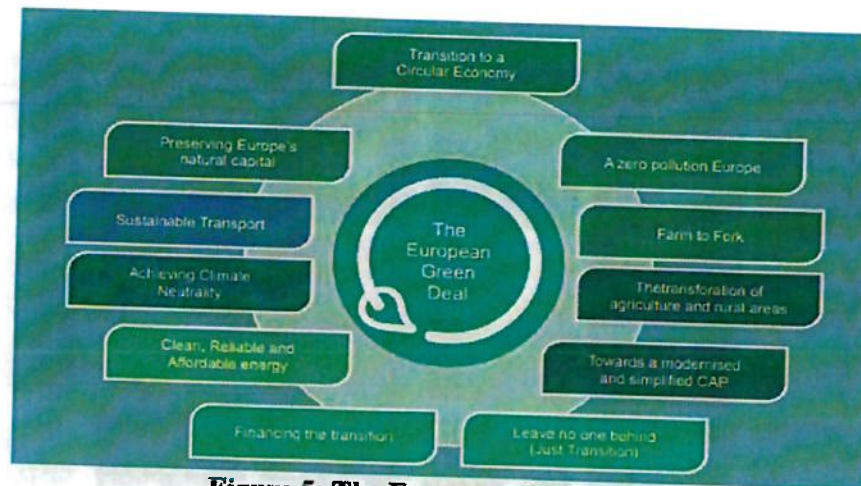


Figure 5: The European Green Deal

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.

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 are to contribute to the achievement of the 40% target by both reducing emissions and increasing removals.

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.

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 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 more generally 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 (NPF) 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, (NPO's) 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 appropriate locations 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 considered 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 crowd and dominate the flat landscape. 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 several 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 such planning applications.

The draft guidelines state that 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/sensitive receptor 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, RPO's 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 (LA's) have been tasked with leveraging 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.

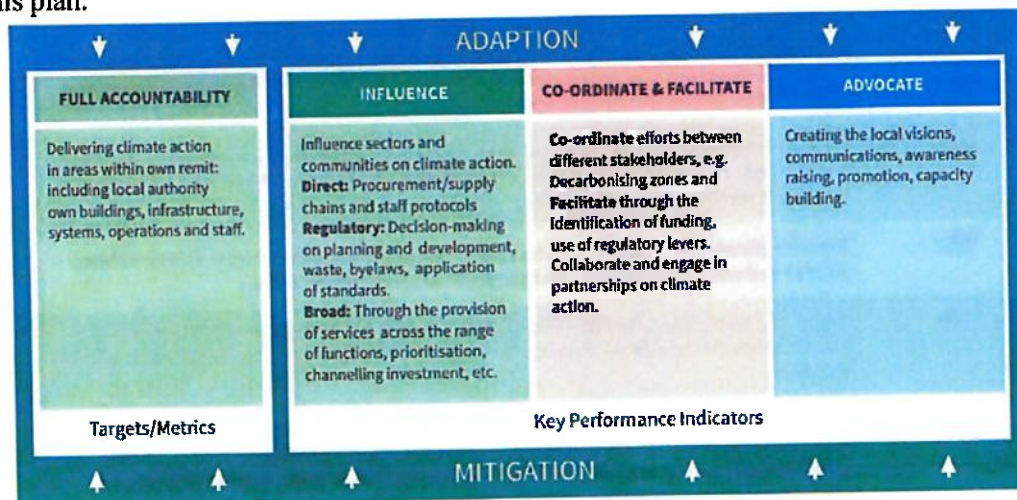


Figure 6:
Role of Local Government within Climate Action – from full accountability of its own GHG emissions through to influencing, co-ordinating/facilitating and advocating across its range of functions and responsibilities



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 8 deals with Gaeltacht Areas, Culture & Heritage. Section 8.3.2 (Archaeological Landscapes) states:

'Given the richness of the archaeological heritage of the County it is of little surprise that there are a number of very significant archaeological landscapes around the County. These landscapes are of regional, national and in some cases international significance and every effort should be made to ensure their protection and preservation. The nineteen landscapes identified are described in detail in Volume 3. These important landscapes are listed for special protection with special emphasis on objectives that protect the monuments and their landscape settings but also their visual aspect and monument inter-visibility.'

 Archaeological Landscape

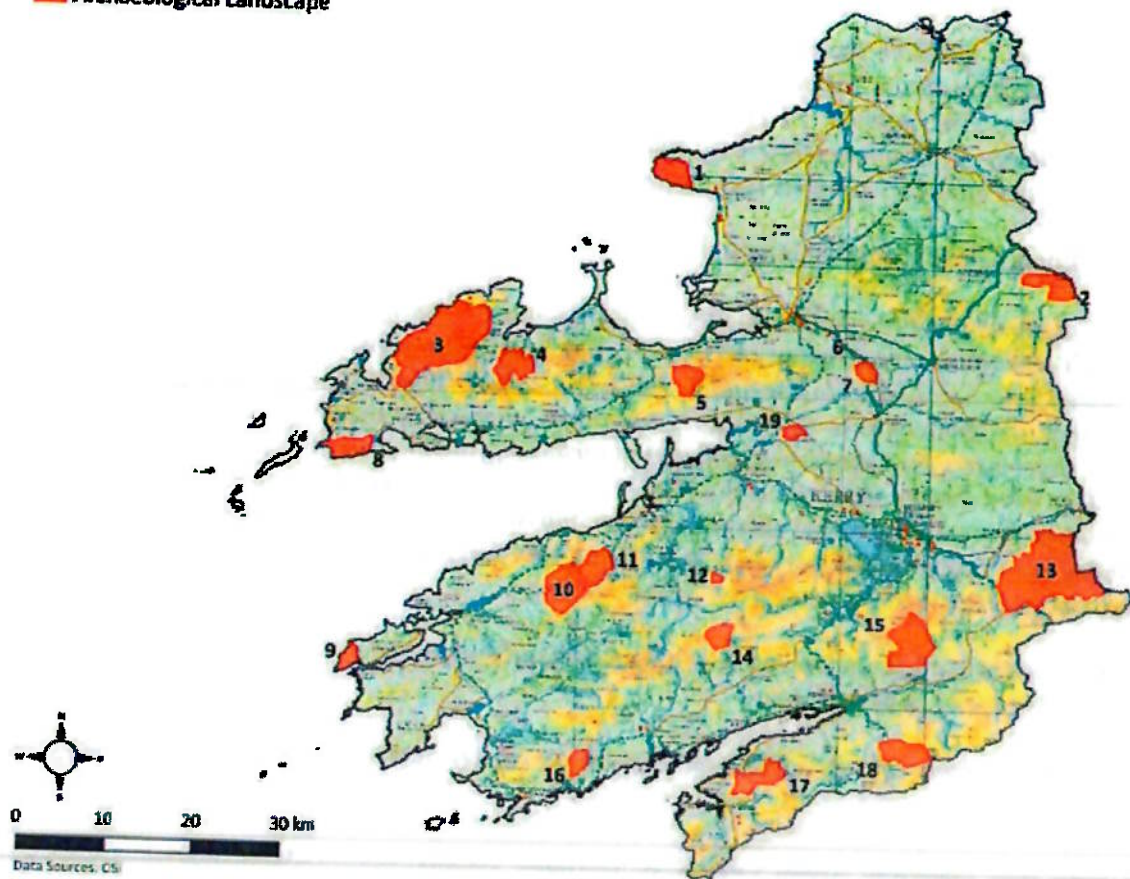


Figure 9: Identified Significant Archaeological Landscapes

It should also be noted that Objective KCDP 8-28 sets out that it is an objective of the Council to:

'Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes.'

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 12-19 seeks to

'Facilitate the sustainable development of wind energy development within open-to-consideration areas at appropriate locations where it can be demonstrated to the satisfaction of the planning authority that there will be no significant adverse impact on residential amenity, on the built and natural environment, or on the visual character of the landscape.'

Objective KCDP 12-20 seeks to

'Ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-Consideration' and 'Repower Areas''

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 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 through the County Development Plan has designated a number of existing wind energy sites as repowering areas within which the replacement and provision of existing wind energy farms may be favorably considered. In addition, the County Development Plan has also designated areas of the County as Open to Consideration to wind energy development where wind farm developments may be considered subject to other planning criteria.

4 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, Macgillicuddy Reeks and Caragh catchment SAC (Adjacent to the north)
- Mullaghanish Bog SAC (75m south)
- St. Gobnet's Wood SAC (4km south)
- Blackwater River (Cork/ Waterford) SAC (6km north east)
- Mullaghanish to Musheramore Mountains SPA (500m)
- The Gearagh SPA (14.2km)
- Killarney National Park SPA (19km)

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 a large number of recorded monuments listed within the subject site boundary as indicated on the table below:

CH. No.	ID	Summary	Townland
CH001	KE077-001----	Hut site	Cummeennabuddoge
CH002	KE076-044----	Enclosure	Knocknabro
CH003	KE076-009001-	Enclosure	Knocknabro
CH004	KE076-009002-	Hut site	Knocknabro
CH005	KE076-009008-	Field boundary	Knocknabro
CH006	KE076-009007-	Hut site	Knocknabro
CH007	KE076-009----	Enclosure	Knocknabro
CH008	KE076-009003-	Hut site	Knocknabro
CH009	KE076-009004-	Hut site	Knocknabro
CH010	KE076-009005-	Hut site	Knocknabro
CH011	KE076-009006-	Hut site	Knocknabro
CH012	KE076-002008-	Hut site	Knocknabro
CH013	KE076-002009-	Hut site	Knocknabro
CH014	KE076-002005-	Hut site	Knocknabro
CH015	KE076-002006-	Hut site	Knocknabro
CH016	KE076-002007-	Hut site	Knocknabro
CH017	KE076-002001-	Hut site	Knocknabro
CH018	KE076-002002-	Field boundary	Knocknabro
CH019	KE076-002----	Enclosure	Knocknabro
CH020	KE076-002003-	Hut site	Knocknabro
CH021	KE076-014----	Enclosure	Glashacomick
CH022	KE076-045----	Hut site	Knocknagowan
CH023	CO047-012----	Fulacht fia	Curraahill
CH024	CO047-013----	Fulacht fia	Curraahill
CH025	CO048-003001-	Ringfort - rath	Adrivale
CH026	CO048-003002-	Souterrain	Adrivale
CH027	CO048-160----	Ringfort - rath	Gneevess (Muskerry West By.)
CH028	CO048-157----	Ringfort - rath	Gneevess (Muskerry West By.)
CH029	CO048-158----	Souterrain	Gneevess (Muskerry West By.)
CH030	CO048-052----	Fulacht fia	Curragh (Muskerry West By., Drishane Par.)
CH031	CO048-053----	Fulacht fia	Curragh (Muskerry West By., Drishane Par.)
CH032	CO048-058----	Ringfort - cashel	Curragh (Muskerry West By., Drishane Par.)
CH033	CO048-054----	Fulacht fia	Curragh (Muskerry West By., Drishane Par.)
CH034	CO048-055001-	Enclosure	Curragh (Muskerry West By., Drishane Par.)
CH035	CO048-055002-	Souterrain	Curragh (Muskerry West By., Drishane Par.)
CH036	CO048-056----	Stone circle - five-stone	Ballyvouskill
CH037	CO048-086----	Megalithic tomb - wedge tomb	Caherdowney
CH038	CO058-015----	Redundant record	Leaba Dhiarmada

CH039	CO058-070---	Hut site	Com An Ghadhair
CH040	CO058-003---	Ringfort - rath	Doire Na Sagart
CH041	CO058-006---	Ringfort - cashel	An Slabh Riabhach
CH042	CO058-007---	Standing stone - pair	An Slabh Riabhach
CH043	CO058-008---	Standing stone	An Slabh Riabhach
CH044	CO058-075---	Megalithic tomb - wedge tomb	Doire Na Sagart
CH045	CO058-060---	Megalithic tomb - wedge tomb	Doire Na Sagart
CH046	CO058-076---	Megalithic tomb - wedge tomb	Doire Na Sagart
CH089	CO048-002---	Fulacht fia	CAurachcahill
CH090	CO057-012---	Structure	Ná Miláná
CH091	CO058-001---	Kiln - lime	AN Doinán Álainn
CH092	CO058-002---	Kiln - lime	AN Doinán Álainn
CH093	CO058-004002-	Stone row	Doire Na Sagart
CH094	CO058-005---	Ringfort - cashel	Doire Na Sagart
CH095	CO058-009---	Architectural fragment	An Slabh Riabhach
CH096	CO058-010001-	Designed landscape - belvedere	An Slabh Riabhach
CH097	CO058-010002-	Redundant record	An Slabh Riabhach, Gort na Tiobraíon
CH098	CO058-011---	Castle - unclassified	An Slabh Riabhach
CH099	CO058-012---	Standing stone	An Slabh Riabhach
CH100	CO058-014---	Ringfort - rath	Ah nCheapach Thoir
CH101	CO058-016---	Standing stone	Na hUláin Thiar
CH102	CO058-017---	Ringfort - rath	Na hUláin Thiar

CH103	CO058-018---	Ringfort - rath	Na hUláin Thiar
CH104	CO058-019---	Ringfort - rath	Na hUláin Thiar
CH105	CO058-020---	Fulacht fia	Na hUláin Thiar
CH106	CO058-021---	Ringfort - rath	Na hUláin Thiar
CH107	CO058-061001-	Ringfort - rath	Na hUláin Thiar
CH108	CO058-061002-	Souterrain	Na hUláin Thiar
CH109	CO058-062---	Cairn - unclassified	Na hUláin Thiar
CH110	CO058-063---	Fulacht fia	Na hUláin Thiar
CH111	CO058-064---	Fulacht fia	Na hUláin Thiar
CH112	CO059-051001-	Cairn - unclassified	Daingean Na Saleach
CH113	CO059-051002-	Cairn - ring-cairn	Daingean Na Saleach
CH114	CO059-051003-	Kiln - com-drying	Daingean Na Saleach
CH115	KE068-043----	Hut site	Gortderig
CH116	KE068-045----	Enclosure	Gortnagane
CH117	KE068-046----	Enclosure	Gortnagane
CH118	KE068-047----	Enclosure	Shrone More
CH119	KE068-048----	Enclosure	Shrone More
CH120	KE068-049----	Enclosure	Awnaskirtaun
CH121	KE068-104----	Hut site	Gortnagane
CH122	KE068-106----	Hut site	Gortnagane
CH123	KE068-107----	Mound	Gortnagane
CH124	KE068-108----	Hut site	Gortnagane
CH125	KE068-126001-	Field boundary	Gortderig, Gortnagane
CH126	KE068-165----	Fulacht fia	Gortnagane
CH127	KE068-168----	Hut site	Gortderig
CH128	KE068-169001-	Hut site	Shrone More
CH129	KE068-169002-	Hut site	Shrone More
CH130	KE068-169003-	Hut site	Shrone More
CH131	KE068-169004-	Hut site	Shrone More
CH132	KE068-169005-	Mound	Shrone More
CH133	KE068-170----	Field system	Shrone More
CH134	KE068-173----	Hut site	Gortderig
CH135	KE076-002004-	Hut site	Knockabro
CH136	KE076-003----	Enclosure	Knockagowan
CH137	KE076-003001-	Hut site	Knockagowan
CH138	KE076-003002-	Hut site	Knockagowan
CH139	KE076-003003-	Enclosure	Knockagowan
CH140	KE076-003004-	Hut site	Knockagowan
CH141	KE076-010----	Enclosure	Derrynafinnia
CH142	KE076-019----	Cairn - unclassified	Derrynafinnia, Gortderig
CH143	KE076-040001-	Hut site	Derrynafinnia

CH144	KE076-040002-	Hut site	Derrynafinnia
CH145	KE076-040003-	Hut site	Derrynafinnia
CH146	KE076-040004-	Hut site	Derrynafinnia
CH147	KE076-040005-	Hut site	Derrynafinnia
CH148	KE076-040006-	Standing stone	Derrynafinnia
CH149	KE076-040007-	Hut site	Derrynafinnia
CH150	KE076-040008-	Hut site	Derrynafinnia
CH151	KE076-046----	Hut site	Derrynafinnia
CH152	KE076-047----	Field boundary	Derrynafinnia
CH153	KE076-058----	Country house	Glashacomack
CH154	KE076-067----	Kiln - lime	Derrymaclovade
CH155	KE076-068001-	Hut site	Derrynafinnia
CH156	KE076-068002-	Hut site	Derrynafinnia
CH157	KE076-068003-	Hut site	Derrynafinnia
CH158	KE076-068004-	Field boundary	Derrynafinnia
CH159	KE076-069----	Fulacht fia	Derrynafinnia
CH160	KE076-071----	Redundant record	Derryreag
CH161	KE076-083001-	Hut site	Derrynafinnia
CH162	KE076-083002-	Hut site	Derrynafinnia
CH163	KE076-083003-	Hut site	Derrynafinnia
CH164	KE076-083004-	Hut site	Derrynafinnia
CH165	KE076-083005-	Hut site	Derrynafinnia

CH166	KE076-083006-	Hut site	Derrynaflinnia
CH167	KE076-084001-	Hut site	Derrynaflinnia
CH168	KE076-084002-	Hut site	Derrynaflinnia
CH169	KE076-084003-	Hut site	Derrynaflinnia
CH170	KE076-085----	Fulacht fia	Derrynaflinnia
CH171	CO048-087----	Ringfort - rath	Caherdorney
CH172	CO048-088----	Kiln - Lime	Carigacooleen
CH173	CO048-104----	Enclosure	Carigacooleen
CH174	CO048-142----	"	Glantane East
CH175	CO048-159----	Earthwork	Carigacooleen
CH176	CO058-043----	RATH	Baile Mhic Íre
CH177	CO059-002----	Standing stone	Gelann Daimh
CH178	CO059-001001-	Ringfort - RATH	Gelann Daimh
CH179	CO059-049----	Rath	Lios Carrigán
CH180	CO059-003001-	Ringfort - rath	Gelann Daimh
CH181	CO059-004----	Hut site	Curraleigh (Muskerry West By.)
CH182	CO059-005----	Enclosure	Curraleigh (Muskerry West By.)
CH183	CO059-050001-	Enclosure	Lios Carrigán
CH184	CO059-006----	Ringfort	Garraneycamey
CH185	CO059-007----	RATH	Garraneycamey
CH186	CO059-008----	RATH	Garraneycamey

Table 2 – List of Monuments within the subject site

Areas of archaeological potential (AAPs) are areas or locations whose characteristics present a higher potential for unknown archaeological features to be present. Seven AAPs have been identified within the study area for the proposed development (Table 3 below).

CH No	Description	Within Proposed Development Site	Townland
CH062	Lough Caricknamork/Lough Gal – two small lakes 100 m apart near the summit of Knocknamork which straddle the Cork-Kerry border. The name 'Lough Gal' may indicate prehistoric activity.	Yes	Coomnaclohy/Clydaghroe
CH063	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH064	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH065	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH066	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Clydaghroe
CH067	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Cummeennabud doge
CH068	A point at which a small unnamed tributary enters the Clydagh River. Rivers are areas of high archaeological potential	Yes	Cummeennabud doge
CH076	Lough Gal	No	Glashacormick
CH077	Lough Gal - includes and Topographical File recorded in the National Museum Database of stray archaeological finds	Yes	Clydaghroe/Coomnaclohy
CH079	Unnamed Stream located adjacent to proposed delivery access route	No	Cummeenavrick

Table 3 – AAPs effected by the study area

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

5.1 Introduction

The Applicant proposes a wind farm consisting of 17 turbines with a tip height of between 199.5 to 200 metres (m), and associated infrastructure on land at Clydaghroe and Cummeennabuddoge Clonkeen, County Kerry.

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, archaeology, ecology, 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 Compliance with National Policy

Government policy recognises the need to transition to a zero-carbon economy by 2050 and also recognises the need for energy security. It is considered that the provision of renewable energy infrastructure such as windfarms will be key in achieving these goals. As such Kerry County Council is positively disposed to the provision of suitable renewable energy infrastructure projects at appropriate locations.

5.3 Principle of Development

In terms of the principle of development, it should be noted that the subject site is not in an area identified for the provision of wind energy infrastructure in the Kerry County Development Plan 2022-2028. The subject site is not in an area designated 'Areas Open to Consideration' or 'Repower areas' and such areas are not deemed suitable for commercial wind farm development because of their overall sensitivity arising from landscape, ecological, recreational and or cultural and built heritage resources.

Objective KCDP 12-19 of the Kerry County Development Plan 2022-2028 seeks to

'Facilitate the sustainable development of wind energy development within open-to consideration areas at appropriate locations where it can be demonstrated to the satisfaction of the planning authority that there will be no significant adverse impact on residential amenity, on the built and natural environment, or on the visual character of the landscape.'

Objective KCDP 12-20 of the Kerry County Development Plan 2022-2028 seeks to

'Ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-Consideration' and 'Repower Areas''

The proposed windfarm would contravene Objective KCDP 12-19 and KCDP 12-20 of the Kerry County Development Plan 2022-2028 in relation to wind energy development and wind energy projects in areas outside of 'Open-to-Consideration' and 'Repower Areas'. The proposed development and the undesirable precedent it would set for similar development at inappropriate locations in the County, would therefore be contrary to the proper planning and sustainable development of the area.

5.4 Visual Impact and Landscape Assessment.

The site lies within an area designated by Kerry County Council as a Visually Sensitive Area (VSA) in the Kerry County Development Plan 2022-2028. 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. 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. 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.

In light of the above and the fact that the subject site is not in an area identified for the provision of wind energy infrastructure as per the Kerry County Development Plan, it is considered that the proposed development is not in accordance with the proper planning and sustainable development of the area and as such would constitute an inappropriate development in a visually sensitive area.

5.5 Roads and Transport

This section of the report considers the potential traffic and transport effects associated with the construction of the proposed development on the surrounding public road network.

The construction programme associated with the proposed development is anticipated to cover a 24 month period. During this time, 11,034 HGVs would access the proposed development site, which equates to 96 daily two-way HGV trips during the peak construction months (Month 1, 2 and 3).

A robust assessment has been submitted, which uses a conservative scenario for two-way traffic movements, including the assumption that 20% of stone would be imported to the proposed development site.

The impact of total construction traffic could increase traffic flows along the road links within the Study Area by the following percentages;

- N22 north of the Proposed Development Site – 1.6%;
- N22 south of the Proposed Development Site – 1.8%;
- N40 Cork South Ring Road – 0.3%; and
- N28 at Ringaskiddy – 0.7%.

The percentage increase in HGVs associated with the highest movement month of the construction programme for the proposed development could increase HGV traffic flows by the following percentages;

- N22 north of the Proposed Development Site – 17.9%;
- N22 south of the Proposed Development Site – 17.8%;
- N40 Cork South Ring Road – 5.0%; and
- N28 at Ringaskiddy – 6.5%.

The documentation submitted with this application notes that these increased traffic levels are temporary in nature and represent the expected traffic generation during the busiest month of construction. Generated traffic by the proposed development during other months of the construction programme will be considerably lower.

The documentation submitted with this application infers that the traffic levels anticipated during the busiest month of construction can be accommodated by the existing road network within the Study Area, and further managed / minimised by the implementation of a Construction Traffic Management Plan.

5.6 Flood Risk Management

The application was reviewed in terms of the risk of flooding associated with the proposed windfarm development. 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 are adopted

and implemented. Should the board consider granting permission the following should be taken into consideration:

- The proposed development is located within Flood Zone C, as defined in the Planning guidelines except for where access tracks cross watercourses within the site. At these locations (8no), the culverts/bridge structures will be required to comply with OPW Section 50 licence requirements to ensure that there is no increase in flood risk elsewhere because of the crossings.
- The main potential negative impacts from the development in terms of flooding and surface water pollution are an increase in the rate and composition of surface water run-off arising from physical disturbance of ground, mismanagement of excavations, excavated material and peat storage areas, and operation of machinery, all of which could lead to increased silt run-off, risk of localised flooding, changes to surface water flows, concrete and fuel contamination.
- The Surface Water Management Plan and associated drainage drawings outline measures for the management of surface water and run-off from 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 Construction Environmental Management Plan and to ensure regular inspection, maintenance and repair of the drainage channels, settlement ponds, swales, dams, silt fences and outfalls.
- 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 should be submitted to the Planning Authority for written approval prior to the commencement of development.

5.7 Environment/Water Services

Given the scale and nature of the overall proposed development, there are significant concerns regarding the risk to water quality potentially arising from this proposed development, in particular the potential hydromorphological impact of the proposed development and the likely impact on the natural drainage of the area, particularly given the sensitivity and profile of the Lough Leane Catchment.

The proposed development is predominantly within the Clydagh Valley, which is within the overall Lough Leane Catchment. There was a significant algal bloom in Lough Leane in the late 1990s. The Lough Leane Catchment Monitoring and Management Project was established thereafter, which was an early example of an integrated catchment management approach. The project identified that sediment-derived phosphorus was a potentially significant input to the lake system, this was illustrated by the significance of a landslide event in the Clydagh Valley in 2003.

In addition, Water quality management is of significant concern. In relation to the WFD (Water Framework Directive), the project straddles several waterbodies. Much of the project is within the Flesk (Kerry)_010 and the Flesk (Kerry)_020 waterbodies. The Flesk (Kerry)_020 waterbody is considered at risk of achieving its WFD objective with hydromorphology identified as a pressure. There is an onus under the WFD to maintain good status and to improve less than good status waterbodies. Large applications such as this one have the potential to undermine the waterbody's ability to achieve its WFD objectives.

It is considered that the management of development works for the proposed development particularly from the water-quality management perspective, can be extremely challenging, especially given the terrain, ground conditions and high rainfall levels.

Consequently, the proposed development would, if permitted, mitigate against the Flesk waterbody from achieving its Water Framework Directive Objective. In addition, the Council are not satisfied that the proposed development would not have adverse impacts on water quality downstream and would not result in adverse impacts on the integrity of the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC, in view of the sites' Conservation Objectives.

5.8 Noise.

The documentation submitted with this application infers that noise from construction works related to the proposed development are assessed as being not significant due to the large separation distances between properties and the construction site.

Although noise from access track construction may temporarily breach limits prescribed in BS 5228 at one property, the duration over which it may do so and would not result in a significant impact.

With an appropriate mitigation scheme, operational noise from the proposed development is not considered significant at any of the properties assessed as the relevant derived noise limits will be met.

5.9 Shadow flicker.

The documentation submitted with this application has assessed the full Proposed Turbine Range for likelihood of shadow flicker effects at all dwellings located within 10-times the rotor diameter (1,630m & 1490m) of the proposed wind turbines using a shadow flicker model.

Shadow flicker is a rare phenomenon and can only occur during the infrequent coincidence of a number of specific, variable meteorological and geographic factors. The shadow flicker model is also based on a number of precautionary assumptions which significantly overestimate the likely shadow flicker impact at any receptor.

There is no likelihood of any significant effects during the construction or decommissioning phases as the proposed wind turbines will not be operational.

Technological mitigation measures are available, and widely implemented, to exclude the likelihood for shadow flicker to occur. These measures will ensure that no dwelling experiences shadow flicker arising from the proposed development, in line with the 2006 Guidelines, and the Draft Revised 2019 Guidelines should they come into force in the future, and the Applicant's commitment to near zero shadow flicker.

Therefore, it is concluded that the proposed development will not result in any likely significant shadow flicker effects, either individually or in combination with other existing, permitted or proposed developments.

5.10 Archaeological, Architectural and Cultural Heritage.

It is noted that the application is accompanied by an archaeological assessment of the development contained in Chapter 14 of the EIAR.

The report correctly notes that there is only one recorded monument within the proposed development area Ke077 001, a hut site in Cummeennabuddoge townland, which was not found during the course of this assessment. There are other recorded monuments in the wider area but none in close proximity to the proposed development area.

The report also correctly identifies that much of the area of the proposed development has previously been disturbed by the extensive mix of mature and new forestry across much of the area. This would have impacted any potential archaeological deposits or features in these areas.

The report does note that there are areas of higher potential within the site where development may impact on previously unrecorded archaeological strata or features, specifically stream crossings and townland boundaries.

The mitigation measures proposed involve a mix of geophysical survey (where possible), pre-development archaeological testing and licenced archaeological monitoring. In general, these measures are appropriate to the development as described.

However, the proposed development is located within a protected archaeological landscape, as defined in the Kerry County Development Plan 2022-2028:

13. The Paps – Annagbeg, Annaghmore, Doocarrig More, Gortacoreen, Gortderrig, Shrone More, Shrone Beg, Gortnagane, Raheen, Awnaskirtaun, Knocknabro, Knockagowan, Derrynafinnia, Derrymacvlode, Killeen, Carrigaveema & Coolcurtoga.

According to legend The Paps are the earthly manifestation of the breasts (Paps) of the Mother Goddess Anu and would have been venerated as such throughout prehistory. The cairns on the summits of the mountains are likely to contain small passage tombs, while other features on the summit are also likely of similar date. The slopes of the mountains and surrounding area are littered with hutsites, enclosures, megalithic structures, triple banked barrow etc. While the locally important Christian focus at 'The City' in Gortnagane is likely to be of prehistoric origin also given the name Caher Crov Dearg and the likely association with the triadic mother goddess in the form Badb Catha or Raven of Battle. These sacred mountains and their surrounding archaeological, mythological and historic landscape are still venerated, albeit in Christian guise, to this day.

This is the largest and one of the most significant of the 19 archaeological landscapes listed for protection within the CDP as it is still a focus of veneration and visitation to the present day is a long established place in the cultural and spiritual consciousness of the county and further afield. The relevant objective of the CDP in relation to these landscapes is KCDP 8-28 which states:

Ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes.

It is clearly stated within Chapter 14 of the EIAR relating to the archaeological assessment of the proposed development that all of the monuments included in the protected landscape will be within the zone of theoretical visibility for the proposed development (Chapter 14 page 46). Indeed, the report goes on to state that;

The Proposed Development will have a long-term, negative moderate effect (indirect-visual) on the surrounding archaeological, architectural and cultural heritage landscape, specifically CH083 The Paps Archaeological Landscape

It is considered that 'moderate', is a very subjective assessment of the visual impact which is clearly significant and affects the southern aspect of both the mountain peaks and the surrounding landscape. The proposed mitigation by way of information boards to 'partially offset' this impact is not acceptable as a mitigation measure.

The proposed development if permitted would have a significant visual impact on The Paps Archaeological Landscape, which cannot be mitigated and would contravene Objective KCDP 8-28 of the County Development Plan.

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:

6.1 Kerry County Development Plan Context – biodiversity considerations

The Kerry CDP contains policies and objectives for the protection of European Sites and biodiversity more generally. It also provides an emphasis on biodiversity enhancement.

KCDP 11-1 Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.

KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

KCDP 11-3 Work with all stakeholders in order to conserve, manage and where possible enhance the County's natural heritage including all habitats, species, landscapes and geological heritage of conservation interest and to promote increased understanding and awareness of the natural heritage of the County.

KCDP 11-15 Facilitate and support the protection and enhancement of wetlands as nature-based solutions to flood management, climate change, and the biodiversity crisis.

KCDP 11-16 Ensure invasive species are managed in compliance with the provisions of the EC (Birds and Habitats) Regulations (SI 477 of 2011), as amended, particularly Sections 49, 50 and the Third Schedule. Best practices, as produced and updated by relevant authorities, are to be adhered to in the management of invasive species particularly on sites proposed for development.

KCDP 11-19 Support actions from the All-Ireland Pollinator Plan including the plan's recommendations for grassland management and pollinator friendly species.

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.

KCDP 11-24 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.

KCDP 11-68 Protect and sustainably enhance, where appropriate, flood conveyance, retention and storage features in the landscape, including wetlands.

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.

Other publications of relevance

- Freshwater Pearl Mussel Guidance: 'Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland'. Atkinson et al 2024. <https://e-mussels.eu/europe/conservation-guidelines>
- Lesser Horseshoe Bat Species Action Plan 2022-2026
- The Hen Harrier Threat Response Plan 2024-2028
- Irish Wildlife Manuals, No. 132. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland)
- NPWS (2017) Conservation Objectives: Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC 000365. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

6.2 Particular sensitivity of Lough Leane Catchment

The proposed development is located within the Lough Leane Catchment. The Lough Leane catchment is particularly sensitive to sediment and phosphorus input. The Lough Leane monitoring programme and an associated multiagency management group were initiated following phosphorus loading related Algal blooms in Lough Leane in the 1990's, to work individually and collectively, to reduce the amount of phosphorus and nitrates entering Lough Leane.

Notwithstanding this, the conservation objective for Lough Leane, which forms part of the Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC, is to restore (rather than maintain) its favourable conservation condition. As part of this, a target of annual average total phosphorus (TP) concentration of $\leq 10\mu\text{g/l}$ TP is outlined within the associated conservation objective report. It is understood that this concentration has generally been exceeded over the last number of years.

A 2021 NPWS report on the *Najas flexilis* population within Lough Leane has outlined that the population has recently collapsed (Roden, C., Murphy, P. & Ryan, J.B. (2021) A study of lakes with Slender Naiad (*Najas flexilis*). Irish Wildlife Manuals, No. 132. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland). It is thought that this may be related to pressures associated with the 2018 drought conditions.

The Clydagh is a fast-flowing spate river draining the northern portion of the Deerynasaggart Mountains. It has a history of bursting its banks. Historically the Clydagh Valley was the scene of the County's most tragic recorded flood events where people, homes and livestock were washed away in August 1831. In more recent times, Storm Diana on the 26th of November 2018 and Storm Ciara on the 9th of February 2020 resulted in embankment failure / road subsidence and closure at Derrymaclavode and Dromavrauka respectively. Climate change uncertainty and fires in the catchment (e.g the 2021 forest fires in Killarney National Park) are additional pressures in the catchment.

6.3 Biodiversity assessment

6.3.1 Overview

The proposed windfarm development is not located within an area identified as 'open to consideration' for windfarm development in the Kerry CDP 2022-2028. As such the project is considered to be a developer led rather than a plan led proposal, was not assessed as part of the Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) or the Strategic Flood Risk Assessment (SFRA) undertaken as part of the Kerry CDP plan preparation, and materially contravenes the CDP. There is no meaningful windfarm specific guidance set out in the CDP for proposals such as this proposed to be located outside of the 'open to consideration' designated areas.

6.3.2 AA Screening

For completeness and clarity purposes it is considered that the Castlemaine Harbour SAC and SPA, which are located downstream should have been included within the AA Screening Assessment.

6.3.3 Appropriate Assessment

The NIS submitted has identified the potential for the construction of the proposed development to result in pollution reaching watercourses that drain into the River Clydagh as part of the SAC, which could change the water quality, biology and chemistry of the river and consequently the SAC species it supports. Mitigation measures aimed at addressing same are outlined in Section 6 of the NIS. As part of this, it is outlined that 'mitigation for all water features aims to preserve existing water quality ratings as far as practicably possible'.

While the concise format of the NIS submitted is welcomed, it is noted that for the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, the NIS does not distinguish between whether the conservation objectives are to restore or maintain favourable conservation status of the individual qualifying interests.

Furthermore, it is considered that the mitigation measures could have been set out in a manner more in keeping with S3.2.4 of the 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'. It is noted that the mitigation outlined in S6 of the NIS relies on embedded mitigation and measures set out in various other reports submitted as part of the application. Therefore, it is considered that these should similarly be presented in a manner compatible with the EU guidance document referred to.

The concerns of the environment department as outlined in the report prepared on the 23rd of October 2024, regarding water quality and hydro-morphology are noted. Any impacts on water quality could adversely impact Qualifying Interest aquatic species and habitats downstream and should be avoided. Based on the information submitted and the report received from the Environment Section, it is considered that a definitive appropriate assessment cannot be completed in favour of the proposal.

Furthermore, proximity to the Mullaghanish to Musheramore Mountains Special Protection Area (Site code: 004162) is noted. Windfarm development at this location was not taken into consideration as part of the strategic level environmental assessments undertaken as part of the Kerry CDP 2022-2028. Having regard to Hen Harrier population trends here and nationally, a wider consideration of potential for impact on the species would be beneficial, which should also take into account repowering proposals supported by the Kerry County Development Plan 2022-2028 and the Hen Harrier Threat Response Plan 2024-2028. It is noted that proposals permitted as part of the planning application 23.646 to the west of the N22 required works to be undertaken between September and March (outside of the bird breeding season) and that no such mitigation is outlined for this proposal.

6.3.4 Wider Biodiversity Considerations

It would have been beneficial if the documentation submitted outlined compatibility with the Freshwater Pearl Mussel Guidance Document: 'Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland'. Atkinson et al 2024. <https://e-mussels.eu/europe/conservation-guidelines>

The Kerry CDP places an increased emphasis on biodiversity enhancement. Within this context and having regard to the historical alterations of the hydrology within the landholding by way of forestry activities etc, and

having regard to development objective KCDP 11-69, it is considered that increased operational stage upstream storage of flood waters would have been beneficial.

6.4 Overall conclusion and recommendation of the Environmental Assessment Unit

It is considered that biodiversity and climate change commitments have equal standing, and creating opportunities to achieve both, without compromising each other, should be plan led and supported by strategic level environmental assessment.

Having regard to the above and in particular to the concerns raised by the Environment Section, it is considered that it is not possible to conclude beyond reasonable scientific doubt, that this proposal would not adversely impact the Killarney National Park, McGillicuddy Reeks and Caragh River Catchment SAC.

7 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 transitional period. These policy matters and their relevance to the assessment of the project are a matter for the Bord.

While the above national policy position is noted, European policy and in particular the Water Framework Directive are also relevant in relation to the assessment of this Strategic Infrastructure Development. The Planning Authority is not satisfied that the proposed development would not have adverse impacts on water quality of the Flesk river and on water quality downstream, which could result in adverse impacts on the integrity of the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC. As such the proposed development would not be in accordance with the objective of the Water Framework Directive to maintain good status and to improve less than good status waterbodies.

With respect to local policy, and in particular the wind energy areas in the Kerry County Development Plan 2022-2028, the proposed windfarm is in an area that has not been zoned or designated for the provision of wind energy infrastructure. As such, it is considered that the proposed development would not be in accordance with the plan lead approach to the provision of such infrastructure and would set an undesirable precedent for the provision of similar development in other inappropriate locations.

The proposed windfarm would also have a significant visual impact on The Paps Archaeological Landscape, that cannot be mitigated. As such, it is considered that the proposed development contravenes the objectives of the County Development Plan, specifically KCDP 8-28, which seeks to ensure the active protection of the 19 identified, significant archaeological landscapes.

8 Recommendation

In light of the above, a refusal is recommended.

Refusal of permission is recommended in this case, for the following reasons:

1. The proposed windfarm would contravene Objective KCDP 12-19 and KCDP 12-20 of the Kerry County Development Plan 2022-2028 in relation to wind energy development and wind energy projects. Development Objective 12-20 of the Kerry County Development Plan 2022-2028 seeks to ensure that commercial wind energy projects will not be considered in areas outside of 'Open-to-consideration' and 'Repower Areas'. The proposed development site is located outside of areas designated as being either a 'Repower Area' or an area that is 'Open-to-Consideration'. The proposed development and the undesirable precedent it would set for similar development at inappropriate locations in the County, would not be in accordance with the stated objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed windfarm if permitted would prevent the Flesk waterbody from achieving its Water Framework Directive Objective with hydromorphology identified as a pressure. The proposed development is not in accordance with the objective of the Water Framework Directive to maintain good status and to improve less than good status waterbodies and would therefore be contrary to the proper planning and sustainable development of the area. As such, the Planning Authority is not satisfied that the proposed development would not have adverse impacts on water quality downstream and would not result in adverse impacts on the integrity of the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC, in view of the sites' Conservation Objectives. The proposal would therefore conflict with Development Objectives KCD 11-1 and 11-2 and would be contrary to the protection of the environment, biodiversity, water and natural heritage and the proper planning and sustainable development of the area.
3. The proposed windfarm would have a significant visual impact on The Paps Archaeological Landscape, that cannot be mitigated. As such, it is considered that the proposed development if permitted would contravene the objectives of the County Development Plan, specifically KCDP 8-28, which seeks to ensure the active protection of the 19 identified, significant archaeological landscapes outlined in Volume 3 with particular emphasis on the landscape settings, views to and from the landscapes and monument/feature inter-visibility within these landscapes. As such the proposed development contravenes the objectives of the County Development Plan, would injure or interfere with an archaeological area and would therefore be contrary to the proper planning and sustainable development of the area.

Signed:


James Nolan

Director of Services / Oifig Stiúrthóir Seirbhísí,

Planning, Environment & Emergency Management/Pleanáil, Comhshaol & Bainistíocht Éigeandála

Date: 15th November 2024