

An
Bord
Pleanála

Application Form for Permission / Approval in respect of a Strategic Infrastructure Development

1.

Please specify the statutory provision under which your application is being made:

Section 37E of the Planning and Development Act 2000 (as amended)

2. **Applicant:**

Name of Applicant:	Cummeennabuddoge Wind Designated Activity Company
Address:	C/O Futureenergy Ireland, 27/28 Herbert Place, Dublin 2, D02DC97
Telephone No:	c/o Agent (see Section 4)
Email Address (if any):	c/o Agent (see Section 4)

3. Where Applicant is a company (registered under the Companies Acts):

Name(s) of company director(s):	Peter Lynch and Jim Caplis
Registered Address (of company)	C/O Futureenergy Ireland, 27/28 Herbert Place, Dublin 2, D02DC97
Company Registration No.	696626
Telephone No.	c/o Agent
Email Address (if any)	c/o Agent

4. Person / Agent acting on behalf of the Applicant (if any):

Name:	Jack Graham
Address:	CBC House 24 Canning Street Edinburgh EH3 8EG
Telephone No.	+44 (0) 131 346 9100
Mobile No. (if any)	
Email address (if any)	planning@atmosconsulting.com

Should all correspondence be sent to the above address? (Please tick appropriate box)

(Please note that if the answer is “No”, all correspondence will be sent to the Applicant’s address)

Yes: [☒] No: [☐]

Contact Name and Contact Details (Phone number) for arranging entry on site if required / appropriate:

David O’Sullivan

e-mail: david.osullivan@futureenergyireland.ie

phone: 087 294 4189

5. Person responsible for preparation of Drawings and Plans:

Name:	Tim O’Shea
Firm / Company:	Gavin and Doherty Geosolutions
Address:	Unit A2 Nutmog Office Park Rathfarnham Dublin 14 D14 X627
Telephone No:	+353 (0) 1 207 1000
Email Address (if any):	info@gdgeo.com
Details all plans / drawings submitted – title of drawings / plans, scale and no. of copies submitted. This can be submitted as a separate schedule with the application form. This can be found in Appendix A.	

6. Site:

<p>Site Address / Location of the Proposed Development (as may best identify the land or structure in question)</p>	<p>The Proposed Development is located on land at Cummeennabuddoge (County Kerry), Clydaghrone (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork) almost entirely within County Kerry, although a proportion of the grid connection cabling is proposed within County Cork.</p> <p>The nearest settlements are Ballyvourney and Millstreet (both in County Cork) located approximately 5km south of and 7km north east of the Site respectively.</p>	
<p>Ordnance Survey Map Ref No. (and the Grid Reference where available)</p>	<p>OSI 1:50,000 Discovery Series Tiles: 1008_D and 1208_D</p> <p>Discovery Series Map Number: 79</p> <p>Centre of Wind Farm Site: E119846, N 083148 (ITM)</p> <p>Grid Connection: Start - 522959, 583441 (ITM) End - 525823, 584346 (ITM)</p> <p>Wind Farm Start of Access Road: E114078, N081527 (ITM)</p>	
<p>Where available, please provide the application site boundary, as shown in the submitted plans / drawings, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system. Alternatively, a CAD file in .dwg format, with all geometry referenced to ITM, may be provided.</p>		
<p>Area of site to which the application relates in hectares</p>	<p>765 ha.</p>	
<p>Site zoning in current Development Plan for the area:</p>	<p>Not zoned.</p>	

Existing use of the site & proposed use of the site:	Existing Use: Commercial Forestry Proposed Use: Renewable Energy Development – Wind Farm and associated infrastructure (See Section 9 for full details).
Name of the Planning Authority(s) in whose functional area the site is situated:	Kerry County Council and Cork County Council

7. Legal Interest of Applicant in respect of the site the subject of the application:

Please tick appropriate box to show applicant's legal interest in the land or structure:	Owner	Occupier
	Other ✓	
Where legal interest is "Other", please expand further on your interest in the land or structure.		
<p>The lands in respect of which the wind farm is proposed are owned by 1 party:</p> <ul style="list-style-type: none"> • Coillte - KY2366, KY2371, KY78124F <p>The lands which are not in, on, over or under a public road, in respect of which part of the 110kV underground cable grid connection is proposed are owned by 1 different party.</p> <ul style="list-style-type: none"> • Coillte – CK181900F, CK182286F <p>In due course, the part of the proposed development comprising the turbine delivery route nodes and the part of the 110kV underground cable grid connection not in, on, over or under a public road, will, if required, be constructed by Cummeennabuddoge DAC, subject to the authorization and consent of the Commission for Regulation of Utilities, pursuant to statutory powers in the Electricity (Supply) Act 1927 (as amended).</p> <p>Please see enclosed letter of consent in Appendix B to the making of the application from 1 landowners.</p>		
If you are not the legal owner , please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation.		
The names and addresses of the owner of the lands that are the subject of this application are detailed in the schedule included in Appendix B.		
Does the applicant own or have a beneficial interest in adjoining, abutting or adjacent lands? If so, identify the lands and state the interest.		
<p>The applicant has entered into agreements with two landowners.</p> <p>An Agreement has been made with respect to Folio 31231 County Kerry whereby there is a commitment from Patrick Buckley (the Landowner) not to construct or develop the lands.</p> <p>An Option for Mitigation Agreement has been made with respect to Folio 15949 County Kerry whereby there is consent from John McCarthy (the</p>		

Landowner) to the development of a Wind Turbine with a minimum setback distance of 500 metres of the dwellinghouse at which he normally resides.

Letters of consent from these 2 landowners can be found in Appendix B.

8. Site History:

Details regarding site history (if known):

Has the site in question ever, to your knowledge, been flooded?

Yes: [] No: [✓]

If yes, please give details e.g. year, extent:

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes: [] No: [✓]

If yes, please give details:

Are you aware of any valid planning applications previously made in respect of this land / structure?		
Yes: [<input checked="" type="checkbox"/>] No: [<input type="checkbox"/>]		
If yes, please state planning register reference number(s) of same if known and details of applications		
Reg. Ref. No:	Nature of Proposed Development	Nature of Final Decision of Application Grant of Refusal by Planning Authority / An Bord Pleanála
20/1263	CONSTRUCT A 100M HIGH TEMPORARY GUYED LATTICE METEOROLOGICAL MAST (MET MAST) WHICH WILL BE IN PLACE FOR 5 YEARS. THE STRUCTURE WILL BE FIXED TO GROUND ANCHORS BY GUY WIRES AND WILL INCLUDE INSTRUMENTS FOR MEASURING LOCAL CLIMATE CONDITIONS AND ALL ANCILLARY WORKS	Permission Granted with Conditions on 23 rd February 2021
If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then any required site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development regulations 2001 as amended.		
Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?		
Yes: [<input type="checkbox"/>] No: [<input checked="" type="checkbox"/>]		
If yes please specify		
An Bord Pleanála Reference No.: _____		

9. Description of the Proposed Development:

<p>Brief description of nature and extent of development</p>	<ul style="list-style-type: none"> • 17 wind turbines and associated hardstand areas; • The turbine dimensions are as follows: <ul style="list-style-type: none"> – 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;
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10. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and a breakdown of the gross floor area of each class of development:

Class of Development:	Gross Floor Area in m²
N/A	N/A

11. Where the application relates to a building or buildings:

Gross floor space of any existing buildings(s) in m ²	N/A
Gross floor space of proposed works in m ²	EIR Grid Substation: 438m² IPP Control Building: 195m²
Gross floor space of work to be retained in m ² (if appropriate)	N/A
Gross floor space of any demolition in m ² (if appropriate)	N/A

12. In the case of residential development please provide breakdown of residential mix:

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4 + Bed	Total
Houses	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Apartments	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of car-parking spaces to be provided		Existing:	Proposed:			Total: N/A	

13. Social Housing:

Please tick appropriate box:	Yes	No
<i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?</i>		✓
<p>If the answer to the above question is “yes” and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act.</p> <p>If the answer to the above question is “yes” but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p> <p>If the answer to the above question is “no” by virtue of section 96 (13) of the Planning and Development Act 2000, details indicating the basis on which section 96 (13) is considered to apply to the development should be submitted.</p>		

14. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use (or previous use where retention permission is sought)
Agricultural and commercial forestry.
Proposed use (or use it is proposed to retain)
A renewable energy development for electricity generation – wind farm and associated infrastructure (see answer to question 9 for full details).
Nature and extent of any such proposed use (or use it is proposed to retain).
The development of renewable energy for electricity generation – wind farm and associated infrastructure (see answer to question 9 for full details).

15. Development Details:

Please tick appropriate box:	If answer is yes please give details	YES	NO
Does the proposed development involve the demolition of a Protected Structure(s), in whole or in part?			✓
Does the proposed development consist of work to a protected structure and / or its curtilage or proposed protected structure and / or its curtilage?			✓
Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?			✓
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994.			✓
Does the application relate to work within or close to a European Site or a Natural Heritage Area?		✓	
Does the development require the preparation of a Natura Impact Statement?		✓	
Does the proposed development require the preparation of an Environmental Impact Assessment Report?		✓	
Do you consider that the proposed development is likely to have significant effects on the environment in a transboundary state?			✓
Does the application relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control license			✓
Does the application relate to a development which comprises or is for the purpose of an activity requiring a waste license?			✓
Do the Major Accident Regulations apply to the proposed development?			✓
Does the application relate to a development in a Strategic Development Zone?			✓
Does the proposed development involve the demolition of any habitable house?			✓

16. Services:

Proposed Source of Water Supply:
Existing connection: [N/A] New Connection: [N/A] Public Mains: [N/A] Group Water Scheme: [N/A] Private Well:[N/A] Other <input checked="" type="checkbox"/> (please specify): Bottled and tankered water brought to the site. Name of Group Water Scheme (where applicable): N/A _____
Proposed Wastewater Management / Treatment:
Existing: [N/A] New:[N/A] Public Sewer: [N/A] Conventional septic tank system: [N/A] Other on site treatment system: <input checked="" type="checkbox"/> Please Specify: Sanitary waste will be collected in self-contained port-a-loo units and taken off site by a permitted waste collector to a licensed disposal site. There will be no on-site treatment of sanitary waste.
Proposed Surface Water Disposal:
Public Sewer / Drain:[] Soakpit:[] Watercourse: <input checked="" type="checkbox"/> Other: [] Please specify:

17. Notices:

Details of public newspaper notice – paper(s) and date of publication
Copy of page(s) of relevant newspaper enclosed Yes: [✓] No:[] Copies of newspapers are enclosed in Appendix C
Details of site notice, if any, - location and date of erection
Date of erection of site notices: 2 nd October 2024 Copy of site notice enclosed Yes: [✓] No:[] Site Notice is enclosed in Appendix D
Details of other forms of public notification, if appropriate e.g. website
Website Address: www.cummeennabuddogeplanning.ie

18. Pre-application Consultation:

Date(s) of statutory pre-application consultations with An Bord Pleanála
Schedule of any other pre application consultations –name of person / body and date of consultation to be provided as appropriate and also details of any general public consultations i.e. methods, dates, venues etc. This can be submitted as a separate schedule with the application form. Enclosed: See Appendix E Yes: [✓] No:[] Schedule of prescribed bodies to whom notification of the making of the application has been sent and a sample copy of such notification. Enclosed: See Appendix F Yes: [✓] No:[]


19. Confirmation Notice:

Copy of Confirmation Notice
EIA Portal Confirmation Notice is found in Appendix G

20. Application Fee:

Fee Payable	€100,000 paid by EFT Transfer Confirmation is found in Appendix H.
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I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and that the application documents being deposited at the planning authority offices, and any other location specified by the Board in pre application consultations, including a website (if any) will be identical to the application documents being deposited with the Board.

Signed: (Applicant or Agent as appropriate)	 Jack Graham Atmos Consulting Limited (Agent)
Date:	09/10/2024

General Guidance Note:

The range and format of material required to be compiled / submitted with any application in respect of a proposed strategic infrastructure development shall generally accord with the requirements for a planning application as set out in the Planning and Development Regulations, 2001 to 2018 and those Regulations should therefore be consulted prior to submission of any application.

September 2018

Appendix A. Planning Drawing Register

Table 1: Planning Drawing Register

Drawing Number	Drawing Title	Scale	Sheet Size
20263-GDG-ZZ-XX-DR-C-0001 S4-P05	Site Location Map Sheet 1 - Overview	1:20000	A1
20263-GDG-ZZ-XX-DR-C-0002 S4-P05	Site Location Map - Sheet 2	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0003 S4-P05	Site Location Map - Sheet 3	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0104 S4-P06	Site Location Map - Sheet 4	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0005 S4-P04	Site Location Map - Sheet 5	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0106 S4-P06	Site Location Map - Sheet 6	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0007 S4-P04	Site Location Map - Sheet 7	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0108 S4-P06	Site Location Map - Sheet 8	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0020	Site Overview - Sheet 1	1:20000	A1
20263-GDG-ZZ-XX-DR-C-0021 S4-P02	Site Overview - Sheet 2	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0022 S4-P02	Site Overview - Sheet 3	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0023 S4-P02	Site Overview - Sheet 4	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0024 S4-P02	Site Overview - Sheet 5	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0025 S4-P02	Site Overview - Sheet 6	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0101 S4-P05	Site Layout Plan Sheet 1 - Overview	NTS	A1
20263-GDG-ZZ-XX-DR-C-0102 S4-P05	Site Layout Plan - Sheet 2	1:2500	A1
20263-GDG-ZZ-XX-DR-C-0103 S4-P05	Site Layout Plan - Sheet 3	1:2500	A1
20263-GDG-ZZ-XX-DR-C-104 S4-P05	Site Layout Plan - Sheet 4	1:2500	A1
20263-GDG-ZZ-XX-DR-C-0105 S4-P05	Site Layout Plan - Sheet 5	1:2500	A1
20263-GDG-ZZ-XX-DR-C-0106 S4-P05	Site Layout Plan - Sheet 6	1:2500	A1
20263-GDG-ZZ-XX-DR-C-0107 S4-P05	Site Layout Plan - Sheet 7	1:2500	A1

Drawing Number	Drawing Title	Scale	Sheet Size
20263-GDG-ZZ-XX-DR-C-0108 S4-P05	Site Layout Plan - Sheet 8	1:2500	A1
20263-GDG-ZZ-XX-DR-C-0109 S4-P05	Site Layout Plan - Sheet 9	1:4000	A1
20263-GDG-ZZ-XX-DR-C-0201 S4-P03	TDR Sheet 1 - Turbine Delivery Route: Exit from Ringaskiddy Port at Ferry Port Junction turn right onto N28	1:250	A1
20263-GDG-ZZ-XX-DR-C-0202 S4-P03	TDR Sheet 2 - Turbine Delivery Route: N28 Roundabout	1:250	A1
20263-GDG-ZZ-XX-DR-C-0203 S4-P03	TDR Sheet 3 - Turbine Delivery Route: N28 Roundabout at Shanbally	1:500	A1
20263-GDG-ZZ-XX-DR-C-0204 S4-P03	TDR Sheet 4 - Turbine Delivery Route: N28 Shannonpark Roundabout	1:500	A1
20263-GDG-ZZ-XX-DR-C-0205 S4-P03	TDR Sheet 5 - Turbine Delivery Route: N22 Lay By Proposed Site Entrance	1:5000 & 1:500	A1
20263-GDG-ZZ-XX-DR-C-0206 S4-P03	TDR Sheet 6 - Turbine Delivery Route: Exit from Ringaskiddy Port at Warrenscourt Junction turn right onto N28	1:500	A1
20263-GDG-ZZ-XX-DR-C-0207 S2-P01	SPA Site Access Sheet 1 - Site Access SPA Junction 38	1:500	A1
20263-GDG-ZZ-XX-DR-C-0208 S2-P01	SPA Site Access Sheet 2 - Site Access SPA Southern Access Sheet 2	1:1250	A1
20263-GDG-ZZ-XX-DR-C-0250 S4-P03	Cross Section through General Access Track Details	1:25	A1
20263-GDG-ZZ-XX-DR-C-0701 S2-P05	Access Track Details	1:25	A1
20268-GDG-ZZ-XX-DR-C-0801 S4-P03	Borrow Pit 1 - Plan and Section	1:1250 & 1:500	A3
20263-GDG-ZZ-XX-DR-C-0802 S4-P03	Borrow Pit 2 - Plan and Section	1:1250 & 1:500	A2
20263-GDG-ZZ-XX-DR-C-0803 S4-P03	Borrow Pit 3 - Plan and Section	1:1250 & 1:500	A2

Drawing Number	Drawing Title	Scale	Sheet Size
20263-GDG-ZZ-XX-DR-C-0804 S4-P03	Borrow Pit 4 - Plan and Section	1:100 & 1:500	A2
20263-GDG-Z-XX-DR-C-0901 S4-P04	Peat Repository Sheet 1 - Plan and Details	1:1000	A2
20263-GDG-ZZ-XX-DR-C-0902 S4-P04	Peat Repository Sheet 2 - Plan and Details	1:1000	A2
20263-GDG-ZZ-XX-DR-C-0903 S4-P04	Peat Repository Sheet 3 - Plan and Details	1:1000	A2
20263-GDG-ZZ-XX-DR-C-0904 S4-P04	Peat Repository Sheet 4 - Plan and Details	1:1000	A2
20263-GDG-ZZ-XX-DR-C-0905 S4-P04	Peat Repository Sheet 5 - Plan and Details	1:1000	A2
20263-GDG-ZZ-XX-DR-C-0906 S4-P04	Peat Repository Sheet 6 - Plan and Details	1:1000	A2
20263-GDG-ZZ-XX-DR-C-1001 S2-P02	Candidate Turbine Range - Wind Turbine Range Options	1:1000	A1
20263-GDG-ZZ-XX-DR-C-1002 S2-P02	Met Mast Detail	1:1250 & 1:50	A1
20263- GDG-ZZ-XX-DR-C-1003 S4-P05	Substation Plan	1:200	A0
20263-GDG-ZZ-XX-DR-C-1006 S4-P02	Crane Hardstand Plan	1:500	A1
20263-GDG-ZZ-XX-DR-C-1007 S2-P02	Turbine Foundation Standard Detail	1:100	A1
20263-GDG-ZZ-XX-DR-C-1008 S4-P01	Substation Sections	1:200 & 1:500	A0
20263-GDG-ZZ-XX-DR-C-2003 S4-P02	Temporary Site Compound 1 - Plan	1:200 & 1:50	A1
20263-GDG-ZZ-XX-DR-C-2004 S4-P02	Temporary Site Compound 2 - Plan	1:250 & 1:50	A1
20263-GDG-ZZ-XX-DR-C-2005 S4-P02	Temporary Site Compound 3 - Plan	1:250 & 1:50	A1
20263-GDG-ZZ-XX-DR-C-6001 S4-P03	Water Crossing - WX01	1:10000 & 1:250 & 1:20	A1
20263-GDG-ZZ-XX-DR-C-6002 S4-P03	Water Crossing - WX02	1:10000 & 1:250 & 1:100	A1
20263-GDG-ZZ-XX-DR-C-6003 S4-P03	Water Crossing - WX03	1:10000 & 1:250 & 1:100	A1
20263-GDG-ZZ-XX-DR-C-6004 S4-P03	Water Crossing - WX04	1:10000 & 1:200 & 1:20	A1
20263-GDG-ZZ-XX-DR-C-6005 S4-P03	Water Crossing - WX05	1:10000 & 1:500 & 1:100	A1
20263-GDG-ZZ-XX-DR-C-6006 S4-P03	Water Crossing - WX06	1:10000 & 1:500 & 1:100	A1

Drawing Number	Drawing Title	Scale	Sheet Size
20263-GDG-ZZ-XX-DR-C-6007 S4-P03	Water Crossing - WX07	1:10000 & 1:250 & 1:100	A1
20263-GDG-ZZ-XX-DR-C-6008 S4-P03	Water Crossing - WX08	1:10000 & 1:250 & 1:20	A1
20256-GDG-ZZ-XX-DR-C-7000	Cable Trench Detail	1:20	A3

Appendix B. Details of Legal Owners and Relevant Legal Interest

Table 2: Schedule of Legal Owners

Windfarm Site		
Third Party Landowner	Address	Folios
Coillte	Dublin Road, Newtownmountkennedy, Co. Wicklow	KY2366, KY2371, KY78124F
Underground Cable Grid Connection		
Coillte	Dublin Road, Newtownmountkennedy, Co. Wicklow	CK181900F, CK182286F

Strategic Infrastructure Development (SID)
An Bord Pleanála
64 Marlborough Street
Dublin 1

Our Ref: CLS_ABP_LTR_612

26th July 2024

Re: Letter of consent regarding the Planning Application by Cummeennabuddoge Wind Designated Activity Company (DAC) for the Cummeennabuddoge Wind Farm as it relates to Coillte property in Co. Kerry and Co. Cork

Dear Sir or Madam,

This letter refers to the estate right and title of Coillte Cuideachta Ghníomhaíochta Ainmnithe (“Coillte CGA”) in the properties known as Cummeennabuddoge, Clydaghroe, Cummeennavrick, Glashacormick, Caherdowney and Glantane outlined in blue on the indicative map (“Map 1”) attached hereto (hereinafter called “**the Property**”).

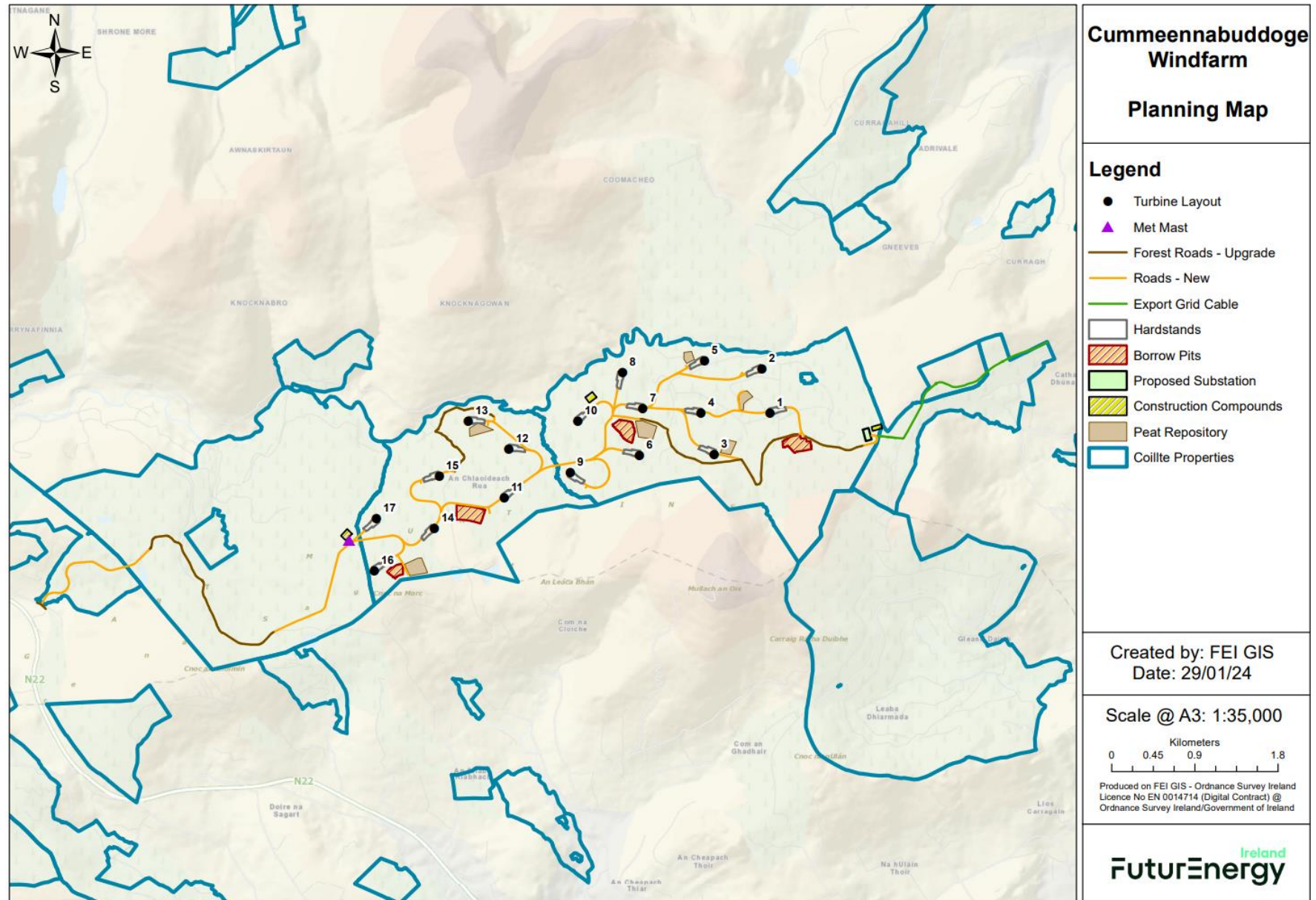
We refer to the proposal by Cummeennabuddoge Wind DAC to locate 17 turbines, associated roading and cabling requirements, a substation, 4 borrow pits, 6 peat repository areas and 3 temporary construction compounds on the Property as part of the Cummeennabuddoge Wind Farm. We wish to advise that we have no objection in principle to the submission of a planning application which solely relates to the proposal to locate 17 turbines, associated roading and cabling requirements, a substation, 4 borrow pits, 6 peat repository areas and 3 temporary construction compounds on the Property in the manner illustrated in Map 1 and hereby furnish this letter for the purposes of consent only to the submission of this application by Cummeennabuddoge Wind DAC.

Yours faithfully,

Brenda Molloy
On behalf of Coillte CGA
Sent by email, no signature

Coillte, Dublin Road, Newtownmountkennedy, Co. Wicklow, A63 DN25, Ireland.
T 0818 367 378 E info@coillte.ie W www.coillte.ie

Map 1: Map Illustrating the Proposed Development as it Concerns Coillte Property (Outlined in Blue)





Dated 21 day of JULY 2023

(1) JOHN McCARTHY
(2) FRANCES DALY

Grantor

CUMMEENNABUDDOGE WIND DESIGNATED
ACTIVITY COMPANY

Grantee

OPTION AGREEMENT
FOR CO-OPERATION AND MITIGATION AGREEMENT

Re: Property located at Cummeennabuddoge comprised in Folio 15949, County Kerry

THE PROPERTY REGISTRATION AUTHORITY

COUNTY KERRY

FOLIO 15949

AGREEMENT dated the 21 day of JULY 2023
between

JOHN McCARTHY and FRANCES DALY both of Knocknagowan, Clonkeen P.O., Killarney, County Kerry (hereinafter together called "the Grantor" which expression shall, where the context so admits or requires include their executors, administrators, assigns and successors in title) of the One Part

AND

CUMMEENNABUDDOGE WIND DESIGNATED ACTIVITY COMPANY (company number 696663) having its registered office c/o Futureenergy Ireland, 27/28 Herbert Place, Dublin 2, DO2DC97 (hereinafter called "the Grantee" which expression shall, where the context so admits or requires include its successors and assigns) of the Other Part.

WHEREAS:

- A. The Grantor is the owner of the lands set out in Schedule 1 (hereinafter called the "Grantor's Property").
- B. The Company intends to apply for planning permission to build a wind farm at Cummeennabuddoge, County Kerry comprising of 19 (nineteen) wind turbines, site substation, roads and ancillary works and services ("the Wind Farm").
- C. The parties hereto have agreed to enter into this Agreement to facilitate the development of the Wind Farm.

DEFINITIONS:

In this Agreement the following expressions shall have the following meaning.

- | | |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "the Completion Date" | means fourteen days after the Grantee serves the Option Notice (as defined in Clause 1.3 below) in accordance with this Option Agreement on the Grantor. |
| "the Co-operation Agreement" | means the agreement in the form which is annexed hereto at Schedule 2. |
| "the Grantee's Solicitors" | means Beauchamps Solicitors, Riverside Two, Sir John Rogerson's Quay, Dublin 2. |
| "Group Company" | means any company which is a member of the same group as the Grantee or a company formed as a joint venture company between the Grantee (or any member of the same group as the Grantee) and any third party. For the purposes of this definition, the group means the Grantee, any company of which the Grantee is a subsidiary (its holding company), any subsidiary of such holding company and any company which is a subsidiary of the Grantee. |
| "the Option Fee" | means the sum of [REDACTED] payable on the execution of this Agreement by both parties hereto. |

"the Option"	means the right on the part of the Grantee to call for the Co-operation Agreement under the terms of this Agreement within the Option Period.
"the Option Period"	means five (5) years from the date of this Option Agreement (the "Initial Option Period") or such further period as may be applicable subject to and in accordance with clause 1.2 below.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:-

- 1.1 In consideration of the payment of the Option Fee by the Grantee (the receipt of which is hereby acknowledged by the Grantor) the Grantor hereby grants to the Grantee the Option which may be exercised during the Option Period.
- 1.2 The Option Period may be extended by the Grantee sending written notice to the Grantor of the requirement to extend for a further period of three (3) years in the event where during the Initial Option Period either:
 - 1.2.1 in the case of an application for planning permission to the relevant local authority and/or to An Bord Pleanála ("ABP") no decision has been received; or
 - 1.2.2 in the case an application for planning permission for which a decision has been received but same is subject to or is potentially subject to an appeal or to an application for Judicial Review the outcome of which has not yet been determined during the Initial Option Period; and/or
 - 1.2.3 in the case of an application for a Grid Connection Agreement ("GCA") to connect the WindFarm to the national electricity grid the GCA has either not issued or, if issued, has not yet been finalised and become binding on the parties thereto; and/or
 - 1.2.4 in the case of the Renewable Energy Support Scheme ("RESS") or such support scheme for renewable energy projects as may from time to time be in effect in Ireland the Grantee has not yet entered into a binding contract to avail of the RESS subsidy or such other subsidy as may be in effect.
- 1.3 On the execution of this Option Agreement the Grantor shall also execute the Co-operation Agreement (in duplicate), all of which shall be delivered to the Grantee's Solicitors to be retained by them on a trust basis pending the exercise of the Option.
- 1.4 The Option shall be exercised by the Grantee serving on the Grantor at any time during the Option Period a notice in writing (the "**Option Notice**") exercising the Option and specifying that the Grantee is calling for the grant of the Co-operation Agreement.
- 1.5 On the Completion Date the parties hereto agree that the Co-operation Agreement annexed hereto shall be countersigned by the Grantee, dated and one part returned by the Grantee's Solicitors to the Grantor and shall be immediately effective between the parties.

2. AND IT IS HEREBY AGREED BETWEEN THE GRANTOR AND GRANTEE AS FOLLOWS:-

- 2.1 On foot of the execution of this Option Agreement, there exists between the Grantor and the Grantee a binding agreement for the Grantor to grant the Co-operation Agreement to the Grantee in accordance with the terms of this Option Agreement.

- 2.2 The Grantor shall not, during the Option Period, sell, licence, sub-licence, lease, sublease or grant any option or right of possession or use of the Grantor's Property to any other person or entity, without the prior consent of the Grantee.
- 2.3 The Grantor shall not carry out any activity nor deal with, use or permit any third party to use the Grantor's Property in a manner detrimental to the exercise of the Option or which may interfere with or cause damage or delay to the development of the Wind Farm to include but not exclusively:
- 2.3.1 Erecting any buildings or structures on the Grantor's Property; and/or
- 2.3.2 Residing at or otherwise occupying or permitting the residing at or occupation by a third party of any house, building or other structure located on the Grantor's Property.
- 2.4 In the event that the Grantor shall sell or otherwise dispose of the Grantor's interest in the Grantor's Property to a third party the Grantor shall procure that the Option shall continue to be enforceable by the Grantee against the third party and shall take all necessary steps that shall be reasonably required by the Grantee to ensure that upon the subsequent exercise of the Option an enforceable agreement will be agreed between the Grantee and the third party and so that upon the sale or disposal by the third party the same obligations as are contained in this Agreement shall apply and the Option created by this Agreement shall be binding upon and capable of enforcement against all owners of the said interest during the Option Period and it is agreed that the Grantor shall give not less than twenty eight days' notice to the Grantee of the Grantor's intention to sell or otherwise dispose of the Grantor's interest in the Grantor's Property or any part thereof to the third party.
- 2.5 The Grantee shall be entitled to mortgage/charge or otherwise encumber its interest in this Agreement in favour of a financial institution or any other party providing finance in respect of the construction and operation of the Wind Farm and the Grantor hereby agrees to execute any such documents as are required by the Grantee, the Grantee's financial institution or a third party to perfect the financial institution's / third party's security over the Grantee's interest in the Grantor's Property arising under this Agreement.
- 2.6 The Grantor shall, where required by the Grantee, sign and deliver to the Grantee such letter or letters of consent as it may require in order to confirm the Grantor's support for any application or applications for a planning permission (in one or both of the formats set out at Schedule 3 hereto) and/or for a GCA and/or for acceptance in RESS or other support scheme such as the Grantee may deem necessary for development of the Wind Farm.
- 2.7 The Grantee shall have the right to assign the benefit of this Option without the need for consent to any Group Company or special purpose vehicle incorporated to undertake the development of the Wind Farm as may be notified in writing by the Grantee to the Grantor. The Grantee shall have the right to assign the benefit of this Option to a third party not being a Group Company or special purpose vehicle incorporated to undertake the development of the Wind Farm with the consent of the Grantor such consent not to be unreasonably withheld or delayed.
- 2.8 The Grantor hereby warrants that it has good and marketable title to the Grantor's Property free of charges and/or encumbrances and that if called upon by the Grantee to do so will without delay furnish evidence of good title and satisfactory replies or documentation, including mortgagee/chargee consent, in response to any requisitions or requests for same raised by or on behalf of the Grantee.

3. ASSIGNMENT, NOVATION OR TRANSFER OF OPTION AGREEMENT

- 3.1 Notwithstanding any other provision of this Option Agreement:

- a. The Grantee shall be entitled to assign, novate or transfer the benefit of this Option Agreement to any third party and for the avoidance of doubt such third party shall include (but is not limited to) a funder for the purpose of security, the parent company or companies of which the Grantee forms part, a subsidiary company or an "Affiliate" of the Grantee as that term is defined in the Companies Act 2014, or a company formed as a joint venture company comprising the Grantee and one or more other parties. The Grantee shall not be required to seek the consent of the Grantor to an assignment, novation or transfer in accordance with this Clause 3.1.
- b. The Grantor shall not be entitled to assign the burden and/or benefit of the Option Agreement without the prior written consent of the Grantee (which consent shall not be unreasonably withheld or delayed). Prior to granting such consent, the Grantee shall be entitled in its discretion to specify conditions to any consent to assignment and the Grantor shall comply with all such conditions and shall raise no objection or enquiry in relation to same.

4. MISCELLANEOUS PROVISIONS:

- 4.1 Costs and Expenses: The Grantee shall make a contribution of [REDACTED] plus VAT, towards the professional costs of and incidental to this Agreement and to finalising the Co-operation Agreement hereby agreed to be made, that may be incurred by the Grantor.
- 4.2 Governing Law and Jurisdiction: This Agreement and all relationships created hereby will in all respects be governed by and construed in accordance with Irish law. The parties irrevocably agree to submit to the exclusive jurisdiction of the courts of Ireland over any claim or matter arising under or in connection with this Agreement or the legal relationships established by this Agreement.
- 4.3 Survival of Obligations: This agreement and the obligations and rights contained herein shall, only where applicable, continue to be binding upon the parties hereto irrespective of the passing of the Option Period or the granting of the Co-operation Agreement.
- 4.4 Except to the extent required by law (including any requirements of any stock exchange or any other regulatory requirements) and save where necessary to implement this Agreement neither party to this Agreement will at any time without the written consent of the other party (both as to the announcement or communication and as to its form) make any press or other public announcement or divulge or communicate to any person any of the terms (including but not limited to financial terms) of this Agreement and the parties will take all reasonable steps to bind their respective servants agents and advisers in this respect.

5. REGISTRATION OF BURDEN

- 5.1 The Grantor assents to the registration of this Option and the covenants herein as a caution on Folio 15949 County Kerry.

IN WITNESS whereof the parties hereto have set their hands and affixed their seals the day and year first herein written.

SCHEDULE 1

ALL THAT AND THOSE the property comprised in Folio 15949 of the Register of Freeholders County Kerry.

SCHEDULE 2

(the “Co-operation Agreement”)

DATED THE DAY OF 202[]

**(1) JOHN McCARTHY
(2) FRANCES DALY**

of the one part

AND

**CUMMEENNABUDDOGE WIND DESIGNATED
ACTIVITY COMPANY**

of the other part

CO-OPERATION AND MITIGATION AGREEMENT

**Beauchamps
Solicitors
Riverside Two
Sir John Rogerson's Quay
Dublin 2**

AGREEMENT dated the day of 202[]

BETWEEN

JOHN McCARTHY and **FRANCES DALY** both of Knocknagowan, Clonkeen P.O., Killarney, County Kerry (hereinafter together called the "**Landowner**" which expression shall, where the context so admits or requires include their executors, administrators, assigns and successors in title) of the One Part

AND

CUMMEENNABUDDOGE WIND DESIGNATED ACTIVITY COMPANY (company number 696663) having its registered office c/o Futureenergy Ireland, 27/28 Herbert Place, Dublin 2, DO2DC97 (hereinafter called the "**Company**" which expression shall, where the context so admits or requires include its successors and assigns) of the Other Part.

WHEREAS: -

- A. The Company intends to apply for planning permission ("the Planning Permission") to build a wind farm at Cummeennabuddoge, County Kerry comprising of 19 (nineteen) wind turbines, site substation, roads and ancillary works and services (the "**Wind Farm**").
- B. The parties acknowledge that the Landowner ordinarily resides at Knocknagowan, Clonkeen P.O., Killarney, County Kerry but is also the owner of a second unoccupied dwelling at a location shown marked "H1" on the Plan attached hereto (which second dwelling shall hereinafter be referred to as "**the Property**"), being a location which may from time to time become subject to noise and/or shadow flicker generated by the Wind Farm during its operational lifetime. In light of this, the parties have entered into this Agreement.

IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS: -

- 1. That, in consideration of the payment by the Company to the Landowner of the sums set out in Schedule One hereto (the first payment of which the Landowner hereby acknowledges) the Landowner hereby:
 - (i) acknowledges that noise and/or shadow flicker may be experienced at the Property during the operational lifetime of the Wind Farm and in terms of its impact on the Property the Landowner confirms that he accepts this to be the case and irrevocably undertakes not to object to the Wind Farm, nor object to any planning application associated with the construction or operation of the Wind Farm, nor take any steps or proceedings in relation to the Wind Farm or any associated development, on any grounds whether based in a claim for nuisance or pursuant to section 160 of the Planning and Development Act 2000 (as amended) or otherwise;
 - (ii) irrevocably undertakes not to procure that any third party objects to the Wind Farm, nor object to any planning application associated with the construction or operation of the Wind Farm, nor takes any steps or proceedings in relation to the Wind Farm or any associated development, on any grounds;

- (iii) agrees and consents to the Company placing noise monitoring equipment on the Property (at a location to be agreed in advance with the Landowner) during the lifetime of the Wind Farm, should this be necessary in the reasonable opinion of the Company but subject to the following provisos and conditions:
 - a. the noise monitoring equipment shall not remain in situ at the Property for longer than eight (8) weeks from the date of installation without the prior written agreement of the Landowner; and
 - b. the Company shall furnish to the Landowner upon request with a copy of any data assessments and/or reports either in manual or electronic format as may be generated by the noise monitoring equipment; and
 - c. the Company shall make good any damage occasioned to the Property arising as a result of the transportation, installation and/or removal of the said equipment;
- (iv) agrees that the Company hereby shall have a right of pre-emption to purchase the freehold interest in the Property should the Landowner wish to sell the Property and in such circumstances:
 - a. the Landowner shall first write to the Company indicating his intention that the Property is to be sold. Thereafter the Company shall be afforded a period of 60 days from the date of the said notice within which to confirm to the Landowner whether it is exercising its right of pre-emption in order to purchase the Property. In default of the Company responding to the notice within the 60 days period or in the event the Company responds to confirm it is not proceeding to exercise its right of pre-emption then the Landowner will be at liberty to place the Property for sale on the open market;
 - b. In the event that the Company has notified the Landowner in writing of the exercise of its right of pre-emption and decision to buy the Property then the Parties shall within 28 days from the date of such notification thereafter either:
 - (i) agree the purchase price to be paid by mutual negotiation or
 - (ii) in default of being able to agree mutually the purchase price within the stated period shall then within a further period of 14 days mutually appoint an expert for the purpose of inspecting the Property and advising on the open market value and purchase price to be paid.
 - c. In the event that the step outlined at sub-clause 1(iv)b(ii) is required the Parties hereto agree to be bound by the valuation figure furnished by the appointed expert and thereafter to enter into a contract for sale at the advised figure within 14 days thereafter and to complete the sale within 30 days of the date of the contract for sale.
 - d. Should it be necessary to appoint an expert then such expert shall be a full member of at least 10 years standing with the Society of Chartered Surveyors Ireland with sufficient experience in the valuation of properties of the same type as the Property. In the absence of agreement between the Parties as to an expert appointment the matter may on expiry of the 14 day period for such appointment be referred by either the Landowner or the Company to the President of the Society of Chartered Surveyors Ireland for such appointment to be made and the Parties hereto agree to be bound by such appointment.
- (v) In the event of a sale of the Property other than to the Company the Landowner agrees and irrevocably undertakes not to sell, let or otherwise dispose of the Property or grant possession of the Property, or any part thereof, to any person or party who / which does not contemporaneous with completion of any sale, letting or other disposal enter into a

separate Deed of Covenant with the Landowner and with the Company ensuring that person or party is made subject to the same terms as those contained in this Agreement and to the satisfaction of the Company; and

- (vi) Agrees to a minimum setback distance of 500 metres from the dwellinghouse located on the Property to the nearest wind turbine generator comprising part of the Wind Farm; and
 - (vii) Agrees and acknowledges that this Agreement is to be binding on his executors, administrators, assigns and successors in title.
- 2. The Company for its part acknowledges and agrees that, without prejudice to the rights and obligations contained in clause 1 hereinabove, it will operate the Wind Farm in compliance with the guidelines relating to noise and shadow flicker contained in the 2006 Wind Energy Development Guidelines published by the Department of the Environment, Heritage and Local Government.
 - 3. The Landowner hereby assents to the registration of this Agreement as a caution on Folio 15949 County Kerry.
 - 4. Upon the final decommissioning of the Wind Farm, the Company undertakes that it shall take all necessary steps to remove any caution that may have been registered on Folio 15949 County Kerry in relation to this Agreement.
 - 5. The Company shall be permitted to assign, novate or transfer the benefit of this Agreement to any third party without the prior written consent of the Landowner.
 - 6. The Landowner hereby further agrees and covenants that where called upon to do so by the Company he shall enter into a direct agreement and/or meet other requirements without undue delay as required by a bank lender or other financial institution which is providing finance to the Wind Farm subject always to the Company being responsible for discharging the reasonable invoiced legal fees which might be incurred by the Landowner in connection with the requirements of this clause.
 - 7. The Parties to this Agreement, shall treat this Agreement and all information received or obtained in connection with or contained in this Agreement as confidential (the "**Confidential Information**"). A Party shall not, without the prior authority of the other Party, disclose (and shall use all reasonable efforts to prevent disclosure) in any way or form and at any time (whether before or after termination of this Agreement and howsoever such termination shall come about) to any person, firm or company any of the Confidential Information save that:
 - (i) The Company may disclose the Confidential Information without prior authority:
 - a. to employees, and professional advisors of the Company whose duties require such disclosure; and/or
 - b. to the extent as is necessary in the ordinary course of business; and/or
 - c. to any prospective purchaser, funder or investor in the Wind Farm or the Company; and/or
 - d. as may be required by Law; and

(ii) The Landowner may disclose the Confidential Information without prior authority:

- a. to his legal advisors; and/or
- b. to a third party as may be required strictly in order to ensure adherence by a third party with the terms of this Agreement; and/or
- c. as may be required by Law.

8. This Agreement shall commence on the date hereof and shall, subject at all times to the Company's right of termination under clause 9 below, continue in full force and effect for the full operational lifetime of the Wind Farm which shall include any period when the Wind Farm is non-operational for the purpose of re-powering the Wind Farm and until the date of final decommissioning of the Wind Farm, such date to be advised in writing to the Landowner by the Company without undue delay ("**the Term**").
9. The Company shall have the right to terminate this Agreement upon giving the Landowner written notice thereof with such termination to be effective upon and following 4 months from the date when such notice is issued by the Company to the Landowner.
10. Each of the provisions of this Agreement is severable and distinct from the others and if at any time one or more of such provisions is or becomes invalid, illegal or unenforceable the validity of the remaining provisions hereof shall not in any way be affected or impaired thereby.
11. This Agreement is governed by, and shall be construed in accordance with, the laws of Ireland. The courts of Ireland have exclusive jurisdiction to hear and decide any suit, action or proceedings, and to settle any disputes, which may arise out of or in connection with this Agreement and, for these purposes, each party irrevocably submits to the jurisdiction of the courts of Ireland.

SCHEDULE ONE

The Company shall on the date of this Agreement and on [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

IN WITNESS whereof the parties hereto have executed this Deed the day and year first herein written.

SIGNED and DELIVERED by
THE LANDOWNER
in the presence of:-

John Mc Carthy

Frances Daly.

W. O. O'Connell
ANDREW O'CONNELL
Padraig O'Connell Solicitors
Glebe Lane, Killarney, Co. Kerry

W. O. O'Connell

PRESENT when the COMMON SEAL
of THE COMPANY
was affixed hereto:-

SCHEDULE 3

(Planning Consent Letter Templates)

Template 1

The Planning Department
Kerry County Council
County Buildings,
Ratass,
Tralee,
Co. Kerry

[Insert date]

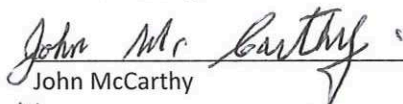
Re: Cummeenabuddoge Wind Farm, County Kerry

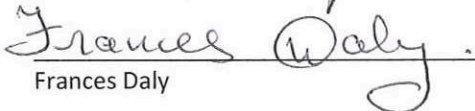
Dear Sirs,

We hereby confirm that we are the registered joint owners of the property comprised within the Folio KY15949 as more particularly shown and outlined on the plan accompanying this letter ("the Property").

We hereby give irrevocable consent to any planning application or applications made by or on behalf of Cummeenabuddoge Wind Designated Activity Company or its associated companies in connection with the proposed windfarm which it intends to develop on land located in and around Cummeenabuddoge, County Kerry which is neighbouring or adjacent to our Property.

Yours sincerely,


John McCarthy


Frances Daly

Template 2

An Bord Pleanála
64 Marlborough St,
Rotunda,
Dublin 1,
D01 V902

[Insert date]

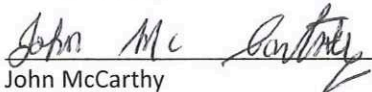
Re: Cummeenabuddoge Wind Farm, County Kerry

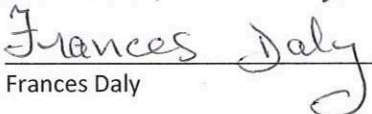
Dear Sirs,

We hereby confirm that we are the registered joint owners of the property comprised within the Folio KY15949 as more particularly shown and outlined on the plan accompanying this letter ("the Property").

We hereby give irrevocable consent to any application, appeal or submission made by or on behalf of Cummeenabuddoge Wind Designated Activity Company or its associated companies to An Bord Pleanála in connection with the proposed windfarm which it intends to develop on land located in and around Cummeenabuddoge, County Kerry which is neighbouring or adjacent to our Property.

Yours sincerely,


John McCarthy


Frances Daly

SIGNED AND DELIVERED as a deed

By the said **JOHN MCCARTHY**

In the presence of:-

John Mc Carthy

ANDREW O'CONNELL
Padraig O'Connell Solicitors
Glebe Lane, Killarney, Co. Kerry

SIGNED AND DELIVERED as a deed

By the said **FRANCES DALY**

In the presence of:-

Frances Daly.

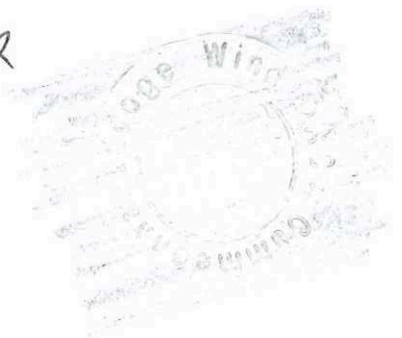
ANDREW O'CONNELL
Padraig O'Connell Solicitors
Glebe Lane, Killarney, Co. Kerry

PRESENT when the Common Seal
of **CUMMEENNABUDDOGE WIND**
DESIGNATED ACTIVITY COMPANY
was affixed hereto:-

Peter Lynch

Peter Lynch, Director

*Witness
Jim Caplan, Director
CRO Fuzunomena Y INELAND
27/28 He-hut place
Dublin 2.*





Dated 21 day of JULY 2023

(1) JOHN McCARTHY
(2) FRANCES DALY

Grantor

CUMMEENNABUDDOGE WIND DESIGNATED
ACTIVITY COMPANY

Grantee

**OPTION AGREEMENT
FOR CO-OPERATION AND MITIGATION AGREEMENT**

Re: Property located at Cummeennabuddoge comprised in Folio 15949, County Kerry

Beauchamps
Riverside Two
Sir John Rogerson's Quay
Dublin 2
Ref: FUT6.6

DATED 28 March 2024

PATRICK BUCKLEY

AND

CUMMEENNABUDDOGE WIND DESIGNATED ACTIVITY COMPANY

AGREEMENT

CLOHESSY & CO

Solicitors

5 Shannon Street

Limerick

Ref: FUT0010006

This agreement is dated

28 March

2024

Parties

- (1) **PATRICK BUCKLEY** of Knocknagowan, Clonkeen, Killarney, Co. Kerry ("**PB**") ; and
- (2) **CUMMEENNABUDDOGE WIND DESIGNATED ACTIVITY COMPANY** incorporated and registered in Ireland with Company Number 696663 whose registered office is c/o FuturEnergy Ireland, 27/28 Herbert Place, Dublin 2 ("**CBW**")

(each of PB and CBW being a "**party**" and together PB and CBW are the "**parties**").

BACKGROUND

- (A) PB has obtained the PB Planning Permission (defined below) in relation to the Plan 4 Property.
- (B) It is anticipated by CBW that if PB commences construction on or development of the Plan 4 Property such construction or development will have a number of material adverse consequences for the Project including, but not limited to, a reduction in the number of turbines in the Project and a consequent reduction in the potential generating capacity of the Project.
- (C) It is anticipated that the development of the Project will have a significant impact on the market value of the Plan 4 Property and PB's ongoing use, enjoyment and future development of the Plan 4 Property.
- (D) In order to facilitate the Project, CBW has requested that PB postpone indefinitely and does not at any time (i) construct any dwellinghouse on or otherwise develop the Plan 4 Property pursuant to the PB Planning Permission or otherwise and/or (ii) carry out any other construction or works on or development of the Property (defined below), to which PB has agreed.
- (E) The parties have reached a compromise on full and final terms and wish to record those terms, on a binding basis, in this agreement.

Agreed terms

1. Definitions and interpretation

- 1.1 In this agreement, unless the context otherwise requires, the following words and expressions have the following meanings:

"**ABP**" means An Bord Pleanála and any successor or replacement body from time to time.

"**Accommodation Works**" means the following works:

- (a) The construction of access roads (temporary or permanent) together with all rides and tracks leading to those roads or tracks and including all bridges, passing places, cattle grids, gates, fences, culverts and drainage works, bell mouths, turning areas, visibility splays and any other ancillary works forming part of those roads or tracks necessary for the installation of

and/or access to the Turbines, the turbine transformer units, the cables, the Conducting Media or any other of CBW's equipment necessary or desirable for the Project.

- (b) The construction of turbine transformer units and installation of associated equipment to connect to the grid system to permit CBW to transmit distribute and sell the electricity generated by the Project (or any part thereof).
- (c) The construction of and enlarging of accesses to and from the Project Property for the Project.
- (d) The laying of underground cables, overhead lines and Conducting Media necessary for the Project.
- (e) The construction of temporary or permanent storage areas for the Project.
- (f) The construction, installation, repair, maintenance, renewal and replacement of the Turbines on the Project Property including (but without prejudice to the generality of the foregoing) the construction and laying of foundations, hardstands, crane pads and transformers).
- (g) Any other works necessary or desirable for the Project.

"Adjoining Property" means any land or buildings adjoining or neighbouring or in the vicinity of any Project Property in which PB has any interest.

"Beneficiaries" has the meaning given to that term in clause 22.

"Business Day" means a day, other than a Saturday, Sunday or public holiday in Ireland, when banks in Dublin are open for general banking business.

"CBW's Solicitors" means Clohessy & Co, 5 Shannon Street, Limerick.

"Confidentiality Agreement" means the Confidentiality Agreement dated on or about the date of this agreement between the parties.

"Conducting Media" means:

- (a) any wire, telephone line, cable, tube, pipe, conductor or other similar transmission media (including its casing or coating or protective tile) placed on, above or in the ground for transmitting and/or distributing electricity, together with junction boxes, switching vaults, transformers, switches, fibre-optic cables, and other ancillary equipment used in connection with the Project;
- (b) drains, channels, watercourses, gutters, culverts, soakaways, pipes and other conduits used in connection only with the Project;
- (c) posts, pylons, poles, supports and other ancillary apparatus used in connection with the Project

and such expression shall where the context so requires include reference to any land over under on or through which such Conducting Media may be placed and a strip of land for access not less than 15 metres either side of the centre line of the route of such Conducting Media.

"Disponee" has the meaning given to that term in clause 23.

"Group" "Group Company" or "Group Companies" means CBW and any company which is from time to time a Subsidiary, Holding Company or Associate Company of CBW and any Subsidiary, Holding Company or Associated Company of any such company.

"Holding Company" and **"Subsidiary"** shall have the meanings respectively ascribed to such expressions by Section 8 and Section 7 respectively of the Companies Act 2014. The term **"Associated Company"** shall have the meaning assigned to the term "Associated Undertaking" by paragraph 20 of Schedule 4 of the Companies Act 2014.

"Longstop Date" means the date of commencement of the construction of the first hardstand for the Project on Project Property.

"Other Project" means any project or development, including, but not limited to, any renewable energy project or development, in which CBW or any other Group Company(ies) or any of its or their Related Parties has any interest which do/does not affect PB.

"PB Planning Permission" means the grant of planning permission issued by Kerry County Council Reference Number: 22/861 for the construction of a new dwelling house with connection to a wastewater treatment system and all associated services on the Property.

"Plan 3 Property" means all of the property comprised in Plan 3 of Folio KY31231 of the Register, Co. Kerry, which, for the purposes of identification, is coloured in red and marked "Plan 3" on the map attached at Schedule 2.

"Plan 4 Property" means all of the property comprised in Plan 4 of Folio KY31231 of the Register, Co. Kerry which, for the purposes of identification, is coloured in red and marked "Plan 4" on the map attached at Schedule 2.

"Project" means the proposed wind farm project consisting, without limitation, of Turbines, access roads, construction compounds, Accommodation Works, Conducting Media, equipment, sub-station(s), anemometer and/or meteorological masts, storage facilities and other related equipment, infrastructure and things, and intended to be known as Cummeennabuddoge Wind Farm.

"Project Financial Close" means the date of execution of the financing agreements for the construction of the Project and all conditions precedent are satisfied and funding by the Project's lenders is committed.

"Project Property" means any property owned, occupied, used or enjoyed by CBW in relation to the Project howsoever.

"Property" means the property comprised in Folio KY31231.

"Related Parties" means CBW's Group Companies (and each of them) and their and each of their assigns, transferees, members, representatives, partners, principals, nominees, agents, officers, directors, partners or any party with whom any of the foregoing is in a joint venture.

"Security Party" means any and all financial institutions or any other person providing equity, finance, credit or other financial accommodation or assistance to CBW and **"Security Parties"** shall be construed accordingly.

“Turbines” means wind-powered turbines (including turbine bases, foundations, hardstanding and turbine blades) to be and from time to time on the Project Property or part or parts thereof.

- 1.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this agreement.
- 1.2 Reference to a **person** includes any individual, firm, partnership, company, corporation, undertaking, association, government agency, authority and other bodies, incorporated or unincorporated and whether having direct legal personality or not.
- 1.3 The Schedule forms part of this agreement and shall have effect as if set out in full in the body of this agreement. Any reference to this agreement includes the Schedule.
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 This agreement shall be binding on, and enure to the benefit of, the parties to this agreement and their respective personal representatives, estates, successors and permitted assigns, and references to any party shall include that party’s personal representatives, estate, successors and permitted assigns.
- 1.8 A reference to legislation or a legislative provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 A reference to legislation or a legislative provision shall include all subordinate legislation made from time to time under that legislation or legislative provision.
- 1.10 Any obligation on a party not to do something includes an obligation not to allow or suffer that thing to be done.
- 1.11 A reference to **this agreement** or to any other agreement or document is a reference to this agreement or such other agreement or document, in each case as varied in writing from time to time.
- 1.12 Any words following the terms **including, include, in particular, for example** or any similar expression shall be interpreted as illustrative and shall not limit the sense of the words preceding those terms.

- 1.13 Reference to **tax** shall be construed so as to include any tax, levy, impost, duty or other charge of a similar nature (including any penalty or interest payable in connection with any failure to pay or delay in paying any of the same).
- 1.14 A reference to **CBW** shall include CBW, its Group Companies (and each of them) and its and their (and each of their), successors, assigns, nominees and transferees.
- 1.15 A reference to **PB** shall include his estate, legal personal representatives, successors and permitted assigns and any person to whom he transfers, assigns, grants, assures, lets, demises or otherwise disposes (howsoever and whether permanent or temporary) the Property or any part thereof or any right or interest therein.
- 1.18 The *contra proferentum* principle of construction shall not apply to this agreement. It is acknowledged and agreed by the parties that the provisions of this agreement have been negotiated, drafted and settled jointly by and on behalf of the parties and accordingly if any question arises at any time as to the meaning, intent or interpretation of any provision or provisions of this agreement, no presumption or burden of proof will arise in favour of or against any party solely as a result of the authorship of any of the provisions of this agreement.

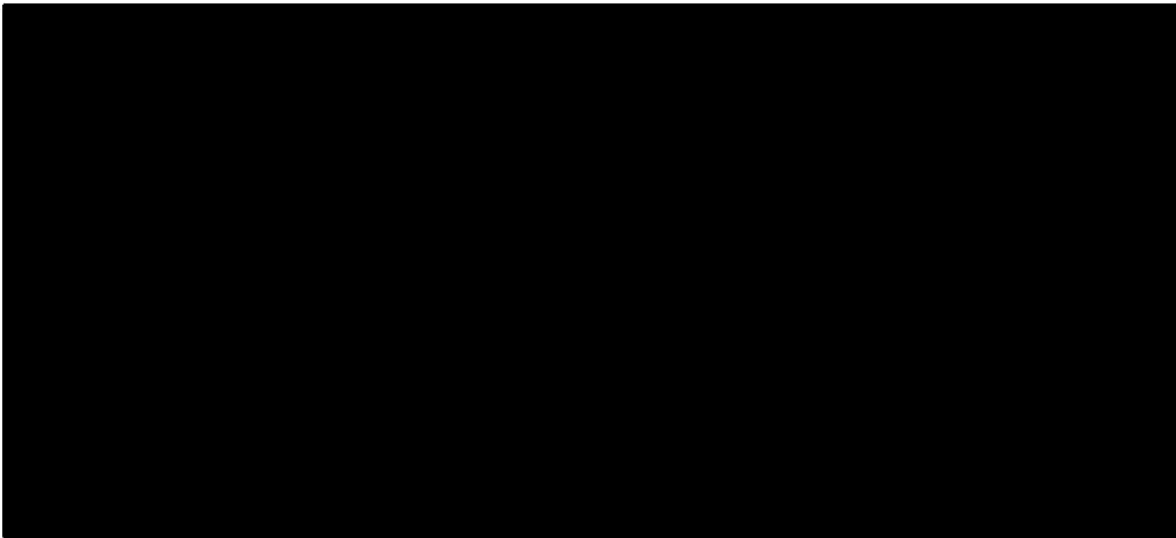
2. Effect of this agreement

The parties hereby agree that this agreement shall immediately be fully and effectively binding on them.

3. Payment

In consideration of (a) the immediate and indefinite postponing of development by PB on the Plan 4 Property pursuant to the PB Planning Permission and (b) PB's agreement to not at any time (i) construct any dwellinghouse on or otherwise develop the Plan 4 Property pursuant to the PB Planning Permission or otherwise and/or (ii) carry out any other construction or works on or development of the Property, then strictly subject to and conditional on PB's compliance at all times with the terms of this agreement, CBW shall pay to PB [REDACTED]

[REDACTED]



3.1.4 In the event that the above sums have not been discharged within 30 days of the respective time limits for payment set out in this clause 3.1 after becoming due then CBW agrees to pay interest at the rate of [REDACTED] per annum on any outstanding sums, such interest to run from the date the payment was actually due until the date the payment is actually made.

3.1.5 PB agrees that the apportionment of any payment to any particular part (or plan) of the Property shall not affect PB's obligations in relation to any other part (or plan) of the Property.

4. **PB's obligations**

PB, with the intention of binding PB and the Property and the Adjoining Property and for the benefit and protection of the Project, and so doing, agrees, covenants with and undertakes to CBW that he shall:

4.1 not exercise the PB Planning Permission.

4.2 not apply to the relevant local authority (or ABP) for any new or revised or amended planning permission in relation to the Property or any Adjoining Property or any amendment or variation of the PB Planning Permission.

4.3 not consent to any application for planning permission for any development on the Property or any Adjoining Property.

4.4 not directly or indirectly:

4.4.1 make or procure or assist in the making or procuring of any objection to any application which may be lodged with the relevant planning authority for any new or revised planning permission in relation to the Project or any part thereof.

- 4.4.2 lodge or procure or assist in the lodgement or procuring of any objection or appeal with ABP against any decision which the relevant planning authority may issue, including, but not limited to, any grant of any new or revised permission in relation to the Project or any part thereof or against any conditions attaching to any such decision or grant.
- 4.4.3 make or procure or assist in making or procuring any submission or other communication whether oral or in writing to the relevant planning authority or to ABP in relation to any application for planning permission in relation to the Project or any part thereof.
- 4.4.4 issue, participate in or support any proceedings, including, but not limited to, any judicial review proceedings in relation to the Project.
- 4.5 not erect or construct any building, structure or thing on the Property or any Adjoining Property which may affect the Project, the wind flow to the Project or the Conducting Media.
- 4.6 permit CBW to peacefully and quietly hold and enjoy the Project Property and any easements, rights and privileges granted to CBW without any interruption or disturbance from or by PB or any person claiming under or in trust for PB.
- 4.7 not do or permit to be done anything that interferes with or negatively affects or is likely to interfere with or negatively affect the Project or CBW's use, enjoyment or occupation of Project Property or the exercise by CBW of any easements, rights or privileges.
- 4.8 not grant any easements in, on, under or over the Property or any Adjoining Property or lease, sublet, sell, transfer or part with the possession of the Property or any Adjoining Property or any part thereof or any rights therein that would or would be likely to diminish, impair or adversely affect the use, occupation or enjoyment of the Project Property or the Project or the operation of the Project including (but not by way of limitation) the uninterrupted flow of wind to the Turbines to the maximum extent possible or CBW's right to transfer or sell any power generated by the Project.
- 4.9 to give at least six months' prior notice in writing to CBW of any proposal to carry out any works of any nature upon the Property or any Adjoining Property that could possibly affect the Project or the generation of electricity by the Project.
- 4.10 not do anything which could cause damage to or interfere with the development or operation of the Project or in any way breach or cause a breach of any statutory agreements, regulations or bye-laws for the time being in force relating to the Project including without prejudice to the generality of the foregoing, any agreements required under Section 47 of the Planning and Development Act 2000.

- 4.11 to abide by and comply with the terms and conditions of any statutory agreement, regulation or bye-law insofar as same apply to PB, the Property or any Adjoining Property or are within PB's power or procurement. PB shall be responsible for all reasonable and necessary costs and liabilities of PB associated with providing any documentation for the Project to the relevant planning authority and/or ABP required by CBW.
- 4.12 not directly or indirectly object to or make any claim or take any action against CBW or any other Group Company(ies) or any of its or their Related Parties in relation to the Project.
- 4.13 sign and deliver to CBW any documentation in support of, or as may be required in connection with, any application for, or any grant of, planning permission or other consents for the Project as expeditiously as possible and in a timely manner (and in any event within seven days of request) and to take any other steps to perfect or implement any statutory agreement or regulation (including without prejudice to the generality of the foregoing any agreement required under Section 47 of the Planning and Development Act 2000) required by the relevant planning authority, the National Parks and Wildlife Service, the Department of the Environment Heritage and Local Government, or any other competent authority under the Planning and Development Acts 2000 – 2022, or any statutory modification or re-enactment thereof for the time being in force, or any regulation, order or directions made or given thereunder or otherwise required in respect of any application for or the grant of planning permission for the Project or any other necessary statutory or regulatory consent.
- 4.14 sign and deliver to CBW any documentation in support of, or as may be required in order for the Project to qualify for the Renewable Electricity Support Scheme ("RESS") or any similar scheme in operation in Ireland from time to time as expeditiously as possible and in a timely manner (and in any event within seven days of request).
- 4.15 not erect or allow any person to erect any turbines for any purpose whatsoever on the Property or any Adjoining Property.
- 4.16 not to plant or permit to grow any trees, shrubs or bushes on the Property or any Adjoining Property which may, in the opinion of CBW, interfere with the Turbines or the wind flow thereto.
- 4.17 not to allow livestock interfere with the Project and to move any livestock away from the Project while CBW is carrying out construction, installation, maintenance, replacement, renewal and/or repair works relating to the Project when requested to do so by CBW, its servants or agents.
- 4.18 not to shoot or burn heather on the Property or any Adjoining Property or to permit such activities.

- 4.19 to execute and deliver to CBW in a timely manner (and in any event within seven (7) days of request) such documentation required by any Security Party to obtain satisfactory rights to and security over the assets of CBW and/or its interest in the Project or any Project Property.
- 4.20 provide to CBW within seven (7) days of receipt a copy of any notice or written communication issued to PB or any agent of PB or served upon the Property or any Adjoining Property by any government department, local or other authority or court of competent jurisdiction.
- 4.21 without prejudice to his obligations under clause 4.13, provide to CBW within seven (7) days of requests a letter of consent in the form set out in Schedule 1 hereto (or such variation thereof as CBW may require) duly signed by PB and witnessed to the satisfaction of CBW.
- 4.22 shall grant such easements, rights and privileges in, on, under and/or over the Property to CBW and/or any other person as CBW may require in connection with the Project.
- 4.23 provide to CBW within seven (7) days of request any information or documents which CBW may reasonably ask PB to supply from time to time.

5 Other Projects

- 5.1 PB, for the benefit and protection of any Other Projects, also covenants with and undertakes to CBW that he shall not directly or indirectly:
 - 5.1.1 make or procure or assist in the making or procuring of any objection to any application which may be lodged with the relevant planning authority for any new or revised planning permission in relation to any Other Project or any part thereof.
 - 5.1.2 lodge or procure or assist in the lodgement or procuring of any objection or appeal with ABP against any decision which the relevant planning authority may issue, including, but not limited to, any grant of any new or revised permission in relation to any Other Project or any part thereof or against any conditions attaching to any such decision or grant.
 - 5.1.3 make or procure or assist in making or procuring any submission or other communication whether oral or in writing to the relevant planning authority or to ABP in relation to any application for planning permission in relation to any Other Project or any part thereof.
 - 5.1.4 issue, participate in or support any proceedings, including, but not limited to, any judicial review proceedings in relation to any Other Project.

5.1.5 not object to or make any claim or take any action against CBW or any other Group Company(ies) or any of its or their Related Parties in relation to any Other Project.

6 Clawback for breach

Without prejudice to any other rights or remedies that CBW may have, PB agrees that in the event PB breaches any provision of this agreement, he shall within seven (7) days of request in writing return all amounts paid to him without set-off, counterclaim or demand and CBW shall be entitled to recover such amounts from PB as liquidated damage and/or a liquidated debt.

7 Release

PB hereby releases and forever discharges, all and/or any actions, claims, rights, demands and set-offs, whether in this jurisdiction or any other, whether or not presently known to PB or to the law, and whether in law or equity, that PB ever had, may have or hereafter can, shall or may have against CBW or any of its Related Parties arising out of or connected with the Project (the "**Released Claims**")

8 Agreement not to sue

8.1 PB agrees not to sue, commence, voluntarily aid in any way, prosecute or cause to be commenced or prosecuted against CBW or its Related Parties any action, suit or other proceeding concerning the Released Claims, in this jurisdiction or any other.

8.2 Clause 7 and 8.1 shall not apply to, and the Released Claims shall not include, any claims in respect of any breach of this agreement.

9 Costs

9.1 The parties shall each bear their own legal costs in relation to this agreement, save that CBW shall contribute the total sum of [REDACTED]

9.2 PB shall be responsible for all costs and liabilities associated with providing any documentation required by CBW.

10 Representations and Warranties

10.1 PB warrants and represents to CBW that:

10.1.1 he is the sole legal and beneficial owner of the Property.

10.1.2 no development or construction has commenced on the Property.

10.1.3 he has not sold, transferred, assigned or otherwise disposed of any interest in the Property.

- 10.1.4 he has fully read and fully considered this agreement before signing.
- 10.1.5 he is fully aware of the nature and content of this agreement, the effect of which is fully understood by PB and reflects his wishes and intentions.
- 10.1.6 he has been advised to take independent legal advice on this agreement and has taken independent legal advice on this agreement before signing it.
- 10.1.7 he is willing to be legally bound by the terms of this agreement.
- 10.2 PB repeats the representations and warranties in this clause 9 on the date of each payment to PB.

11 No admission

This agreement is entered into in connection with a compromise and in the light of other considerations. It is not, and shall not be represented or construed by the parties as, an admission of liability or wrongdoing on the part of either party to this agreement or any other person or entity.

12 Severability

If any provision or part-provision of this agreement is or becomes invalid, illegal or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this agreement.

13 Termination

- 13.1 Without affecting any other right or remedy available to it, CBW may terminate this agreement with immediate effect by giving written notice to PB if:
 - 13.1.1 PB commits a breach of any term of this agreement and (if such breach is remediable) fails to remedy that breach within a period of 5 days after being notified in writing to do so;
 - 13.1.2 PB repeatedly breaches any of the terms of this agreement;
 - 13.1.3 any warranty or representation given by PB is found to be untrue or misleading;
 - 13.1.4 PB is convicted of any criminal offence (other than any criminal offence dealt with by way of summary conviction in the District Court);
 - 13.1.5 if any act or omission of PB prejudices, or appears in the reasonable opinion of CBW likely to prejudice, the Project provided always that it shall be open to the parties to refer any difference of opinion or dispute in relation to termination under this clause 13.1.5 (as with any dispute under this agreement in relation to any provision) to an arbitrator in accordance with the terms of Clause 18 (Arbitration) contained herein;
 - 13.1.6 PB breaches any of the terms of the Confidentiality Agreement.

- 13.2 In the event CBW terminates this agreement, CBW shall have no obligation to make any further payment to PB.

13.3



14 Survival

On termination of this agreement, the following clauses shall continue in force: clause 1 (*Definitions and interpretation*) clause 4 (*PB's obligations*), clause 5 (*Other Projects*) Clause 6 (*Clawback for breach*), clause 7 (*Release*), clause 8 (*Agreement not to sue*), clause 14 (*Survival*) clause 15 (*Confidentiality*), clause 16 (*Withholding tax*), clause 17 (*Governing law*) clause 18 (*Arbitration*), clause 20 (*Co-operation*), clause 21 (*Assignment and other dealings*), clause 23 (*Enforcement*), clause 24 (*Dispositive covenant*), clause 25 (*Assent to registration*).

15 Confidentiality

- 15.1 PB agrees that terms of this agreement, and the substance of all negotiations in connection with it, are confidential to PB and his advisers, who shall not disclose them to, or otherwise communicate them to, any third party other than:

15.1.1 to PB's professional advisors on terms which preserve confidentiality;

15.1.2 pursuant to an order of a court of competent jurisdiction, or pursuant to any proper order or demand made by any competent authority or body where they are under a legal or regulatory obligation to make such a disclosure; and

15.1.3 pursuant to any express requirement under the rules of any listing authority or stock exchange on which a party's shares are subject; and

15.1.4 as far as necessary to implement and enforce any of the terms of this agreement.

- 15.2 Without prejudice to any other rights or remedies that CBW may have, PB acknowledges and agrees that damages alone would not be an adequate remedy for any breach of the terms of this agreement by PB. Accordingly, CBW shall be entitled to the remedies of injunctions, specific performance or other equitable relief for any threatened or actual breach of this agreement.

16 Withholding tax

If a payment due from CBW under this agreement is subject to tax (whether by way of direct assessment or withholding at its source), CBW shall be entitled to deduct and withhold the tax

required from any payment to be made by it, before making any payment and shall remit the withheld tax to the Revenue Commissioners.

17 Governing law

This agreement and any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of Ireland.

18 Arbitration

18.1 Any dispute or difference arising out of or in connection with this agreement shall be referred to and finally resolved by arbitration under the provisions of the Arbitration Act 2010 and any statutory amendment or modification thereof, by a tribunal comprising one arbitrator which, in default of the parties' agreement as to the arbitrator, is to be appointed by the President for the time being of the Law Society of Ireland on the application of either party.

18.2 The seat of the arbitration shall be Dublin, Ireland.

18.3 The law governing this arbitration agreement shall be Irish law.

18.4 The language of the arbitration shall be English.

18.5 The arbitrator may award to the prevailing party in any arbitration the prevailing party's fees and other costs in any such arbitration.

18.6 The award of the arbitrator shall be final and binding on the parties and may be enforced in any court of competent jurisdiction.

19 Co-operation

PB, at his own expense, shall, and shall use all best endeavours to procure that any necessary third party shall, promptly execute and deliver such documents and perform such acts as may be required by CBW in connection with this agreement.

20 Assignment and other dealings

- 20.1 PB shall not assign, transfer, mortgage, charge, subcontract, delegate, declare a trust over or deal in any other manner with any of his rights and obligations under this agreement.
- 20.2 CBW shall be entitled to assign, novate, transfer, mortgage, charge, subcontract, delegate, declare a trust over or deal in any other manner with any or all of its rights and obligations under this agreement without the consent of PB.

21 Counterparts

- 21.1 This agreement may be executed in any number of counterparts, each of which shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement. For the purposes of completion, signatures by the parties' legal advisers shall be binding.
- 21.2 Transmission of an executed counterpart of this agreement (but for the avoidance of doubt not just a signature page) by email (in PDF, JPEG or other agreed format) shall take effect as the transmission of an executed "wet ink" counterpart of this agreement. If this method of transmission is adopted, without prejudice to the validity of the agreement thus made, each party shall provide the other with the "wet ink" hard copy original of their counterpart as soon as is possible thereafter.

22 Enforcement

CBW enters into this agreement and is signing this agreement for itself and severally as trustee for it and its Group Companies and its development partners and its and their Related Parties who have an interest in the Project (and/or any Other Project), including, but not limited to, any person with whom CBW or any of its Group Companies are involved in a joint venture relating to the Project (and/or any Other Project)(the "**Beneficiaries**"). PB acknowledges that this agreement may be enforced by CBW on behalf of any of the Beneficiaries and/or that any of the Beneficiaries may, to the extent that it or they hold the benefit of any rights under this agreement (via CBW as trustee or otherwise), enforce those rights against PB as if it or they were a party to this agreement.

23 Disponee Covenant

If PB proposes to transfer, assign, grant, assure, let, demise or otherwise disposes (howsoever and whether permanent or temporary) the Property or any part thereof or any right or interest therein to any person, prior to such disposal PB shall procure that the person acquiring such interest ("**Disponee**") will enter into a deed of covenant with CBW (on such terms as are satisfactory to CBW and at no cost to CBW) to observe and perform PB's obligations in this agreement and acknowledging that the Disponee is bound by this agreement.

24 Assent to Registration

PB hereby assents to the registration of this agreement in the Property Registration Authority, to include, as a caution or inhibition on Folio KY31231 and the Adjoining Property. If the Adjoining

Property is not registered in the Property Registration Authority, PB consents to this agreement being registered in the Registry of Deeds.

25 Notices

- 25.1 A notice given to a party under or in connection with this agreement shall be in writing and sent to the party at the address given in this agreement or as otherwise notified in writing to the other party.
- 25.2 This clause 25.2 sets out the delivery methods for sending a notice to a party under this agreement and, for each delivery method, the date and time when the notice is deemed to have been received:
- 25.2.1 if delivered by hand, at the time the notice is left at the address;
- 25.2.2 if sent by pre-paid registered post or next working day delivery service, at 9.00am on the second Business Day after posting;
- 25.2.3 if sent by email, at the time of transmission.
- 25.3 If deemed receipt under clause 25.2 would occur outside business hours in the place of receipt, it shall be deferred until business hours resume. In this clause 25.3, business hours means 9.00am to 5.00pm Monday to Friday on a day that is not a public holiday in the place of receipt.
- 25.4 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution

26 Entire agreement

- 26.1 This agreement (and the Confidentiality Agreement) constitutes the entire agreement between the parties.
- 26.2 Each party acknowledges that in entering into this agreement it does not rely on any statement, representation, assurance or warranty that is not set out in this agreement (or the Confidentiality Agreement).

27 Variation

No variation of this agreement shall be effective unless it is in writing and signed by the parties (or their authorised representatives).

This agreement has been executed and delivered as a deed on the date stated at the beginning of it.

SCHEDULE 1

The Planning Consent Letters

Letter of Consent to Application for Planning Permission

Date: day of 202[]

Planning Department

Cork/Kerry County Council

[Address]

Strategic Infrastructure Development (SID) Section

An Bord Pleanála

64 Marlborough Street

Dublin 1

Re: Proposed application by Cummeennabuddoge Wind Designated Activity Company for planning permission in respect of a wind energy Project development at Cummeennabuddoge, County Kerry

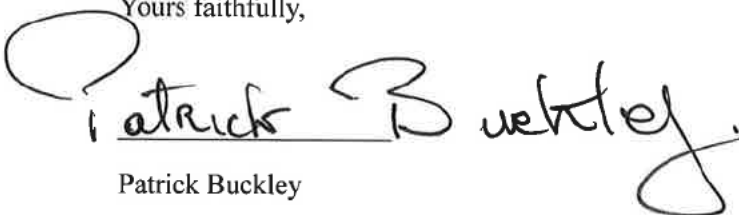
Dear Sir/Madam,

I refer to the proposed development of a wind farm by Cummeennabuddoge Wind Designated Activity Company at Cummeennabuddoge, County Kerry (the "**Development**"). I confirm that I am the registered owner of all of the property comprised in Folio KY31231.

I hereby give my irrevocable consent to all planning applications relating to the Development that may be submitted by Cummeennabuddoge Wind Designated Activity Company or any other person.

Should you have any queries in relation to the above, please do not hesitate to contact me.

Yours faithfully,


Patrick Buckley

Letter of Consent to Application for Planning Permission

Date: day of 202[]

An Bord Pleanála,
64 Marlborough Street,
Rotunda,
Dublin 1.
D01 V902

Re: Proposed application by Cummeennabuddoge Wind Designated Activity Company for planning permission in respect of a wind energy Project development at Cummeennabuddoge, County Kerry

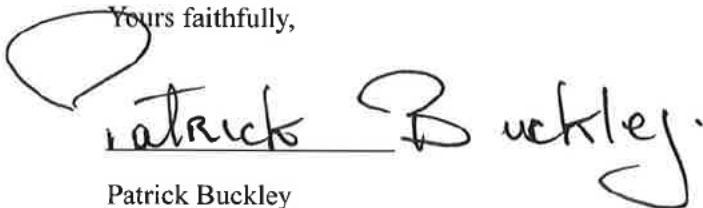
Dear Sir/Madam,

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I hereby give my irrevocable consent to all planning applications relating to the Development that may be submitted by Cummeennabuddoge Wind Designated Activity Company or any other person.

Should you have any queries in relation to the above, please do not hesitate to contact me.

Yours faithfully,


Patrick Buckley

SCHEDULE 2



AWNASKIRTAUN

COOMACHEO

Plan 3

KNOCKNABRO

KNOCKNAGOWAN

Plan 4

An Chlaoidesach
Rua

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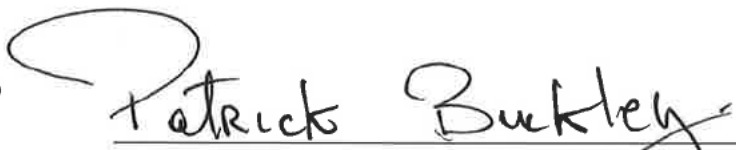
XY 519664, 582316
Scale 1 : 25K
Townland Knocknagowan
Barony Magunihy
County Kerry

g Cnoc na Morc

t

An LeaCa Bhan

SIGNED AND DELIVERED as a **DEED**
By **PATRICK BUCKLEY**
in the presence of:



Patrick Buckley

Witness Signature: _____

Name: _____

Address: _____

Occupation: _____



John McLaughlin
Solicitor
JRAP O'Meara Solicitors
89/90 South Mall, Cork, Ireland

GIVEN under the **COMMON SEAL** of
CUMMEENNABUDDOGE WIND
DESIGNATED ACTIVITY COMPANY
and delivered as a **DEED**



Director



Director / Secretary

Appendix C. Newspaper Notices

Newspaper Notices are attached on the next page

Planning and Development Act 2000 (as amended) Notice of Direct Planning Application to An Bord Pleanála in Respect of a Strategic Infrastructure Development County Cork & County Kerry

In accordance with Section 37E of the Planning and Development Act 2000, as amended, we, Cummeennabuddoge Wind Designated Activity Company, give notice of our intention to make an application to An Bord Pleanála for permission for a period of 10 years, for development comprising the construction of a wind farm and related works in the townlands of Cummeennabuddoge (Coimin na Boddóige) (County Kerry), Clydaghróe (An Chlaideach Rua) (County Kerry), Glashacormick (Glaise Chormaic) (County Kerry), Cummeennavrick (Coimin an Bhroic) (County Kerry), Caherdowney (Cathair Dhúnaigh) (County Cork).

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.

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

The design flexibility opinion issued by An Bord Pleanála (Case Reference ABP-319240-24) on 16th August 2024 accompanies this application. The details unconfirmed in this application are the turbine tip height, rotor diameter and hub height. The range of parameters under which the turbine dimensions will fall are specified on this site notice and in the design flexibility opinion that accompanies this application.

The planning application, EIAR and NIS may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours for a period of seven weeks commencing on 21st October 2024 at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902;
- The Offices of Cork County Council, Planning Department, Carrigrohane Road, Cork, T12 R2NC;
- The Offices of Kerry County Council, Planning Department, County Buildings, Rathass, Tralee, Co. Kerry, V92 H7VT.

The application may also be viewed/downloaded on the following website: <https://cummeennabuddogeplanning.ie>

Submissions or observations may be made only to An Bord Pleanála ("the Board") 64 Marlborough Street, Dublin 1 in writing or online on the Board's website www.pleanala.ie during the above mentioned period of seven weeks relating to (i) the implications of the Proposed Development for proper planning and sustainable development of the area concerned; (ii) the likely effects on the environment of the Proposed Development, if carried out, and (iii) the likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be accompanied by a fee of €50 (except for certain prescribed bodies) and must be received by the Board not later than 5.30 p.m. on the 9th December 2024. Such submissions/observations must also include the following information: (i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent, (ii) the subject matter of the submission or observation, and (iii) the reasons, considerations and arguments on which the submission or observation is based in full (Article 217 of the Planning and Development Regulations 2001, as amended, refers).

Any submissions or observations which do not comply with the above requirements cannot be considered by the Board. The Board may at its absolute discretion hold an oral hearing on the application. (For further details please see 'A Guide to Public Participation in Strategic Infrastructure Development' on the Board's website www.pleanala.ie). The Board may in respect of an application for permission decide to (a) (i) grant the permission, or (ii) make such modifications to the Proposed Development as it specifies in its decision and grant permission in respect of the Proposed Development as so modified, or (iii) grant permission in respect of part of the Proposed Development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions, or (b) refuse to grant the permission. Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanála (Tel. 01-8588100). A person may question the validity of any such decision of the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986, as amended by S.I. No. 691, of 2011), in accordance with Section 50 of the Planning and Development Act 2000, as amended. Practical information on the review mechanism can be accessed under the heading "Information on cases / Weekly lists" - Judicial Review of planning decisions, on the Board's website www.pleanala.ie or on the Citizens Information Service website www.citizensinformation.ie

CORK COUNTY COUNCIL | Thomas Mulcahy intend to apply for planning permission to change use of ground floor of existing building from public house/bar to laundrette, all in accordance with plans and particulars submitted, at The Square, Liscahane, Millstreet, Co Cork. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority at Planning Authority, Cork County Council, County Hall, Carrigrohane Rd, Cork during its public opening hours 9.00 am to 4.00 pm (excluding public holidays) and that a submission or observation in relation to the application may be made to the Authority in writing on payment of the prescribed fee within the period of five weeks beginning on the date of receipt by the authority of the application

Cork County Council: Aeneas O Leary Design, Rathmore, (087 643 5182) is applying to Cork County Council on behalf of Lukas Mirtschink for planning permission to construct a new dwelling house and domestic garage served by septic tank and percolation area at Horsemount North, Kilcorney, Mallow, Co.Cork. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and a submission or observation in relation to the application may be made to the authority, in writing, on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application.

CLASSIFIEDS

PLANNING

"Cork County Council: Conhor Landfill Ltd. are applying for planning permission for raising ground levels with inert soil and stone to improve the agricultural potential of the field. It is proposed to import and recover inert soil and stone under permit and/or as a by-product under article 27. It will include upgrade of existing field entrance, construction of temporary haul roads installation of surface water management measures, site signage and wheel wash for the duration of the works, and all ancillary site works at Ballymichael, Lissarda, Co. Cork. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Carrigrohane Road, Cork, during its public opening hours i.e. 9.00 a.m. to 4.00 p.m. Monday to Friday (excluding public holidays). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of a prescribed fee within the period of 5 weeks beginning on the date of the receipt by the Authority of the application, and such submissions and observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission."

Cork County Council | Reidy Drawings Services, Newtown, 087-6541938 are applying for permission to construct a new dwelling house at Grenagh South, Grenagh on behalf of Liam Walsh. This Planning Application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority County Hall, Carrigrohane Road, Cork during its public hours i.e. 9.00 a.m to 4.00 p.m Monday - Friday excluding public Holidays. A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Planning Authority of the application, and such submissions and observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions or may refuse to grant permission.

Cork City Council: Mr. and Mrs. Denis and Zaneta Culhane are applying for Permission for the following development to their dwelling house, namely; to demolish existing single storey extension at north west facing side of dwelling house. Construct new single storey extension at side (north west facing), at front (south west facing), at rear (north east facing), and all associated site works, at No. 1 Woodbrook Road, Bishopstown, Cork. (Ballinaspig More Townland) T12 CYK4. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of The Planning Authority, City Hall, Cork, during its public opening hours, and a submission or observation in relation to the application may be made in writing to The Planning Authority on payment of the prescribed fee of €20.00 within the period of 5 weeks beginning on the date of receipt by the authority of the application.

PLANNING

Cork County Council: Aeneas O Leary Design, Rathmore, (087-6435182) is applying to Cork County Council on behalf of Mike and Aimee Breen for planning permission to change design of dwelling house granted under planning register 22/04367 to construct a new dwelling house and domestic garage served by mechanical aeration unit and soil polishing filter at Rowls, Langford North, Meelin, Newmarket, Co Cork. The application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and a submission or observation in relation to the application may be made to the authority, in writing, on payment of the prescribed fee within 5 weeks beginning on the date of receipt by the authority of the application.

Cork County Council: Gerald McCarthy, Registered Architects, Millstreet & Macroom (029 71939 / 026 23880) on behalf of Breda Murphy wishes to apply for Full Planning Permission for the retention of as built wastewater treatment system and percolation area together with all other ancillary site works at Caum, Macroom, Co Cork. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Carrigrohane Road, Cork, during its public opening hours, i.e. 9.00a.m. to 4.00 p.m. Monday to Friday (excluding public holidays). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions and observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

CORK COUNTY COUNCIL | We Tom O'Brien and Mary O'Sullivan wish to apply for planning permission to demolish an existing single storey extension to the rear of an existing single storey dwellinghouse and planning permission to erect single storey extensions to the rear and side of an existing single storey dwellinghouse, make elevational changes to the front and side of the existing single storey dwellinghouse, single storey detached domestic garage, decommission existing septic tank and install new septic tank and percolation area, new site entrance and all associated site works at Garraunligerinagh, Grange, Fermoy, Co. Cork. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Carrigrohane Road, Cork, during its public opening hours, i.e. 9.00a.m. to 4.00 p.m. Monday to Friday (excluding public holidays). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions and observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

PLANNING

CORK COUNTY COUNCIL: GS SERVICES (087 9539255) WISHES TO APPLY FOR PLANNING PERMISSION ON BEHALF OF PATRICK & EILEEN BARRETT FOR PLANNING PERMISSION FOR; 1 - THE CONSTRUCTION OF A NEW FRONT PORCH 2 - A SINGLE STOREY SIDE EXTENSION TO THE EXISTING DWELLING INCLUDING ALTERATIONS TO THE ELEVATIONS OF THE EXISTING DWELLING HOUSE 3 - TO CONVERT THE EXISTING GARAGE INTO A PROPOSED GRANNY FLAT INCLUDING ALTERATIONS TO THE ELEVATIONS OF THE EXISTING GARAGE 4 - THE CONSTRUCTION OF A LINK EXTENSION FROM THE PROPOSED GRANNY FLAT TO THE EXISTING DWELLING HOUSE 5 - ALL ASSOCIATED SITE WORKS AT KNOCKARBANE, LISCARROLL, Co. CORK, P51 X750. THE PLANNING APPLICATION MAY BE INSPECTED OR PURCHASED AT A FEE NOT EXCEEDING THE REASONABLE COST OF MAKING A COPY AT THE OFFICE OF THE PLANNING AUTHORITY DURING ITS PUBLIC OPENING HOURS AND A SUBMISSION OR OBSERVATION IN RELATION TO THE APPLICATION MAY BE MADE TO THE AUTHORITY IN WRITING ON PAYMENT OF THE PRESCRIBED FEE WITHIN THE PERIOD OF 5 WEEKS BEGINNING ON THE DATE OF RECEIPT BY THE AUTHORITY OF THE APPLICATION.

CORK COUNTY COUNCIL: Gerald McCarthy, Registered Architects, Macroom (026 23880) on behalf of Gavin Aherne wishes to apply for Full Planning Permission for Construction of New Dwelling House, new entrance, domestic garage, wastewater treatment system together with all other ancillary site works at Kinneagh, Derrigra West, Co. Cork. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Carrigrohane Road, Cork, during its public opening hours, i.e. 9.00a.m. to 4.00 p.m. Monday to Friday (excluding public holidays). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions and observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

CORK COUNTY COUNCIL

I, Caltriona Cronin, intend to apply for permission for development of a proposed conversion of an existing traditional stable block to domestic dwelling, to include for partial demolition of stables, alterations to elevations, extension to front elevations and conversion of part of the stable block to 4 No domestic outbuildings and 1 No Carport. Construction of a new domestic entrance with installation of proprietary wastewater treatment system together with all associated site works, landscaping and ancillary site works and services, within the curtilage of protected structure (00264) Waterloo House & Lodge (Waterloo Estate), Gearnaskagh, Mallow, Co. Cork.

PLANNING

CORK COUNTY COUNCIL: Gerald McCarthy, Registered Architects, Macroom (026 23880) on behalf of the Board of Management of Presentation National School, Millstreet wishes to apply for Full Planning Permission for Construction of a new extension to the existing school incorporating a general-purpose room, a servery, storage, and toilets together with all other ancillary site works at Coomlagane Street, Coomlogane, Co. Cork. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Carrigrohane Road, Cork, during its public opening hours, i.e. 9.00a.m. to 4.00 p.m. Monday to Friday (excluding public holidays). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions and observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

CORK COUNTY COUNCIL: I, Amy Good, wish to apply for full planning permission for the following works to existing 1 1/2 - storey dwelling house located at Ard Coillte, Gowlane North, Donoughmore, Co. Cork; 1) to construct new 1 1/2 - storey extension to north-west facing side elevation of dwelling, and 2) all associated site works and permission for retention is also sought for existing front entrance porch as constructed. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority at County Hall, Carrigrohane Road, Cork, during its public opening hours Monday-Friday 9.00-4.00p.m. A submission or observation in relation to the application may be made to the Planning Authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions and observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

CORK COUNTY COUNCIL: Tony O'Sullivan Architects Ltd, Macroom (087-9901651) on behalf of Hugh Hegarty, intend to apply for Permission for covered area to side of existing shed/garage for use as car port/storage and all associated works, all to rear of existing dwelling at Castleinch, Ovens, Co. Cork - P31 HW27. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during its public opening hours and a submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions and observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

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WANTED

Land to Let for Grazing and Second Cut Silage, West End Mount Collins Limerick V94A6F2
Contact 0879076841/06844276- Ring 9pm - 10pm no text messages.

WANTED

Wanted Small Bales of Straw for Dogs and Hens, Barley Straw. Contact 0879076841/06844276 Ring between 9-10pm no text messages.

LIVESTOCK

Wanted all cull & feeding cows & bulls. Thin, lame, injured + horned animals also bought. Tel: 087 7005753

KERRY COUNTY COUNCIL 1, Pauline Lyne intend to apply to Kerry County Council for retention permission to retain (A) the demolition of a single story extension to the east & garage structure to the south of our existing dwelling and (B) planning permission to construct a single story extension with a two story ensuite bathroom overhead to the east of our existing dwelling and (C) the construction of a single story garden shed to the east of our existing dwelling and all associated ancillary site works at Ard Mhuire, Knockeenduff, Killarney, Co. Kerry." This planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during its public opening hours and that a submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application.

Kerry County Council. We, Homeland DAL Ltd., intend to apply to Kerry County Council for planning permission at Dun Alann, Clieveragh, Listowel, Co. Kerry. The development will consist of the construction of 12 no. 2 storey 3-bed semi-detached residential dwelling units and all associated services and site development works. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the planning authority at County Buildings, Rathass, Tralee, during its public opening hours; Monday to Friday 9.00am to 5.00pm. A submission or observation in relation to the application may be, and in writing to the planning authority on payment of the prescribed fee of €20 within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

WANTED

Wanted a Tree Surgeon to cut trees and top trees at side of road, must have insurance and vat number. Address West End Mount Collins Limerick V94A6F2 Contact 0879076841/06844276 between 9 - 10pm

Kerry Co-Op Shares Wanted.
No transfer costs and immediate payment made. 086-8684075

LIVESTOCK

Wanted cattle/horses We also buy lame/culled cows/cattle. Also wanted horses, cobs, ponies.

Tel: 0876681171

Wanted lame thin Mastitis cows. All damaged cattle. Young cows not in calf and heifers also wanted. Payment and Paperwork on the day. 087 4166163

Planning and Development Act 2000 (as amended) Notice of Direct Planning Application to An Bord Pleanála in Respect of a Strategic Infrastructure Development County Cork & County Kerry

In accordance with Section 37E of the Planning and Development Act 2000, as amended, we, Cummeennabudoge Wind Designated Activity Company, give notice of our intention to make an application to An Bord Pleanála for permission for a period of 10 years, for development comprising the construction of a wind farm and related works in the townlands of Cummeennabudoge (Coimín na Bóidige) (County Kerry), Clydaghroe (An Chlaoideach Rua) (County Kerry), Glashacormick (Glaise Chormaic) (County Kerry), Cummeenavrick (Coimín an Bhroic) (County Kerry), Caherdowney (Cathair Dhúnaigh) (County Cork).

The Proposed Development will consist of 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 Ballyvourskill 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.

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

The design flexibility opinion issued by An Bord Pleanála (Case Reference ABP-319240-24) on 16th August 2024 accompanies this application. The details unconfirmed in this application are the turbine tip height, rotor diameter and hub height. The range of parameters under which the turbine dimensions will fall are specified on this site notice and in the design flexibility opinion that accompanies this application.

The planning application, EIAR and NIS may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours for a period of seven weeks commencing on 21st October 2024 at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902;
- The Offices of Cork County Council, Planning Department, Carrigrohane Road, Cork, T12 R2NC;
- The Offices of Kerry County Council, Planning Department, County Buildings, Rathass, Tralee, Co. Kerry, V92 H7VT.

The application may also be viewed/downloaded on the following website: <https://cummeennabudogeplanning.ie>

Submissions or observations may be made only to An Bord Pleanála ("the Board") 64 Marlborough Street, Dublin 1 in writing or online on the Board's website www.pleanala.ie during the above mentioned period of seven weeks relating to (i) the implications of the Proposed Development for proper planning and sustainable development of the area concerned; (ii) the likely effects on the environment of the Proposed Development, if carried out, and (iii) the likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be accompanied by a fee of €50 (except for certain prescribed bodies) and must be received by the Board not later than 5.30 p.m. on the 9th December 2024. Such submissions/observations must also include the following information: (i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent, (ii) the subject matter of the submission or observation, and (iii) the reasons, considerations and arguments on which the submission or observation is based in full (Article 217 of the Planning and Development Regulations 2001, as amended, refers).

Any submissions or observations which do not comply with the above requirements cannot be considered by the Board. The Board may at its absolute discretion hold an oral hearing on the application. (For further details please see 'A Guide to Public participation in Strategic Infrastructure Development' on the Board's website www.pleanala.ie).

The Board may in respect of an application for permission decide to (a) (i) grant the permission, or (ii) make such modifications to the Proposed Development as it specifies in its decision and grant permission in respect of the Proposed Development as so modified, or (iii) grant permission in respect of part of the Proposed Development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions, or (b) refuse to grant the permission.

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanála (Tel. 01-8588100). A person may question the validity of any such decision of the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986, as amended by S.I. No. 691 of 2011), in accordance with Section 50 of the Planning and Development Act 2000, as amended Practical information on the review mechanism can be accessed under the heading "Information on cases / Weekly lists" - Judicial Review of planning decisions, on the Board's website www.pleanala.ie or on the Citizens Information Service website www.citizensinformation.ie

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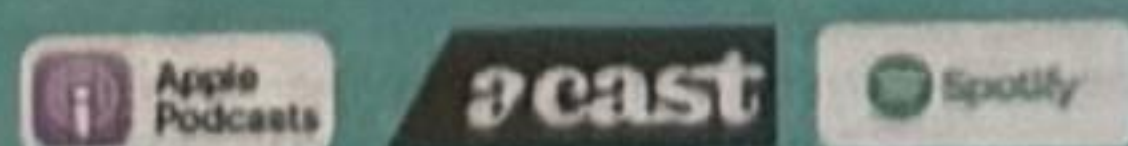


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Situations Vacant

MD JASHIM UDDIN v/a INFINITY GOLF GUISINE is requiring Head Curry Chef, Salary: €35,000 per Annum each position, Hours: 39 per week, 5 days a week, Contract: 5 years (Full time), Start date: 01/11/2024, Address: Royal Curragh Golf Club, Blackrath, The Curragh, Co. Kildare. Applicants must have 5 years or more previous experience in preparation and cooking of Indian Curry dishes as head chef and familiar with HACCP. Apply within current CV to e-mail: infinitycuisine20@gmail.com, Ph. 0851985167.

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Public Notices

**THE HIGH COURT
THE PROBATE OFFICE
THE PRINCIPAL
REGISTRY
IN THE ESTATE OF
DAMIEN O'SHEA HARKIN
OTHERWISE DAMIEN
O'SHEA, DECEASED**

LATE OF Suncroft Lodge Nursing Home, Suncroft, The Curragh, County Kildare
TO: The next of kin (if any) and all other persons interested in the Estate of Damien O'Shea Harkin otherwise Damien O'Shea late of Suncroft Lodge Nursing Home, Suncroft, The Curragh in the County of Kildare who died at Suncroft Lodge Nursing Home, Suncroft, The Curragh, County Kildare, retired Professor and intestate on the 30 January 2022 aged 68 years.

TAKE NOTICE that a citation has issued whereby you are cited to appear in the Probate Office, Four Courts, Dublin within thirty days after the publication of this notice, and accept or refuse Letters of Administration of the estate of the above-named deceased or show cause why the same should not be granted to Maria Browne, Chief State Solicitor of Omond House, Little Ship Street in the City of Dublin as the nominee and on behalf of the State, and take notice that in default of your appearance the said administration may be granted to said Maria Browne.

Dated the 13th September 2024.
Anne Heenan,
Probate Officer.

Notice to Advertisers/Readers

It is a condition of acceptance of advertisement that the The Examiner Echo Group Limited do not guarantee the insertion of any particular advertisement on specified date or at all. The Examiner Echo Group Limited do not accept liability for any loss or damage caused by an error or inaccuracy in the printing of any advertisement, whether by virtue of an inaccuracy, error or otherwise and whether suffered by the advertiser, a reader or any other person.

In the event of the publication of an advertisement, or a series of advertisements, containing an inaccuracy or error caused by the Examiner Echo Group Limited, its servants or agents, the limit of liability of The Examiner Echo Group Limited shall extend only to the printing of one corrected insertion. No reprinting shall occur where the error is of a minor or typographical nature only.

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Planning Notices

**PLANNING AND DEVELOPMENT Act 2000 (as amended)
Notice of Direct Planning Application to An Bord Pleanála in Respect of a Strategic Infrastructure Development County Cork & County Kerry**

In accordance with Section 37E of the Planning and Development Act 2000, as amended, we, Cummeennabuddoge Wind Designated Activity Company, give notice of our intention to make an application to An Bord Pleanála for permission for a period of 10 years, for development comprising the construction of a wind farm and related works in the townlands of Cummeennabuddoge (Coimín na Bodoige) (County Kerry), Clydaghroe (An Chlaoideach Rua) (County Kerry), Glashacormick (Glaise Chormaic) (County Kerry), Cummeennavrick (Coimín an Bhroic) (County Kerry), Caherdowney (Cathair Dhúnaigh) (County Cork).

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 Ballyvuskull 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.

This application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The design flexibility opinion issued by An Bord Pleanála (Case Reference ABP-319240-24) on 16th August 2024 accompanies this application. The details unconfirmed in this application are the turbine tip height, rotor diameter and hub height. The range of parameters under which the turbine dimensions will fall are specified on this site notice and in the design flexibility opinion that accompanies this application.

The planning application, EIAR and NIS may be inspected free of charge of purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours for a period of seven weeks commencing on 21st October 2024 at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902;
- The Offices of Cork County Council, Planning Department, Carrirohane Road, Cork, T12 R2NC;
- The Offices of Kerry County Council, Planning Department, County Buildings, Rathass, Tralee, Co. Kerry, V92 H7VT.

The application may also be viewed/downloaded on the following website: <https://cummeennabuddogeplanning.ie>

Submissions or observations may be made only to An Bord Pleanála ("the Board") 64 Marlborough Street, Dublin 1 in writing or online on the Board's website www.pleanala.ie during the above mentioned period of seven weeks relating to (i) the implications of the Proposed Development for proper planning and sustainable development of the area concerned; (ii) the likely effects on the environment of the Proposed Development, if carried out; and (iii) the likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be accompanied by a fee of €50 (except for certain prescribed bodies) and must be received by the Board not later than 5.30 p.m. on the 9th December 2024. Such submissions/observations must also include the following information: (i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent, (ii) the subject matter of the submission or observation, and (iii) the reasons, considerations and arguments on which the submission or observation is based in full (Article 217 of the Planning and Development Regulations 2001, as amended, refers).

Any submissions or observations which do not comply with the above requirements cannot be considered by the Board. The Board may at its absolute discretion hold an oral hearing on the application. (For further details please see 'A Guide to Public Participation in Strategic Infrastructure Development' on the Board's website www.pleanala.ie).

The Board may in respect of an application for permission decide to (a) (i) grant the permission, or (ii) make such modifications to the Proposed Development as it specifies in its decision and grant permission in respect of the Proposed Development as so modified, or (iii) grant permission in respect of part of the Proposed Development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions, or (b) refuse to grant the permission.

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanála (Tel. 01-8588100). A person may question the validity of any such decision of the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986, as amended by S.I. No. 691, of 2011), in accordance with Section 50 of the Planning and Development Act 2000, as amended. Practical information on the review mechanism can be accessed under the heading "Information on cases / Weekly lists" - Judicial Review of planning decisions, on the Board's website www.pleanala.ie or on the Citizens Information Service website www.citizensinformation.ie.

Planning Notices

In Memoriam



Barrett

In loving memory of **PATRICK**, late of Summerstown Road, Wilton, whose 14th Anniversary occurs today.

Our thoughts and prayers we send today
To a star in the sky not far away
Engraved in gold on a cloud above
Just for you with all our love
Every day in some small way
We miss you more than words can say
In our hearts you will always stay
Loved and remembered every day
(With love from all the Barrett Family)

SCANNELL In memory of my father and mother, **PADDY** and **NELLIE** whose anniversaries occur January 7, 1982 and October 3, 1998.
(Love Danny)

Death Notices

CROWLEY (Cork): On October 1, 2024, peacefully, at Cork University Hospital, **HELENA** (Rochestown Road and formerly of Laurel Grove, Bishopstown), dearly loved daughter of the late Michael and Eileen Crowley and loving sister of Colette and Gerard. Sadly missed by her loving brother, sister, sister-in-law Rosie, niece Kate, nephews Doug, Sam, Xander and Louis, uncle Jim, cousins, relatives and a wide circle of friends. Requiem Mass at 2.00pm on today (Thursday) in St Columba's Church, Douglas. Funeral afterwards to The Island Crematorium, Rocky Island, Ringaskiddy, Co. Cork. Family flowers only please. Donations, in lieu, to Cork University Hospital (Charity Fund).
May she rest in peace.

In Memoriam



Ronnie Kelly

FOURTH ANNIVERSARY
Cherished memories of our beloved Dad, grandad and great grandad, **RONNIE KELLY**. Now joined by our beloved Mum, Pat.
God looked around His garden and saw an empty space.
He then looked down upon earth
and saw your tired face.
He put His arms around you and lifted you to rest.
God's garden must be beautiful.
He only takes the best.
(Loved and missed always, Edwina, Annette, Niamh and families).
'Buenos Noches'.

GOGGIN (Banteer): On October 1, 2024, peacefully at home in Kilmacrae, SEAN, beloved husband of Maureen (née Dunne), loving father of Kathleen (Moylhan), Alex, John, Martin, Margaret (Walsh) and Paul, treasured grandad of Eoin, Sandra, Alex, John, David, Jessica, Adam, Gereyn and Meagan and great-grandad of Aria Grace. Predeceased by his sister Hannah-Marie (Hinchion). Deeply regretted by his loving family, sisters Maura (O'Brien), Betty, Nora (Smart), Theresa (Gully), Eileen (Garlick), Sr Josephine, sons-in-law Sean and Paul, daughters-in-law Mary, Helene, Debbie and Norlene, brother-in-law Ray, extended family Angie, Leanne and Sci, nephews, nieces, relatives, kind neighbours and many friends. Reception into St Joseph's Church, Lyre (P51 E228) on tomorrow (Friday) for 11.00am Requiem Mass, which can be viewed live at <http://www.mycorndolences.ie>. Burial afterwards in the adjoining cemetery.
May he rest in peace.

O'CONNELL (Rosebank, Douglas, Cork): On September 30, 2024, peacefully, in the presence of her family, at the Bon Secours Hospital, **ADDIS** (née Healy), dearly beloved wife of the late Charlie, much loved mother of Liz and the late Fintala and Kieran, dear sister of James and the late Eileen, Bert and Clare. Sadly missed by her loving family, sons-in-law Marty and Hans, grandchildren Fiona, Rowan and Jake, great-grandson Ted, nephews, nieces, relatives, neighbours, carers and friends. Requiem Mass at 10.00am on Saturday (October 5) in St Columba's Church, Douglas. Funeral afterwards to St Oliver's Cemetery, Model Farm Road. Family flowers only please.
May she rest in peace.

Family Notices



**CONTACT
OUR SALES
TEAM TODAY**

T. 021 427 44 55
E. familynotices@examiner.ie

Irish Examiner

Public Notices

Public Notices



**Comhairle Contae Chorcaí
Cork County Council**

PUBLIC NOTICE

NOTICE OF THE PASSING OF A RESOLUTION TO VARY BASIC RATE OF LOCAL PROPERTY TAX.

The Finance (Local Property Tax) Act 2012 (as amended), makes specific provision that elected members of a local authority may pass a formal resolution to vary the basic rate of the Local Property Tax for their administrative area by a percentage known as the local adjustment factor. Article 10 of the Local Property Tax (Local Adjustment Factor) Regulations 2014 requires a local authority that has decided to vary the basic rate of the local property tax within its administrative area to give public notice of that decision.

In pursuance of the provisions of section 20 of the FINANCE (LOCAL PROPERTY TAX) ACT 2012 (as amended), I the undersigned, hereby notify the Minister for Housing, Local Government and Heritage of the passing of a resolution at a meeting of Cork County Council on the 23rd September 2024 to the effect that the basic rate of local property tax should be varied upwards by ten percent (10%) for the year 2025 in respect of relevant residential properties situated in the local authority's administrative area.

Signed
Maura Murrell
Chief Executive

Date: 23rd September 2024

Personal information may be collected by Cork County Council to enable the processing of your submission/enquiry. Cork County Council can legally process this information as necessary to comply with its statutory/legal obligations. Such information will be processed in line with the Council's privacy statement which is available at www.corkcoco.ie

Legal & Public Notices



**CONTACT
OUR
SALES TEAM
TODAY**



T. 021 427 44 55
E. notices@examiner.ie

Irish Examiner

Legal & Public Notices



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Family Notices



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Know what's really happening.

Appendix D. Site Notice

Site Notice is attached on the next page.

SITE NOTICE

Planning and Development Act 2000 (as amended) Notice of Direct Planning Application to An Bord Pleanála In Respect of a Strategic Infrastructure Development County Cork & County Kerry

In accordance with Section 37E of the Planning and Development Act 2000, as amended, we, Cummeennabuddoge Wind Designated Activity Company, give notice of our intention to make an application to An Bord Pleanála for permission for a period of 10 years, for development comprising the construction of a wind farm and related works in the townlands of Cummeennabuddoge (Coimín na Bodóige) (County Kerry), Clydaghróe (An Chlaoideach Rua) (County Kerry), Glashacormick (Glaise Chormaic) (County Kerry), Cummeenavríck (Coimín an Bhroic) (County Kerry), Caherdowney (Cathair Dhúnaigh) (County Cork).

The Proposed Development will consist of 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;

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

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

The design flexibility opinion issued by An Bord Pleanála (Case Reference ABP-319240-24) on 16th August 2024 accompanies this application. The details unconfirmed in this application are the turbine tip height, rotor diameter and hub height. The range of parameters under which the turbine dimensions will fall are specified on this site notice and in the design flexibility opinion that accompanies this application.

The planning application, EIAR and NIS may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours for a period of seven weeks commencing on 21st October 2024 at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902;
- The Offices of Cork County Council, Planning Department, Carrigrohane Road, Cork, T12 R2NC;
- The Offices of Kerry County Council, Planning Department, County Buildings, Rathass, Tralee, Co. Kerry, V92 H7VT.

The application may also be viewed/downloaded on the following website: <https://cummeennabuddogeplanning.ie>

Submissions or observations may be made only to An Bord Pleanála (“the Board”) 64 Marlborough Street, Dublin 1 in writing or online on the Board’s website www.pleanala.ie during the above mentioned period of seven weeks relating to (i) the implications of the Proposed Development for proper planning and sustainable development of the area concerned; (ii) the likely effects on the environment of the Proposed Development, if carried out, and (iii) the likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be accompanied by a fee of €50 (except for certain prescribed bodies) and must be received by the Board **not later than 5.30 p.m. on the 9th December 2024**. Such submissions/observations must also include the following information: (i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent, (ii) the subject matter of the submission or observation, and (iii) the reasons, considerations and arguments on which the submission or observation is based in full (Article 217 of the Planning and Development Regulations 2001, as amended, refers).

Any submissions or observations which do not comply with the above requirements cannot be considered by the Board. The Board may at its absolute discretion hold an oral hearing on the application. (For further details please see ‘A Guide to Public participation in Strategic Infrastructure Development’ on the Board’s website www.pleanala.ie).

The Board may in respect of an application for permission decide to (a) (i) grant the permission, or (ii) make such modifications to the Proposed Development as it specifies in its decision and grant permission in respect of the Proposed Development as so modified, or (iii) grant permission in respect of part of the Proposed Development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions, or (b) refuse to grant the permission.

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanála (Tel. 01-8588100). A person may question the validity of any such decision of the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986, as amended by S.I. No. 691. of 2011), in accordance with Section 50 of the Planning and Development Act 2000, as amended. Practical information on the review mechanism can be accessed under the heading “Information on cases / Weekly lists” – Judicial Review of planning decisions, on the Board’s website www.pleanala.ie or on the Citizens Information Service website www.citizensinformation.ie

Signed: JACK GRAHAM



Atmos Consulting Limited, CBC House, 24 Canning Street, Edinburgh, Scotland, EH3 8EG
(Agent on behalf of Cummeennabuddoge Wind Designated Activity Company)

Date of Erection of Site Notice: 2nd October 2024

Appendix E. Pre-application Consultation Details

E.1. Consultation with An Bord Pleanála

A pre-application consultation meeting was held with An Bord Pleanála (The Bord) via web conference on the 02/12/2021 (ABP-311198-21). This meeting introduced Cummeennabuddoge Wind Farm (the Proposed Development) to the Bord, and provided the requisite information to enable the Bord to make a decision on the strategic infrastructure development status of the Proposed Development.

This pre-application meeting was attended by the Applicant and representatives from Atmos Consulting Limited. The meeting covered the following subjects:

- Introduction to the Applicant and the Project Team;
- Community Engagement and Public Consultation;
- EIA Scoping Process;
- Site Location and Layout;
- Legislative and Planning Context;
- Environmental Considerations; and
- Summary and timetable for submission of the Application.

At the meeting, the Bord detailed the pre-application consultation process. A presentation was given providing information on the site and the Proposed Development. The Bord provided some guidance on key topics to be included in the EIAR and some points that they wanted to see addressed therein.

The Bord confirmed on the 13/09/2023 (amending two previous letters 14/08/2023 and 29/08/2023) confirming consultation was closed and that the Proposed Development constitutes strategic infrastructure development.

A second pre-application meeting was held on 29/04/2024 as new sections of the Planning and Development Act 2000 (as amended) had commenced, Section 37(CC)(1). The purpose of the second meeting was to obtain an opinion from the Bord on whether it is appropriate to submit an application for permission before certain details of the Proposed Development are confirmed, and to confirm the Proposed Development's strategic infrastructure development status (ABP-319219-24 and ABP-319240-24).

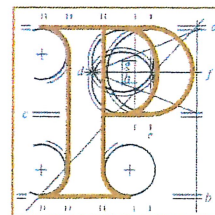
An Bord Pleanála subsequently provided a letter response on the Proposed Development's SID status and design flexibility request on the 16th August 2024. The responses confirmed the Proposed Development is considered SID and also approved the design flexibility request. These responses are provided below.

The unconfirmed details which were discussed in the second pre-application meeting were the following:

- Turbine Total Tip Height;
- Turbine Rotor Diameter; and
- Turbine Hub Height.

Our Case Number: ABP-319219-24

Your Reference: Cummeennabuddoge Wind Designated Activity Company



An
Bord
Pleanála

Atmos Consulting
CBC House
24 Canning Street
Edinburgh
Scotland

Date: 22 August 2024

Re: Proposed wind farm and 110kv substation.
located on land at Clydaghroe and Cummeenabuddoge, Clonkeen, within County Kerry,

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act 2000, as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act 2000, as amended. Any application for permission for the proposed development must, therefore, be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

The following is a list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage.
2. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit).
3. Minister for Agriculture, Food and the Marine.
4. Minister for the Environment, Climate and Communications.

Tel	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

5. Kerry Co Council.
6. Cork County Council
7. Southern Regional Assembly.
8. Transport Infrastructure Ireland.
9. An Taisce
10. An Chomhairle Ealaíon
11. Fáilte Ireland
12. The Heritage Council
13. National Parks & Wildlife Service.
14. Inland Fisheries Ireland.
15. Irish Water.
16. Irish Aviation Authority.
17. Health Service Executive.
18. Commission for Regulation of Utilities.
19. Office of Public Works.

Further notifications should also be made where deemed appropriate.

The Board advises the prospective applicant to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

The Board further advises the prospective applicant to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As a meeting was not required / only one meeting was required in this case, a refund of 3,500 will be sent to you in due course.

The following information relates to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

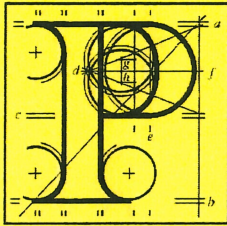
If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,



Ellen Moss
Executive Officer
Direct Line: 01-8737285

PC09A



An
Bord
Pleanála

Board Direction
BD-017249-24
ABP-319219-24

The submissions on file and the inspector's report were considered at a Board Meeting held on the 16/8/2024.

The Board decided having regard to the size, scale and location of the proposed development comprising of 17 wind turbines and associated hard standing areas, and to the policy context, it is considered that the proposed development constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, (as amended), thereby satisfying the requirements set out in section 37A(1) of the Act.

The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a), 37A(2)(b), and 37A(2)(c) of the Planning and Development Act 2000, as amended. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under Section 37E of the Act.

The Board recommended the application documents should be forwarded the list of Prescribed Bodies below for their consultation and consideration for the purposes of Section 37E (3) (c) of the Act:

- Minister for Housing, Local Government and Heritage.
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit).
- Minister for Agriculture, Food and the Marine.
- Minister for the Environment, Climate and Communications.
- Kerry Co Council.

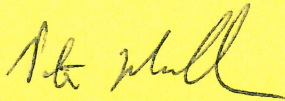
- Cork County Council
- Southern Regional Assembly.
- Transport Infrastructure Ireland.
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- National Parks & Wildlife Service.
- Inland Fisheries Ireland.
- Irish Water.
- Irish Aviation Authority.
- Health Service Executive.
- Commission for Regulation of Utilities.
- Office of Public Works.

Further notifications should also be made, where deemed appropriate.

Note 2: The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

Note 3: The prospective applicant is advised to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.

Board Member

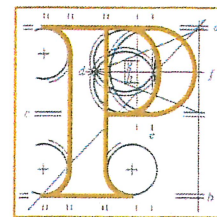


Peter Mullan

Date: 16/08/2024

Our Case Number: ABP-319240-24

Your Reference: Cummeennabuddoge Wind Designated Activ
Company



An
Bord
Pleanála

Atmos Consulting
CBC House
24 Canning Street
Edinburgh
Scotland

Date: 22 August 2024

Re: Proposed wind farm and 110kV substation (Design Option)
located on land at Clydaghroe and Cummeenabuddoge, Clonkeen, within County Kerry.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned proposed development.

Please be advised that following consultations under section 37CC of the Planning and Development Act 2000, as amended, the Board has formed an opinion on design flexibility. A copy of the opinion is enclosed.

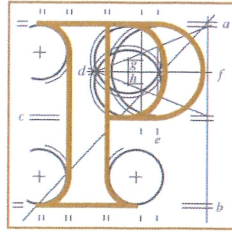
Please note that the Board's opinion on design flexibility will not be available for public inspection until an application is made to it under section 37E of the Act. Information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act 2000, as amended, is also enclosed.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

Ellen Moss
Executive Officer
Direct Line: 01-8737285

CC03



An
Bord
Pleanála

An Bord Pleanála Opinion on Flexibility

2) Request for meeting	
Request under section 37CC of the Act:	Request for Design Flexibility in relation to a proposed windfarm at Cummennabuddoge and adjacent townlands, County Clare.
Request reference Number:	ABP 319240-24
Name of the requestor/ prospective applicant:	Cummennabuddoge Wind Designated Activity Company (DAC).
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Cummennabuddoge and adjacent townlands County Kerry and County Cork.
Nature and extent of the proposed development:	Proposed 17 no. wind turbines each with a capacity of between 6MW and 7.2MW, including an onsite substation and ancillary works
Date of receipt of the request:	26 th February, 2024
Opinion Reference Number:	ABP 319240-24
Date of Opinion:	16 th August, 2024

3) Was the following Information included where relevant, with the Flexibility Meeting Request under section 287A of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

Information	Enclosed with Request		
(a) A site location map sufficient to identify the land on which the proposed development would be situated.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
(c) A draft layout plan of the proposed development.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
(d) A description of the details, or groups of details, of the proposed development that, owing to the circumstances set out in (e) below, are unlikely to be confirmed at the time of the proposed application.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
(e) A description of the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided, before the prospective applicant has confirmed the details referred to in (d) above.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
(f) An undertaking to provide with the proposed application, either - i. two or more options, in respect of each detail or group of details referred to in (d) above containing information on the basis of which the proposed application may be made and decided,	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	

pm

ii. parameters within which each detail referred to in paragraph (d) above will fall and on the basis of which the proposed application may be made and decided, or iii. a combination of (i) and (ii).			
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: []	No: []	Layout Drawings
(h) The appropriate fee.	Yes: []	No: []	N/A: [x]

At a meeting held on 16th August, 2024 the Board considered the report of the Inspector, the documents submitted as part of the pre-application consultation under section 37CC of the Planning and Development Act 2000, as amended on design flexibility.

In this regard an opinion on design flexibility shall issue to the prospective applicant as set out below:

4) Opinion of the Board under section 37CC of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.	
Information	Details/ Circumstances
a) The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.	1. Turbine Dimensions: a) Turbine Tip Height b) Rotor Diameter c) Hub height It is acknowledged that the flexibility in turbine specification may have consequential implications for the total rated energy output for the windfarm development.

pm

b) The circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed the details referred to in paragraph (a) above.	<ul style="list-style-type: none"> i. To avail of ongoing advances in technology; ii. To facilitate the procurement process; iii. To ensure against the potential obsolescence of existing technology.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

For each detail, or groups of details, referred to in paragraph 4(a) above, the proposed application shall, in addition to any other requirement imposed by or under the Planning and Development Act 2000, as amended, be accompanied by the information referred to in the undertaking submitted with the flexibility meeting request under section, 37CC(2)(f) of the Planning and Development Act 2000, as amended.

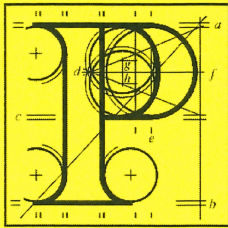
The proposed application must be consistent with the opinion provided in accordance with section 37CD of the Act.



Peter Mullan

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

Dated this 21st day of August, 2024



An
Bord
Pleanála

Board Direction
BD-017252-24
ABP-319240-24

The submissions on file and the inspector's report were considered at a Board Meeting held on the 16/8/2024.

The Board should notify the prospective applicant of its Opinion in respect of flexibility under section 37CD of the Planning and Development Act, 2000, as amended, in accordance with the following Draft Opinion.

DRAFT OPINION

An Bord Pleanála Opinion on Flexibility

(1) Request for meeting	
Request under section 37CC of the Act:	Request for Design Flexibility in relation to a proposed windfarm at Cummennabuddoge and adjacent townlands, Co. Clare.
Request reference Number:	ABP 319240-24
Name of the requestor/prospective applicant:	Cummennabuddoge Wind Designated Activity Company (DAC).
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Cummennabuddoge and adjacent townlands Co. Kerry and Co. Cork

Nature and extent of the proposed development:	Proposed 17 no. wind turbines each with a capacity of between 6MW and 7.2MW, including an onsite substation and ancillary works
Date of receipt of the request:	26 th February 2024
Opinion Reference Number:	ABP 319240-24
Date of Opinion:	

(2) Was the following Information included where relevant, with the Flexibility Meeting Request under section 37CC of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

Information	Enclosed with Request		
(a) A site location map sufficient to identify the maritime area/land on which the proposed development would be situated.	Yes: [x]	No: []	
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: [x]	No: []	
(c) A draft layout plan of the proposed development.	Yes: [x]	No: []	
(d) A description of the details, or groups of details, of the proposed development that, owing to the circumstances set out in (e) below, are unlikely to be confirmed at the time of the proposed application.	Yes: [x]	No: []	
(e) A description of the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided, before the prospective applicant has confirmed the details referred to in (d) above.	Yes: [x]	No: []	

(f) An undertaking to provide with the proposed application, either - i. two or more options, in respect of each detail or group of details referred to in (d) above containing information on the basis of which the proposed application may be made and decided, ii. parameters within which each detail referred to in paragraph (d) above will fall and on the basis of which the proposed application may be made and decided, or iii. a combination of (i) and (ii).	Yes: [x]	No: []	
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: []	No: []	Layout Drawings
(h) The appropriate fee.	Yes: [x]	No: []	

(3) Opinion of the Board under section 287B of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.


Information	Details/ Circumstances
a) The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.	1. Turbine Dimensions: a) Turbine Tip Height b) Rotor Diameter c) Hub height It is acknowledged that the flexibility in turbine specification may have consequential implications for the total rated energy output for the windfarm development.
b) The circumstances relating to the proposed development that indicate that it is appropriate that	i. To avail of ongoing advances in technology; ii. To facilitate the procurement process;

the proposed application be made and decided before the prospective applicant has confirmed the details referred to in paragraph (a) above.	iii. To ensure against the potential obsolescence of existing technology.
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For each detail, or groups of details, referred to above, the proposed application shall, in addition to any other requirement imposed by or under the Planning and Development Act 2000, as amended, be accompanied by the information referred to in the undertaking submitted with the flexibility meeting request under section, 37CC(2)(f) of the Planning and Development Act 2000, as amended.

The proposed application must be consistent with the opinion provided in accordance with section 37CD of the Act.

Board Member



Date: 16/08/2024

Peter Mullan

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or, in cases involving environmental impact assessment, is a body complying with specified criteria.

Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

(a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—

(i) any decision or purported decision made or purportedly made,

(ii) any action taken or purportedly taken,

(iii) any failure to take any action, pursuant to a statutory provision that gives effect to

- (I) a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
- (II) the SEA Directive 2001/42/EC, or
- (III) a provision of the IPPC Directive 2008/1/EC which Article 16 of that Directive applies, or
- (IV) Article 6(3) or 6(4) of the Habitats Directive; or

(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant to the extent that the applicant succeeds in obtaining relief against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Fógra faoi Athbhreithniú Breithiúnach

Athbhreithniú breithiúnach ar chinneadh an Bhoird Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú).

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhailíocht an chinnidh Bhoird é sin a dhéanamh ach trí athbhreithniú breithiúnach. Tá forálacha ann in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshláin i leith bhailíocht an chinnidh Bhoird.

Ní féidir bailíocht cinnidh arna ghlacadh ag an mBord a cheistiú ach amháin trí iarratas a dhéanamh ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (S.I. Uimh 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinnidh an Bhoird, seachas cinntí a dhéantar de bhun feidhme aistrithe chuig an mBord faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iarratas ar chéad chun iarratas a dhéanamh ar athbhreithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an dáta a thugadh fógra faoi chinneadh an Bhoird ar dtús (nó mar a cheanglófar faoin Achtú ábharta, a aistríodh feidhmeanna faoi chuig an mBord, a foilsíodh den chéad uair). Tá na tréimhsí ama seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheasú de réir fho-alt 50(8).

Sonraítear in alt 50A(3) nach deonófar cead d'athbhreithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstaintiúla ann chun a áitiú go bhfuil an cinneadh neamhbhailí nó gur chóir é a chuir ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iarratasóir san ábhar is ábhar don iarratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha ann in alt 50B maidir le costais imeachtaí athbhreithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

(a) imeachtaí san Ard-Chúirt mar athbhreithniú breithiúnach, nó trí chead a lorg chun iarratas a dhéanamh ar athbhreithniú breithiúnach ar—

- (i) aon chinneadh nó cinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,
- (ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,
- (iii) aon mhainneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht

- I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Threoir 2003/35/CE) den Treoir sin, nó
- II. do Threoir SEA 2001/42/CE, nó
- III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir lei, nó
- IV. d'Airteagail 6(3) nó 6(4) den Treoir maidir le Gnáthóga, nó

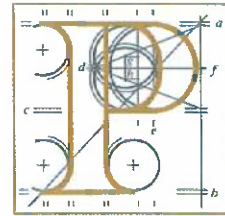
(b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);

(c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbhreitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is í an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt áfach, costais a dhámhachtain in aghaidh aon pháirtí in imithosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt costais imeachtaí nó chuid de chostais den sort sin a dhámhachtain d'iarratasóir, a mhéid a éiríonn leis an iarratasóir faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá chean, a mhéid a chuir an chaingean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go pairteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbhreithnithe bhreithiúnaigh ar fáil anseo a leanas www.citizensinformation.ie.

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmholta do dhaoine atá ag smaoineamh ar chaingean dlí comhairle dlí a lorg.



Cummeennabuddoge Wind Designated Activity Company
c/o Atmos Consulting
CBC House
24 Canning Street
Edinburgh
EH3 8EG
Scotland

Date: 13 September 2023

Re: Windfarm of up to 19 no. wind turbines with a generation capacity of up to 114MW and all associated infrastructure.
Clydaghroe and Cummeennabuddoge, Clonkeen, Co. Kerry and Ballyvourney and Millstreet, Co. Cork.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to your email dated 28th August 2023 in relation to our letter to you dated 14th August 2023.

Upon further examination it is noted that the applicant was requested, as part of the consultation process with proscribed bodies, to consult with Mayo County Council and the Northwest Regional Assembly.

As the application is located on the County Cork and County Kerry border, the applicant should have been requested to consult with Cork County Council and Kerry County Council and with the Southern Regional Assembly.

The following is the corrected list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage
2. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
3. Minister for Agriculture, Food and the Marine
4. Minister for the Environment, Climate and Communications
5. Cork County Council
6. Kerry County Council
7. Southern Regional Assembly
8. Transport Infrastructure Ireland
9. An Taisce
10. An Chomhairle Ealaíon
11. Fáilte Ireland
12. The Heritage Council
13. National Parks and Wildlife Service

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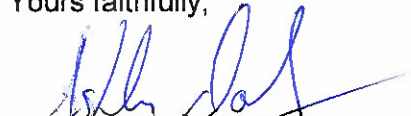
14. Inland Fisheries Ireland
15. Uisce Éireann
16. Irish Aviation Authority
17. Health Service Executive
18. Commission for Regulation of Utilities
19. Office of Public Works

Further notifications should also be made, where deemed appropriate.

The Board apologises for any inconvenience caused.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,



Ashling Doherty
Executive Officer
Direct Line: 01-8737160

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Facs
Láithreán Gréasáin
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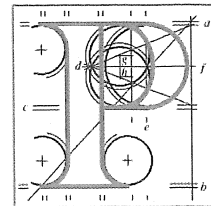
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64 Marlborough Street
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D01 V902

Our Case Number: ABP-311198-21



**An
Bord
Pleanála**

Cummeennabuddoge Wind Designated Activity Company
c/o Atmos Consulting
CBC House
24 Canning Street
Edinburgh
EH3 8EG
Scotland

Date: 29 August 2023

Re: Windfarm of up to 19 no. wind turbines with a generation capacity of up to 114MW and all associated infrastructure.
Clydaghroe and Cummeennabuddoge, Clonkeen, Co. Kerry and Ballyvourney and Millstreet, Co. Cork.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to our letter to you dated 14th August 2023 and in particular the omission of the details relating to the refund owing to you.

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed. A copy of the Board Direction is enclosed

The following is a list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage
2. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
3. Minister for Agriculture, Food and the Marine
4. Minister for the Environment, Climate and Communications
5. Mayo County Council
6. North and West Regional Assembly
7. Transport Infrastructure Ireland
8. An Taisce

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9. An Chomhairle Ealaíon
10. Fáilte Ireland
11. The Heritage Council
12. National Parks and Wildlife Service
13. Inland Fisheries Ireland
14. Uisce Éireann
15. Irish Aviation Authority
16. Health Service Executive
17. Commission for Regulation of Utilities
18. Office of Public Works

Further notifications should also be made, where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As only one meeting was required in this case, a refund of €3,500 will be sent to you in due course.

The following contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The

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Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website,
www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

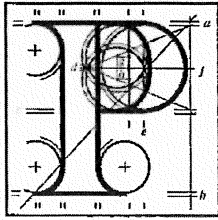


Ashling Doherty
Executive Officer
Direct Line: 01-8737160

PC09

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An
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Pleanála

Board Direction
BD-013217-23
ABP-311198-21

The submissions on file and the inspector's report were considered at a Board Meeting held on the 11/08/2023.

The Board decided having regard to the size, scale and location of the proposed wind farm and related development, it is considered that the proposed development constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in section 37A(1) of the Act.

The proposed development is also considered to be of strategic importance by reference to the requirements of sections 37A(2)(a), (b) and (c) of the Planning and Development Act 2000, as amended. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Planning and Development Act 2000, as amended.

The Board recommended the application documents should be forwarded the list of Prescribed Bodies below for their consultation and consideration for the purposes of Section 37E (3) (c) of the Act:

- Minister for Housing, Local Government and Heritage.
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit).
- Minister for Agriculture, Food and the Marine.
- Minister for the Environment, Climate and Communications.
- Mayo County Council.
- North and West Regional Assembly.
- Transport Infrastructure Ireland.

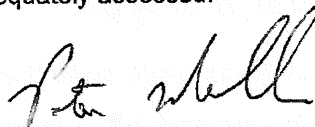
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- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- National Parks & Wildlife Service.
- Inland Fisheries Ireland.
- Irish Water.
- Irish Aviation Authority.
- Health Service Executive.
- Commission for Regulation of Utilities.
- Office of Public Works.

Further notifications should also be made, where deemed appropriate.

Note 2: The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

Note 3: The prospective applicant is advised to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.

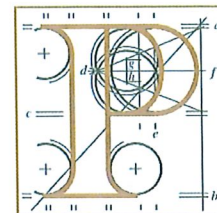
Board Member



Peter Mullan

Date: 11/08/2023

Our Case Number: ABP-311198-21



**An
Bord
Pleanála**

Cummeennabuddoge Wind Designated Activity Company
c/o Atmos Consulting
CBC House
24 Canning Street
Edinburgh
EH3 8EG
Scotland

Date: 14 August 2023

Re: Windfarm of up to 19 no. wind turbines with a generation capacity of up to 114MW and all associated infrastructure.
Clydaghroe and Cummeennabuddoge, Clonkeen, Co. Kerry and Ballyvourney and Millstreet, Co. Cork.

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed. A copy of the Board Direction is enclosed

The following is a list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage
2. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
3. Minister for Agriculture, Food and the Marine
4. Minister for the Environment, Climate and Communications
5. Mayo County Council
6. North and West Regional Assembly
7. Transport Infrastructure Ireland
8. An Taisce
9. An Chomhairle Ealaíon
10. Fáilte Ireland
11. The Heritage Council
12. National Parks and Wildlife Service
13. Inland Fisheries Ireland

Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

14. Uisce Eireann
15. Irish Aviation Authority
16. Health Service Executive
17. Commission for Regulation of Utilities
18. Office of Public Works

Further notifications should also be made, where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The following contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

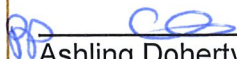
64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

General information on judicial review procedures is contained on the following website,
www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

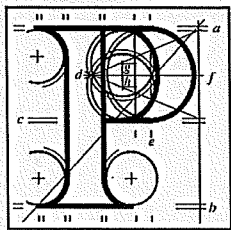


Ashling Doherty
Executive Officer
Direct Line: 01-8737160

PC09

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
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64 Sráid Maoilbhríde	64 Marlborough Street
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D01 V902	D01 V902



An
Bord
Pleanála

Board Direction
BD-013217-23
ABP-311198-21

The submissions on file and the inspector's report were considered at a Board Meeting held on the 11/08/2023.

The Board decided having regard to the size, scale and location of the proposed wind farm and related development, it is considered that the proposed development constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in section 37A(1) of the Act.

The proposed development is also considered to be of strategic importance by reference to the requirements of sections 37A(2)(a), (b) and (c) of the Planning and Development Act 2000, as amended. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Planning and Development Act 2000, as amended.

The Board recommended the application documents should be forwarded the list of Prescribed Bodies below for their consultation and consideration for the purposes of Section 37E (3) (c) of the Act:

- Minister for Housing, Local Government and Heritage.
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit).
- Minister for Agriculture, Food and the Marine.
- Minister for the Environment, Climate and Communications.
- Mayo County Council.
- North and West Regional Assembly.
- Transport Infrastructure Ireland.

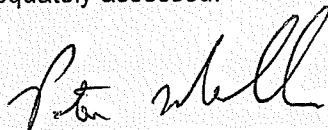
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- National Parks & Wildlife Service.
- Inland Fisheries Ireland.
- Irish Water.
- Irish Aviation Authority.
- Health Service Executive.
- Commission for Regulation of Utilities.
- Office of Public Works.

Further notifications should also be made, where deemed appropriate.

Note 2: The prospective applicant is advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines all proposed mitigation measures, in the interest of convenience and ease of reference.

Note 3: The prospective applicant is advised to submit sufficient drawings and details, including turbine dimensions, to fully describe the nature and extent of the proposed development and to allow its potential impacts to be adequately assessed.

Board Member



Peter Mullan

Date: 11/08/2023

E.2. Consultation with Statutory and Non-Statutory Bodies

An EIAR scope of works report was submitted to relevant statutory and non-statutory bodies in 2021 for review and comment. The EIAR scope of works report was accompanied by a cover letter which introduced the Proposed Development and invited comments or observations from the consultees within a period of eight weeks. A copy of all scoping responses received, can be found within Chapter 2 and Technical Appendix 2-1 of the EIAR.

Consultation was also carried out with telecommunications providers that may have services in the area of the Proposed Development which could have the potential to be affected. The list of telecommunications consultees, feedback received and design implications is discussed in Chapter 16 of the EIAR

The full list of consultee responses is also provided in Table 3 below on the next page.

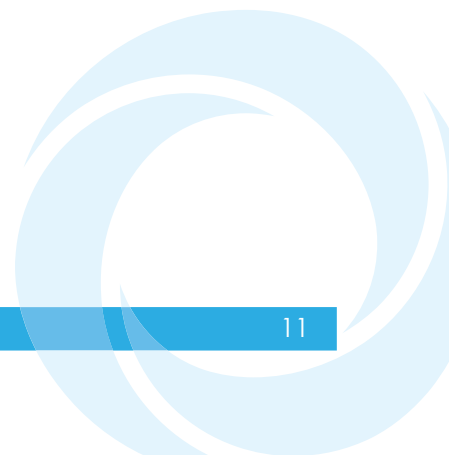


Table 3: Consultee Responses

Consultee	Response Summary	EIAR Section
Bat Conservation Ireland	All wind farm projects require a full bat survey according to best practise guidelines	Two years of surveys have been completed, See Chapter 8 - Biodiversity
Broadcasting Authority of Ireland	Not located near any existing or planned FM transmission sites	Noted.
BT	No impact on their infrastructure	Noted.
Cork County Council	Confirmed approach is acceptable Preference for grid connection to be underground Suggested refence is made to Judicial Review overturning permission for Derryadd Windfarm (SID - APB) [2020 No. 5571	The proposed grid connection route is entirely underground, See Chapter 4 – Description of Development. The Derryadd judicial review has been considered and a limited project envelope has been proposed.
Department of Agriculture, Food and the Marine	Identified need for felling licence Take note of Felling and Reforestation Policy ²	The tree felling activities required as part of the Proposed Development will be the subject of a Limited Felling Licence (LFL) application to the Forest Service in accordance with the Forestry Act 2014 and the Forestry Regulations 2017 (SI 191/2017) as per the Forest Service's policy on granting felling licenses for wind farm developments. The policy requires that a copy of the planning permission for the Proposed Development be submitted with the felling licence application; therefore, the felling license will not be applied for until such time as planning permission is obtained for the Proposed Development. Afforestation/replanting obligations will also be complied with.

¹ This relates to the design details requiring that turbine details be specific and not assessed on a 'worst case' basis

² Available at: <https://assets.gov.ie/96814/4830fc08-0227-4504-83fa-2fd90a7942f2.pdf> [accessed 22 November 2021]

Consultee	Response Summary	EIAR Section
Department of Defence	All turbines should be illuminated by high intensity obstacle lights that will allow the hazard be identified and avoided by aircraft in flight.	Considered during the design process. No implications for the EIA/Design. This is discussed in Chapter 16 – Material Assets (including Aviation and Telecommunication)
ESB Networks Telecoms	No impact on their network	Noted.
Geological Survey of Ireland (GSI)	Use publicly available GSI datasets Consider potential impact on specific groundwater abstractions and on groundwater resources Identify areas of high to extreme groundwater vulnerability The Landslide Susceptibility map indicates areas of 'Moderately High' to 'High' landslide susceptibility Post consent instructions and guidance	These issues are addressed in Chapter 10 - Soils, Geology and Hydrogeology.
Health Service Executive	Instructions on guidance and methodology to be followed in the conduct of the EIA Specifies a requirement for strong and early public consultation The Environmental Impact Assessment Report (EIAR) should clearly demonstrate the link between public consultations and how those consultations have influenced the decision-making process in the EIA Details on end of life decommissioning to be included in the EIAR Inclusion of height and model of the turbines, details of foundation design and ancillary facilities Identify opportunities for health gain (greenways, cycle paths etc.) The EIAR should consider an assessment of alternatives The potential impacts for noise and vibration from the proposed development on all noise sensitive locations must be clearly identified in the EIAR A baseline noise monitoring survey should be undertaken It is recommended that a shadow flicker assessment is undertaken A Construction Environmental Management Plan (CEMP) should be	Guidance and methodology followed is included within this chapter Details of the public consultation undertaken and an explanation of how that has influenced the design is included in Chapter 3: Design Evolution and Consideration of Alternatives An assessment of the decommissioning effects has been included in each assessment. Details on waste management is included in a Waste Management Plan as an Appendix to the Construction Environmental Management Plan (CEMP)_ See Figure 1-2 and Chapter 4: Description of Development See Chapter 5: Population and Human Health See Chapter 3 Design Evolution and Consideration of Alternatives See Chapter 13: Noise Baseline noise survey was undertaken as part of the assessment presented in Chapter 13: Noise Chapter 15: Shadow Flicker

Consultee	Response Summary	EIAR Section
	<p>included in the EIAR</p> <p>All drinking water sources, both surface and ground water, must be identified. Public and Group Water Scheme sources and supplies should be identified</p> <p>A detailed assessment of the current ground stability of the site for the proposed wind farm extension and all proposed mitigation measures should be detailed in the EIAR.</p> <p>The EIAR should include details of the location of all site office, construction compound, fuel storage depot, sanitary accommodation and canteen, First Aid facilities, disposal of wastewater and the provision of a potable water supply to the site canteen.</p> <p>All existing or proposed wind farm developments in the vicinity should be clearly identified in the EIAR.</p> <p>The EIAR should include a detailed assessment of any likely significant cumulative impacts</p> <p>The EIAR should state clearly if there is any future proposal to further extend the proposed Cummeennabuddoge Wind Farm.</p>	<p>A CEMP is included as Technical Appendix 4-1</p> <p>See Chapter 11: Hydrology, Water Quality and Flood Risk</p> <p>Chapter 10: Soils, Geology and Hydrogeology (including Appendices;</p> <p>See Chapter 4: Description of Development</p> <p>All technical assessments</p> <p>See Technical Appendix 2-3</p> <p>An assessment of the potential cumulative impacts is included in every assessment Chapter</p> <p>There are no plans to extend the Proposed Development beyond the extent described in this EIAR (Chapter 4: Description of Development</p>
Inland Fisheries Ireland (IFI)	<p>No physical interference with watercourses without consultation and no use of watercourses as mitigation measures</p> <p>Protection of water courses during construction</p> <p>Consultation on watercourse crossings</p>	<p>The design of the Proposed Development is such that there will be no physical interference with watercourses. Details of proposed watercourse crossings are included in. Chapter 4 - Description of Development</p> <p>Details of the proposed protection measures for water courses during construction are presented in TA 4-1 CEMP</p> <p>The Applicant welcomes IFI's view on the proposed watercourse crossings as shown on Figure 1-2 and Annex E to the Surface Water Management Plan included at Appendix 11-4.</p>
Kerry County Council - County Archaeologist	Impact on protected archaeological landscape to be assessed.	See Chapter 14 - Cultural and Archaeological Heritage and the assessment on the impact on the Visually Sensitive Area undertaken as part of the Landscape assessment reported in Chapter 6: Landscape and Visual Impact

Consultee	Response Summary	EIAR Section
		Assessment
Kerry County Council - Environment Department	Overriding concern on the potential impact on surface water quality downstream of the proposed development particularly during the construction phase. I would suggest that attention is placed on any potential downstream impacts particularly as the Clydagh River is a tributary of the River Flesk, which in turn constitutes the main water body flowing into Lough Leane.	See Chapter 11 Hydrology, Water Quality and Flood Risk
Kerry County Council - Planning	Outside area zoned as 'Open to Consideration' in the Renewable Energy Strategy Within an area identified as a secondary Special Amenity Area	Considered as part of Chapter 5 - Planning Policy and Development Context Assessment of the potential impacts on the Visually Sensitive Areas (formerly secondary Special Amenity Areas) is included in Chapter 6: Landscape and Visual Impact Assessment
Office of Public Works, Killarney	No interaction with any Office of Public Works (OPW) arterial drainage scheme	Noted.
Radio Telefís Éireann	Concern over disruption to National Broadcast Radio and TV services. Request for design details for further assessment and discussion	Design details for further assessment were circulated on 24/09/2022 and final design on 19/10/2022 together with an initial desk-based assessment of telecommunication links. This is discussed in Chapter 16 – Material Assets (including Aviation and Telecommunication)
Transport Infrastructure Ireland	Access to the road network developed in accordance with official policy and road safety considerations Assess significant impacts on road networks and junctions including N22 Assess visual impacts from roads Have regard to EIAR, conditions and modifications to road schemes in the area, particularly for cumulative impacts Consideration of Environmental Noise Regulations Conduct of a Traffic and Transport Assessment if appropriate Consideration of a Road Safety Audit Details of road crossing methods Assessment of haul routes	See Chapter 4 - Description of Development; See Chapter 6 - Landscape and Visual Impact Assessment; See Chapter 7 - Traffic Impact and Access Route Assessment; See Chapter 14 – Noise See Chapter 7 - Traffic Impact and Access Route Assessment; Noted No crossing of National Roads are proposed See Chapter 7 - Traffic Impact and Access Route

Consultee	Response Summary	EIAR Section
	<p>Consultation with road management companies regarding operational requirements</p> <p>Consideration of safeguarding for proposed road schemes in grid connection infrastructure</p>	<p>Assessment; Noted</p> <p>The cable route does not cross any area proposed for any road scheme</p>
Vodafone	No impact on their network	See Chapter 16 – Material Assets (including Aviation and Telecommunication)
Waterways Ireland	No impact	Noted.

E.3. Public Consultations

Details of the public consultation events relevant to the Proposed Development are included in the Community Engagement Report which can be found in Technical Appendix 1-2 of the EIAR. A summary of these events is given below:

In November 2020, at an early stage, the project appointed a local Community Liaison Officer (CLO). The role of a CLO is to introduce and communicate key project information, timelines, updates, activities, benefits and proposals through direct and indirect community engagement, meetings and events with the proposed Cummeennabuddoge Wind Farm's near neighbours and the wider community throughout the project lifecycle.

Initially, the CLO's direct engagement focused on calling to houses within 2km of the project area with the distribution of an introductory letter in December 2020.

Engagement was extended out to 4km thereafter for Newsletter 1 in July/August 2021, a project update letter in February 2022, Newsletter 2 in April 2022, Newsletter 3 in September 2022 and a project update letter in March 2023.

During May 2022, FuturEnergy Ireland sponsored and arranged a Climate Change Education Programme for five local national schools. In October/November, a further two schools took part in the programme. The schools are all located around the project area and the programme, STEAM Education's Climate-Action-in-a-Box, received very positive feedback.

In August 2023, the communications manager sent a media release to local and regional journalists launching Cummeennabuddoge Wind Farm's detailed project brochure and Virtual Exhibition. In tandem, a detailed 44-page project brochure, and a letter with details of the Virtual Exhibition and a request to participate in the engagement process, was distributed to the projects near neighbours and wider community out to 4km, interest groups and local elected representatives in both Co Cork/Kerry.

In September 2023, the CLO delivered an invitation letter to a two-day on-site community engagement clinic to houses within 4km of the project area. This was either emailed/delivered/posted to interest groups and local elected representatives in Co. Cork and Co. Kerry to keep them informed and up to date. In tandem, advertisements for the clinic were placed in the local and regional newspapers while posters were put up in local public places and posted on the local community Facebook page.

The intention during July 2024 is to distribute a "notice to submit into planning" letter to the near neighbours. In tandem, advertisements giving notice of the planning submission will be placed in local and national newspapers. Site notices will also be erected around the proposed project.

Early in the engagement process, the CLO contacted and kept local interest groups from the wider community and local elected representatives in Co. Cork and Co. Kerry up to date and informed. This commitment has continued throughout the engagement process and will continue to do so throughout the project's lifecycle.

The CLO was on hand to discuss any queries and take feedback, comments or concerns that residents may have had back to the project team to respond. Some

information requests were logged so that when the information became available it would be provided.

The CLO's work included Saturdays and some evenings in an effort to meet residents unavailable during weekdays in an effort to reach out to all.

At all stages of the project's engagement cycle from 2020 to 2024, all our communications material included our contact number, project email, postal address, and dedicated project website www.cummeennabuddogewindfarm.ie (when launched). All project updates and newsletters were continuously uploaded to the dedicated project website.

To acknowledge the region's proximity to the Gaeltacht, the majority of our communications were provided in both Irish and English.

To reinforce the public consultation programme FuturEnergy Ireland and SSE Renewables organised two Public Information Days (PIDs) to provide an opportunity for the local community and local elected representatives from Co Cork and Co. Kerry to meet the project team, view the proposals and discuss the proposed Cummeennabuddoge Wind Farm.

Public Information Days (PIDs)

The PIDs were held as part of the public consultation process, on September 20 and September 21, 2023, at the Abbey Hotel, Ballyvourney, Co. Cork, P12 FW30, a venue close to the site and easily accessible to local residents. The public consultation events took place September 20, 12:00-20:00, and September 21, 11:00-18:00, to give as many community members as possible the chance to attend.

A Pre-Application Community Consultation (PACC) Report has been submitted to the Board as a standalone document as part of this planning application. The PACC Report summarises the engagement and consultation that has taken place with the local community to date, from project launch to this planning application. It includes PID reports, a long-term community engagement plan and how comments received have been considered and addressed in the project.

Informing the Public and Local Residents

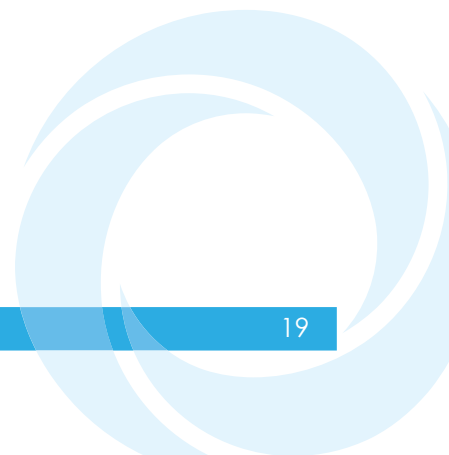
Between 2020 and 2024, this was achieved by having a local dedicated CLO who is easily contactable and available allocated to the project to keep near neighbours, local interest groups, the wider community and local elected representatives up to date and informed. The following materials kept all parties mentioned above updated: a project introduction letter, newsletters 1,2 and 3, two project update letters, a dedicated project website, a 44-page brochure, a Virtual Exhibition, a clinic invitation letter, media releases, advertisements, locally placed posters, sponsored school education programmes, a two-day local engagement clinic (PID) and a "notice to submit" letter.

Appendix F. Notification Letters to Prescribed Bodies

Notification of the submission of the Planning Application for the Proposed Development has been sent to the following prescribed bodies (as recommended by An Bord Pleanála in SID determination correspondence dated 13/09/2023:

- Minister for Housing, Local Government and Heritage;
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit);
- Minister for Agriculture, Food and the Marine;
- Minister for the Environment, Climate and Communications;
- Cork County Council;
- Kerry County Council;
- Southern Regional Assembly;
- Transport Infrastructure Ireland;
- An Taisce;
- An Chomhairle Ealaíon;
- Fáilte Ireland;
- The Heritage Council;
- National Parks and Wildlife Service;
- Inland Fisheries Ireland;
- Uisce Éireann;
- Irish Aviation Authority;
- Health Service Executive;
- Commission for Regulation of Utilities;
- Office of Public Works.

Copies of the notification letters to the prescribed bodies in the list above is attached below on the next pages.



An Chomhairle Ealaíon
70 Merrion Square
Dublin 2
D02 NY52

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: reception@artscouncil.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs

Cummeennabuddoge Wind Designated Activity Company gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Cummeennabuddoge Wind Farm in the townlands of Cummeennabuddoge (County Kerry), Clydaghroe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork).

The full planning application, Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) can be viewed on the dedicated project website www.cummeennabuddogeplanning.ie or may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902.
- The Offices of Cork County Council, Ground Floor, County Hall, Carrigrohane Road, Cork, T12 R2NC.
- The Offices of Kerry County Council, County Buildings, Ratass, Tralee, Co. Kerry, V92 H7VT.

In considering this application, An Bord Pleanála can decide to:

- (a) (i) grant the permission, or
(ii) make such modifications to the proposed development as it specified in its decision and grant permission in respect of the proposed development as so modified, or
(iii) grant permission in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions,
- (b) Refuse to grant the permission.

Any submissions/observations must be made to the Bord at 64 Marlborough Street, Dublin 1, D01 V902 relating to:

- (i) The implications of the proposed development for proper planning and sustainable development of the area concerned, and
- (ii) The likely effects on the environment of the proposed development, if carried out, and
- (iii) The likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

An Taisce
5 Foster Place
Temple Bar
Dublin 2
D02 V0P9

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: planning@antaisce.org

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs

Cummeennabuddoge Wind Designated Activity Company gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Cummeennabuddoge Wind Farm in the townlands of Cummeennabuddoge (County Kerry), Clydaghroe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork).

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In considering this application, An Bord Pleanála can decide to:

- (a) (i) grant the permission, or
- (ii) make such modifications to the proposed development as it specified in its decision and grant permission in respect of the proposed development as so modified, or
- (iii) grant permission in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions,
- (b) Refuse to grant the permission.

Any submissions/observations must be made to the Bord at 64 Marlborough Street, Dublin 1, D01 V902 relating to:

- (i) The implications of the proposed development for proper planning and sustainable development of the area concerned, and
- (ii) The likely effects on the environment of the proposed development, if carried out, and
- (iii) The likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Commission for Regulation of Utilities
The Exchange
Belgard Square North
Tallagh
Dublin 24
Ireland

CBC House
24 Canning Street
Edinburgh
EH3 8EG

T: 0131 346 9100

E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

Our Ref: 61253

By email: info@cru.ie

Date: 03/10/2024

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs

Cummeennabuddoge Wind Designated Activity Company gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Cummeennabuddoge Wind Farm in the townlands of Cummeennabuddoge (County Kerry), Clydaghrone (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork).

The full planning application, Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) can be viewed on the dedicated project website www.cummeennabuddogeplanning.ie or may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours at the following locations:

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- The Offices of Cork County Council, Ground Floor, County Hall, Carrigrohane Road, Cork, T12 R2NC.
- The Offices of Kerry County Council, County Buildings, Ratass, Tralee, Co. Kerry, V92 H7VT.

In considering this application, An Bord Pleanála can decide to:

- (a) (i) grant the permission, or
- (ii) make such modifications to the proposed development as it specified in its decision and grant permission in respect of the proposed development as so modified, or
- (iii) grant permission in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions,
- (b) Refuse to grant the permission.

Any submissions/observations must be made to the Bord at 64 Marlborough Street, Dublin 1, D01 V902 relating to:

- (i) The implications of the proposed development for proper planning and sustainable development of the area concerned, and
- (ii) The likely effects on the environment of the proposed development, if carried out, and
- (iii) The likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Cork County Council
Planning Department
Carrigrohane Road
Cork
T12 R2NC

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: planninginfo@corkcoco.ie

Date: 03/10/2024

T: 0131 346 9100

E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

**RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development
Application to An Bord Pleanála under Section 37(E) of the Planning and Development
Act 2000 (as amended)**

Dear Sirs

Cummeennabuddoge Wind Designated Activity Company gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Cummeennabuddoge Wind Farm in the townlands of Cummeennabuddoge (County Kerry), Clydaghroe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork).

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Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Fáilte Ireland
88-95 Amiens Street
Dublin 1
D01 WR86

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: customersupport@failteireland.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Health Service Executive
Dr Steevens' Hospital
Steeven's Lane
Saint James
Dublin 8
D08 W2A8

CBC House
24 Canning Street
Edinburgh
EH3 8EG

T: 0131 346 9100

E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

Our Ref: 61253

By email: environmental.health@hse.ie

Date: 03/10/2024

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Inland Fisheries Ireland
3044 Lake Drive
Citywest Business Campus
Dublin
D24 CK66

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: info@fisheriesireland.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Irish Aviation Authority
The Times Building
11-12 D'Olier Street
Dublin 2
D02 T449

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: iaainfo@IAA.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Kerry County Council
Planning Department
County Buildings
Rathass
Tralee
County Kerry
V92 H7VT

CBC House
24 Canning Street
Edinburgh
EH3 8EG

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

Our Ref: 61253

By email: plan@kerrycoco.ie

Date: 03/10/2024

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin 2
D02 WK12

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: info@agriculture.gov.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Minister for Housing, Local Government and Heritage
Custom House
Dublin
D01 W6X0

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: DAU.manager@npws.gov.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Minister for the Environment, Climate and Communications
Tom Johnson House
Haddington Road
Dublin
D04 K7X4

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: PlanningNotifications@decc.gov.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Minister for Tourism, Culture, Arts, Gaeltacht,
Sport and Media
Development Applications Unit
23 Kildare Street
Dublin 2
D02 TD30

CBC House
24 Canning Street
Edinburgh
EH3 8EG

T: 0131 346 9100

E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

Our Ref: 61253

By email: manager.dau@housing.gov.ie

Date: 03/10/2024

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

National Parks and Wildlife Service
90 King Street North
Dublin 7
D07 N7CV

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: natureconservation@npws.gov.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

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In considering this application, An Bord Pleanála can decide to:

- (a) (i) grant the permission, or
(ii) make such modifications to the proposed development as it specified in its decision and grant permission in respect of the proposed development as so modified, or
(iii) grant permission in respect of part of the proposed development (with or without specified modifications of it of the foregoing kind), and any of the above decisions may be subject to or without conditions,
- (b) Refuse to grant the permission.

Any submissions/observations must be made to the Bord at 64 Marlborough Street, Dublin 1, D01 V902 relating to:

- (i) The implications of the proposed development for proper planning and sustainable development of the area concerned, and
- (ii) The likely effects on the environment of the proposed development, if carried out, and
- (iii) The likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Office of Public Works
Jonathan Swift Street
Trim
Co Meath
C15 NX36

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: info@opw.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

Dear Sirs

Cummeennabuddoge Wind Designated Activity Company gives notice of its intention to make an application to An Bord Pleanála for permission for the development of Cummeennabuddoge Wind Farm in the townlands of Cummeennabuddoge (County Kerry), Clydaghrone (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork).

The full planning application, Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) can be viewed on the dedicated project website www.cummeennabuddogeplanning.ie or may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such a copy) during public opening hours at the following locations:

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- (iii) The likely effects or adverse effects on the integrity of a European site, if carried out.

Any submissions/observations must be received by the Bord not later than 9th December 2024.

Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Southern Regional Assembly
Assembly House
Waterford
Ireland
X91 F8PC

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: info@southernassembly.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

The Heritage Council
Church Lane
Gardens
Kilkenny
R95 X264

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: mail@heritagecouncil.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Transport Infrastructure Ireland
Parkgate Business Centre
Parkgate Street
Dublin 8
D08 DK10

CBC House
24 Canning Street
Edinburgh
EH3 8EG

Our Ref: 61253

By email: landuseplanning@tii.ie

Date: 03/10/2024

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development Application to An Bord Pleanála under Section 37(E) of the Planning and Development Act 2000 (as amended)

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Uisce Eireann
Colvill House
24-26 Talbot St
Mountjoy
Dublin
D01 NP86
Ireland

CBC House
24 Canning Street
Edinburgh
EH3 8EG

T: 0131 346 9100
E: edinburgh@atmosconsulting.com
www.atmosconsulting.com

Our Ref: 61253

By email: planning@water.ie

Date: 03/10/2024

**RE: Proposed Cummeennabuddoge Wind Farm, Strategic Infrastructure Development
Application to An Bord Pleanála under Section 37(E) of the Planning and Development
Act 2000 (as amended)**

Dear Sirs

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Yours sincerely,



Jack Graham

Project Manager

For: Atmos Consulting Limited

Appendix G. EIA Portal Confirmation Notice

EIA portal confirmation notice is attached on the next page.

Jack Graham

From: Housing Eiaportal <EIAportal@housing.gov.ie>
Sent: 30 September 2024 09:09
To: Jack Graham
Subject: Portal Confirmation - Portal ID: 2024163 [Filed 30 Sep 2024 09:42]

Categories: Filed by Mail Manager

You don't often get email from eiaportal@housing.gov.ie. [Learn why this is important](#)

Dear Jack,

An EIA Portal notification was received on 30/09/2024 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 30/09/2024 under EIA Portal ID number 2024163 and is available to view at <http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

Portal ID: 2024163

Competent Authority: An Bord Pleanála

Applicant Name: Cummeennabuddoge Wind Designated Activity Company

Location: Land near, N22, Clydagh ED, Killarney Municipal District, County Kerry, Munster, Ireland.
ITM (X,Y): 519803, 583186

Description: The Proposed Development consists of 17 wind turbines with a tip height between 199.5m & 200m, hub height between 118m & 125.5m, rotor diameter between 149m & 163m, associated infrastructure, and a 110kv Grid Connection.

Linear Development: Yes

Date Uploaded to Portal: 30/09/2024

Kindest Regards,

Hugh Wogan,

EIA Portal team

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0
Custom House, Dublin 1, D01 W6X0

T +353 (0) 1 888 2142

www.gov.ie/housing

Appendix H. EFT Confirmation

EFT Confirmation is attached on the next page.



Account: FUTUREENERGY DEV DAC - IE23 DABA 9518 2320 0018 21 EUR
IBAN: IE23DABA95182320001821
Account holder: FUTUREENERGY IR DEV - 9033346449

Danske Bank
Corporate & Institutional Banking
3rd Floor International House
3 Harbourmaster Place
IFSC, Dublin 1, D01 K8F1
Telephone 01 484 2660
BIC/SWIFT: DABAIE2D
www.danskebank.ie

Posting details

Text:	An Bord Pleanála
Entry type:	Credit trans - BACS and EFTS
Amount posted:	-100,000.00 EUR
Status:	Completed
Entry date:	16-07-2024
Interest date:	16-07-2024
Commission date:	16-07-2024

Message

Technical posting information

Sender's reference:	41CD
Archive reference:	3162448299
System:	DANSKEBANK TELESERVICE
Source:	EAB
Transmitted on:	15-07-2024
Created on:	2024-07-15-11.46.27.824380
Received on:	2024-07-16-09.01.09.467363

Print from District 09:58 - 18-07-2024 by 7A0239 - Support Direct phone number +353 (0)1 655 0200