



An
Bord
Pleanála

Board Direction
BD-003542-19
ABP-303086-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/07/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

- (a) national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouses gases,
- (b) the provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006,
- (c) the policies set out in the Regional Planning Guidelines for the West Region 2010-2022 and the Draft Regional Spatial and Economic Strategy – Northern and Western Regional Assembly,
- (d) the policies of the Planning Authority as set out in the Galway County Development Plan 2015-2021 including the Wind Energy Strategy for County Galway,

- (e) the location of the wind farm site in an area which is identified as the “Galway Wind Park” which is designated as the most suitable part of the County to accommodate wind energy and the fact that approximately 75% of the site is located in a ‘Strategic Area’ i.e. identified as the most suitable location for wind energy development,
- (f) the character of the landscape in the area and of the general vicinity,
- (g) the pattern of existing and permitted development in the area, including other windfarms,
- (h) the distance to dwellings and other sensitive receptors from the proposed development,
- (i) the Environmental Impact Assessment Report submitted,
- (j) the revised Natura Impact Statement submitted,
- (k) the report of the Inspector.

Appropriate Assessment: Stage 1 Screening

The Board completed a Stage 1 Screening for Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector’s report and submissions on file. In completing the Stage 1 Screening for Appropriate Assessment, the Board, accepted and adopted the screening assessment and conclusion carried out in the Inspector’s report that the Connemara Bog Complex SAC (002034), Lough Corrib SAC (00297), Ross Lake and Woods SAC (001312), Connemara Bog Complex SPA (00418) and Lough Corrib SPA (004042) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Board considered the revised Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European Sites, Connemara Bog Complex SAC (002034), Lough Corrib SAC (00297), Ross Lake and Woods SAC (001312), Connemara Bog Complex SPA (00418) and Lough Corrib SPA (004042) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

- The nature, scale and extent of the proposed development;

- The Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- The submissions from the applicant, Planning Authority, the observers and the prescribed bodies in the course of the application; and
- The Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Population and Human Health: Shadow flicker during the operational phase has the potential to impact on one dwelling. The EIAR sets out a mitigation strategy to control the level of daily shadow flicker experienced at the affected dwelling.

Biodiversity: There will be habitat loss at a localised level due to the construction of access roads, hard standing, borrow pits etc. There will be general disturbance particularly to birds and bats during the construction and operation phases and collision risk to certain bird species. There is potential for indirect impacts to aquatic species including Atlantic Salmon and Otter from polluted run-off entering watercourse during the construction phase. These impacts will be mitigated by a wide range of measures including implementation of a Construction and Environmental Management Plan, watercourse protection measures, bog restoration programme, habitat management measures, pre-construction mammal surveys, bat protection measures, appointment of an Ecological Clerk of Works and a post construction bird monitoring programme.

Land, Soil and Geology: Potential impacts of the development include permanent removal of peat, subsoil and bedrock at excavation locations, potential contamination of soil by leakages and spillages, potential erosion of exposed subsoil and peat during tree felling, access road and turbine construction work and potential peat instability and failure. Mitigation measures are detailed including prevention of undercutting of slopes and unsupported excavation, management of the drainage system, prevention of placement of loads/overburden on marginal ground and monitoring systems. Other measures include use of floating roads, management and storage of fuels, bunding of the substation, regular inspection of plant and an emergency plan to deal with accidental spillages. Excess peat is to be stored appropriately and silt fences installed. To minimise erosion, stripping of peat will not take place during extremely wet period and brash mats will be used during tree felling.

Water: Potential indirect effects could be caused by the increase in run off, such as soil erosion and sediment release into the receiving watercourses. To mitigate impacts, a buffer zone of 50m will be put in place for on-site streams and lakes. A

site drainage management plan will be implemented. There will be no direct discharged to surface waters. All run off from works areas will be attenuated and treated to a high quality prior to being released. Section 9.4.3 onwards of the EIAR sets out detailed mitigation including use of filtration treatment including silt traps, silt fences, silt bags; management of hydrocarbons; management of run off; avoidance of wet cement batching at the site and measures to prevent concrete and fuel spillages. The Construction and Environmental Management Plan also includes a suite of detailed mitigation measures related to surface water management.

Landscape and Visual: There will be some localised significant visual impact from intermittent sections of the local road network within the development site. Affected locations are generally at isolated places on roads with limited through traffic and few visual receptors.

Noise and Vibration: During the construction phase, noise impacts may arise from construction activities such a site preparation and construction of the turbine foundations, roads and substation. Predicted operational noise levels will be within the relevant best practice noise criteria curves for wind farms. A suite of mitigation measures to manage noise and vibration during the construction phase are set out in the EIAR. Post commissioning monitoring will be necessary to ensure the operational noise levels comply with the relevant day and night time criteria.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking the decision.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the National Planning Framework, the Regional Planning Guidelines for the West Region 2010-2022 and the Draft Regional Spatial and Economic Strategy – Northern and Western Regional Assembly and the provisions of the Galway County Development Plan 2015 – 2021 and would not have an unacceptable impact on the landscape, the biodiversity of the

area, the residential amenities of the area, and would not adversely affect the archaeological or natural heritage of the area and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. PlansPartic.
2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, Volume 1, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with an appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified are implemented in full.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Prior to commencement of development, a detailed Environmental Management Plan for the construction stage shall be submitted to and agreed in writing with the Planning Authority, generally in accordance with the proposals set out in the Environmental Impact Assessment Report. The Environmental Management Plan shall incorporate the following:
 - (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise management measures, construction hours and the management of construction waste;
 - (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
 - (c) an emergency response plan, and
 - (d) proposals in relation to public information and communication.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

Reason: In the interest of environmental protection and orderly development.

4. The mitigation measures contained in the revised Natura Impact Statement which was submitted to the Boards on the 19th of March 2019 shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

5. The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate annual bird surveys of this site. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreed in writing with, the Planning Authority prior to commencement of development. These reports shall be submitted on an agreed date at the end of each monitoring year, with the prior written agreement of the Planning Authority. Copies of the reports shall be sent to the Department of Arts, Heritage and the Gaeltacht.

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

6. The developer shall ensure that all plant and machinery used during the works is thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

7. The period during which the development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

8. This permission shall be for a period of 30 years from the date of the first commissioning of the wind farm.

Reason: To enable the relevant Planning Authority to review the operation of the wind farm in the light of the circumstances then prevailing.

9.
 - a) The wind turbines including masts and blades shall be finished externally in a colour to be agreed in writing with the Planning Authority prior to commencement of development.
 - b) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
 - c) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.
 - d) The access tracks within the site shall be surfaced in suitable material acceptable to the Planning Authority, and shall not be hard topped with tarmacadam or concrete.
 - e) Roads, hardstanding areas and other hard surfaced areas shall be completed to the written satisfaction of the Planning Authority within three months of the date of commissioning of the wind farm.
 - f) Soil, rock and other materials excavated during construction shall not be left stockpiled on-site following completion of works. Excavated areas including the borrow pits and areas of peat placement shall be appropriately restored within three months of the date of commissioning of the windfarm in accordance with details to be submitted to and agree in writing with the Planning Authority.

Reason: In the interest of visual amenity.

10. Details of the materials, colours and textures of all external finishes to the proposed substation and control buildings shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

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

11. Within one year of the commissioning of the wind farm details of amenity and public access arrangements and the timescale for their realisation shall be submitted to the Planning Authority for its written agreement.

Reason: In the interest of advancing the recreational amenities of the area.

12. a) Noise levels emanating from the proposed development following commissioning, by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at third party noise-sensitive locations, shall be in accordance with the levels specified in the Environmental Impact Assessment Report.

b) All sound measurements shall be made in accordance with ISO 1996: Acoustics – Description and Measurement of Environmental Noise.

c) Prior to commencement of development the developer shall arrange for a noise compliance monitoring programme for the operational wind farm.

d) Details of the nature and extent of the monitoring programme shall be submitted to, and agreed in writing with, the Planning Authority.

Reason: To protect the amenities of property in the vicinity of the site.

13. The following shadow flicker requirements shall be complied with:

(a) The proposed turbines shall be fitted with appropriate equipment and software to control shadow flicker at dwellings to limits specified in the Environmental Impact Assessment Report.

(b) Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority a shadow flicker compliance monitoring programme for the operational wind farm.

(c) A report shall be prepared by a suitably qualified person in accordance with the requirements of the Planning Authority, indicating compliance with the above shadow flicker requirements at dwellings. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the Planning Authority. The developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested at reasonable intervals thereafter by the Planning Authority.

Reason: In the interest of residential amenity.

14. In the event that the proposed development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the Planning Authority prior to commissioning of the turbines and following consultation with the relevant authorities.

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

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

Reason: In the interest of air traffic safety.

16. Prior to commencement of development, a Transport Management Plan for the construction stage shall be submitted to, and agreed in writing with, the Planning Authority. The traffic management plan shall incorporate details of the road network to be used by construction traffic, including over-sized

loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

Reason: In the interest of traffic safety.

17. (a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with the Planning Authority:
- (i) The developer shall prepare design drawings for the L53453 from the junction of the N59 to the site boundary which shall detail and specify the road layout and finishes following the construction stage and include boundary walls, traffic calming details, temporary boundary details, drainage details, signage and road markings.
 - (ii) A condition survey of the roads and bridges along the haul routes shall be carried out at the developer's expense by a suitably qualified person both before and after construction of the proposed development. This survey shall include a schedule of required works to enable the haul routes to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the Planning Authority / Authorities prior to commencement of development.
 - (iii) Details for the rectification of any construction damage which may arise.
 - (iv) Detailed arrangements for the protection of bridges to be crossed.
 - (v) Detailed arrangements for temporary traffic arrangements / controls on roads.
 - (vi) A phasing programme indicating the timescale within which it is intended to use each public route to facilitate construction of the proposed development.
 - (vii) Within three months of the cessation of the use of each public road and haul route to transport material to and from the site, a road survey and scheme of works detailing works to repair any damage to these routes shall be submitted to the Planning Authority.

(b) All works arising from the aforementioned arrangements shall be completed at the developer's expense within 12 months of the cessation of each road's use as a haul route for the proposed development.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

18. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

19. (a) The Applicant shall submit details of the collection and disposal of material from the Holding Tank associated with the Control Buildings for the information and record of the Planning Authority on an annual basis.

(b) Only waste collectors holding valid waste collection permits under the Waste Management (Collection permit) Regulations, 2007 (as amended), shall be employed to transport wastewater away from the site.

Reason: In the interest of public health.

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

(i) notify the relevant Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(ii) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

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

A report, containing the results of the assessment, shall be submitted to the Planning Authority and, arising from this assessment, the developer shall agree in writing with the Planning Authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

21. Prior to the commencement of development, the community gain proposals shall be submitted to and agreed in writing with the Planning Authority.

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

22. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the turbines concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation. These reinstatement works shall be completed to the written satisfaction of the relevant Planning Authority within three months of decommissioning or cessation of operation.

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

23. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the relevant Planning Authority, to secure the reinstatement of public roads which may be

damaged by the transport of materials to the site, coupled with an agreement empowering the relevant Planning Authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the relevant Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the delivery route.

24. Prior to commencement of development, the developer shall lodge with the relevant Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the relevant Planning Authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the relevant Planning Authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the relevant Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 15/07/2019

Stephen Bohan