



**An
Bord
Pleanála**

**Board Direction
BD-011197-22
ABP-311157-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/08/2022.

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

Having regard to:

- the provisions of national and regional policy objectives in relation to renewable energy,
- the provisions of the Mayo County Development Plan, 2022-2028,
- the nature, scale, extent, and layout of the proposed development,
- the topography of the area,
- the pattern of development in the vicinity

it is considered that, subject to compliance with the conditions set out below,

the proposed development, would be in accordance with national policy and local policy on renewable energy, would not seriously injure the amenities of the area or of property in the vicinity, would not have an unacceptable impact on the road network of the area and would not seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Carrowmore Lake Complex Special Area of Conservation (Site Code: 000476), Bellacorrick Bog Complex Special Area of Conservation (Site Code: 001922, Owenduff /Nephin Complex Special Area of Conservation (Site Code: 004098), and Owenduff / Nephin Complex Special Protection Area (Site Code: 000534) are European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives (Carrowmore Lake Complex Special Area of Conservation (Site Code: 000476), Bellacorrick Bog Complex Special Area of Conservation (Site Code: 001922, Owenduff /Nephin Complex Special Area of Conservation (Site Code: 004098), and Owenduff / Nephin Complex Special Protection Area (Site Code: 000534). The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using best available scientific knowledge in the field.

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 specifically the existing and proposed windfarms in the area,
- 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 sites' 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 sites' Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars submitted on 7th day of May 2021, and by the further plans and particulars received by An Bord Pleanála on 16th August 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall expire within 10 years of the date of this order.

Reason: To clarify the permission.

3. All mitigation measures identified within the Natura Impact Statement and the associated documentation with the planning application shall be implemented in full.

Reason: In the interest of clarity and to protect the environment.

4. All works impacting national roads structures shall be carried out in compliance with TII Publications (Standards). Details for the construction and reinstatement works on the National Road N59 and Local Road 52936 shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of traffic safety.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public road, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Board Member



Maria FitzGerald

Date: 30/08/2022

