



**An  
Bord  
Pleanála**

**Board Direction  
BD-015735-24  
ABP-315933-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/03/2024.

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**

- (a) National policy including the Climate Action Plan 2023 (CAP23) with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse 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 and having regard to the Draft Windfarm Guidelines 2019,
- (c) the policies set out in the Regional Spatial and Economic Strategy of the Northern and Western Region 2020,
- (d) the policies of the planning authority Mayo County Development Plan 2022,
- (e) the character of the landscape in the area of the site,
- (g) the pattern of the existing and permitted development in the area,
- (h) The distance between the turbines and surrounding dwellings and other sensitive receptors from the proposed development,
- (i) The environmental impact assessment report submitted,
- (j) The Natura Impact Statement submitted,

(k) The submissions and observations made in connection with the planning application,

(l) The report of the Inspector.

### **Environmental Impact Assessment**

The Board completed 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 Planning Authority, prescribed bodies and observers, and
- The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the 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 considered, and agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and human health – Short term negative effects by way of noise, dust and traffic and short term positive impacts on the local economy during construction. Long term negative direct and cumulative effects on landscape character and visual impacts in the immediate area of the site and potential for adverse effects of noise, shadow flicker and night time illumination at a small number of properties. These impacts will be mitigated by a managed approach to construction as set out in CEMP, the modest area affected by landscape change, the active control of turbines during operation and implementation of the Recreational Management Plan.



- Biodiversity – Potential negative impacts on water quality during all phases of the development with the risk of significant effects on fisheries habitats, disturbance during all phases of the project and collision risk of mobile species during operation. These impacts will be mitigated by avoidance of water features and key habitats in the layout of the development, detailed management and monitoring of all phases of the development in accordance with project documentation, which includes Surface Water Management Plan, CEMP, Bird Impact Assessment Report, Bat Report and Biodiversity Management and Enhancement Plan (which includes treatment of invasive species).
- Land, soil, water, air and climate – Risk of water pollution, changes in hydrology during construction and operation with consequential risks to peat stability, short term localised effects on air quality and noise, long term positive effects on air quality and climate, with significant production of energy from a renewable source. Negative effects will be mitigated by management of surface water prior to, during and post construction work and on-going monitoring of water quality upstream and downstream of the development site, monitoring of the effects of site drainage on peat stability and management of construction practices in line with the proposed CEMP and Surface Water Management Plan.
- Archaeology, cultural heritage, landscape and material assets – Potential direct impacts on unknown features of archaeology, indirect, cumulative effects on Western Way, the setting of Sheskin Lodge and Catholic Church of Our Lady at Tawnaghmore, cumulative landscape and visual effects in the area of the site and increased visibility of turbines over Slieve Fyagh and increased road traffic in the vicinity of the site and the potential for adverse effects on the integrity of the national roads (during construction). These impacts will be mitigated by archaeological monitoring of groundworks, the distance of the development from Sheskin Lodge and Our Lady's Church, intervening forestry and/or existing wind turbines, the topographical context for the site, omission of T5, T7 and T8, management of traffic in line with the proposed Traffic Management Plan, survey of affected roads prior to and post construction with remediation work as necessary.

### **Appropriate Assessment - Stage 1**

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following European sites in respect of which the proposed development has the potential to have a significant effect are:

- Glenamoy Bog Complex SAC [000500].
- Slieve Fyagh Bog SAC [000542].
- Carrowmore Lake Complex SAC (site code 000476).
- Bellacorick Bog Complex SAC [001922].
- Owenduff/Nephin Complex SAC [000534].
- Owenduff/Nephin Complex SPA [001922].

### **Appropriate Assessment – Stage 2**

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the European sites for which potential to have a significant effect had been identified, 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 Site.



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 Site, 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 sites' Conservation Objectives.

### **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 Spatial and Economic Strategy of the Northern and Western Region 2020 and the provisions of the Mayo County Development Plan 2022-2028 and would;

- make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future,
- not have an adverse impact on the landscape,
- not seriously injure the residential or visual amenities of the area,
- not adversely affect the natural heritage,
- not adversely impact the road network in the area, and
- be acceptable in terms of traffic safety and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board decided not to include the suggested condition No 3 from the Inspector's report, as it considered that the condition was unwarranted as there were specific conditions in relation to the mitigation measures of the NIS and mitigation measures and monitoring of the EIAR.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, 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 the commencement of development and the proposed development shall be carried out and complied in accordance with the agreed particulars.

**Reason:** In the interest or clarity.

2. Prior to the commencement of development, revised details shall be submitted to the planning authority in respect of the layout of the development excluding wind turbine generators nos. 5, 7 and 8.

**Reason:** In the interest of visual amenity.

3. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report and other plans and particulars submitted with the application shall be implemented in full.

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

4. The mitigation measures contained in the Natura Impact Statement submitted with the planning application 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 European sites in the vicinity.

5. The period during which the proposed development hereby permitted may be constructed shall be 10 years from the date of this order.

**Reason:** In the interest of clarity.

6. The permission shall be for a period of 35 years from the date of the first commissioning of the wind farm.

**Reason:** To enable the planning authority to review the operation of the wind farm in light of the circumstances then prevailing.

7. The developer shall ensure that all mitigation and contingency measures set out in the Peat and Spoil Management Plan in Appendix 4-2 of the EIAR is implemented in full and monitored throughout the lifecycle of the construction works and throughout the operational phase.

**Reason:** In the interest of the protection of the environment.

- 8.
- (i) The developer shall ensure that all mitigation and contingency measures set out in the Surface Water Management Plan in Appendix 4-4 of the EIAR shall be implemented in full and monitored throughout the lifecycle of the construction works and throughout the operational phase.
  - (ii) The locations of surface water monitoring shall be agreed with IFI prior to construction works commencing.
  - (iii) The design and method statement for the construction of new or upgrade watercourse crossings shall be agreed within IFI in advance of construction works commencing.
  - (iv) All instream works, including culvert installations and grid connection cable water crossings or any works that may give rise to high suspended solids in close proximity to the Oweninny River, Glencullin River, Barroosky River or their tributaries will be subject to the closed season i.e. to take place outside of the period 1<sup>st</sup> October to 30<sup>th</sup> June, unless otherwise agreed with IFI.
  - (v) There shall be no discharge of silted waters, cement products, hydrocarbons or otherwise polluted waters to any surface watercourse as a result of the development.
  - (vi) The on-site vehicle wash shall be closed loop with no discharge of waters to surface waters.
  - (vii) The construction buffer zones identified in the Geotechnical and Peat Stability Report, at higher risk, shall be marked out/taped off prior to construction works commencing on site.
  - (viii) Geotechnical confirmatory ground investigations shall be carried out prior to commencement of construction and the results reported to the EMC before works commence on site.
  - (ix) Details of any explosives to be used in borrow pits and their management shall be provided to the planning authority and EMC in advance.
  - (x) The proposed amenity signage shall include information on local biodiversity including the aquatic environment.



- (xi) The Biodiversity Enhancement Management Plan shall include that *Rhododendron ponticum* identified during survey of invasive species and in pre-construction surveys, shall be removed from alongside watercourses to prevent a tunnelling effect for the lifetime of the development.

**Reason:** In the interest of the protection of the environment and water quality.

- 9. Commissioning and construction works shall be limited to the hours of between 0700 hours and 1900 hours Monday to Friday and 0800 and 1400 on Saturday and shall not be permitted on Sundays or public holidays without prior agreement of the planning authority.

**Reason:** To protect the amenities of nearby residential properties.

- 10. The operation of the proposed development, by itself or in combination with other permitted wind energy development, shall not result in noise levels when measured externally at nearby noise sensitive locations which exceed:

(a) Between the hours of 0700 and 2300:

(i) the greater of 5dB(A)  $L_{90, 10min}$  above background noise levels or 45 dB(A)  $L_{90, 10min}$  at standardized 10-meter height above ground level at wind speeds of 7m/s or greater.

(ii) 40 dB(A)  $L_{90, 10min}$  at all other standardised 10-metre height above ground level wind speed.

(b) 43 dB(A)  $L_{90, 10min}$ , at all other times.

Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring program for the subject development, including any mitigation measures such as the de-rating of particular turbines to accord with the above limits and to comply with the Site Specific Noise Limits presented in the EIAR. All noise measurements shall be carried out in accordance with ISO Recommendation R1996 "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendation R 1996-1. the results of the initial noise compliance monitoring shall be submitted to



and agreed in writing with the planning authority within six months of the commissioning of the wind farm.

**Reason:** in the interests of residential amenity.

11. Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at any existing nearby dwelling. Turbine shutdown shall be undertaken by the wind energy developer or operator in order to eliminate the potential for shadow flicker.

**Reason:** In the interest of residential amenity.

12. The developer shall comply with the following design requirements:
- (a) The wind turbines, including masts and blades shall be finished externally in a light grey colour.
  - (b) Cables within the proposed development shall be placed underground.
  - (c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
  - (d) No advertising material shall be placed on or otherwise affixed to any structure on the site without a prior grant of planning permission.

**Reason:** In the interest of visual amenity.

13. Details of the materials, colours and textures of all external finishes of the proposed substation building and enclosed fencing shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

14. Prior to the commencement of development, details of a pre-construction and post-construction monitoring and reporting programme for birds shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The survey shall be undertaken by suitably qualified and experience bird specialist and shall include measures to reduce disturbance to ground nesting species. The survey shall be completed annually for a period of fifteen years following the commissioning of the wind farm as set out in the EIAR, or longer if considered necessary, and copies of the report shall be submitted to the

planning authority and to the Department of Housing, Local Government and Heritage (National Parks and Wildlife Service).

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

15. Prior to the commencement of development, details of a post construction monitoring and reporting programme for bats shall be submitted to and agreed in writing with the planning authority. The monitoring shall be undertaken by a suitably qualified and experienced bat specialist to identify any measures required to mitigate any identified effects. The survey shall be completed annually for a period of 3 years following the commissioning of the wind farm and copies of the report shall be submitted to the planning authority.

**Reason:** To ensure the appropriate monitoring of the use of the site by bat species.

16. Prior to the commencement of development, the community gain proposal shall be submitted to the planning authority for written agreement. In default of agreement, the matter shall be referred to An Bord Pleanála for determination.

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

17. In the event that the proposed development causes interference with telecommunication signals, effective measures shall be introduced to minimise interference with telecommunication 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 the commissioning of the turbines and following consultation with relevant authorities.

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

18. Details of aeronautical requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development and shall be designed to minimise cumulative visual effects. Prior to the 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 each of the turbines in WGS-84 format and the wind monitoring masts.

**Reason:** In the interest of air traffic safety.

19. The developer shall comply with the requirements of Irish Water with regard to diversion of infrastructure within the site and connections to the public network.

**Reason:** In the interest of public health.

20. Prior to any development taking place the developer shall submit the following to Transport Infrastructure Ireland in the case of national roads and the planning authority in relation to other roads:

- (a) Road safety audits relating to junction works proposed on the national road network.
- (b) Details of all signage, crash barriers, poles etc. to be removed on the national and local road network to facilitate the abnormal loads to be delivered on site.

**Reason:** In the interest of traffic safety.

21. (a) Prior to the commencement of development, a traffic management plan for the construction phase shall be submitted to and agreed in writing with the planning authority. The traffic plan shall incorporate the following:
- (i) Details of the road network/haulage routes and the vehicle types to be used to transport materials and turbine parts to and from the site and a schedule of control measures for abnormal delivery loads.
  - (ii) A condition survey of the roads along the haul route shall be carried out at the developer's expense by a suitably qualified person both before and after the construction of the proposed development. This survey shall include a schedule of required works to enable 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 authorities and

Transport Infrastructure Ireland prior to the commencement of development.

- (iii) Detailed arrangements whereby any construction damage which arises shall be made good and completed to the satisfaction of the planning authority.
- (iv) Detailed arrangements for temporary traffic arrangements/control on roads and protocols to keep residents informed of upcoming traffic related matters, temporary lanes/road closures and delivery of turbines.
- (v) A phasing programme indicating the timescale within which it is intended to use each public route to facilitate the construction of the proposed development. In the event that the proposed development is being developed concurrently with any other wind farm in the area the developer shall consult with and arrange suitable traffic phasing arrangements with the planning authority.
- (vi) 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 and agreed in writing with 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, the amenity of local residents and to clarify the extent of the permission in the interests of traffic safety and orderly development.

22. 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:



- (a) notify the 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
- (b) 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.

- 23. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than 1 year, the turbines and all decommissioned structures shall be removed, and foundations covered with soil to facilitate revegetation. These reinstatement works shall be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

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

- 24. Details of the construction and environmental management plan shall be agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to operational controls for dust, noise and vibration, waste management, protection of soils and groundwaters and surface waters, protection of flora and fauna,

site housekeeping, emergency response planning, site environmental policy, waste management, project roles and responsibilities.

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

25. The applicant shall during the construction phase maintain a complaints register to record any complaints regarding but not limited to noise, odour, dust, traffic or any other environmental nuisance. The complaint register shall include details of the complaint and measures taken to address the complaint and prevent repetition of the complaint. The EMC shall be advised of details of any complaint.

**Reason:** In the interest of orderly development.

26. 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 provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, 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.

27. 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**



**Date:** 06/03/2024

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Peter Mullan

