



An
Bord
Pleanála

Board Direction
BD-018595-25
ABP-316178-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/01/2025.

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

The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended;
- Climate Action Plan 2024,
- National Biodiversity action Plan 2023 - 2030

And in coming to its decision, the Board had regard to the following:

European legislation, including:

- The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment.
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.
- **National and regional planning and related policy**, including:
 - National policy, including the Climate Action Plan 2024, with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,
 - National Planning Framework,
 - National Biodiversity Plan 2023-2040,
 - the provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities (Department of the Environment, Heritage and Local Government, 2006),
 - Regional Spatial Economic Strategy for the Northwest Region, 2020
- **Local planning policy** including:
 - Mayo County Development Plan 2022- 2028, in particular the Renewable Energy Strategy and the location of the proposed development in an area identified as a 'Priority Area' for windfarm development and 'Tier 1' – a preferred area for large wind farms.
- the nature, scale and design of the proposed development as set out in the planning application, the character of the landscape in the area and in the wider area of the site and the pattern of development in the vicinity, including that the proposed development site is partially located within the site of an existing windfarm which is to be decommissioned,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the independent ecological report on Ornithology prepared by Blackstaff Ecology Ltd. commissioned by Dr. Maeve Flynn, Inspectorate Ecologist and the Technical Note on that report prepared by her,

- the submissions made to An Bord Pleanála in connection with the planning application,
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Proper Planning and Sustainable Development

The Board considered Policy MTP 24 of the Mayo County Development Plan which seeks to avoid the generation of additional traffic from existing direct accesses to national roads to which speed limits greater than 60 km/h apply, albeit at a level that is not significant, and thus permitting the proposed development could amount to a material contravention of the development. The Board considered that the proposed development is of strategic importance having regard to the provisions of the Climate Action Plan 2024 which seeks to accelerate renewable energy generation, including a 9 GW onshore wind capacity by 2030 but did not agree with the Inspector that the development materially contravenes the development plan as the development did not create a new access on to the N59 national road and the traffic generated would not be significant and any extra traffic generated could be absorbed and that while the Board consider that the development contravenes the Development it did not in the Board's view materially contravene it.

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,

- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the 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 and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report 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.

Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the visual impact, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

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 & Human Health:**

Short term negative effects by way of noise, vibration, dust and traffic and short-term positive impacts on the local economy during construction. These negative impacts will be mitigated by a managed approach to construction as set out in CEMP and the Traffic Management Plan.

Long term negative direct and cumulative effects on landscape character and visual impacts in the immediate area will result from the proposed development.

The proposed easternmost turbines will have a significant visual impact on the

vista presently enjoyed by residents along/off the L5292, best illustrated by VP9 and VP12 in the townlands of Formoyle, Corvoderry and Shanvolahan and the L5160 in the townland of Doobehy. No specific mitigation measures are proposed as given the highly visible nature of the development it is not feasible to screen them from view. Some cumulative impacts will arise in particular with Owenniny Windfarm Phase 1 & 2 however the proposed turbines will be read in conjunction with existing wind turbines in the area and as an extension to an existing wind farm development.

There is potential for shadow flicker to occur at four sensitive receptors (73, 74, 75 & 76) which will be mitigated with automatic turbine shutdown to ensure that no sensitive receptors experience shadow flicker as a result of the proposed development.

- **Biodiversity**

The majority of habitat loss has been primarily restricted to cutover bog habitats of low ecological value resulting in the loss of c. 75ha of cutover bog. Mitigation measures include application of a Biodiversity Enhancement Plan which accompanied the EIAR and reinstatement where possible.

The proposed development site was found to provide important spawning and nursery habitat for crayfish, lamprey and salmon. The release of construction pollution and/or sediment into the watercourses has the potential to degrade water quality indirectly impacting these aquatic species and their habitats. Mitigation measures including those to control pollution/sedimentation and implementation of a surface water management plan.

There is potential for significant direct and indirect effect on bats, six active bat roosts sites were identified within the proposed development site including a rare Natterer's maternity roost. None of the roost buildings will be demolished as part of construction works and the proposed works will not result in the loss of any bat roosts. Notwithstanding, it is proposed to provide alternative bat roosting (in the form of a purpose-built bat house) to reduce risk to the local Natterer's bat population. Operational mitigation measures include turbine curtailment such as feathering of blades, increase cut-in speeds prior to and after sunset during

Spring-Autumn months. Also, tall vegetation maintenance, bat activity surveillance, carcass search and directional sensor lighting at the substation site.

In terms of birds, that there are a number of likely construction phase effects arising including habitat loss or degradation and disturbance/displacement. Mitigation measures are proposed such as works outside breeding season and pre-construction breeding surveys.

- **Land, soil, water, air and climate**

The proposed development will result in the removal of large quantities of soil, subsoils and bedrock across the site and has potential to result in water, air and dust pollution, excavation collapse and peat slippage. The mitigation measures identified, including the Peat Management Plan, Construction Environmental Management Plan and the Surface Water Management Plan will mitigate risk and significant impacts.

In respect of water, potential indirect effects could arise due to an increase in runoff into receiving watercourses from sediment and soil erosion. In terms of mitigation a drainage system is to be put in place to control runoff and manage sediment transport during the construction phase. Dedicated settlement ponds will be provided. Concrete containment measures and spillage avoidance measures will be employed to prevent concrete from entering the drainage system. Effects to the water environment will be mitigated by implementation of the Construction Environmental Management Plan and Surface Water Management Plan.

Regarding climate, the proposed development will have a long-term positive effect on climate. The supply of renewable electricity to the national grid will displace CO₂ emissions otherwise used to generate electricity.

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

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that Lough Doherty SAC (site code 002177),

the Owenduff/Nephrin Complex SAC (site code 000534), Owenduff/Nephrin Complex SPA (site code 004098), River Moy SAC (site code 002298), Lough Conn and Lough Cullin SPA (site code 004228); Killala Bay/Moy Estuary SPA (site code 004036); and Blacksod Bay/Broad Haven SPA (site code 004037) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement, the mitigation measures contained therein, all relevant submissions and the Inspector's assessment. The Board carried out an appropriate assessment of the implications of the proposal for those seven sites in view of their Site Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the

- i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects,
- ii. The mitigation measures which are included as part of the current proposal,
- iii. The Conservation Objective for these European Sites, and
- iv. Views of prescribed bodies in this regard.

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 integrity of 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.

Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars received by the planning authority on 31 day of March 2023, 26 day of July 2023, 20 day of March 2024 and 18 day of October 2024, except as may otherwise be required in order to comply
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	<p>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.</p> <p>Reason: In the interest or clarity.</p>
2.	<p>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.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction, operational phases and decommissioning of the proposed development</p>
3.	<p>The mitigation measures contained in the Natura Impact Statement submitted with the planning application shall be implemented.</p> <p>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.</p>
4.	<p>The period during which the proposed development hereby permitted may be constructed shall be 10 years from the date of this order.</p> <p>Reason: In the interest of clarity.</p>
5.	<p>The permission shall be for a period of 30 years from the date of the first commissioning of the wind farm.</p> <p>Reason: In the interest of clarity.</p>
6.	<p>The turbines shall be 200 metres in height with a hub height of 121 metres and a rotor diameter of 158 metres in accordance with the turbine detail assessed in the environmental impact assessment report and the Natura Impact Statement together with the other application documentation.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area.</p>
7.	

	<ul style="list-style-type: none"> i. The developer shall consult with IFI in relation to the locations of surface water monitoring prior to construction works commencing. The developer shall consult with IFI in relation to Monitoring methodology prior to commencement of the development. ii. Any extraction from borrow pits shall be above the water table. iii. The developer shall consult with IFI in relation to the design and method statement for the construction of new or upgrade watercourse crossings and culverts 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, Cloonaghmore River, Deel River or their tributaries will be subject to the closed season i.e. to take place outside of the period 1st October to 30th 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. Drainage must be treated with adequately sized silt traps. vi. The on-site vehicle wash shall be closed loop with no discharge of waters to surface waters. vii. The developer shall consult with IFI in relation to identifying a water source for dust suppression activities prior to the commencement of development. viii. Road construction and surfacing materials used must be of adequate strength so as not to give rise to silt/fine solids discharges. ix. Amenity signpost shall be provided with information of local biodiversity including the aquatic environment.
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	<p>x. Areas of wetland/bog holes and ponds must be avoided during construction, where possible.</p> <p>Reason: In the interest of the protection of the environment and water quality.</p>
8.	<p>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:</p> <ul style="list-style-type: none"> (i) 37.5 dB LA90,10min for daytime in quiet environments with typical background noise of less than 30 dB LA90,10min. (ii) 43 dB LA90,10min for daytime in environments with typical background noise greater than or equal to 30 dB LA90,10min or a maximum increase of 5 dB(A) above background noise (whichever is the higher); and (iii) 43 dB LA90,10min for night-time periods or a maximum increase of 5 dB(A) above background noise (whichever is the higher). <p>Reason: in the interests of residential amenity.</p>
9.	<p>(a) All turbines shall be fitted with appropriate equipment and software to suitably control shadow flicker at nearby dwellings, 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.</p> <p>(b) 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. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority.</p> <p>(c) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a shadow</p>

	<p>flicker compliance monitoring programme for the operational wind farm.</p> <p>Reason: In the interest of residential amenity.</p>
10.	<p>The developer shall comply with the following design requirements:</p> <p>(a) The wind turbines, including masts and blades shall be finished externally in a light grey colour.</p> <p>(b) Cables within the proposed development shall be placed underground.</p> <p>(c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.</p> <p>(d) No advertising material shall be placed on or otherwise affixed to any structure on the site without a prior grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>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).</p> <p>Reason: To ensure the appropriate monitoring of impact of the proposed development on the avifauna of the area.</p>

13.	<p>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.</p> <p>Reason: In the interest of protecting telecommunication signals and residential amenity.</p>
14.	<p>Details of aeronautical requirements which shall comply with the requirements of the Department of Defence and the Irish Aviation Authority, 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 and wind monitoring mast and shall notify the Irish Aviation Authority with at least 30 days prior notification of their erection and use of cranes.</p> <p>Reason: In the interest of air traffic safety.</p>
15.	<p>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:</p> <ul style="list-style-type: none"> (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. <p>Reason: In the interest of traffic safety.</p>
16.	<p>(a) Prior to the commencement of development, a traffic management plan for the construction phase shall be submitted to and agreed in</p>

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 load.
- (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) Bridge structural surveys are to be undertaken to all bridges along haul routes in advance of the project commencing and at agreed intervals during construction, and shall be presented at agreed intervals to the planning authority.
- (iv) Detailed arrangements whereby any construction damage which arises shall be made good and completed to the satisfaction of the planning authority.
- (i) 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.
- (ii) 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

	<p>farm in the area the developer shall consult with and arrange suitable traffic phasing arrangements with the planning authority.</p> <p>(iii) 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.</p> <p>(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.</p> <p>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.</p>
17.	<p>(a) The developer shall employ a suitably-qualified archaeologist (licensed under the National Monuments Acts) to carry out predevelopment archaeological testing in areas of proposed ground disturbance within the wind farm site and to submit an archaeological impact assessment report for the written agreement of the planning authority following consultation with the Department of Housing, Local Government and Heritage in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.</p> <p>(i) The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by records (archaeological excavation) and/or monitoring may be required.</p> <p>(ii) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the</p>

	<p>National Monument Service shall be complied with by the developer.</p> <p>(iii) No site preparation and or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.</p> <p>(b) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 18 of the EIAR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts both direct and indirect and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.</p> <p>(c) The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>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.</p>
18.	<p>(a) 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</p>

	<p>the planning authority within three months of decommissioning or cessation of operation.</p> <p>(b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the turbines and all ancillary structures, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: To ensure a satisfactory reinstatement of the site upon cessation of the project.</p>
19.	<p>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 roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the 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 planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
20.	<p>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 planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the 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 planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of orderly development and visual amenity and to ensure satisfactory reinstatement of the site</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

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.

The Board made an Order to recoup costs from the Applicant in the sum of €46218.

Board Member



Date: 08/01/2025

Peter Mullan