



An
Bord
Pleanála

Board Direction
BD-018121-24
ABP-317560-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2024.

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

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

- a) The National Planning Framework – Ireland 2040,
- b) Directive (EU) 2023/2413 of the promotion of energy from renewable sources (RED III), in particular the requirement for the State to set targets for the transport sector to utilise non-biological renewable fuel sources by 2030,
- c) Section 15 of the Climate Action and Low Carbon Development (Amendment) Act, 2021,
- d) The *National Energy Security Framework*, 2022, which prioritises the development of a hydrogen strategy to reduce reliance on fossil fuels, due to the risk of security of supply,
- e) The *National Hydrogen Strategy*, 2023 (which provides guidance on how the hydrogen industry may develop in Ireland in the future, but which does not provide a framework for decision making in land-use planning),
- f) The Environmental Impact Assessment Directive (Directive 2014/52/EU), as amended, on 6.04.2014, on the assessment of the effects of certain public and private projects on the environments,
- g) The EU Habitats Directive (92/43/EEC);
- h) The European Union (Birds and Natural Habitats) Regulations, 2011-2015.

- i) The likely consequences for the environment and the proper planning and sustainable development of the area where the proposed development is located and the likely significant effects of the development on European Sites.
- j) The conservation objectives, qualifying interests and species of conservation interest in the Ox Mountains SAC, Site Code: 002006, Killala Bay/ Moy Estuary SAC Site Code: 000458, Killala Bay / Moy Estuary SPA, Site Code: 004036 and River Moy SAC, Site Code: 002298,
- k) The *Water Framework Directive*, 2000/60/EC,
- l) The “*Wind Energy Development Guidelines – Guidelines for Planning Authorities*”, issued by the Department of the Environment, Heritage and Local Government, in 2006,
- m) The “*Draft Revised Wind Energy Development Guidelines*”, issued by the Department of Housing, Planning and Local Government, in 2019,
- n) Regional Spatial and Economic Strategy for the Northern and Western Region, 2020;
- o) Mayo County Development Plan 2022-2028,
- p) Sligo County Development Plan 2017-2023, as extended, and Sligo County Development Plan 2024-2030, as adopted on the 30th day of September and which comes into effect on 11th day of November 2024,
- q) Water Environment (Abstractions and Associated Impoundments) Act, 2022, and the volume of groundwater abstraction required by the proposed development,
- r) The submissions made in connection with the application, including the HSA and IFI,
- s) The nature and extent of the proposed works, as set out in the application and oral hearing,
- t) The distance of both the proposed wind farm and hydrogen plant from dwellings and other sensitive receptors,
- u) The impact on residential amenity,
- v) The report and recommendation of the person appointed by the Board to make a report and recommendation on the matter, including the report from the Board's ecologist.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment and conclusion, as carried out in the Inspector's and Ecologist's reports that the Ox Mountains Special

Area of Conservation (Site Code: 002006); Killala Bay / Moy Estuary Special Area of Conservation (Site Code: 000458); Killala Bay / Moy Estuary Special Protection Area (Site Code: 004036) and River Moy Special Area of Conservation (Site Code: 002298) are European Sites for which there is a possibility of significant effects and which must therefore be subject to appropriate assessment.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file and the Inspector's and Ecologist's assessments. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, in view of the sites' 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 and Ecologist's reports in respect of the potential effects of the proposed development on the integrity of 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.

Environmental Impact Assessment

In compliance with Section 172 of the Planning and Development Act, 2000, as amended, the Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- a) The nature, scale and location of the proposed development;
- b) The Environmental Impact Assessment Report, as amended at the oral hearing, and associated documentation submitted in support of the application,
- c) The submissions from the applicant, the planning authorities, the observers and prescribed bodies, during the course of the application, and
- d) The Inspector's report, which includes a report from the Board's ecologist.

The Board considered that the Environment Impact Assessment Report (EIAR), supported by the information submitted by the applicant, identifies and adequately describes the direct, indirect 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 Direct, 2104/52/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 EIAR 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, save in relation to matters which come within the scope of the Environmental Protection Agency), which are incorporated into the Board's decision.

Reasoned Conclusion on the Significant Effects

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

During Construction:

The Board considered the:

- Risk of pollution of surface waters and the indirect risk to biodiversity, in particular, the Freshwater Pearl Mussel, salmon and sea trout, arising from mobilisation of peat, peat erosion and poor sediment control;

- The impact of construction traffic on the local road network.

These would be mitigated by the implementation of measures set out in the EIAR and as agreed in the Oral Hearing, with specific provisions relating to construction environmental management mitigation measures, including traffic control.

- Positive impacts on populations and human health on the local economy from increased spending and jobs during the construction period.

Any adverse impacts on population and human health would be mitigated by the measures to reduce impacts from material assets, air and climate and noise and vibration to acceptable levels.

During Operation

The Board considered the:

- Risk of a major accident,
- The volume of groundwater to be abstracted,
- Risk to protected species, in particular, bats and aquatic biodiversity
- Visual impact of the wind turbines on the landscape
- Traffic impacts of the hydrogen plant on the N59.

These are to be mitigated by the implementation of measures set out in the EIAR, including the Major Accident Prevention Policy, the reliance on rainwater harvesting as the primary water source for the hydrogen plant and curtailment of the wind turbines under certain conditions.

The Board considered that the visual impact of the wind turbines is acceptable in this landscape, being in a Tier 1 Preferred Location for wind farms, as set out in *the Mayo County Development Plan, 2022- 2028*, and against the backdrop of existing turbines and the Ox Mountains.

The traffic generated by the hydrogen plant is considered to be strategic traffic, that is, traffic that contributes to socio-economic development and the volume of traffic generated, within the context of an improved access to the N59, is therefore in accordance with the purpose of the national road network and would not seriously diminish the carrying capacity of the national road network.

Positive environmental impacts would be the reduction in greenhouse gases and the decarbonisation of Heavy Goods Vehicles, including Public Service Vehicles in Ireland (estimated to generate circa 50,000 tonnes of carbon dioxide). Over 40 years, the wind farm and hydrogen plant would lead to the displacement of between 1.6 million and 2.5 million tonnes of carbon dioxide from the atmosphere. The Board considered that this would be a significant positive impact and would be consistent with the provisions of the Climate Action Plan 2024.

There will be a permanent loss of circa 18.5 hectares, due to the construction footprint at the windfarm. This will be a limited offset by area the Biodiversity Enhancement Management Plan, which is 10.6 hectares in size.

During Decommissioning:

The Board considered;

- Risk of pollution of surface waters,
- Construction traffic movements.

These would be mitigated by the implementation of measures set out in the EIAR, which include specific provisions for decommissioning.

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 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.

Proper Planning and Sustainable Development / Likely Effects on the Environment

It is considered that, subject to compliance with the conditions set out below, the proposed development, would accord with European, national, regional and local planning and related policies. Following mitigation measures, the effects on the environment and the community in the vicinity, would come within acceptable standards, would not be likely to give rise to a risk of pollution or unsustainable demand for groundwater, would not be likely to give rise to a major accidents, would not be detrimental to the visual or landscape amenities of the area, would not

adversely impact on the cultural and archaeological heritage of the area and would be acceptable in terms of pedestrian, cycling and traffic safety. The Board was satisfied that an approval for the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024. Furthermore, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Act 2021. The proposed development, would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be constructed, operated and where relevant, decommissioned in accordance with the plans and particulars lodged with the application, and as received by An Bord Pleanála on the 6th day of July, 2023, as amended by the submissions received on the 27th day of November, 2023, the 7th day of March, 2024 and the 26th day of July, 2024, or 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 and to ensure the protection of the environment and European sites.

2. The planning permission shall be for six years. The operation life of the planning permission for the wind farm shall be for 40 years, from the first commissioning of the wind farm. There is no time limit on life of the operation of the hydrogen plant.

Reason: To ensure that the proposed development contributes to 2030 renewable energy targets and to provide clarity on the time frame for the operation of the wind farm and hydrogen plant.

3. Prior to commencement of construction:
 - (a) the final turbine design and layout for the wind farm shall be submitted to Mayo County Council; and
 - (b) the equipment in the hydrogen chosen shall be submitted to Sligo County Council.

Reason: In the interest of clarity.

4. The mitigation and monitoring measures outlined in the plans and particulars relating to the construction and operation of the proposed development, including those set out in Appendix 17.1 of the Environmental Impact Assessment Report, shall be implemented in full or as maybe required in order to comply with the following conditions, save in relation to the operation of the hydrogen plant, where emission and water abstraction limits are the responsibility of the Environmental Protection Agency. Details of a time schedule for implementation of mitigation measures and associated monitoring shall be submitted to the relevant planning authority.

Reason: In the interests of protecting the environment, the protection of European sites and of public health.

5. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

6. Details of the road network to be used by construction traffic through Counties Mayo and Sligo including detailed arrangements for the protection of bridges to be traversed, shall be submitted to, and agreed in writing with, the planning authorities prior to commencement of development. This should include Visual and Falling Deflectometer surveys prior to and on completion of construction.

Pavement damage or deterioration identified shall be repaired by the developer, in consultation with Mayo and Sligo County Councils.

Reason: In the interest of traffic safety.

7. Prior to commencement of works, a property condition survey shall be carried out, if agreed with the property owner, along the construction haul routes east of the N59 to the wind farm, hydrogen plant, on the grid connection and interconnector routes.

Reason: To provide a baseline of physical structures prior to commencement of construction, in the interest of amenity.

8. Method statements for water crossings, culvert designs and horizontal direction drilling shall be submitted to the planning authority, following liaison with Inland Fisheries Ireland, prior to commencement of development. The method statements shall be informed by the "Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters, 2016", by Inland Fisheries Ireland.

Reason: To protect water quality and aquatic biodiversity.

9.
 - (a) The final turbine delivery haul route and a report on the structural capacity of structures on the National Routes being utilised shall be submitted to Transport Infrastructure Ireland.
 - (b) Where works are identified, a Road Safety Audit shall be undertaken and shall form part of the above report.

Reason: To ensure that the structures on the National Routes have the structural capacity to take abnormal loads, in the interest of traffic safety.

10.
 - (a) An emission limit value of 25mg/l suspended solids shall apply to all discharges from the site to watercourses. The monitoring locations shall be agreed in advance with Mayo County Council and monitoring

equipment shall be operational three months in advance of any works on site.

- (b) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
- (c) Noise abatement measures shall comply with the recommendations for BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority. Noise limits during construction will not exceed 55dBA LAeq 90 at the nearest noise sensitive location.
- (d) A suitably qualified person shall liaise with Mayo County Council in relation to environmental monitoring during the construction process.
- (e) An Environmental Monitoring Committee (EMC) shall be established to assess and monitor construction works. The EMC shall consist of two representatives from each of the developer, Mayo County Council, Sligo County Council, Inland Fisheries Ireland and local community representatives.

Reason: To ensure effective monitoring of the construction phase, in the interest of protection of the environment.

11. Details of aeronautical requirements, including any necessary lighting on the tower crane and stacks, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and provide 30 days

notification of same. Subsequently, the developer shall inform the planning authority, the Department of Defence and the Irish Aviation Authority of the co-ordinates in WGS84 format of the as constructed positions of the turbines and the highest point of the turbines (to the top of the blade spin). Similar notice of erection of tower cranes shall be provided for decommissioning purposes.

Reason: In the interest of air traffic safety.

12. The planning authority and Department of Housing, Local Government and Heritage shall be provided with the final archaeological report on completion of archaeological works on site.

Reason: In the interest of protecting archaeological heritage.

13. The improvements to the junction access from the L6612-1 and the N59, shall be carried out to the written satisfaction of Sligo County Council prior to the construction of the hydrogen plant.

Reason: In the interest of traffic safety.

14. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including details of any signage, shall be submitted to, and agreed in writing with, the planning authority in which the said buildings are located within that administrative area, prior to commencement of development.

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

15. All planting/landscaping required to comply with the landscaping scheme shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

16. Construction operations shall be restricted to between the hours of 0800 and 1900 from Monday to Friday and between the hours of 0800 and 1400 hours on Saturdays, save for any necessary deviations required. These deviations shall be agreed in advance with the relevant planning authority.

Reason: In the interest of residential amenity.

17. An Operations Environmental Management Plan shall be submitted to the planning authority for written agreement, prior to the commissioning of the wind farm. This will include for a water quality monitoring programme, following consultations with Inland Fisheries Ireland. The water quality monitoring programme shall include for monthly monitoring for the first three years of operation and quarterly, thereafter.

Reason: To protect water quality.

18. (a) The curtailment measures for the wind farm in relation to bat activity shall be reviewed annually and provide for adaptive monitoring, reviewed by a competent expert for the first five years of the operation of the wind farm, and thereafter, every three years for the operational life of the wind farm, unless otherwise required arising from the adaptive monitoring programme. The results of the monitoring shall be reported to the regional staff of the National Parks and Wildlife Service.
- (b) The developer shall review usage by birds and bats of the wind farm site and document bird and bat casualties through an annual monitoring programme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This programme shall be developed in consultation with the National Parks and Wildlife Service and shall cover the entire period of the operation of the wind farm.

Reason: To ensure appropriate monitoring of the impact of the development on the birds and bats of the area.

19. The relative rated noise levels (LA rated 10 min.) resulting from wind energy development and taking into account the cumulative impact of noise levels resulting from other existing and approved developments, shall not result in noise levels, when measured externally at nearby noise sensitive locations not involved in the project, which exceed:
- (i) Background noise levels by more than 5 dB(A) $L_{90\ 10min}$ or 45 dB(A), $L_{90\ 10min}$ at standardised 10 metres height above ground level at windspeeds of 7m/sec or greater, between the hours of 0700 and 2300; and
 - (ii) 43 dB(A) $L_{90\ 10min}$ at standardised 10 metres height above ground level wind speeds, all other times.

Prior to commencement of development, the developer shall submit to, and agree in writing with, Mayo County Council, a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with Respect to Community Response," as amended by ISO Recommendations 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 commissioning of the wind farm.

Reason: In the interest of residential amenity.

20. There will be no shadow flicker at any existing nearby dwelling or other relevant existing affected sensitive property and the necessary measures outlined in the Environmental Impact Assessment Report submitted with the application, such as turbine shut down during the associated time periods, shall be taken by the wind energy developer or operator to eliminate the shadow flicker.

Reason: In the interest of residential amenity.

21. In the event that the windfarm 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 within six months of the date of this Order, following consultations with the relevant authorities.

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

22. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than one year, the wind monitoring masts, the turbines concerned and all decommissioned structures shall be removed and foundations covered with soil to facilitate re-vegetation, all to be complete to the written satisfaction of the planning authority within 24 months of decommissioning or cessation of operation.

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

23. An updated decommissioning plan shall be submitted to the planning authority for written agreement 12 months before the decommissioning of the wind farm, unless a further permission has been obtained for the continuation of the wind farm.

Reason: To enable the plan to be reviewed, having regard to relevant conditions pertaining to the time, in the interest of protecting the environment.

24. Prior to commencement of decommissioning works, a traffic management plan shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan for the decommissioning stage shall incorporate details of the road network to be used, 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 removal of oversized loads. All works to the public road network shall be at the developer's expense.

Reason: In the interest of traffic safety.

25. The developer shall retain the services of a suitably qualified and experienced Civil Engineer and Ecologist for the duration of the decommissioning works in order to prevent damage to the integrity or stability of the peatland environment.

Reason: In the interest of protecting the environment.

26. The hours of operation for the hydrogen plant shall be 24 hours a day. HGV movements shall be limited to between the hours of 0700 and 1900.

Reason: In the interest of residential amenity.

27. The number of tube trailer movements shall be limited to 52 movements per day.

Reason: In the interest of residential amenity.

28. Lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall minimise light pollution and shall minimise external lighting outside of operational hours.

Reason: In the interests of amenity and public safety.

29. (a) The primary source of raw water for the hydrogen plant shall be from rainwater harvesting.
- (b) The abstraction of groundwater shall be limited to a maximum of 178 cubic metres per day. In the event that a licence for abstraction of groundwater is required by the Environmental Protection Agency, this part of the condition shall cease to have effect.

- (c) Water levels in the Dooyeaghny Stream and South Corbally Stream shall be monitored on a continuous basis. In the event that water flows fall below the dry water flow rate (the annual minimum daily flow rate with a return period of 50 years) on the South Corbally Stream, groundwater pumping shall cease until water levels have recovered in the two streams. In the event that a licence for abstraction of groundwater is required by the Environmental Protection Agency, this part of the condition shall cease to have effect.

Reason: In the interests of groundwater and surface water protection.

30. The applicant shall comply with the requirements of Uisce Eireann in relation to the public water supply.

Reason: In the interest of public health.

31. All chemicals, including fuels, cleaning and anti-scaling products, shall be stored in a bunded area of 110% capacity.

Reason: In the interest of environmental protection.

32. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of environmental protection.

33. Prior to commencement of works, 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

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.

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

34. The Community Benefit scheme shall be adhered to for the life of the wind farm. The scheme shall be administered in accordance with the RESS Community Benefit Fund Good Practice Principles, 2021, prepared by the Department of the Environment, Climate and Communications.

Reason: To ensure that the community living in proximity to the wind farm benefits from it.

35. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of Mayo County Council, 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.

36. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of Sligo County Council, 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.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be recouped **from** the applicant is €24,403.

Board Member


Tom Rabbette

Date: 08/11/2024