

An
Bord
Pleanála

Board Direction
BD-017439-24
ABP-318723-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/09/2024.

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

Having regard to;

- (a) the policies and objectives set out in the Galway County Development Plan 2022-2028,
- (b) the Northern and Western Regional Spatial and Economic Strategy 2020-2032,
- (c) the provisions of the Climate Action Plan 2024, with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,
- (d) the provisions of the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government, (2006), (updated in November 2021),

- (e) the provisions of the Draft Revised Wind Energy Development Guidelines (2019), prepared by the Department of Housing, Planning and Local Government and the Department of Communications, Climate and the Environment (updated January 2020),
- (f) relevant European and National Policy and Guidelines,
- (g) the nature, scale, design and location of the proposed development,
- (h) the planning history of the site and the surrounding area,
- (i) the pattern of existing and permitted development in the area,
- (j) the distance to dwellings and other sensitive receptors from the proposed development,
- (k) the Environmental Impact Assessment Report submitted,
- (l) the Natura Impact Statement submitted,
- (m) the submissions and observations received, and
- (n) 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 (including transboundary sites), it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable at this location, would be acceptable in terms of impact on the visual amenities and landscape character of the area, would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report in which the Connemara Bog Complex Special Protection Area (Site code: 004181) and the Lough Corrib Special Protection Area (Site code: 004042) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Appropriate Assessment Screening and Natura Impact Statement, and associated documentation submitted with the planning application and appeal, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely Connemara Bog Complex Special Protection Area (Site code: 004181) and the Lough Corrib Special Protection Area (Site code: 004042), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European 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 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 and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, local authority, prescribed bodies, and observers in the course of the application, and,
- (d) the Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes 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.

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, and would be mitigated where relevant, as follows:

- **Landscape and Visual Impact:** the increase in turbine height is considered relatively minor and would maintain visual coherence with adjacent developments like Ardderroo Wind Farm. Mitigation measures include turbine placement and integration of the development with the existing Wind Farm Ardderroo.
- **Traffic and Transport:** the proposed development would not significantly impact traffic and transport. The impacts would be mitigated by HGV protocols, designated haulage routes, advance warning to residents, speed limits and regular road condition monitoring.
- **Land and Soil:** The Geotechnical and Peat Stability Assessment confirms that the site has a low risk of peat failure, supported by detailed site reconnaissance, peat depth probing, and stability analyses. Specific mitigation measures, such as the use of spread foundations, construction buffer zones, and proper drainage systems, have been proposed to address potential risks. Potential soil pollution from accidental spillages and erosion, would be mitigated by measures such as minimal on-site refuelling, bunding of storage areas, use of spill kits, and temporary drainage systems.
- **Water (Hydrology and Hydrogeology):** Potential adverse effects include runoff and erosion from site surfaces during construction, which could lead to sedimentation in local watercourses and contamination from potential fuel and chemical spills. Mitigation measures include strict sediment and erosion controls, such as silt fences and temporary attenuation ponds, to manage surface water runoff. Pollution control measures for concrete pouring and fuel storage would be implemented, alongside continuous water quality monitoring overseen by an Environmental Clerk of Works (ECoW). Additionally, construction compounds and

storage areas would be located away from watercourses, and surplus material would be promptly removed.

- **Ornithology:** Potential adverse effects of the proposed wind farm on ornithology include habitat loss, disturbance during construction, and collision risks during operation, particularly affecting species like Golden Plover, Hen Harrier, and Kestrel. The EIAR proposes appropriate mitigation measures such as habitat restoration, non-breeding season construction, a Red Grouse Management Plan, sensitive area demarcation, and turbine design adjustments to reduce collision risk.
- **Archaeology and Cultural Heritage:** The proposed development would have minimal direct construction impacts on known archaeological features. The mitigation measures include archaeological monitoring during groundworks, careful excavation of stone field walls, and continuous supervision by qualified archaeologists.
- **Noise and Vibration:** The proposed development would have minimal significant impacts on noise and vibration, both during construction and operation. Mitigation measures include limiting noisy activities to specific hours, using low-noise equipment, and monitoring noise levels to minimise disruption to nearby residents. During operation, noise predictions indicate compliance with the Wind Energy Development Guidelines (2006) and ETSU-R-97, maintaining noise levels below 45 dB(A) during the day and 43 dB(A) at night, with a minimum 500 metres separation from noise-sensitive receptors.
- **Air Quality and Climate:** The proposed wind farm development would have minimal significant impacts on air quality during construction and operation. Mitigation measures include dust management practices and vehicle operation protocols, to minimise dust and particulate matter emissions during construction.
- **Population and Human Health:** The proposed development would have minimal significant impacts on population and human health.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the inspector. Overall the Board is satisfied that the proposed development would not have any unacceptable effects on the environment.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 26th day of October 2023 and by the further plans and particulars received by An Bord Pleanála on the 29th day of January 2024 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 to such details in writing with the planning authority prior to the 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 19th day of February, 2016 under An Bord Pleanála reference PL07.243094, planning register reference number 13/829, and any agreements entered into thereunder.

Reason: In the interest of clarity.

3. This permission shall expire on the expiry date of the An Bord Pleanála reference: PL07.243094 permission, unless before that date the turbines and associated infrastructure has been erected.

Reason: In the interest of clarity.

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

Reason: To protect the integrity of European Sites.

5. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

6. (a) The permitted turbines shall have a maximum tip height of 150 metres. Details of the turbine design, height, and colour shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

(b) Cables from the turbines to the Ardderroo wind farm substation shall be run underground.

(c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.

(d) Transformers associated with each individual turbine and mast shall be located either within the turbine mast structure or at ground level beside the mast.

(e) No advertising material shall be placed on or otherwise affixed to any structure on the site without a prior grant of planning permission.

(f) The access tracks within the site shall be surfaced in a suitable material acceptable to the planning authority and shall not be hard-topped with tarmacadam or concrete.

(g) Roads, hard-standing areas and other hard-surfaced areas shall be completed to the written satisfaction of the planning authority within three months of the date of commissioning of the wind farm.

(h) Soil, rock, and other materials excavated during construction shall not be left stockpiled on site after the completion of the work. Excavated areas, including the borrow pits and areas of peat placement, shall be appropriately restored within three months of the date of commissioning of the wind farm, in accordance with details to be submitted to and agreed in writing with the planning authority.

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

7. Removal of site vegetation shall be carried out outside of the breeding season for the Marsh Fritillary Butterfly (*Euphydryas Aurinia*).

Reason: As a precautionary measure in the interest of protecting the species.

8. Details of aeronautical requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development, following consultation with the Irish Aviation Authority. Prior to the commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the coordinates of the as-constructed tip heights and coordinates of the turbines and wind monitoring mast.

Reason: In the interest of air traffic safety.

9. Noise mitigation measures outlined in the Environmental Impact Statement and in the further information submitted to the planning authority shall be carried out in full. The following conditions shall be complied with:

(a) Wind turbine noise arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed the greater of:

- 5 dB(A) above background noise levels or
- 43 dB(A) L90,10min

when measured externally at dwellings or other sensitive receptors.

(b) Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority to 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 initial noise compliance monitoring results shall be submitted to and agreed in writing with the planning authority within six months of commissioning the wind farm.

Reason: In the interest of residential amenity.

10. (a) Shadow flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

(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 at dwellings. Within 12 months of the commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenity.

11. Prior to the commencement of development, the developer shall agree with the planning authority on a protocol for assessing any impact on radio, television or other telecommunications reception in the area. In the event of interference occurring, the developer shall remedy such interference according to a methodology to be agreed in writing with the planning authority, following consultation with other relevant authorities and prior to commissioning the turbines.

Reason: In the interest of residential amenity.

12. (a) Prior to the commencement of development, details of the following shall be submitted to and agreed in writing with the planning authority:

(i) A Transport Management Plan, including details of the road network/haulage routes, the vehicle types to be used to transport materials on and off-site, and a schedule of control measures for exceptional wide and heavy delivery loads.

(ii) A condition survey of the roads and bridges along the haul routes is to be carried out at the developer's expense by a suitably qualified person both before and after the construction of the wind farm development. This survey shall include a schedule of required work to enable the haul routes to cater to construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed upon with the planning authority prior to the commencement of development.

(iii) Detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority.

(iv) Detailed arrangements for temporary traffic arrangements/controls on roads.

(v) A programme indicating the timescale within which it is intended to use each public route to facilitate the construction of the development.

(vi) The plan should contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

(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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

13. 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 masts and the turbines concerned shall be removed, and all decommissioned structures shall be removed, and foundations removed or covered with soil to facilitate re-vegetation, within three months of decommissioning.

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

14. 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 the intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (h) Provision of construction hours, including deliveries of materials to the site;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- (k) Off-site disposal of construction/demolition waste.

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

Reason: In the interest of amenities and safety.

15. The developer shall retain the services of a suitably qualified and experienced Ecologist (to perform the role of Ecological Clerk of Works) to undertake pre-construction surveys at the various project elements, including any river crossings, immediately prior to commencing work in order to check for the presence of protected species in the vicinity.

Reason: In the interest of protecting ecology and wildlife in the area.

16. The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate annual bird surveys of this site. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreed in writing with, the planning authority prior to the commencement of development. These reports shall be submitted on an agreed date annually for five years, with the prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Arts, Heritage and the Gaeltacht.

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

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

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

18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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) regarding the proposed development,
- (b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) Provide arrangements acceptable to the planning authority for the recording and removal of any archaeological material that the authority considers appropriate.

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 site and to secure the preservation and protection of any remains that may exist within the site.

19. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

20. Prior to the commencement of development, the community gain proposals shall be submitted to and agreed in writing with the planning authority.

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

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

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

22. Prior to the 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 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.

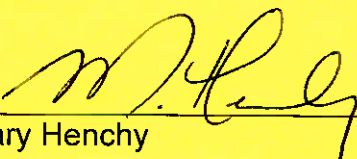
23. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, 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.

Reason: In the interest of orderly development and visual amenity and to ensure satisfactory reinstatement of the site.

24. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to the 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


Mary Henchy

Date: 11/09/2024