



Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 19/1481

Appeal by Marginalised Residents care of Valerie Butler of Doon East, Rosscahill, County Galway and by others against the decision made on the 27th day of March, 2020 by Galway County Council to grant subject to conditions a permission to SSE Renewables Ireland Limited and Coillte care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 10 year permission for a change to the dimensions of nine previously consented turbines (Galway County Council Planning References 10/303 and 11/429 and An Bord Pleanála Planning Reference PL07.239118) from a maximum hub height of 90 metres and rotor diameter of 101 metres with a maximum turbine tip height of 140.5 metres, to a maximum rotor diameter of 138 metres with a maximum turbine tip height of 156 metres; adjust the locations of three turbines as follows: T9 moved 6 metres, T30 moved 16 metres and T40 moved 16 metres; provision of 1.9 kilometres of new internal wind farm access roads, localised upgrades to existing access roads; underground cable route connecting proposed turbines to the Knockranny substation at Letter, on or adjacent to existing wind farm roads; three new borrow pits located adjacent to proposed T19, T20 and T31

for rock excavation and peat deposition; extension of two existing/permitted borrow pit for the excavation of rock and the deposition of surplus peat material, all on a site of approximately 76.07 hectares in the townlands of Derradda, Seecon, Shannapheasteen, Uggool, Letter, Finnaun, County Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- (a) the National Planning Framework and National Policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouses gases,
- (b) the Climate Action Plan 2019,
- (c) 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,
- (d) the policies set out in the Regional Planning Guidelines for the West Region 2010-2022, superseded by the Regional Spatial and Economic Strategy – Northern and Western Regional Assembly 2020-2032,
- (e) the policies of the planning authority as set out in the Galway County Development Plan 2015-2021 including the Wind Energy Strategy for County Galway,
- (f) the location of the wind farm site in an area which is identified as the “Galway Wind Park” which is designated as the most suitable part of the County to accommodate wind energy,
- (g) the character of the landscape in the area and of the general vicinity,
- (h) the planning history associated with the site and the pattern of existing and permitted development in the area, including other windfarms,
- (i) the distance to dwellings and other sensitive receptors from the proposed development,
- (j) the Environmental Impact Assessment Report submitted,
- (k) the revised Natura Impact Statement submitted, and
- (l) the report of the Inspector.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out 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 the screening assessment and conclusion carried out in the Inspector's report that the:

- Connemara Bog Complex Special Area of Conservation (Site Code: 002034)
- Connemara Bog Complex Special Protection Area (Site Code: 004181)
- Lough Corrib Special Area of Conservation (Site Code: 000297)
- Lough Corrib Special Protection Area (Site Code: 004042)
- Inner Galway Bay Complex Special Protection Area (Site Code: 004031)

are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for these sites and for which Appropriate Assessment is required.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European sites the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), the Connemara Bog Complex Special Protection Area (Site Code: 004181), the Lough Corrib Special Area of Conservation (Site Code: 000297), the Lough Corrib Special Protection Area (Site Code: 004042) and the Inner Galway Bay Complex Special Protection Area (Site Code: 004031). The Board considered that the 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:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

In completing the appropriate assessment, the Board adopted the report of the Inspector and in the overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans and projects, would not adversely affect the integrity of any European site in view of the site's conservation objectives and there is no scientific doubt as to the absence of such effects.

Environmental Impact Assessment

In accordance with the requirements of Section 172 of the Planning and Development Act 2000, as amended, 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 on the site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

- (c) the planning history associated with the site and the Board's previous Environmental Impact Assessment (EIA) relating to the site,
- (d) the submissions received from the appellants and prescribed bodies, and,
- (e) 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 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.

Reasoned Conclusions on the Significant Effects

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 that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- In terms of **population and human health**, there are potential for impacts in terms of roads and traffic issues as well as dust and noise arising from the construction phase of the development affecting air quality and residential amenity. These impacts are considered to be temporary and short term. Mitigation measures are proposed. There will be a minor positive impact on population with regard to the creation of a number of jobs. Shadow flicker during the operational phase of the development has the potential to impact two properties. Mitigation measures are proposed.

- In terms of **biodiversity**, the development will give rise to the loss of conifer plantation habitat at local level in the areas of the proposed turbines. Much of the infrastructure required to provide the project is already in place. There will be temporary disturbance to fauna, including birds during the construction phase while the operational phase will give rise to potential collision risk to certain bird species.
- There is potential for impacts to aquatic habitats and species by reason of impacts to water quality during the construction phase and early operational phase. Mitigation measures have been addressed during the design of the project while additional measures are detailed in the Environmental Impact Assessment Report. Measures include the implementation of a Construction and Environmental Management Plan as well as the appointing of an Environmental Manager/Ecological Clerk of Works during the construction phase of the development. Post construction monitoring will continue in line with the planning consents for the wider Galway Wind Park.
- Effects on the receiving **land, soil and geology** environments may arise during the construction and operational phases. Potential impacts include the temporary loss of commercial forestry land in the medium term, permanent removal of peat, subsoil and bedrock at excavation locations, potential peat instability and slope failure, the impact of excavations including increased erosion and sediment release, storage and management of excavated material and construction works associated with the turbines, roads, borrow pits, substation and cable trenches. The Environmental Impact Assessment Report sets out the mitigation measures proposed to avoid or reduce the potential impact of the development. The mitigation by management measures follow the thrust of those existing measures which operate within the wider Galway Wind Park and detailed design best practices will be implemented as part of the Construction and Environmental Management Plan. Mitigation measures relate to slope failure, management of excavations and

excavated materials, cable trenches and management of vehicular movements within the site.

- In terms of the **water** environment, potential indirect effects could arise due to an increase in runoff into receiving watercourses from sediment and soil erosion. In terms of mitigation, a robust 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 and during the pouring of concrete, effective containment measures will be implemented to avoid spills and to prevent concrete from entering into the drainage system. The Construction and Environmental Management Plan will include a fuel management plan and all vehicle movements will be restricted to the areas of hard standing and existing/newly constructed access tracks.
- In terms of **air quality and roads**, dust levels arising from the traffic associated with the construction phase of the development is likely to have a temporary short-term impact on local residents on the haul route. The nature of the vehicles transporting the turbine components will also have a temporary and short-term impact on residents using the local road network.

Mitigation measures include the use of a water bowser to spray tracks and crane hard standings, inspections of public roads, control of traffic speed, stockpiling of materials and regular maintenance of plant and equipment. A Traffic Management Plan will be implemented to minimise congestion.

Once operational, no significant negative residual impacts are envisaged in terms of the air and climate, once operational. The operation of the wind farm will displace CO₂ emissions.

- In terms of **noise and vibration**, during the construction phase, noise impacts may arise from construction activities such as site preparation and construction of the turbine foundations, roads, cable trenches, watercourse crossings and substation. There will also be increased construction vehicular movement in the wider area and on the local road network. The predicted noise levels at the nearest noise sensitive receptor will be well below the relevant 65dB threshold during the construction phase. During the operational phase, the cumulative noise limits are not anticipated to be exceeded for day or night and the substation, once constructed will not give rise to noise or vibration. Mitigation measures are proposed as part of the Construction and Environmental Management Plan.
- In terms of **Visual and Landscape Impacts**, the proposed development will, if permitted, be located within an existing wind farm development area. Given the topography of the site, and notwithstanding the fact that the proposed turbines are 15.5 metres higher than the existing operational turbines, they will not protrude above the existing turbines. Mitigation measures were considered as part of the design of the project and no additional measures are proposed. The site is located within a landscape character area which has the capacity to absorb a development of this scale in landscape and visual terms.

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 below, the effects of the proposed development, by itself and in combination with other plans and projects, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector. The Board is satisfied that this reasoned conclusion is up to date at the time of taking the decision.

Conclusions on 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 Planning Guidelines for the West Region 2010-2022, superseded by the Regional Spatial and Economic Strategy – Northern and Western Regional Assembly 2020-2032 and the provisions of the Galway County Development Plan 2015-2021, would not have an unacceptable impact on the landscape, the biodiversity of the area and the residential amenities of the area, would not adversely affect the archaeological or natural heritage of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 3rd day of March 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with an appropriate ecological and construction expertise as an environmental manager/ecological clerk of works, to ensure that the mitigation measures identified are implemented in full.

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

3. The mitigation measures and monitoring commitments identified in the Natura Impact Statement shall be implemented in full by the developer.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

4. Prior to commencement of development, a detailed Environmental Management Plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority generally in accordance with the proposals set out in the Environmental Impact Assessment Report. The Environmental Management Plan shall incorporate the following:
 - (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise management measures, construction hours and the management of construction waste,

- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,
- (c) an emergency response plan, and
- (d) proposals in relation to public information and communication.

The mitigation measures contained in the Natura Impact Statement shall be implemented in full.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

5. 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 commencement of development. These reports shall be submitted on an agreed date at the end of each monitoring year, 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.

6. The developer shall ensure that all plant and machinery used during the works is 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.

7. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

8. This permission shall be for a period of 30 years from the date of the first commissioning of the nine turbines, the subject of this application.

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

9. (a) The wind turbines including masts and blades shall be finished externally in a colour to be agreed in writing with the planning authority prior to commencement of development.
- (b) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
- (c) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.
- (d) The access tracks within the site shall be surfaced in suitable material acceptable to the planning authority and shall not be hard topped with tarmacadam or concrete.
- (e) Roads, hardstanding 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.
- (f) Soil, rock and other materials excavated during construction shall not be left stockpiled on-site following completion of works. 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 visual amenity.

10. The operation of the proposed development, by itself or in combination with any 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 7 am and 11 pm:
 - (i) the greater of 5 dB(A) $L_{90,10min}$ above background noise levels, or 45 dB(A) $L_{90,10min}$, at standardised 10 metre height above ground level wind speeds of 5 metres per second or greater, and
 - (ii) 40 dB(A) $L_{90,10min}$ at all other standardised 10 metre height above ground level wind speeds.
 - (b) 43 dB(A) $L_{90,10min}$ at all other times.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, 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.

11. The following shadow flicker requirements shall be complied with:
- (a) the proposed turbines shall be fitted with appropriate equipment and software to control shadow flicker at dwellings to limits specified in the Environmental Impact Assessment Report,
 - (b) prior to commencement of development, the developer shall submit for the written agreement of the planning authority, a shadow flicker compliance monitoring programme for the operational wind farm, and
 - (c) 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 commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority. The developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested at reasonable intervals thereafter by the planning authority.

Reason: In the interest of residential amenity.

12. In the event that the proposed development 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 prior to commissioning of the turbines and following consultation with the relevant authorities.

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

13. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Prior to 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 the turbines and wind monitoring masts.

Reason: In the interest of air traffic safety.

14. Prior to commencement of development, a Transport Management Plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The plan shall incorporate details of the road network to be used by construction traffic, 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 delivery of oversized loads.

Reason: In the interest of traffic safety.

15. (a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
- (i) the developer shall prepare design drawings for the L53453 from the junction of the N59 to the site boundary which shall detail and specify the road layout and finishes following the construction stage and include boundary walls, traffic calming details, temporary boundary details, drainage details, signage and road markings,
 - (ii) a condition survey of the roads and bridges along the haul routes shall be carried out at the developer's expense by a suitably qualified person both before and after construction of the proposed development. This survey shall include a schedule of required works to enable the 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 authority/authorities prior to commencement of development,
 - (iii) details for the rectification of any construction damage which may arise,
 - (iv) detailed arrangements for the protection of bridges to be crossed,

- (v) detailed arrangements for temporary traffic arrangements/ controls on roads,
 - (vi) a phasing programme indicating the timescale within which it is intended to use each public route to facilitate construction of the proposed development, and
 - (vii) 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 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 and to clarify the extent of the permission in the interests of traffic safety and orderly development.

16. 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.

17. (a) The developer shall submit details of the collection and disposal of material from the Holding Tank associated with the Control Buildings for the information and record of the planning authority on an annual basis.
- (b) Only waste collectors holding valid waste collection permits under the Waste Management (Collection permit) Regulations, 2007 (as amended), shall be employed to transport wastewater away from the site.

Reason: In the interest of public health.

18. The developer shall facilitate the archaeological appraisal of the site, including the replacement lands, 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.

19. Prior to the commencement of development, 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.

20. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the turbines concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation. 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 satisfactory reinstatement of the site upon cessation of the project.

21. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

22. 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 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: To ensure the satisfactory reinstatement of the delivery route.

23. 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 relevant 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: To ensure the 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 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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.