

An Bord Pleanála



Inspector's Report

PL16.245355

DEVELOPMENT:-

Erection of 8 wind turbines together with access road, associated equipment and ancillary site works. A ten year permission is sought.

Address:

Tawnanasool/Croaghaun/
Tullaghaunnashammer, Bangor Erris,
County Mayo.

PLANNING APPLICATION

Planning Authority:

Mayo County Council

Planning Authority Reg. No:

14/666

Applicant:

Ecopower Developments Limited

Application Type:

Permission

Planning Authority Decision:

Refuse

APPEAL

Appellant:

Ecopower Developments Limited

Types of Appeal:

1st Party -v- Refusal

Observers:

K. Deering and P. Crossan

DATE OF SITE INSPECTION:

16th November, 2015.

INSPECTOR:

Paul Caprani

1.0 INTRODUCTION

PL16.245355 relates to a first party appeal against the decision of Mayo County Council to issue notification to refuse planning permission for the erection of 8 wind turbines and associated equipment at a site comprising of flat peatland to the south-west of the village of Bangor Erris in north-west Mayo. Mayo County Council refused planning permission for three reasons, two of which related to visual impact and contravention of landscape policies contained in the development plan while a third reason related to traffic. The application seeks a 10 year permission and is accompanied by both an Environmental Impact Statement and a Natura Impact Statement. An observation was also submitted supporting the decision of the Planning Authority and objecting to the proposed development.

2.0 SITE LOCATION AND DESCRIPTION.

The appeal site is located in the townlands of Tawnanasool, Croaghaun and Tullaghaunnashammer. These rural townlands are located to the west of the N59 National Secondary Route approximately 5 kilometres south-west of the village of Bangor Erris. Tullaghaun Bay and the west Atlantic coast are located between 3 and 5 kilometres to the west of the site.

The site and the surrounding area is characterised by low-lying flat poorly drained bogland with a number of small lakes and surface water features including rivers and streams located throughout the area. There is very little development in the vicinity of the site and in particular to the west of the N59. Expansive areas of conifer forest are located to the south and to the east of the site. The N59 national secondary route (Westport to Bangor Erris) runs along the eastern boundary of the site and separates the more undulating upland areas from the extensive flat lowland area to the west. Ballycroy National Park is located on the on the eastern side of the N59 to the east and south east of the site.

In terms of topography, the site is low-lying with higher level lands (25 metres AOD) located closer to the roadway along the eastern boundary of the site. The Owenmore River which runs through Bangor Erris is located approximately 3 kilometres to the north of the site and the Owenduff River runs westwards approximately 4 kilometres to the south of the site. The site itself and the lands immediately surrounding the site are traversed by small streams and drainage ditches associated with the

cut-over bog. According to the EIS the site has a history of intensive peat harvesting development. Small clumps of gorse and heather and single conifer trees and bushes are also spread throughout the site. The bogs on the site and the surrounding area previously fed a briquette manufacturing facility located in Gweesalia to the west. The ecology section of the EIS sets out the habitats of the receiving environment in more detail.

In terms of the road network there are no roads in the immediate vicinity of the site other than the N59 National Secondary Route which runs along the eastern boundary of the site. It provides the only direct road access to the site. Local roads run to the north and to the south west of the site. The local roads however are not contiguous to the boundary of the site.

In terms of Natura 2000 sites the site itself is not located within a Natura 2000 site. Tullaghaun Bay to the west, and at its closest point c.1 kilometre to the west of the site, forms part of the Blacksod Bay/Broadhaven Bay SPA (Site Code: 000472). Lands on the eastern side of the N59 form part of the Owenduff/Nephin Complex SPA (Site Code: 004098) and the Owenduff/Nephin Complex SAC (Site Code: 00534).

The site itself is essentially a linear strip of land running north-westwards from the N59 and c.3 km long. It comprises of the access road together with the foundation areas surrounding eight separate turbines. The turbines are spaced approximately 550 metres apart and Turbines 1 to 5 run in a north-west direction. Turbine 5, 6 and 8 are set out on an east-west access approximately 1 kilometre in length. Turbine 7 is located to the south of Turbine 6 and again is approximately 550 metres south of T6.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for the construction of a site compound and substation located adjacent to a proposed access and eight separate turbines. The access to the site is located approximately 6 kilometres south of the village of Bangor Erris. The compound and substation is located adjacent to the N59. According to the EIS the turbines proposed will be of the generic three blade horizontal access tabular tower module. The tower heights (hub heights) of the two megawatt turbines can typically range from between 70 to 85 metres in

height. The turbine towers will be of tubular steel tapering from about 4 metres in diameter to about 2.3 metres in diameter at the top. Each of the towers will be mounted with three blades typically range from between 40 to 55 metres in length. The blades will be made from fibreglass – reinforced epoxy material. The blades will rotate at speeds of between 9 to 19 rpm. Typically the turbine will have an overall height of c.127 metres. The turbines will produce power in and around the 2 megawatt class.

The towers will be fixed with a steel casting that is set within a concrete base. Foundations are constructed from reinforced concrete with cast-in steel reinforcements. Hardstanding areas for the cranes involved in the erection of the turbines will be provided adjacent to the wind turbine sites. In terms of the access road it is stated that the wind farm roads will be of floating road design and strengthened by peat mounted ballasts on both sides of the road. This way the roads will pass over existing drains within the site and as a result the existing drainage regime remains unchanged. Wind farm electrical cabling will be located within a duct that will be placed adjacent to the wind farm roads. The ducting will be covered with peat mounds.

The electrical substation will be located adjacent to the N59 where the electricity will be transformed to a higher voltage suitable for the national grid. Electricity will be transported to the ESB network substation at Bangor Erris via underground ducts along the N59. A 38 kV substation compound will be constructed on site. This will contain a control building with a switch room control room ESB room and ancillary facilities.

It is also proposed to construct an 80 metre meteorological mast to the immediate west of Turbine No. 6. This mast will be used to mount meteorological equipment such as wind vanes and anemometers. It will comprise of a lattice tower mast.

Haul routes have been identified from both Killybegs and from Foynes. Both of these haul routes will use various motorways, national routes and regional routes as far as the junction of the R312 at Bellacorrick. Details of the haul route and sweep path analysis for particular junctions are contained on maps/aerial photographs submitted. Details of the construction of the wind farm are set out in Section 4.4 of the EIS. The development will be carried out over 10 separate phases which are briefly set out below.

- Phase 1 – Site entrance and temporary compound construction.
- Phase 2 – Construction of Turbine 1 and floating road to Turbine 2.
- Phase 3 – Construction of Turbine 2 and floating road to Turbine 3.
- Phase 4 – Construction of Turbine 3 and floating road to Turbine 4.
- Phase 5 – Construction of Turbine 4 and floating road to Turbine 5.
- Phase 6 – Construction of Turbine 5 and floating road to Turbine 6.
- Phase 7 – Construction of Turbines 6, 7 and 8.
- Phase 8 – Erection of turbines, operational site compounds and site entrance.
- Phase 9 – Grid connection to Bangor Erris.
- Phase 10 – Final turbine and substation commissioning.

Construction and commissioning will take approximately 9 to 12 months. It is stated that during the operational phase, the turbines will have a design life of approximately 25 years.

4.0 PLANNING AUTHORITY'S DECISION

4.1 Documentation Submitted

The planning application was lodged with the Planning Authority on 22nd December, 2014. The application was accompanied by:

- A completed application form.
- Letters of consent from the landowner to which the application relates.
- A copy of the newspaper notice.
- A copy of the site notice.
- Application drawings.
- An Environmental Impact Statement (Volumes 1 to 4).
- A CD Rom containing the same details.
- A Natura Impact Statement (Volume 4 of EIS).
- An appropriate fee.

4.1 Initial Assessment by Planning Authority

A report from the **Mayo National Roads Design Office** requires an assessment be carried out on all the haul routes identified in Chapter 5 of the EIS and the cost of any remedial works arising from the delivery of the turbines shall be borne by the applicant.

A report from **Inland Fisheries Ireland** dated 22nd January, 2015 sets out a number of conditions which are required to be attached to any grant of planning permission to ensure that the aquatic environment is not adversely affected by the proposed development. A total of 9 measures are set out in the report.

A letter of objection from the **current observers** has been submitted, the contents of which have been read and noted.

A report from the **Mayo County Senior Archaeologist** recommends that further information is required in relation to archaeology. 7 specific items of further information are requested.

A submission from **An Taisce** argues that the proposed development is premature.

A report from the **National Roads Authority** considers the proposed development to be at variance with the DoECLG Guidelines in respect of spatial planning and national roads. The submission also makes reference to the requirement to obtain a permit for a vehicle whose load falls outside the limits allowed on national roads. All structures including bridges should be checked by the applicant/developer to confirm that capacity to accommodate any abnormal road. The Authority also requests referral of all proposals agreed in relation to cabling and trenching along the road network. However it is the NRAs opinion that the proposal if approved, will create an adverse impact on the national road where the maximum permitted speed limit applies and would therefore be at variance with the foregoing national policy in relation to control of frontage development onto national roads.

A report from the **Environment Section** dated 23rd February, 2015 stated that the content and quality of the EIS is satisfactory, however additional information is required in respect of a number of issues concerning the development.

4.2 Planning Authority's Request for Additional Information

On 23rd February, 2015 Mayo County Council requested further additional information in relation to the following:

- Further details in relation to the river catchment in which the site is located.

- Further details of recent and any future proposed peat harvesting including the methods on the proposed site.
- Submit further details of measures that can be undertaken to prevent the siltation of the river systems draining the site to reduce sedimentation and associated nutrient discharge from the site.
- Examine and submit proposals for the rehabilitation of the landowners site for the purposes of peatlands conservation.
- Submit a map and the GPS co-ordinates of location of 10 electro-fishing sites as indicated in Table 13.23 and Figure 13.9 of the EIS.
- Submit documentary evidence in relation to the Gate 3 grid connection as outlined in the EIS.
- Submit further details in relation to archaeology including engaging the services of a suitably qualified archaeologist to carry out pre-development testing on site.

By way of an advice note it is stated that Mayo County Council would contest some of the findings in the visual impact assessment submitted.

4.3 Additional Information Submission

The additional information submitted on behalf of the applicant is summarised below:

With regard to the hydrology section of the EIS and specifically the reference to the Croaghaun River catchment, it is stated that this was inaccurately described in the hydrology section of the ecological impact statement. This inaccuracy was a result of a precautionary approach adopted by the applicant in order to avoid the impression that an attempt was being made to understate or conceal the link (albeit a tenuous one) between the proposed wind farm and the Owenmore River. The applicants confirmed that the Croaghaun River does flow into Tullaghaun Bay and does not flow directly into the Owenmore River.

With regard to the second issue which relates to the sedimentation in surface waters as a result of peat harvesting, details of peat harvesting undertaken in the area are set out in the response. The area in which the proposed turbines are to be located essentially comprise of historical milled peat areas from the late 1990s which supplied the briquette factory in Gweesalia. The applicants have come to an agreement with

the landowner that all peat harvesting that the proposed wind farm development will cease on a granting of planning permission for the project. This will assist to some extent, the potential rehabilitation of peat forming vegetation communities around the proposed turbines.

In relation to the third item which required the applicant to submit specific details of measures which could be undertaken to prevent the siltation of river systems draining the site, the response sets out details of the requirements of the Water Framework Directive. It notes that the status of the Croaghaun River which flows to the north of the site is designated as being of 'moderate status' whereas the Tarsaghaun Beg River which runs to the south of the site is designated as of 'poor status'. The pressures attributed to the designation of both rivers as being less than 'good status' are attributed to forestry, peat harvesting and agriculture. The principle hydrological measures that will be implemented to reduce siltation will involve strategic drain blocking to limit the losses of peat fines to the catchment through the main drainage channels. Blocking the peat drains as proposed in the areas where vegetation cover is lowest or where there is direct discharge from peat ditches to natural water courses. Drain blocking will consist of the installation of plastic V-notch weirs. Drain blocking will impede drainage following rainfall and will therefore slow down run-off and erosion reducing the potential for downstream flooding.

Item No. 4 required the applicant to submit proposals in conjunction with the agreement of the landowner for the rehabilitation of the landowner's site for the purpose of peatland conservation. The measures included to address this issue involve:

- Spreading fertiliser and lime to encourage increased vegetation in areas of localised bare peat.
- Heather reseedling.
- Appropriate application of nitrogen and phosphorous in accordance with best practice.
- Fencing against livestock.
- Wildfire management measures
- and integrated catchment management to improve water quality or habitat within the catchment area.

In response to Issue No. 5, GPS co-ordinates for the location of the 10 electro-fishing sites are set out in Table 1 of the response.

Documentary evidence in relation to the Gate 3 connection has also been submitted in response to Item No. 6.

Finally a detailed Archaeological Test Excavation Report was submitted in response to Item No. 7. A total of 33 trenches were excavated (some were prone to collapse due to the peat milling activities which had taken place previously on site). During the test trenching no features or deposits of an archaeological nature were identified. No evidence of preserved wood in the form of trees stumps, stems or branches were found. This may suggest limited vegetation development within the area of the bog. It is recommended due to the possibility of undetected subsurface archaeology that Turbine No. 8 be subject to archaeological monitoring during groundworks.

4.4 Further Reports on foot of Additional Information Submission

A report from the Department of Arts, Heritage and the Gaeltacht dated 23rd June, 2015 assesses the proposed development in the context of designated European sites and NHAs in the vicinity. It states that the NIS generally lacks precise scientific examination of evidence and data carried out to identify and classify the implications for European sites in view of the Conservation Objectives for these sites. The qualifying interests that are considered to be at risk from the proposed development are not identified clearly in the NIS.

With regard to Natural Heritage Areas it is stated that the separation distances between the full extent of the project footprint and the NHAs are unclear.

In terms of the impact of the proposed development on birds, it is stated that both the EIS and the NIS relies on a limited review of available data from bird surveys undertaken for the project over a period of 9 months. It is noted that the amount of surveying undertaken falls short of the requirement of one year.

With regard to peat conservation measures, it is recommended that details relating to these monitoring programmes are provided prior to the granting of planning permission which would outline clear commitments to the extent, nature and duration of monitoring to be undertaken in relation to water quality and peatland rehabilitation.

A report from the Senior Executive Scientist in respect of the additional information submitted states that the additional information submitted is deemed to be acceptable.

A further **Planner's Report** notes the comments of the NPWS submission and recommends that clarification of further information is required in this regard. The applicant is also requested to clarify details in relation to the water quality monitoring programme and further details in relation to the proposed strategic drain blocking.

4.5 Request for Clarification of Additional Information

Mayo County Council issued a notification for clarification in respect of the following information on the 1st July, 2015.

- Further details in respect of proposals for drain blocking in order to address siltation problems.
- The applicant is requested to comment of the observations submitted by the DAHG.
- The applicant is also advised to identify an alternative means of access to the site from the public non-national road network and submit an updated proposal for traffic and transport management including details of any works to the national road network to facilitate turbine delivery.

4.6 Submission of Clarification of Further Information

Further information was submitted on 23rd July, 2015. Further details were provided in relation to proposals for water quality monitoring and for strategic drain blocking locations. Details of in-situ monitoring and grab sampling for various parameters are set out in the response.

With regard to drain blocking, the points contained in the previous additional information submission are set out and the written specifications previously set out have been included on the drainage layout of the site as per Drawing PA1-RFI2-01. During construction it is proposed to install 300 V-notch weirs which will be removed after construction.

Section 2 of the response specifically relates to the information contained in the NIS. Further information is submitted describing the proposed construction works associated with the wind farm and the grid route. It is considered that the project was described in sufficient detail

in the NIS and also in the EIS and in the planning drawings submitted. Sufficient detail was provided to identify the significant impacts of the project.

With regard to bird surveys, it is stated that based on the number of observations throughout the course of the application, and additional surveys carried out, it was noted that there is little or no usage of the site by target bird species. None of the bird species listed as being of Special Conservation Interest were recorded in or outside the site during the additional bird surveys. Considering the highly modified nature of the site and the low sensitivity of the site for target species, the project site is considered to be of low bird interest with low levels of bird activity overall, and in particular low levels of activity birds of conservation concern.

It was further considered that best scientific knowledge was used to inform the assessment of the implications of the proposed development on Conservation Objectives for European sites in the vicinity. An examination of the evidence and data was carried out by competent persons to identify and classify any implications for SPAs or SACs. It is considered that the NIS provided a sufficiently detailed assessment of the effects of the project on Natura 2000 sites and provides enough scientific based evidence to draw clear conclusions. Details of the bird survey work undertaken in respect of the ecological evaluation as set out in the response.

With regard to the issue of roads, and an alternative road access is evaluated from a local road L52942 off the N59 to the south-west of the proposed turbines. It is stated that this alternative means of access via the non-national road network while being identified, is not the preferred option. The option identified in the EIS is still considered to be the most viable option. A road safety audit for the preferred option is submitted.

4.6 Further Submissions on Foot of Clarification Submission

A further submission from the NRA dated 29th July, 2015 reiterates concerns that the proposal is at variance with national Guidelines. It is noted that the applicant has identified an alternative means of access to the wind farm site via the existing local road network which does not represent the same policy conflict as direct access onto the N59.

4.6.1 Planner's Report

This report sets out the site location and description together with the proposed development and also sets out the planning history (see below). It goes on to set out the planning policies that relate to wind farms in both the Development Plan and the Mayo Renewable Energy Strategy 2011-2020 (see below).

The internal reports as they relate to the application are also set out as are details of the request for further information and clarification of further information.

In respect of the NIS, the County Ecologist considers the information contained therein to be adequate.

The report goes on to express concerns in relation to the visual impact of the proposed development. It is considered that the visual impact of the proposed development fails to adequately assess the visual impact of the proposal particularly when viewed from scenic routes including, Carrowmore Lake, the Erris Peninsula and Blacksod. All the viewing points referred to are located in designated scenic routes and are also located in the Wild Atlantic Way. The location of the proposed development in Policy Area 2 of the Landscape Appraisal Strategy also highlights the visually sensitive nature of the site and immediate area.

Concern is also expressed with regard to vehicular access off the N59. While the proposal to access the site via an alternative route to the south has been identified, it is considered that given the concerns in relation to the visual impact of the proposed development, it would not be appropriate to request the applicant to update the EIA and NIS to take account of the significant additional works to require to avail of this option.

Finally the report states that the content and quality of the EIS is satisfactory and that the Council is satisfied that the proposed development on its own or in combination with other plans or projects would not adversely affect the integrity of a European site.

4.7 Mayo Co. Councils Decision

In its decision dated 14th August, 2015 Mayo County Council issued notification to **refuse planning permission** for the following three reasons:

1. The proposed development due to its nature and extent in this flat open and exposed landscape in close proximity to several amenity and heritage features would seriously impact on the visual amenity and character of the landscape (which it is necessary to preserve) when viewed from both the immediate vicinity of the site and from designated scenic routes beyond. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development by reason of its nature and location in Policy Area 2 of the Landscape Protection Policy Areas and the Development Impact Landscape Sensitivity Matrix of the Mayo County Development Plan 2014-2020 would contravene Policy/Objective LP-01 of the Development Plan, which seeks to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of the landscape in terms of location, design and visual prominence. The development would therefore seriously impact on the visual amenity and natural character of the landscape at this location which it is necessary to preserve and be contrary to the proper planning and sustainable development of the area.
3. Access to the development is proposed via a direct access off the N59 National Secondary Route and the development therefore would contravene the Department of Environment, Community and Local Government's 2012 Spatial Planning and National Roads Guidelines for Planning Authorities and Policy/Objective 38.1.2 of the Mayo County Development Plan 2014-2020 which restricts new non-residential accesses on to national primary roads outside the 60km/hour speed limit. The proposed development would therefore create an adverse impact on the national route at a point where the maximum speed limit applies and would endanger public safety by reason of a traffic hazard. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

5.0 PLANNING HISTORY

Two history files are attached. Under **PL16.130499**, An Bord Pleanála upheld the decision of Mayo County Council and refused planning permission for the construction of 51 turbines which encompasses the current site and the area around the current site.

Planning permission was refused on the grounds that the proposed development located in a flat exposed coastal landscape would by reason of its location, height and layout and siting be visually obtrusive and out of character with the landscape and would interfere with views which it is the objective of the Planning Authority to preserve and protect.

The second reason for refusal stated that the location of the site in a priority habitat between two proposed natural heritage areas and the proximity to Nephin National Park would adversely impact on the value and integrity of the ecological importance and amenity and recreational potential of the area.

This decision was dated February, 2003.

Under **PL16.226433**, An Bord Pleanála upheld the decision of Mayo Co. Council and refused planning permission for 3 wind turbines comprising of a 6.9MW windfarm at a site in Sheskin between Bangor Erris and Bellacorrick, approximately 13km north east of the subject site. Planning permission was refused on the grounds that the proposal could adversely affect the adjoining Carrowmore Lake Complex cSAC by reason of road construction and laying foundations for turbines etc. The decision was dated 23rd October 2008.

6.0 GROUNDS OF APPEAL

The decision of Mayo County Council to issue notification to refuse planning permission was the subject of the first party appeal.

In respect of the first reason for refusal which relates to visual impact, it is stated that with regard to the magnitude of landscape impacts there will be physical impacts on the land cover of the site as a result of the development. These will be very minor in the context of the already modified land and on the scale that it is typical of other land uses in the vicinity - particularly peat extraction and forestry.

With regard to landscape character, it is stated that the scale and nature of the development is well assimilated into the area. It is stated that the visibility of the quarry at Bangor Erris from vantage points across the site tends to mitigate the potential impact on the landscape. For these reasons the magnitude of landscape impacts is deemed to be low at the level of the site and the immediate surrounds and medium in the wider study area. The overall assessment of the magnitude of impact is deemed to be 'moderate and slight' to the east of the site and 'moderate' to the north, south and west.

Reference is made to Chapter 12 of the EIS where visual impacts are assessed at 20 visual receptors throughout the area and the visual presence tends to be 'mid to low' range. While the wind farm will be distinctive and noticeable, it is also commonly seen in broad panorama in which it is not a visually dominant feature. The EIS notes that the N59 which in this area includes a designated scenic route and part of the Wild Atlantic Way passes immediately to the east of the site. The design of the development generally seems to be appropriate and is characteristic of the small scale man made feature in the area. It is also argued that wind energy is relatively synonymous with remote areas and the wind farm will be presented in a clear and unambiguous manner reflecting the spirit of the Wind Energy Development Guidelines for Flat Peatland and Mountain Moor Landscape Types.

Notwithstanding the above assessment, it is proposed to omit three wind turbines, Turbines 6, 7 and 8. This will have the effect of reducing the extent of the proposal, and by implication, the resultant visual impact. Revised photomontages and visualisation have been provided including views from Achill Island, the Erris Peninsula, and from Carrowmore Lake to the north of Bangor Erris.

In relation to the second reason for refusal, the planning authority makes reference to Landscape Objective LP-01. However it is argued that Objective LP-02 is equally relevant which requires that development shall be considered in the context of the landscape appraisal of County Mayo with reference to the four principle policy areas shown on Map 3A of the Plan "*provided such policies do not conflict with any specific objectives of this plan*" (applicant's emphasis). While the proposed development may not sit comfortably with Policy Area 2 in respect of wind farm developments as set out in the Landscape Sensitivity Matrix, this policy conflicts with:

- Objective CC-02 – To integrate climate change considerations into all areas of the Council’s role and responsibilities.
- Objective EY-02 – To implement the Renewable Energy Strategy for County Mayo 2011-2020.

It is also noted that the landscape appraisal of County Mayo is a guidance and decision supporting tool - not a decision making tool.

The site and its surroundings is designated at a Tier 1/preferred area in the Mayo Renewable Energy Strategy 2011-2020 and the Strategy notes that it is these areas where the potential for large windfarms is greatest. It is argued that the Renewable Energy Strategy apparently overrides the Landscape Sensitivity Matrix contained in the Development Plan.

Furthermore it is stated that the proposed wind farm is relatively compact and spatially contained. The reduction of the scheme from 8 wind turbines to 5 wind turbines will further enhance this effect. Where the wind farm breaks the skyline, the viewing distance is usually sufficiently far to reduce the impact. The proposal could be considered compatible with the overarching County Development Plan policies on landscape, renewable energy and climate change.

In respect of the third reason, for refusal it is stated that this reason is inconsistent with recent Mayo County Council decisions on applications for developments with access onto the N59 National Secondary Route. Under LA Planning Ref. P15/100 (which related to the filling of lands with inert soil) this application relates to an access onto the N59 approximately 4.5 kilometres north of Westport and the volume of fill to be imported equated to approximately 1,200 HGV deliveries. It is noted that the NRA submission on this application acknowledges that the proposal would be at variance with national policy in relation to control of frontage development on national roads but nevertheless the NRA would have no objection should Mayo County Council decide to grant permission.

Under LA Ref. P10/854 (ABP Ref. PL16.239604), planning permission was granted for the construction of a new layby on the N59 to provide car parking facilities for approximately 20 cars, two coaches at Cleggan Mountain, Ballycroy, County Mayo. This grant of planning permission allows a long-term access from the N59. In the case of the current application and appeal before the Board it is stated that during the construction phase there will be approximately 1,370 HGV deliveries to

the site which is similar to the first application cited above. During the operational phase a team of two operational staff would attend the site 2 or 3 times a week.

The applicant suggests two possible solutions. Firstly the site access as proposed would solely serve as a construction access during the construction phase only but being limited to 9 months. Following construction, this access point will be closed and road verges reinstated. Operational access will be gained from the already existing access point to the north which is being used by turf cutters and for illegal dumping at present. The landowner has confirmed that should the wind farm be built then turf cutting on the site will cease. The second alternative is to utilise the local road to the south-west of the site as indicated in the applicant's response to the clarification of additional information. It should also be borne in mind that should the Board accept the revised layout the omission of three of the turbines this will have a significant effect in reducing construction traffic associated with the wind farm.

The remainder of the grounds of appeal sets out further details with regard to a new Peat Stability Assessment Report. This report augments the existing information contained in the EIS. The findings of the Report which is included in the grounds of appeal (Appendix 3), demonstrates that the proposed wind farm has an acceptable margin of safety and is considered to be at low risk of peat failure which is in accordance with studies already carried out by the applicant and set out in the EIS.

7.0 APPEAL RESPONSES

7.1 Mayo County Council's Response to the Grounds of Appeal.

In response to the first reason for refusal, Mayo County Council does not question the methods employed in the assessment of the visual impact of the proposed development. However Mayo County Council would question the applicant's analysis of the results obtained as reflected in the 'before' and 'after' photomontages submitted. Again specific reference is made to vantage points from Doogort on Achill Island, views from Carrowmore Lake and views from the Erris Peninsula and views from Blacksod. All of the above viewing points are located on designated routes and form part of designated views in the County Development Plan. The visual assessment in the opinion of the Council underestimates both the sensitivity of the viewing location and the

consequential visual impact of the proposed development. It is also considered that the proposal by the applicant in the grounds of appeal, to reduce the number of turbines from 8 to 5 indicates that the Council's concerns were valid and justified.

In relation to the second reason for refusal, it is stated that, notwithstanding the location of the proposed development in an area designated at Tier 1 in the Mayo Renewable Energy Strategy 2011-2020, the Strategy also provides for the individual analysis and assessment of all projects in terms of the proper planning and sustainable development of the area. Objective 2.3 of the Mayo Renewable Energy Strategy 2011-2020 is quoted in the response.

With regard to reason for refusal no. 3, it is stated that the two precedent developments where Mayo County Council granted planning permission for access onto the N59 relates to development which would benefit the public good in terms of improving the safety and capacity of the national road network and providing a safe facility for the public to explore a National Park.

Also there is a requirement on behalf of the Planning Authority to reflect the NRA policy and guidance. In this instance the NRA consider the proposed development would be at variance with both the provisions of the Mayo County Development Plan and the provisions of the DoECLG's Spatial Planning and National Road Guidelines.

The Planning Authority is confident that the Board will assess the applicant's proposal to reduce the number of turbines to 5 and to provide an alternative access arrangement and will adjudicate accordingly.

8.0 OBSERVATIONS

One observation was submitted from Kevin Deering and Peter Crossan of Swanlinbar, County Cavan. The observation fully supports the stated grounds of refusal and requests that An Bord Pleanála uphold the decision of Mayo Co. Council. Notwithstanding the appellants' proposal to reduce the number of turbines to 5, it is contended that the proposal will continue to have a significant detrimental impact on the character of the landscape and the visual amenity of the area. It is also stated that the proposal is contrary to national guidelines in relation to development on national road networks. The appellants' argument is not accepted

that the guidelines should not apply in this instance because the access is temporary. A period of 9 months duration is a significant time period when considered in terms of public health and safety. Finally it is stated that the applicants failed to address the requirement to justify site selection for this development and the importance of landscaping particularly in the context of the Wild Atlantic Way which is a very important tourism route.

9.0 PLANNING POLICY CONTEXT

9.1 Guidelines for Planning Authorities on Wind Farm Development and Wind Energy Development (2006)

Chapter 3 of this document states that the assessment of individual proposals for wind energy must be undertaken on a 'plan led' basis which involves the setting out in development plans areas considered suitable or unsuitable for wind energy development.

Chapter 4 sets out information to be required in planning applications and in the case of wind farms, these applications should include information on such matters as ground conditions, drainage, visibility, natural heritage, built heritage, landscape issues, noise, shadow flicker, access and cumulative impacts.

Chapter 6 refers to aesthetic considerations. It notes that particular landscapes of very high sensitivity may not be appropriate for wind energy developments. Section 6.9 refers to various landscape types. One of the landscape types identified in guidelines is flat peatland. The preferred approach here is one of a large scale response. Regular spacing is generally preferred. In terms of height aesthetically tall turbines will be most appropriate.

Appendix 4 of the Guidelines sets out construction guidelines in order to reduce impacts including minimising habitat disturbance loss, hydrological disruption and the risk of erosion.

9.2 Mayo County Development Plan 2014-2020

Section 3 of the Plan sets out infrastructure strategy for the county and contains the following policies and objectives.

EY-01 – It is an objective of the Council to support and facilitate the provision of reliable energy supply in the county with emphasis on increasing energy supplies derived from renewable sources while seeking to protect and maintain biodiversity, wildlife habitats, the landscape nature conservation and residential amenity.

EY-02 – It is an objective of the Council to implement the Renewable Energy Strategy for County Mayo 2011-2020.

EY-05 – It is an objective of the Council to support and facilitate the provision of high quality electricity infrastructure in the county while seeking to protect and maintain biodiversity, wildlife habitats, scenic amenity including protected views and nature conservation.

Section 4 - of the development plan sets out policies in relation to environment, heritage and amenity.

LP-01 – It is an objective of the Council through the landscape appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing and future character of the landscape in terms of location, design and visual prominence.

LP-02 – It is an objective of the Council that all proposed developments shall be considered in the context of the landscape appraisal of County Mayo with reference to the four principle policy areas shown on Map 3A “Landscape Protection Policy Areas” and “Landscape Sensitivity Matrix” (Figure 3) provided such policies do not conflict with any specific objectives of this Plan.

The site in question is located designated Policy Area 2: “Lowland Coastal Zone”. This area, despite the mildly variant terrain and land cover, has a principle landscape factor of visual association with the coastline. The lowland coast is considered a separate Core Policy Area and has significantly different landscape attribute sensitivities and robustness. The policies as they relate to these areas are as follows:

Policy 9 – To continue to facilitate appropriate development in a progressive and clustered manner that respects the scale, character and sensitivities of the landscape.

Policy 10 – Recognise that in this low lying open environment, tall and bulky development can have a disproportionate impact against the landscape when viewed from predominantly low-lying areas in the public realm.

Policy 11 – Encourage development that will not have a disproportionate effect on the existing character of the landscape in terms of location, design and visual prominence.

With regard to the Landscape Sensitivity Matrix, windfarms in Policy Area 2 are considered to have:

“High potential to create adverse impacts on the existing landscape character having regard to the intrinsic physical and visual characteristics of the landscape area it is unlikely that such impacts can be reduced to a wildly acceptable level”.

Policy RD-01 states that it is the objective of the Council to protect the capacity and safety of the national road network (listed in Appendix 4 of the Plan) In the county and ensuring compliance with the Spatial Planning National Roads Planning Guidelines (January 2013). The N59 National Secondary Route is listed in Table 19 of Appendix 4 of the Plan.

9.3 Mayo Renewable Energy Strategy

Map 1 of the Renewable Energy Strategy identifies areas considered suitable for the location of wind farm developments. The current site is located in an area which is identified as suitable for ‘Tier 1 – Preferred’ - (large wind farms). These are areas which the potential for large wind farms is greatest.

In terms of policy and objectives: Policy 1 states that it is the policy of the Council to support the National Climate Change Strategy 2007 – 2012.

In terms of objectives: Objective 1.1 states that it is the objective of the Council to assist in achieving national targets for reducing greenhouse gas emissions associated with energy production by encouraging and

promoting the reduction in energy consumption and by encouraging renewable energy developments at appropriate locations within the county having regard to relevant planning guidance and the principles of the proper planning and sustainable development and through implementation of this strategy.

Objective 1.2 states that it is the objective of the Council to encourage renewable energy production from wind and other types of renewable energy listed in this section.

Policy 2 states it is the policy of the Council to ensure that a balance between the provision of renewable energy developments and the preservation and conservation of the natural and built environment is maintained subject to compliance with the requirements of the Habitats and Birds Directive.

Objective 2.3 states it is the objective of the Council that all proposed renewable developments will be assessed on the principles of the proper planning and sustainable development ensuring minimal adverse environmental impact to biodiversity, flora and fauna, population and human health, soil, water, air and climatic factors, material assets, cultural heritage and landscapes. Full account shall be taken of the presence and the requirement to protect all Natura 2000 sites, natural heritage areas, proposed natural heritage areas, the national park and park reserves. Projects will be subject to the Habitats Directive where considered appropriate.

10.0 PLANNING ASSESSMENT

I have read the entire contents of the file including the information contained in the EIS and NIS, visited the site and its surroundings and have had particular regard to the Planning Authority's reasons for refusal and the grounds of appeal submitted by the appellant. I consider the critical issues in determining the application and appeal before the Board are as follows:

- Visual Impact
- Planning Policy
- Transport and Access Arrangements
- Other Issues

10.1 Visual Impact

The visual impact arising from the proposed development in my view is a critical in determining the application and appeal. The proposed wind turbines in this instance are relatively large structures with an overall height of up to 127 metres. The critical issue in my opinion is the nature of the receiving landscape. The landscape to the west of the N59 is characterised by flat exposed peatland with little or no variation in topography and very little land cover which would help screen or mask the proposed development. As a result the turbines will be readily visible from large swathes of lands particularly to the north, north-west and west. It is clear from the photographs attached and also from the photomontages submitted both as part of the EIS and the applicant's grounds of appeal that the turbines will be visible from considerable distances to the north and west of the site. The area of land to the west of the site as far as the coastline accommodates a flat exposed landscape which affords no screening to the proposed turbines. Furthermore and contrary to what is stated in the grounds of appeal, the flat nature of the surrounding landscape together with the sites proximity to the coastline, I consider that the turbines will break the skyline from various vantage points, particularly to the east and north of the site.

While only 8 turbines were originally proposed, and the Board is requested to consider a reduction in the number of turbines to 5 as part of the grounds of appeal. The residual 5 turbines will be very prominent having regard to the nature of the existing landscape. The photomontages submitted with the EIS clearly indicate that the turbines in question would be readily visible from various vantage points throughout West Mayo including from views from north-east Achill Island and the Belmullet Peninsula. The photomontages clearly demonstrate, because of the flatness of the intervening land, that the turbines in question would have a profound impact on the landscape from views of up to 20 kilometres away.

The visual impact of the proposal is made all the more dramatic by the fact that there are no other wind farms readily visible within this large expanse of low-lying flat coastal peatland to the west of the N59. The proposal would therefore in my view introduce a new striking man-made visual element within the landscape with currently does not exist. There is no precedent for wind farms in this area of County Mayo. The proposed development therefore should be evaluated very carefully within this context. The proposal has significant potential therefore to

create a permanent and profound effect on the area's visual amenities with the flat exposed landscape being scenically vulnerable to large and dominant interventions such as windfarms.

I consider the visual impact assessment carried out in respect of the proposed turbine development to be comprehensive and robust. However I would agree with the Planning Authority that the conclusions reached therein significantly underestimate the visual impact in determining that the impact would be 'moderate' or 'moderate-slight'. The visual impact in my view is more profound and significant having regard to the large expanse of flat open lands particularly to the west of the N59 and the absence of any tall high structures or other wind farms in the vicinity.

While the reduction in the number of turbines from 8 to 5 is proposed in the grounds of appeal, I do not consider that this has a significant or material ameliorative effect from a visual point of view. The remaining 5 turbines would still stretch over an area in excess of 2 kilometres in length and would still in my view represent an incongruous and strident feature on the landscape.

Finally in relation to visual impact it should be noted that the Board determined a previous application for a wind farm on the subject site. While the previous application related to a much larger development comprising a 51 turbine (although the Board will note that the height of the turbines were 15 to 25 metres lower than those proposed under the current application), the reason for refusal is nevertheless relevant to the current application currently before the Board in my opinion. The first reason stated that:

“The proposed development, located in a flat, exposed and coastal landscape, would, by reason of its location, height, layout and siting in relation to the existing natural and man-made features be visually obtrusive, out of character with the landscape”.

The first part of the first reason for refusal therefore specifically related to the nature of the receiving environment in the context of the proposed development. While the proposed development in this instance may have been significantly reduced over that previously proposed in 2003, the nature of the receiving environment has not changed and the proposed development in my view will remain visually obtrusive and out of character with the flat exposed coastal landscape.

I therefore consider that the first reason for refusal as cited by the Planning Authority is appropriate and should be upheld in this instance.

10.2 Planning Policy

The second reason for refusal makes reference to the site's location in Policy Area 2 of the Landscape Protection Policy Area and the development impact in the context of the Landscape Sensitivity Matrix set out in the current County Development Plan. The grounds of appeal argue that there are conflicting policy statements contained in the Development Plan. These policy statements relate to climate change considerations and the need to implement a renewable energy strategy for the county, both of which would support the proposed development. Reference is also made to the Mayo Renewable Energy Strategy 2011-2020 in which the subject site is located in a Tier 1 – preferred area which is deemed to be most suited for the potential to accommodate large wind farms. There appears to be an apparent conflict between the landscape appraisal of County Mayo Development Plan and the Mayo Renewable Energy Strategy 2011-2020. It is clear from the development plan and in particular Policy LP-02 that it is an objective of the Council that all proposed development shall be considered in the context of the Landscape Appraisal for County Mayo with reference to the four principle policy areas. In respect of Policy Area 2, the policies are clear and unambiguous in respect of large developments such as windfarms as set out below:

Policy 9 seeks *'to continue to facilitate appropriate development in a progressive and clustered manner that respects the scale character and sensitivities of the landscape'*. The proposal to construct 8 turbines over a 3 km linear site cannot be regarded as clustered. Furthermore the size and scale of the turbines in my opinion do not respect the sensitivities of the landscape.

Policy 10 seeks *'to recognise that in this low lying open environment, tall and bulky development can have a disproportionate impact against the landscape when viewed from the predominantly low lying areas of the public realm'*.

Whereas Policy 11 seeks to *'encourage development that will not have a disproportionate effect on the existing character of the landscape in term of location, design and visual prominence'*. These latter two policies are particularly pertinent and in my opinion having regard to my

evaluation under section 10.1 above. I can only conclude the proposed windfarm contravenes these two policies.

The proposed development would also be located adjacent to designated scenic routes and can be seen from listed views and prospects contained in the Development Plan. The N59 is listed as a scenic route in section 3.6(a) of the Landscape Appraisal for the County. There are various vantage points from which the proposed development can be viewed which are listed views and prospects in the development plan including views from the vicinity of Gweesalia (see Photo 4 attached to this report), views from the north west coastline of Achill Island and views from Carrowmore Lake to the north of Bangor Erris (for the latter two locations see photomontages submitted with the documentation contained on file).

Finally in respect of the development plan, it is apparent that under the Landscape Sensitivity Matrix, windfarms in Policy Area 2 are considered to have *'High potential to create adverse impacts on the existing landscape character. Having regard to the intrinsic physical and visual characteristics of the landscape area, it is unlikely that such impacts can be reduced to a widely acceptable level'*.

While there are more general policy statements contained in the plan regarding supporting renewable energy and combatting climate change, the policies referred to above are more detailed and prescriptive and based on a robust evaluation of the landscape. For this reason I consider the Board should place greater emphasis on the more detailed policy statements regarding landscape appraisal than the more general statements concerning renewable energy and climate change contained in the development plan.

It is also clear that the Renewable Energy Strategy would favour the subject site in terms of a large scale windfarm development and it is therefore evident that there is an inherent contradiction between the two documents in respect of the above site. It is my opinion that the Board should place greater emphasis on the policy statements contained in the development plan. The Strategy states that it will be incorporated into the Mayo County Development Plan, by way of variation, following its adoption by Mayo County Council. For these reasons I would recommend that the policies in the development plan should be given greater weight than the statements in the Renewable Energy Strategy. Thus I would consider the second reason for refusal cited by the planning authority to be appropriate.

10.3 Transport and Traffic Issues

The final reason for refusal cited by the planning authority related to the proposed access on the N59, which is listed as a 'Controlled Road' in Appendix 4 of the county Development Plan. This reason for refusal appears also to be predicated on the NRA submissions which argued that the proposal is at variance with national policy to provide a new direct access onto a national route which would have an adverse impact on the national road network.

The Spatial Planning and National Road Guidelines are clear in respect of direct access onto national roads. Section 2.5 of the Guidelines relate to development applications with access onto national roads. The Guidelines state that it will be the policy of the planning authority..... *'to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses on sections outside the 60 km speed limit'*. There a number of specific exceptional circumstances where this policy will not apply. The first of which mentioned in the Guidelines is developments of national and regional importance. Having regard to national policies with regard to promotion of renewable energy and tackling climate change, I consider that a case could be made for exceptional circumstances in this instance, particularly having regard to the temporary nature of the heavy traffic generation associated with the construction phase. It could be reasonable argued that renewable energy projects such as that proposed are of regional, if not national importance.

The NRA suggest that utilisation of local roads, in this L52942 would be preferable than creating a new access on the N59. It could likewise be argued that utilising this local access road would contravene the guidelines as it would *'result in the generation of increased traffic from existing accesses'*. Utilising the existing local roads would also require a more detailed assessment of the structural integrity of the local roads to accommodate heavy loads and sweep paths associated with longer articulated vehicles etc. In this instance it would also require additional routes to be provided off-road and over peatlands in order to access the turbine sites. This intern could result in unintended ecological consequences. It appears eminently more sensible and logical to keep large and abnormal loads to the largest roads in the road hierarchy particularly when the use of such roads will be temporary, in this case, over a 9 month construction period.

The access onto the N59 will also be used during the operational period, but very infrequently. The EIS states that 2 personnel will access the site 2 to 3 times a week. This in my view, will have a negligible impact on the carrying capacity of the road and would appear to be an acceptable trade-off in terms of promoting and supporting renewable energy infrastructure.

Finally in relation to traffic and transport issues, I have inspected the site and consider that requisite sight-lines can be achieved in both directions at the access point and the issue of inadequate sightlines was not raised in the planning assessment by Mayo Co. Council. On foot of my arguments set out above, I consider that the 3rd reason for refusal cited by the planning authority should be omitted.

10.4 Other Issues

10.4.1 Noise

The site is located in a very low densely populated area. Only two noise sensitive receptors (NSR) are located in within the vicinity of the windfarm between 1.6 and 2.1 km away¹.

In terms of the construction phase, Table 9.5 of the EIS sets out the sound power levels associated with construction machinery. At 10m the total sound power is estimated to be 94 dB(A). Through normal dissipation rates², of noise levels over the lands between the turbines and the NSR, it can be reasonably anticipated that noise levels at the facades on the nearest NSR will be in the region of 46 to 52 dB(A). This is well below the normally acceptable limits of 55dB(A). While existing background noise levels (L₉₀) in the area, may be below this level, I would consider the noise generation from construction activities is acceptable having particular regard to the temporary nature of this activity which will be over a period of 9-12 months.

During the operational phase, the modelling undertaken as part of the EIS represents a worst case scenario (where the NSR's are located downwind of the turbines 100% of the time). The predicted noise levels specifically attributed to the turbines are estimated to be 30-35 dB(A) at the nearest NSR's. Such levels are deemed to be acceptable and should not give rise to any amenity issues.

¹ If Turbines 6,7&8 were to be removed as suggested in the grounds of appeal, both NSR will be will be in excess of 2 km from the turbines.

² A reduction of 6dB(A) with the doubling of distance.

10.4.2 Shadow Flicker

The shadow flicker analysis carried out as part of the EIA again assesses potential impacts under a worst case scenario. The windfarm software used in the shadow flickering modelling prediction indicated that the DOECLG standards of 30 min per day / 30 hr per year standards would not be breached at the nearest dwellings to the site. The modelling undertaken as part of the EIA indicated (see fig. 9.4 of the EIS) that the dwelling on the eastern side of the N59 will not experience shadow flicker at all under any circumstances. While the dwelling to the southwest will, under a worst case scenario, experience approximately 16 hours of shadow flicker per year. In fact, if the three most westerly turbines were to be omitted as per the grounds of appeal, shadow flicker would be further reduced or may be eliminated altogether.

10.4.3 Air Quality

No adverse impacts are anticipated in terms of air quality. Any fugitive dust emissions during the construction phase will not be as significant as to impact on amenity for residents living in the wider area. Ambient air quality in the area is presently very good. The operation of more sustainable renewable energy will lead to net savings in terms of GHG emissions.

10.4.4 Ecology

A comprehensive ecological study was carried out. The study (Chapter 13 of the EIS) is separate for the NIS which specifically addresses potential impacts on European Sites. The chapter sets out details of the habitats of the existing environment (see figure 13.6 of the EIS) and evaluates the key ecological receptors in respect of same. Rare or threatened fauna in the area include the Marsh Saxifrage. In terms of fauna, bat surveys were carried out. Due to the absence of linear habitats, (in the form of hedgerows etc) potential value sites were not identified. As such it was concluded that the site is not a significant resource for foraging or commuting bats. Table 13-17 sets out other terrestrial mammals that were recorded during the desk top study. With appropriate mitigation measures employed, significant threats to these mammals are extremely unlikely.

In terms of birds, a total of 31 species are recorded within and surrounding the site during the course of the summer birds surveys. There were two observations of a male hen harrier during the winter surveys. There was one observation of a kestrel. The study assesses the potential impact in terms of collision risk and disturbance and displacement.

It is considered highly likely once the construction phase of the proposed development has been completed, all terrestrial fauna including avian fauna shall utilise all habitats within the site within a short period of time. No significant impact is considered in respect of avian and terrestrial fauna.

The ecology section also assesses the proposed development in respect of water courses which traverse the site. Q value kick sampling and physical chemical analysis were completed for the waterways draining the site into the adjacent Bay to the west. It was determined that even though the waterways were slightly polluted, fish populations were healthy with some salmonid spawning and nursery habitats present. The main threat relates to disturbance and potential impacts from suspended solids during the construction phase. A 'mitigation by design approach' was adopted from the outset in order to avoid and minimise impacts from the proposed wind farm. All aspects of the construction of the proposed wind farm was accompanied by a comprehensive sediment and erosion/stormwater control plan which will reduce the likelihood of any potential pollution occurring. Both pre-construction and post construction monitoring will be undertaken and water quality analysis will be carried out during and after construction.

Having regard to the details contained in the ecology section as set out in the EIS, I am satisfied that the proposed development will not have any significant environmental impacts in terms of ecology. The Board will note that a separate section below assesses the proposed development in terms of potential impact on Natura 2000 sites.

10.4.5 Archaeology

Mayo County Council in its assessment of the proposed development requested significant additional information in respect of archaeological issues. This included pre-development testing of the site. Further information submitted by the applicant included details of pre-development testing on site. There are no details on file as to whether or not the archaeological information submitted was deemed to be

acceptable by Mayo Co. Council. However having regard to the fact that the Planning Authority in its final decision did not cite reasons in relation to archaeology in terms of refusing permission, may infer that the Planning Authority is satisfied that the proposed development is acceptable in archaeological terms.

Chapter 7 of Volume 1 of the EIS deals with the issue of cultural heritage. I am satisfied that the methodology involved in assessing the impact on cultural heritage is appropriate. The EIS assesses cultural heritage within 5 kilometres of the proposed development and carried out a desktop assessment together with analysis of cartographic sources, aerial photography and a site walk-over survey. The fact that the applicant also carried out test-trenching in and around the area where the proposed turbines are to be located and these tests reveal nothing of archaeological significance leads me to conclude that the proposed development will not in any way impact on the archaeological heritage of the area. It is acknowledged in the information submitted to the planning authority that if planning permission is forthcoming, further archaeological investigation will be required around the base of turbine no. 8. If the Board are minded to grant planning permission it would be appropriate to ensure that all works carried out on site would be appropriately monitored from an archaeological perspective.

10.4.6 Impact on Communications and TV Reception

The EIS notes that there are two telecommunication sites within 5 kilometres of the development; at Bangor Erris and to the south-west at Lagduffmore. The EIS concludes that it is highly unlikely that the proposed turbines will impact on any of the telecommunication masts in the wider area. In the unlikely event that mitigation measures are required, the developer will provide a radio relay site or a new telecommunication mast.

With regard to television impact, it is noted that the main terrestrial transmitter serving the area is RTE's Achill transmitter, 22 kilometres south-west of the site. Results from field and desktop surveys indicate that there will be TV interference due to the turbines in the 'backward scatter zone' of the Achill transmitter (see Figures 18 and 19 of the EIS). However it is stated that a range of viable mitigation measures are available including TV antennae realignment, increasing the height of the transmitters, antennae retuning and the provision of subscription free satellite TV service.

If the Board are minded to grant planning permission for the proposal it is recommended that suitable mitigation measures be attached by way of condition.

10.4.7 Peat Stability Issues

Both the EIS and the grounds of appeal both address the issue of peat stability. Appendix 14.3 of the EIS specifically assesses issues with regard to peat stability. The analysis indicates that over 90% of the area traverses 'low risk peat stability' and less than 10% traverses an area of 'medium risk peat stability'. The risk can be fully contained using standard construction techniques. Thus it is concluded that the site does not present any significant risk of exacerbating or propagating a peat slide. A further analysis and assessment is also contained in Appendix 3 of the grounds of appeal. This assessment likewise concluded that the findings showed that the site has an acceptable margin of safety and is suitable for a proposed windfarm development. A number of recommendations are made to minimise any risk. I have read both assessments and I consider the conclusions contained within the assessments and the mitigation measures to be employed will militate against any problems in terms of peat slope stability. It would however be imperative if the Board were minded to grant planning permission in this instance that monitoring measures are undertaken throughout the construction phase to ensure that risks are minimised.

10.4.8 Groundwater and Hydrogeology

Chapter 15 of the EIS deals with hydrology and hydrogeology issues. The site is underlined by an unproductive aquifer except for local zones. In terms of aquifer vulnerability the windfarm site will be classified as 'high' with overburden depths of between 3 and 5 metres. There are no extraction wells in the immediate vicinity of the site. Any impacts which will arise on groundwater will be from construction activities only mainly through the risk of spills of fuels, lubricants and hydraulic oils. Mitigation measures are set out throughout the EIS to minimise any potential impact on same. I would agree with the general conclusions set out in the EIS that the impact on water quality can be expected to be neutral.

11.0 Environmental Impact Assessment

I am of the opinion that the EIS represents a robust and comprehensive analysis of potential significant environmental impacts which could arise as a result of the proposed development and the document complies

with the statutory requirements as set out in Article 94 and Schedule 6 of the Planning and Development Regulations (as amended) and the EPA guidelines as they relate to Environmental Impact Assessment. I have in my assessment above, where relevant and appropriate, identified, described and assessed the key likely significant effects in relation to the proposed development both during the construction and operational phase having particular regard to:

- Landscape implications.
- Amenity implications in terms of noise, air, shadow flicker, communications and TV signals.
- Transport and traffic.
- Archaeology.
- Ecology.
- Peat stability.
- Hydrogeology.

I am satisfied that where appropriate, the EIS has assessed the cumulative impacts arising from the proposed development. This is particularly the case in respect of visual impact.

I am also satisfied that the proposed development, with the exception of the potential for visual impact, would not have a significant environmental impact on the receiving environment. There will also be positive impacts arising from the proposed development in terms of employment opportunities and the reduction on the reliance of fossil fuels as a source of energy. The EIS adequately and properly evaluates the proposed development in terms of its construction impact and its operational impacts. The EIS has also where appropriate, identified direct and indirect impacts arising from the proposed development.

In assessing alternatives, the applicant has considered alternative locations, designs, layouts and processes. The EIS also as required contains a non-technical summary and evaluates the interaction of the likely significant effects arising from the wind farm development.

The EIS also sets out appropriate mitigation measures in relation to potential environmental impacts and I would generally agree with most of the conclusions contained in this statement that the residual effects arising from mitigation measures employed are acceptable. However I would disagree with the conclusion that the visual impact arising from the assessment is deemed to be 'moderate' or 'moderate slight'. My evaluation it has reached a different conclusion that the visual impact

arising from the proposed development, having particular regard to the sensitivity of the flat and exposed coastal landscape would be significant and unacceptable.

In summary therefore I consider the contents of the EIS, including the various appendices attached to each chapter of the main document, together with the submissions on file are satisfactory and comply with the Directive. Thus there is sufficient information on the file to carry out a full EIA in respect of the proposed windfarm development. Finally I note that the Planning Authority reached a similar conclusion in respect of the EIS.

12.0 Appropriate Assessment

Volume 4, Tab 1 of the EIS contains a separate report in the form of a Natura Impact Statement. The site itself is not located within a designated Natura 2000 site. However there are a number of designated Natura 2000 sites identified in the vicinity which could potentially be impacted upon as a result of the proposed development. These include:

- The Owenduff/Nephrin Beg Complex SAC (000534). This designated site incorporates a large number of qualifying interests including aquatic species such as salmon and otter. A range of all atrophic and dystrophic waters as well as mosses, heaths and bogs.
- The Owenduff/Nephrin Complex SPA (Site Code: 004098). The features of interest include the Merlin, the Golden Plover and the Greenland White Fronted Goose.
- The Blacksod Bay/Broadhaven SPA lists a large number of birds as features of interest.

The NIS goes on to identify other Natura 2000 sites in the wider area including:

- The Carrowmore Lake Complex SAC (Site Code: 00476).
- The Mullin/Blacksod Bay Complex SAC (Site Code: 00470).
- The Carrowmore Lake SPA (Site Code: 004052).
- The Slieve Fyagh Bog SAC (Site code: 000452).
- The Bellacorrig Bog Complex SAC (Site Code: 001922)

- The Broadhaven Bay SAC (Site Code: 000472)
- The West Connaught Coast SAC (Site Code: 002998)
- The Glenamoy Bog SAC (Site Code: 000500)
- The Doogort Machair/Lough Doo SAC (Site Code: 001497).
- The Lough Dahybaun SAC (Site Code: 002177)
- The River Moy SAC (Site Code: 002298)
- The Bellacorrig Iron Flush SAC (Site Code: 00466)

The main with potential risks arising from the proposed windfarms on the conservation objectives associated with Natura 2000 sites in the vicinity include the following:

- Potential pollution of watercourses which drain into the Blacksod/Broadhaven SPA.
- Potential disturbance to fauna of conservation importance during the construction of operational phase.
- Potential risk of collision to birds with the turbines when operational.
- The construction of the road network and its associated drainage.
- Potential contamination from fuels and oils.

The proposed development will not result in the habitat loss or reduction in habitat areas associated with any Natura 2000 site. The closest Natura 2000 sites the Owenduff/Nephin Complex SAC and SPA and the Blacksod Bay/Broadhaven SPA. These designated sites are located approximately 1 kilometre to the east and west of the site respectively. A potential impairment of water quality could occur from watercourses and drains within the site becoming polluted as a result of construction activity. An environmental operating plan will be implemented during the construction and operation and decommissioning phases of the proposal to ensure that the project is constructed in accordance with best practice.

Excavated peat will be properly managed; measures will be put in place including appropriate run-off and sediment control to ensure that uncontrolled releases of suspended solids do not occur. Settlement ponds will be installed in existing drains, where required. Adequate measures to reduce siltation shall be installed down slope of the works

so as to ensure that aquatic species which may potentially use the rivers and streams are protected. Management of sediment will also take place during the operational phase. In terms of fuel and oil spills, a detailed fuel management plan will be agreed with the planning authority. Measures will be put in place to ensure that concrete/cement tissues material will not enter streams.

In terms of minimising disturbance to fauna which form part of the qualifying interest/features of interest associated with the SACs construction vehicles will not encroach into habitats beyond the proposed development footprint except to carry out maintenance works. Construction activities will be restricted. In order to avoid collision between birds and turbines, the use of white lights on turbines will be avoided as these can attract night flying birds. The use of red lights on the top of turbines is a requirement of the Irish Aviation Authority. Bird surveys will be on-going throughout the development.

I consider that Natura Impact Statement submitted with the application has correctly identified all the potential European sites and qualifying interests/features of interest associated with same that could be potentially impacted upon as a result of the proposed development. I further consider that the potential impacts have been appropriately identified and reasonable measures have been put in place to ensure that the conservation objectives and features of interest associated with these European Sites will not be impacted upon. I therefore consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a stage 2 appropriate assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any of the European sites listed in the NIS and in particular the closest European sites namely, the Blacksod Bay/Broadhaven Bay SPA (Site Code: 004037), The Owenduff/Nepin Complex SAC (Site Code 000534), The Owenduff/Nepin Beg Complex SPA (Site Code:004098) in view of the sites' Conservation Objectives.

CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above I consider the proposed development to be contrary to the proper planning and sustainable development of the area specifically on grounds that the proposed development would have an unacceptable adverse visual impact on a vulnerable and sensitive low-lying coastal landscape and the proposed development is contrary to the Landscape

Appraisal policies contained in the Mayo County Development Plan. I therefore recommend that planning permission be refused for the proposed development.

DECISION

Refuse planning permission for the proposed development in accordance with the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The proposed development located on a flat exposed and coastal landscape would by reason of its location, height and siting be visually obtrusive and out of character with the landscape and would interfere with views and prospects which are listed for protection in the current Mayo County Development Plan 2014-2020. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development by reason of its location in Policy Area 2 of the Landscape Protection Policy Areas and nature of the wind farm development in the context of the Landscape Sensitivity Matrix associated with this landscape appraisal as out in the Mayo County Development Plan 2014-2020 would contravene Policy LP-01 of the County Development Plan which states it is an objective of the Council through the landscape appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that the development will not have a disproportionate effect on the existing or future character of the landscape in terms of location, design and visual prominence. It is considered that the proposed development by reason of its size, scale and siting would contravene the above policy objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Paul Caprani,
Senior Planning Inspector.**

24th November, 2015.