

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 vantage points surveys. There was one observation of a kestrel. The ecology section 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 terrestrial fauna assessed include a range of receptor species which are set out in table 1443. The impacts are deemed to be slight or non applicable. 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. 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 windfarm. All aspects of the construction of the proposed windfarm 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 Development Plan 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.

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. However having regard to the fact that the Planning Authority did not cite reasons in relation to archaeology in its decision to refuse planning permission may in fair 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 desk top assessment together with analysis of cartographic sources, aerial photography and field walking. 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. If the Board are minded to grant planning permission in this instance it would nevertheless be appropriate to ensure that all works carried out on site would be appropriately monitored from an archaeological perspective.

Impact on Communications and TV Reception

The EIS notes that there are two telecommunication sites within 5 kilometres of the development at Bangor Eiris 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 & 19 of the Development Plan). However it is stated that there are a range of viable mitigation measures available including tv antennae realignment and increase in height, 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.

Peat Stability

For 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 stability and less than 10% traverses an area of medium risk. The risk can be fully contained using standard upland construction techniques. Thus it is concluded that the site does not present any significant risk of exacerbating or propagating peat slide. A further analysis in 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.

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 to minimise any potential impact. I would agree with the general conclusions set out in the EIS that the impact on water quality can be expected to be neutral.

Environmental Impact Assessment

I am of the opinion that the EIS is 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 an appropriate identified described and assess 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
- Flora and fauna
- Ecology
- Peat stability

- Hydrogeology

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

I am also satisfied that the proposed development with the exception of 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 and adequately addresses the issue of alternatives. 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. By evaluation it has reached a different conclusion that the visual impact arising from the proposed development having particular regard to the sensitivity of the coastal landscape would be significant and unacceptable.

In summary therefore having regard to the contents of the EIS including the various appendices attached to each chapter of the main document together with the submissions on file I am satisfied that 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 information contained in the EIS.

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/Nessin 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/Nessin complex SPA (site code 004098) the features of interest include the merlin, the golden clover 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 Carramore Lake complex SAC (site code 00476).

The Mullin/Blacksod Bay complex SAC (site code 00470).

The Carramore 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 Glennamoy Bog SAC (site code 000500)

The Doogort Machair/Lough Doo SAC (site code 001497).

The Lough Dahybaun SAC (002177)

The River Moy SAC (002298)

The Bellacorrig Iron Flush SAC (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 operational turbines.
- 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 (Owenduff/Nessin complex SAC and the Owenduff/Nessin complex SPA and the Blacksod Bay/Broadhaven SPA 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 to ensure 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 siltation measures and mitigation 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 details of a fuel management plan will be agreed. 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 of 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 carried out during the construction phase.

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 I 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 including the Blacksod Bay/Broadhaven Bay SPA (side code 004037).

The Owenduff/Nessin complex SAC site code 000534.

The Owenduff/Nessin Beg complex SPA 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 the development impact that landscape sensitivity matrix are set 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.