



An
Bord
Pleanála

Pre-Application Consultation
pursuant to Section 177E(1A) of the
Planning and Development Acts,
2000, as amended.

Inspector's Report on
ABP-321156-24

Development Sought

Retention in situ and in perpetuity of part of the existing development - including at and below ground structures such as turbine foundations and other foundations and sub-structures, on-site access tracks, etc.; and development associated with historic peat slide events that occurred during construction such as barrages, peat repositories, on-site borrow pits / quarries etc.

Location

Derrybrien Wind Farm, Slieve Aughty Mountains, County Galway

Planning Authority

Galway County Council

Prospective Applicant

Gort Windfarms Limited

Date of Consultation Meeting

7th February 2025

Date of Site Inspection

N/A

Inspector

Ian Campbell

1.0 Introduction

The Board received a request on the 23rd of October 2024 from Gort Windfarm Limited, to enter into a pre-application consultation under section 177E(1A) of the Planning and Development Act, 2000, as amended. The Board decided to grant this request from the prospective applicant by Direction dated 21st of November 2024.

A pre-application consultation meeting was held on 7th day of February 2025¹. The purpose of this report is to inform the Board of the nature of the pre-application consultation undertaken, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

2.0 Site Location

- 2.1. Derrybrien Wind Farm is located in the northern part of the Slieve Aughty Mountains, c. 11 km south of Loughrea, c. 13 km north-east of Gort and c. 24 km west of Portumna, in County Galway. The site occupies the upper slopes of Cashlaundrumlahan Mountain which is characterised by a mix of blanket bog, commercial forestry plantations and turf cutting areas.
- 2.2. The windfarm, which is non-operational, comprises a 70-turbine windfarm and substation along with associated infrastructure (including internal site roads, access tracks, met masts and drainage). The associated infrastructure also includes the emergency works that were installed on- and off- site to contain the 2003 peat slide (including several barrages). The overhead grid connection extends from the Derrybrien substation c. 7.8 km to the Agannygal 110kV substation (to the south). This substation is connected to the pre-existing Ennis-Agannygal - Shannonbridge 110kV overhead powerline.
- 2.3. The site is located to the north of Derrybrien village, and the surrounding area is sparsely populated with several houses dispersed along the local road. Vehicular

¹ A Section 37L pre-application meeting was held in conjunction with this meeting, ABP. Ref. 321862-25 refers.

access to the site was originally off the N18 to the west, and then via the R353 Gort to Derrybrien road to the south, north-east along Black Road, and west along an internal track that also provides access to the forestry plantations and turf cutting areas. The M6 to the north and M18 to the west, which were completed after the windfarm became operational, also provide access to the site from the motorway network.

- 2.4. The site is traversed by a network of drainage and watercourses. The windfarm site lies completely within the Slieve Aughty Mountains SPA. There are several other natural heritage sites in the wider area including bogs, lakes, woodlands caves and turloughs, and several sections of the Slieve Aughty Mountains are designed as an NHA for peatlands.

3.0 **Description of Proposal**

From the documentation attached to the file, the applicant is seeking to submit an application for -

Substitute Consent for 'retained development' under Section 177E of the Planning and Development Act, 2000, as amended for:

the retention in situ and in perpetuity of part of the existing development - including at and below ground structures such as turbine foundations and other foundations and sub-structures, on-site access tracks, etc.; and development

associated with historic peat slide events that occurred during construction such as barrages, peat repositories, on-site borrow pits / quarries etc.

Separately, the applicant has indicated in the documentation submitted that it is intended to submit permission for 'prospective development' under Section 37L² of the Planning and Development Act, 2000, as amended for:

the carrying out of decommissioning works to remove the majority of above-ground features from the site - including all turbines, masts, electrical plant, overhead lines etc. and enable the final decommissioning of the site.

The applicant subsequently indicated during the pre-application meeting that it was intended to submit 2 no. Section 37L applications, with one application relating to the decommissioning of the Agannygal 110kV substation.

Plans submitted by the prospective applicant includes site location and site layout plans of the windfarm at Derrybrien. An aerial based map of the windfarm was also submitted.

4.0 Planning History

The windfarm was developed under 3 no. separate planning permissions (referred to as Phase 1, 2 and 3).

Phase 1: Boleyneendorrish & Derrybrien West

PL07.106290 - Permission granted by ABP for a 23-turbine windfarm & ancillary works following a third party appeal (97/3470). EIS submitted.

PA.Ref.03/5642 - Permission granted for an extension of appropriate period until March 2005.

PA.Ref.05/316 - Permission granted for an extension of appropriate period until June 2006.

² See ABP. Ref. 321862-25.

Phase 2: Caheranearl, Derrybrien North

PL07.106292 - Permission granted by ABP for a 23-turbine windfarm & ancillary works following a third party appeal (97/3652). EIS submitted.

PA.Ref.03/5637 - Permission granted for an extension of appropriate period until March 2005.

PA.Ref.05/317 - Permission granted for an extension of appropriate period until June 2006.

Phase 3: Toormacnevin, Bohaboy & Derrybrien North

PL07.122803 - Permission granted by ABP for a 25-turbine windfarm & ancillary works following a third party appeal (00/4581). EIS submitted.

PA. Ref. 02/3560 - Permission granted for a change of turbine type.

Grid Connection

PA. Ref. 99/2377 – Permission granted for a 110kV transmission line.

PA. Ref. 04/4085 - extension of appropriate period granted until December 2005.

Recent Substitute Consent Application

ABP. 308019 – 20 – Substitute Consent REFUSED for the regularisation of an existing operational windfarm and ancillary works at Derrybrien. The proposal comprised a 70-turbine windfarm, substations, overhead grid connection, associated infrastructure, tree felling and site works, including emergency and remedial works undertaken following the occurrence of a peat slide in October 2003. The application was accompanied by a rEIA and rNIS.

The application was made subsequent to a Notice served by Galway County Council under Section 177B of the Planning and Development Act, 2000, as amended. The Notice informed the developer/owner/operator of the final judgement of the European Court of Justice (C-215/06) in relation to previous permissions granted by Galway County Council and An Bord Pleanála for several projects that would have required

the submission of an Environmental Impact Statement. It directed the developer/owner/operator to apply to An Bord Pleanála for substitute consent and to provide a Remedial Environmental Impact Assessment Report. The Notice advised that a Remedial Natural Impact Statement may also be required.

Enforcement – On 29th of August 2024 Galway County Council issued an enforcement notice on Gort Windfarms Limited (Ref. EN23/235). The notice related to unauthorised development in the townlands of Derrybrien North, Derrybrien West, Boleyneendorrish, Toormacnevin, Bohaboy, Funshadaun, Coppanagh, Kilbeg, Derrybrien South, Loughatorick North, Slieveanore, Derrybrien East and Derreenamuka; requiring the developer to, inter alia:

- cease and discontinue the unauthorised use and unauthorised development subject of the refusal of consent under reg. ref. ABP-308019-20;
- decommission and, where appropriate in terms of possible environmental impacts on the environment at this location, remove the unauthorised windfarm and associated ancillary structures, subject to the applicable consents) / permissions(s) from the appropriate authority or authorities;
- where an environmental impact assessment and/or appropriate assessment is required, undertake this and submit it with any application for consent/permission referred to above, to the appropriate authority or authorities (pursuant to the provisions of S.177E and S.37 of the Planning & Development Act, 2000 (as amended); and
- meet the requirements of the notice in respect of all necessary applications, approvals, permissions and works to be carried out and completed in full, within 36 months (save where an extension of time is agreed).

5.0 **Legislation**

Any subsequent application for Substitute Consent will be lodged under the provisions of Section 177E of the Planning and Development Act, 2000, as amended, and Part 19 of the Planning and Development Regulations, 2001, as amended.

6.0 **Prospective Applicant's Case**

6.1 The prospective applicant requested the pre-application consultation in order to determine the process of how to submit an application for substitute consent and what that application should contain, more specifically to enable:

- the prospective applicant to provide the Board with sufficient information to enable it to provide procedural advice in relation to the application;
- for the Board to set out those considerations, relating to proper planning and sustainable development or the effects on the environment, which may have a bearing on its decision in relation to the application;
- for the Board to, where relevant, identify any other information which may be submitted as part of the application pack, that would assist the Board in making a decision in relation to this application; and,
- for the Board to indicate the bodies/persons which the prospective applicant should consult with prior to lodging an application and completion of a remedial EIAR.

The documentation submitted by the prospective applicant notes that it is not proposed to seek a formal scoping opinion in relation to the assessment documents.

7.0 **Pre-Application Consultation Meeting**

7.1 A Pre-Application Consultation meeting took place via Microsoft Teams on the 7th day of February 2025, commencing at 11.00 am. The prospective applicant and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The prospective applicant was advised in advance of the meeting that the consultation would relate solely to the administrative procedures around the lodgement of an application, and any associated requirements.

7.2 This report should be read in conjunction with the written record on file of the pre-application consultation meeting held with the prospective applicant. It is not proposed to repeat the contents of those records in detail here. The main topics raised for discussion at the meeting were as follows:

- Introductions
- Description of development and relevant background.

- Procedural Advice with regard to any subsequent application for Substitute Consent.

The minutes of the meeting were forwarded to the applicant for response. The applicant submitted a response to the minutes. The applicant's response to the minutes noted that it is now intended to submit 1 no. Section 37L application, and not 2 no. as indicated during the meeting.

8.0 **Conclusion**

The meeting concluded. The applicant did not indicate that they would be requesting a further meeting. I, therefore, recommend that the pre-application consultation process should be closed.

Ian Campbell
Planning Inspectorate

19th day of March 2025