

**Planning and Development Act 2000 (as amended)**  
**Strategic Infrastructure Act 2006**

**Report as required by Section 37E(4) of the Planning and Development  
Act 2000 (as amended).**

<b>An Bord Pleanála Ref No:</b>	ABP 317560 ABP-307264-20 (pre-app ref.)
<b>Applicant:</b>	Mercury Renewables (Carrowleagh) Limited
<b>Agent:</b>	Jennings O'Donovan & Partners Ltd.
<b>Website</b>	<a href="https://firloughwindfarmplanning.com/">https://firloughwindfarmplanning.com/</a>
<b>Site Location: (townlands)</b>	Firlough Wind Farm <ul style="list-style-type: none"><li>• Wind Farm: Carrowleagh, Kilbride, Bunnyconnellan, Co Mayo</li><li>• Hydrogen Plant: Carraun Td, Castleconnor, Co Sligo</li></ul>
<b>Proposed Development (summary):</b>	<b>The proposed development will comprise the following:</b> <ul style="list-style-type: none"><li>- 13 no. wind turbines</li><li>- On-site 110kV loop-in substation &amp; all ancillary works</li><li>- Construction of an underground Grid Connection via looped connection between the wind farm substation and the existing 110 kV overhead powerline north of Bunnyconnellan village.</li><li>- Hydrogen Plant, comprising 80MW modular alkaline electrolyser and associated infrastructure (compressors, cooling equipment, refueling points, water abstraction, storage and processing)</li><li>- Hydrogen Plant sub-station connected to wind farm via underground electrical interconnector.</li></ul>

## 1.0 PURPOSE OF THIS REPORT

Having regard to the nature and scale of the proposed development and following consultation pursuant to Section 182E of the Planning & Development Act 2000 (as amended), An Bord Pleanála has determined that this proposed development constitutes Strategic Infrastructure Development within the meaning of Section 182A of the Act. In such circumstances the normal mechanism of applying to Mayo Co Council for planning permission does not apply with the proposal requiring a planning application to be made directly to An Bord Pleanála. Accordingly, Oweninny Windfarm, as required, has applied directly to An Bord Pleanála for planning permission.

The purpose of this report is to set out the Planning Authority's required views on the effects of the proposed development on the environment and on the proper planning and sustainable development of the area, having regard in particular to the matters specified in section 34(2) of the Planning and Development Act, 2000 (as amended) (hereafter referenced as the PDA 2000). The matters specified in section 34(2) are:

- (i) the provisions of the development plan,
- (ia) any guidelines issued by the Minister under section 28,
- (ii) the provisions of any special amenity area order relating to the area,
- (iii) any European site or other area prescribed for the purposes of section 10(2)(c),
- (iv) where relevant, the policy of the Government, the Minister or any other Minister of the Government,
- (v) the matters referred to in subsection [34](4),
- (va) previous developments by the applicant which have not been satisfactorily completed,
- (vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and
- (vi) any other relevant provision or requirement of this Act, and any regulations made thereunder.

When making its decision in relation to an application under this section, the planning authority shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28.

In the interests of clarification, there are no Special Amenity Area Orders (item ii above) in County Mayo. The matters referred to in section 34(4) of the PDA 2000 are those matters which the Planning Authority takes account of and may attach conditions relevant to, during the consideration of a normal planning application.

This report will be submitted for the consideration of An Bord Pleanála as required under Section 37E(4) of the PDA 2000.

## 2.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development comprises of the following components:

- Construction of 13 No. wind turbines with an overall ground to blade tip height of between 177m and 185m inclusive. The wind turbines will have a rotor diameter of between 149m and 155m inclusive and a hub height of between 102.5 m and 110.5 m inclusive.

- The Wind Farm will have an installed capacity of 78 MW. The Hydrogen Plant electrolyser will be scaled up to meet demand for green hydrogen in the Irish market to a maximum 80 MW capacity.
- Construction of permanent crane hardstand areas, turbine foundations and temporary laydown/storage areas.
- Construction of new permanent internal wind farm site access roads and upgrade of existing internal bog tracks to include passing bays and all associated drainage infrastructure.
- Development of site drainage network for the wind farm site including sediment control systems.
- All associated underground electrical and communications cabling connecting the wind turbines to the wind farm substation.
- Construction of a permanent on-site 110 kV wind farm electrical substation including 2no. control buildings with welfare facilities, all associated electrical plant and equipment, security fencing and gates, all associated underground cabling, wastewater holding tank, and all ancillary structures and works.
- All works associated with the permanent connection of the wind farm to the national electricity grid, which will be via a loop-in 110 kV underground cable, in permanent cable ducts from the proposed permanent wind farm substation in the townland of Carrowleagh, and through the townlands of Carha, Carrownaglogh, Rathreedaun, Drumsheen and Bunnyconnellan West Co Mayo into the existing 110 kV overhead line in the townland of Rathreedaun Co Mayo, with two new 16 m high steel lattice loop-in/out masts at the connection point.
- Construction of a wind farm site temporary construction compound with associated temporary site offices, parking areas, welfare facilities and security fencing.
- Construction of a temporary construction materials storage area for use during the construction of the wind farm.
- Forestry felling to facilitate the construction and operation of the wind farm substation and any onsite forestry replanting.
- Upgrade works on the turbine delivery route to include the following to facilitate the delivery of abnormal loads and turbine component deliveries:
  - Improvement of the N59 and L-2604-0 junction in the townland of Ballymoghany Co Sligo to include for the temporary widening of it. Associated accommodation works will include installation of new drainage pipes, construction of a 1.2m high concrete retaining wall and the erection of timber stock proof fencing and two agricultural gates.
  - Localised widening of the L-2604-0 road in the townland of Cloonkeelaun Co Sligo. The associated accommodation works will include the construction of a 1.2m high concrete retaining wall and erection of concrete post and timber rail stock proof fencing and two agricultural gates.
  - Localised widening of the L-2604-0, L-5137-0 and L-5137-9 roads in the townlands of Ballymoghany, Muingwore and Cloonkeelaun County Sligo, and Carrowleagh Co Mayo to achieve a surfaced road width of 4.5 m.
  - Localised widening of the L-5137-9, L-5136-0 and L-6612 roads in the townlands of Carraun and Knockbrack Co Sligo, and Carha and Carrowleagh Co Mayo to establish passing bays.
- Upgrade works on the Galway Turbine Delivery Route to include the following to facilitate the delivery of abnormal loads and turbine component deliveries:

- Localised road widening at the N17/N5 roundabout in the townland of Ballyglass East Co Mayo.
- Localised road widening at the road junction with the N5 in the townland of Ballyglass East Co Mayo.
- Alterations to the embankments at the N5 junction with the L-5339 and L-1331 roads in the townland of Cloonmeen West Co Mayo.
- Localised road widening at the junction of the L-5339 and L-1331 in the townland of Lavy More Co Mayo.
- Construction of a new wind farm site entrance off the L-5137-9 local road in the townland of Carrowleagh Co Mayo with the creation of a splayed entrance to facilitate the delivery of abnormal loads and turbine component deliveries.
- Construction of a hydrogen plant and an access road to it along with upgrades to the L-6612-1 and the construction of a roundabout. The hydrogen plant includes the electrolyser building measuring 130m by 110m and 16 m in height, and equipment, underground water storage tanks, drainage system, constructed wetlands, hydrogen dispensing station, tube trailer parking, water treatment building, fin fan coolers, fire water tanks, compressors, offices and welfare facilities and all ancillary equipment.
- Construction of a permanent on-site 110 kV hydrogen plant substation including two control buildings with welfare facilities, all associated electrical plant and equipment, security fencing and gates, all associated underground cabling, wastewater holding tank, and all ancillary structures and works.
- Abstraction of groundwater from 2 no. boreholes in the townland of Carraun Co Sligo and pumping to the proposed hydrogen plant site and all associated ancillary works.
- Construction of a hydrogen plant site temporary construction compound with associated temporary site offices, parking areas, materials storage and security fencing for use during the construction of the hydrogen plant site.
- All works associated with the permanent connection of the wind farm to the hydrogen plant comprising a 110 kV underground cable in permanent cable ducts from the proposed, permanent, wind farm substation, in the townland of Carrowleagh Co Mayo and onto the townlands of Carha County Mayo, Knockbrack Co Sligo and terminating in the hydrogen plant substation in the townland of Carraun Co Sligo.
- Demolition of one agricultural shed and partial demolition of one agricultural shed in the townland of Carraun Co Sligo to facilitate the construction of the upgraded L-6612-1 local road and roundabout.

The application is seeking a 10-year permission, 40- year operational life from date of commissioning.

This application contains the following documentation:

1. Application Cover Letter to An Bord Pleanála
2. Planning Application Form
3. Mayo County Council Cover Letter
4. Sligo County Council Cover Letter
5. Sligo Champion Newspaper Notice
6. Western People Newspaper Notice
7. Irish Examiner Newspaper Notice

8. Site Notice
9. EIA Portal Notice Confirmation

### 3.0 SITE LOCATION OF PROPOSED WINDFARM

The site for the proposed Firlough Wind Farm is situated in the townland of Carrowleagh, northeast of the village of Bunnyconnellan, Co. Mayo. The site occupies an area of approximately 424 ha. The Wind Farm Site is situated within the lower north-western foothills of the Ox Mountains, adjacent to the county boundary between Mayo and Sligo. This is a landscape dominated by blanket bog and heath (of varying intactness and quality), commercial forestry and agricultural land mainly used for stock grazing.

### 4.0 RELEVANT POLICY

#### 4.1.1 International Energy Policy Framework

Ireland is a party to the UN Framework on Climate Change (UNFCCC) and the Kyoto Protocol which provide an international legal framework to address climate change. On November 4<sup>th</sup> 2016 Ireland and the EU ratified and made effective the Paris Agreement which aims to keep global temperature rise this century to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C. This is a legally binding agreement to achieve net zero emissions by the second half of this century, through increasing national determined contributions (NDCs) over time. The NDC for Ireland and all member states will be determined by the EU which has committed to reduce GHG emission by at least 40% by 2030 compared to 1990 levels.

In September 2015, Ireland adopted the non-legally binding United Nations' 2030 Agenda (Transforming Our World, the 2030 Agenda for Sustainable Development) along with all 193 Member States of the UN, which aims to deliver a more sustainable, prosperous and peaceful future for the entire world, and sets out a framework for how to achieve this by 2030. It sets out 17 Sustainable Development Goals (SDGs) covering the social, economic and environmental requirements for a sustainable future, including, inter alia mitigating climate change and providing affordable clean energy.

#### **European Energy Policy European Green Deal (2019)**

##### **2020 Climate and Energy Package**

This policy set three key targets -20% cut in greenhouse gas emissions (from 1990 levels); 20% of EU energy to be from renewables; and 20% improvement in energy efficiency, which was agreed in 2007 and enacted in legislation in 2009. The EU's Effort Sharing Decision addresses the emissions including from housing, agriculture, waste and transport (excluding aviation) through binding annual national targets to 2020. Under the 2030 Climate and Energy Policy Framework (European Council, adopted 24/10/14, with targets revised 2018) binding EU targets of at least 40% reduction in GHG emissions and at least 23% share of renewable energy for all energy consumed in the EU by in 2030, and at least 32.5% improvement in energy efficiency. The EU's Effort Sharing Regulation (EU) 2018/842 lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's target of reducing its greenhouse gas emissions by 30% below 2005 levels in 2030 in the various sectors and contributes to achieving the objectives of the Paris Agreement. A GHG reduction target of at least 30% applies to Ireland.

### **Renewable Energy Directive 2009/28/EC (23/04/09)**

Concerns the promotion of the use of energy from renewable sources. Article 4 requires each member state to produce a national renewable energy plan to achieve an overall reduction in GHG emissions of 20%, a 20% increase in energy efficiency and 20% of energy consumption across the EU to come from renewable energy by 2020. Member states are to achieve their individual binding target across the heat, transport and electricity sectors and apart from a sub-target of a minimum of 10% in the transport sector that applies to all Member States. There is flexibility for each country to choose how to achieve their individual target across the sectors. Ireland's overall target is to achieve 16% of energy from renewable sources by 2020.

### **Revised Renewable Energy Directive 2018/2001/EU (January 2019)**

Sets new target for share of energy from renewable sources in the EU of at least 32% for 2030, with a view to increasing the target through legislation by 2023. Member States are required to set national targets to meet, collectively, the binding Union target through integrated national energy and climate plans. The final share of energy from renewable sources for Ireland's gross final consumption of energy from 1<sup>st</sup> January 2021 must not be lower than 16% and Ireland will be obliged to take the necessary measures to ensure compliance with same. More recently, the EU Commission has proposed another revision to the Directive, raising the target to 45% (up from 32%) as part of the Fit for 55 package to deliver on the European Green Deal, and as part of REPowerEU in order to step-up our energy independence from fossil fuels given the Russian invasion of the Ukraine.

## **4.1.2 National Energy & Climate Policy**

### **Climate Action and Low Carbon Development (Amendment) Act 2021**

Ireland has a legally binding path to net-Zero emissions no later than 2050, and to a 51% reduction in emissions by the end of this decade. A key element from a local authority perspective is the requirement for local authorities to prepare individual Climate Action Plans. These Plans will include both mitigation and adaptation measures and are required to be updated every five years.

Key components of the Act include:

- This Act embeds the process of setting binding and ambitious emissions-reductions targets in law,
- The Act provides for a national climate objective, which commits to pursue and achieve no later than 2050, the transition to a climate resilient, biodiversity-rich, environmentally sustainable and climate-neutral economy,
- The Act provides that the first two five-year carbon budgets proposed by the Climate Change Advisory Council should equate to a total reduction of 51% over the period to 2030, relative to a baseline of 2018,
- The role of the Climate Change Advisory Council has been strengthened, enabling it to propose carbon budgets to the Minister which match our ambition and international obligations
- The government must adopt carbon budgets that are consistent with the Paris agreement and other international obligations. All forms of greenhouse gas emissions including biogenic methane will be included in the carbon budgets, and carbon removals will be taken into account in setting budgets,
- The Government will determine, following consultation, how to apply the carbon budget across the relevant sectors, and what each sector will contribute in a given five-year period,

- Actions for each sector will be detailed in the Climate Action Plan which must be updated annually,
- Government Ministers will be responsible for achieving the legally-binding targets for their own sectoral area with each Minister accounting for their performance towards sectoral targets and actions before an Oireachtas Committee each year,
- Local Authorities must prepare individual Climate Action Plans which will include both mitigation and adaptation measures and will be updated every five years. Local Authority Development Plans must be aligned with their Climate Action Plan,
- Public Bodies will be obliged to take account of Climate Action Plans in the performance of their functions.

### **Policy Statement on Security of Electricity Supply**

The Programme for Government commits Ireland to an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030 (a 51% reduction over the decade) and to achieving net zero emissions by 2050. In order to contribute to the achievement of these targets, the Government has committed that up to 80% of electricity consumption will come from renewable sources by 2030 on a pathway to net zero emissions. Ensuring continued security of electricity supply is considered a priority at national level and within the overarching EU policy framework in which the electricity market operates.

The Policy Statement on Security of Electricity Supply sets out a number of updates to national policy in the context of the Programme for Government commitments relevant to the electricity sector, planning authorities and developers.

The policy statement includes explicit Government approval that:

- the development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation.
- it is appropriate that existing conventional electricity generation capacity should be retained until the new conventional electricity generation capacity is developed in order to ensure security of electricity supply.
- the connection of large energy users to the electricity grid should take into account the potential impact on security of electricity supply and on the need to decarbonise the electricity grid.
- it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply.
- it is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed in order to support security of electricity supply.

### **Climate Action Plan (CAP) 2023**

This provides a detailed plan for taking decisive action to achieve a 50% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050, as committed to in the Programme for Government and set out in the Climate Act 2021.

It will put Ireland on a more sustainable path; cut emissions; create a cleaner, greener economy and society; and protect us from the devastating consequences of climate change. It is a huge opportunity to create new jobs and grow businesses in areas like offshore wind; cutting-edge agriculture; and retrofitting, making our homes warmer and safer.

The Plan lists the actions needed to deliver on our climate targets and sets indicative ranges of emissions reductions for each sector of the economy. It will be updated annually to ensure alignment with our legally binding economy-wide carbon budgets and sectoral ceilings.

#### **National Mitigation Plan (DCCA, July 2017)**

Specifies the policy measures that are required to manage GHG emissions and the removal of emissions to further the national transition objective, framed around decarbonising four main carbon emitting sectors, namely; electricity generation; the built environment; transport; and agriculture. It recognises that Ireland is not likely to meet its GHG emissions reduction target, with a reduction of only 4%-6% below 2005 levels for all sectors, with emissions exceeding the effort sharing decision limit by 13.7Mt, compared to the 20% target. It refers to quantity of carbon stored in Irish peatlands (64% of total soil organic carbon stock present) and to the National Peatland's Strategy as setting out how to sustainably manage and protect / conserve this national resource, but it does not include any explicit reference to the potential for peatland restoration / rehabilitation to contribute to climate change mitigation.

#### **National Landscape Strategy for Ireland 2015-2025**

The National Landscape Strategy was published by the Department of Arts, Heritage and the Gaeltacht in June 2015. The main objectives include the development of a National Landscape Character Assessment, which would provide a framework for the protection and management of change within the landscape in terms of its cultural, social, economic and environmental values. The aim is to seek to achieve a balance between the social, cultural and economic needs and the environment and the landscape. It is stated that a National Landscape Character Assessment would ensure consistency between and within public authority functions and areas, would inform LCA's at a local level and would guide the development of landscape policy.

#### **National Planning Framework Project Ireland 2040 (2018)**

It is a goal of the Framework to refocus planning to tackle Ireland's higher than average carbon-intensity per capita and enable a national transition to a competitive low carbon, climate resilient and environmentally sustainable economy by 2050, through harnessing our country's prodigious renewable energy potential, including, inter alia onshore and offshore wind energy.

The Government will support the roll-out of renewables and protection and enhancement of carbon pools such as forests, peatlands and permanent grasslands; and climate change being taken into account in planning-related decision-making processes. The NPF sets out a series of National Policy Objectives, the following being pertinent to the proposed development:

- **NSO 8** - Transition to Sustainable Energy states that new energy systems and transmission grids will be necessary for a more distributed, more renewable focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy. A target of 40% of the Country's electricity needs from renewable sources by 2020 is stated along with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives up to 2030 and beyond.



- **NPO 23** - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector together with forestry, fishing and aquaculture, energy and extractive industries, the bioeconomy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.
- **NPO 52** - The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.
- **NPO 54** - Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.
- **NPO 55** - Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

#### **Renewable Electricity Spatial Policy Framework (RESPF)**

The Renewable Electricity Spatial Policy Framework (RESPF) is currently being prepared which will form the national policy for onshore renewable electricity. It will inform and reshape the development and distribution of onshore renewables in order to enable the delivery of Ireland's renewable electricity targets, as set out in CAP23. It will aim to identify strategic areas for the sustainable development of renewable electricity projects of scale, in a sustainable manner, compatible with environmental and cultural heritage, landscape and amenity considerations, and that the development of the Wind Energy Guidelines and the Renewable Electricity Development Plan will facilitate informed decision-making in relation to onshore renewable energy infrastructure.

#### **Renewable Electricity Support Scheme**

The Renewable Electricity Support Scheme is provided by the Government of Ireland. It is an auctioned-based scheme which invites renewable projects to bid for capacity and receive a guaranteed price for the electricity generated. The RESS is a pivotal component of the Government's Climate Action Plan 2021, whereby the Scheme aims to assist in meeting Ireland's target of up to 80% of our energy generated being from renewable sources by 2030. To date there have been three rounds of the RESS, the most recent auction results (RESS 3) were announced in early October 2023. For successful projects the Scheme typically applies for approximately 15 years. The Programme for Government is committed to holding RESS auctions at frequent intervals throughout the lifetime of the scheme to ensure Ireland can take advantage of falling costs of technology and ensure the best price is passed on to the consumer and allows for multiple opportunities for developers to have new technologies included, potentially generating energy more efficiently at a lower cost.

All RESS 3 Projects are required to establish a Community Benefit Fund prior to Commercial Operation of the relevant RESS 3 Project. With effect from the Commercial Operation Date a RESS 3 Project shall be required to make a contribution of €2/MWh of Loss-Adjusted RESS Metered Quantity for all RESS 3 Projects.

#### **Wind Energy Development Guidelines for Planning Authorities 2006**

These guidelines provide advice to the Board and to planning authorities on wind energy

development through the Development Plan and the development management process. They are intended to provide for consistency in the approach to wind energy development in terms of the identification of suitable locations for such development and in the determination of planning applications. It is stated that the assessment of such projects should be plan-led with clear guidance on where wind energy development should locate and what factors will be taken into account.

The matters to be considered in a planning application are set out in Chapter 4. These include potential impacts on the built and natural heritage, ground conditions and drainage, visual and landscape impacts, local environmental impacts, (including noise, shadow flicker, electromagnetic interference), and adequacy of local access road network. It is stated that best practice would suggest that an integrated planning application that include grid connection information should ideally be submitted and that developers should be encouraged to engage in public consultation with the local community.

The potential environmental impacts arising from wind energy developments are discussed in Chapter 5. Guidance is given on matters such as noise, shadow flicker, natural heritage, archaeology, architectural heritage, ground conditions, aircraft safety and windtake. Whilst a setback distance is not established, it is stated that noise is unlikely to be a significant problem where the distance to the residential property is more than 500m. In respect of noise, the recommended standard is a lower fixed limit of 45dBA or a maximum increase of 5dBA above background noise and nearby noise sensitive locations, apart from very quiet areas where the daytime level is limited to 35-40dB(A). A night-time limit of 43 dB(A) is recommended. In terms of shadow flicker, the recommended standard is a maximum of 30 hours per year or 30 minutes per day for dwellings and offices within 500m. It is further stated that at distances of greater than 10 rotor diameters, the potential for shadow flicker is very low.

Chapter 6 provides guidance on siting and design of wind energy development in the landscape. This includes advice on siting, spatial extent and scale, cumulative effect, spacing of turbines, layout of turbines and height of turbines. Advice is also given regarding landscape character types as a basis for application of the guidance on siting and design.

#### **Draft Revised Wind Energy Development Guidelines 2019**

It should be noted that the Department of Housing Planning and Local Government published Draft Revised Wind Energy Development Guidelines in December 2019. A public consultation period was held until the 19th of February 2020.

The proposed key revisions include the following:

- **New noise standards:** The draft guidelines include proposed new standards aimed at reducing noise nuisance from wind energy developments for local residents and communities. The proposed new standards are in line with international standards, as incorporated in the 2018 World Health Organisation Environmental Noise Guidelines for the European Region. The permitted noise levels will take account of certain noise characteristics specific to wind energy projects i.e. tonal, amplitude modulation and low frequency noise and provide penalties for tonal noise and amplitude modulation and a threshold for low frequency noise above specified limits which, if breached, will result in turbine shut down. The implementation of a new robust noise monitoring framework is also proposed.
- **Setback distance:** The draft guidelines require a setback distance for visual amenity purposes of four times the tip height between a wind turbine and the nearest point of the curtilage of

any residential property in the vicinity of the proposed development, subject to a minimum mandatory setback distance of 500 metres. This setback requirement is also subject to the need to comply with the proposed noise limits outlined above.

- **Automatic shadow flicker control mechanisms:** Automatic shadow flicker control mechanisms will be required to be in place for the operational duration of a wind energy development project. It will be a specific condition of planning permissions that should shadow flicker occur and impact existing properties, the relevant wind turbines must be shut down.
- **Community consultation:** Wind energy developers will be mandatorily required to engage in active public consultation with the local community at an early stage. In this regard, they will have to prepare and submit a 'Community Report' as part of their planning application outlining how they have consulted and engaged with the local community regarding the proposed development and how they will work with the local community to allow for the free flow of information between the community and the developer at all stages in the project.
- **Community dividend:** Wind energy developers will have to provide an opportunity for the proposed development to be of enduring economic or social benefit to the local community, whether by facilitating community investment/ ownership in the project, other types of benefits/ dividends, or a combination of the two.
- **Grid connections:** The draft guidelines contain updated guidance regarding the Environmental Impact Assessment-related requirements in respect of wind energy development projects and their related grid connections, arising from a High Court Judicial Review (O Grianna and others v. An Bord Pleanála).

The draft is subject of SEA, with the aim to issue the finalised Guidelines, following detailed analysis and consideration of the submissions and views received during the consultation phase.

#### 4.1.3 Regional Policy

##### **North Western Regional Assembly – Regional Spatial and Economic Strategy 2020 -2032**

The primary purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Region.

The adopted RSES (2020-2032) for the Northern and Western Region provides for a growth framework to transform the region based on 5 Growth Ambitions: Vibrant Ambition - Economy and Employment, Natural Ambition - Environment, Connected Ambition – Connectivity, Inclusive Ambition - Quality of Life and Enabling Ambition – Infrastructure. Underpinning these growth ambitions are a series of Regional Policy Objectives (RPO's).

The following RPO's are of particular relevance to the proposed development:

- **RPO 4.16:** The NWRA shall co-ordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and other stakeholders within 3 years of the adoption of the RSES. The identification of such sites (which may extend to include energy storage solutions) will be based on numerous site selection criteria including environmental matters, and potential grid connections.
- **RPO 4.17:** To position the region to avail of the emerging global market in renewable energy by stimulating the development and deployment of the most advantageous renewable energy systems, including:

- Stimulating the development and deployment of the most advantageous renewable energy systems.
  - Raising awareness and public understanding of renewable energy and encourage market opportunities for the renewable energy industry to promote the development and growth of renewable energy businesses; and
  - Encourage the development of the transmission and distribution grids to facilitate the development of renewable energy projects and the effective utilisation of the energy generated from renewable sources having regard to the future potential of the region over the lifetime of the Strategy and beyond.
- **RPO 4.18:** Support the development of secure, reliable and safe supplies of renewable energy, to maximise their value, maintain the inward investment, support indigenous industry and jobs.
  - **RPO 8.3:** The Assembly support the necessary integration of the transmission network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner.
  - **RPO 8.4:** That reinforcements and new electricity transmission infrastructure are put in place and their provision is supported, to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs. Ensure that development minimises impacts on designated areas.

#### 4.1.4 Local Policy and Guidance Documents

##### **The Mayo County Development Plan 2022-2028**

The Mayo County Development Plan 2022-2028 is the overarching plan with respect to land use in the County and outlines the overall strategy for the proper planning and sustainable development of County Mayo.

The relevant policies and objectives for wind energy developments contained in the Mayo County Development Plan 2022-2028 include the following:

<p>Chapter 4 Economic Development</p>	<p><b>Objective EDO 3:</b> To continue to promote the county to attract enterprise and investment into Mayo through the Enterprise &amp; Investment Unit and/or Local Enterprise Office, with a focus on a number of established and emerging sectors including tourism, manufacturing, marine, renewable energy, ICT, food and agri-food.</p> <p><b>Objective EDO 54:</b> To facilitate rural enterprises, and resource development (such as agriculture, agrifood sector, agri-tourism, commercial fishing, aquaculture, rural tourism, forestry, bio- energy, the extractive industry, recreation, cultural heritage, marine enterprise sector, research and analysis) and renewable energy resources (such as wind/ solar/ocean energy) that are dependent on their locality in rural locations, where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity. Where proposals demonstrate measures to promote environmental enhancement through improved ecological connectivity, such as measures in the Pollinator Plan, additional native species planting or blue and green infrastructure measures, these will be favorably considered.</p> <p><b>EDO 69:</b> To support and facilitate renewable energy initiatives that facilitate a low</p>
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carbon transition.

Chapter 7  
Infrastructure

**Policy INP 21:** To support the provision of high-quality, electricity infrastructure and development of an enhanced electricity supply, to serve the existing and future needs of the county and to facilitate new transmission infrastructure projects, including the delivery and integration of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner, whilst seeking to minimise any adverse impacts on local communities and protect and maintain biodiversity, wildlife habitats, scenic amenities, including protected views and nature conservation.

**Objective INO 39:** To seek the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity transmission grid, in a sustainable and timely manner.

Chapter 11  
Climate  
Action Plan  
and  
Renewable  
Energy

**Policy CAP 1:** To support and enable the implementation and achievement of European and national objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage); Climate Action Plan (2018 and any subsequent versions);

- Relevant provisions of any Sectoral Adaptation Plans prepared to comply with the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050; and
- Mayo Council Climate Change Adaptation Strategy (2019-2024 and any subsequent versions).

**Policy CAP 4:** To support local, regional, national and international initiatives for climate adaptation and mitigation and to limit emissions of greenhouse gases through energy efficiency and the development of renewable energy sources, which make use of all natural resources, including publicly owned lands, in an environmentally acceptable manner.

**Policy CAP 6:** To support the transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, by way of reducing greenhouse gases, increasing renewable energy, and improving energy efficiency and supporting nature-based solutions to climate adaptation and mitigation that provides co benefits.

**Policy CAP 9:** To support Ireland's renewable energy commitments outlined in national policy by facilitating the development and exploitation of all appropriate renewable energy sources at suitable locations within the county, where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity or local amenities, so as to provide for further residential and enterprise development within the county.

**Objective CAO 1:** To support and advance the provision of renewable energy resources and programmes in line with the Government's National Renewable Energy Action Plan (NREAP), the Governments' Energy White Paper "Ireland's Transition to a Low Carbon Energy Future" (2015-2030) and any other relevant policy adopted during the lifetime

of this plan.

**Policy REP 1:** To support Ireland’s renewable energy commitments outlined in national policy by facilitating the development and exploitation of a range of renewable energy sources at suitable locations within the county, where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity or local amenities to ensure the long-term sustainable growth of the county.

**Policy REP 3:** To actively encourage and support the sustainable development, renewal and maintenance of energy generation infrastructure in order to maintain a secure energy supply, while protecting the landscape, archaeological and built heritage and having regard to the provisions of the Habitats Directive.

**Policy REP 4:** To ensure that developers of proposed large-scale renewable energy projects carry out community consultation in accordance with best practice and commence the consultation at the initiation of project planning.

**Policy REP 5:** To promote the use of efficient energy storage systems and infrastructure that supports energy efficiency and renewable energy system optimisation, subject to the proper planning and sustainable development of the area and consideration of environmental and ecological sensitivities.

**Policy REP 6:** To work with relevant stakeholders and industry to establish Mayo as a centre of excellence for renewable energy research and development activities.

**Policy REP 7:** To promote the harnessing of wind energy to contribute toward decarbonising County Mayo, including new emerging by-product markets

**Objective REO 3:** To encourage and facilitate, where possible, the production of energy from established and emerging renewable technologies

**Objective REO 6:** To ensure all renewable energy proposal comply with the provisions of the Mayo County Council Renewable Energy Strategy 2011-2022 (or as updated).

**Objective REO 8:** To encourage the development of wind energy, in accordance with Government policy, and having regard to the Landscape Appraisal of County Mayo and the Wind Energy Development Guidelines (2006) and Mayo Renewable Energy Strategy, or any revisions there of or future guidelines, and ensure consistency with the provisions of RPO 4.16 and RPO 5.2(b) of the RSES (2020-2032).

### **The Renewable Energy Strategy (RES) for County Mayo 2011-2020**

Mayo County Council adopted a Renewable Energy Strategy for County Mayo on the 9th May 2011. The Strategy provides a framework to assist in achieving the national renewable energy targets, as well as providing guidance on opportunities for individuals, communities and businesses to harness renewable energy in a sustainable manner and to assist in combating climate change. All relevant policies and objectives in the County Development Plan 2008-2014 (or subsequent plan) will apply when assessing planning applications for renewable energy developments. The policies and objectives of the RES relevant to the subject site and surrounding area are as follows:

<b>Policy 1 Climate Change:</b>	<ul style="list-style-type: none"><li>• <b>Objective 1.1:</b> It is an objective of the Council to assist in achieving national targets for reducing greenhouse gas emissions associated with</li></ul>
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<p>It is the policy of the Council to support the National Climate Change Strategy 2007-2012.</p>	<p>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 proper planning and sustainable development and through the implementation of this Strategy.</p> <ul style="list-style-type: none"> <li>• <b>Objective 1.2:</b> It is an objective of the Council to encourage renewable energy production from wind, wave, tide, biomass, biofuel, biogas, solar power, tidal, hydro and geothermal sources in the County, particularly at locations set out in the Maps accompanying this Strategy and having regard to principles of proper planning and sustainable development.</li> <li>• <b>Objective 1.3:</b> It is an objective of the Council to assist in achieving the target that a minimum of 16% of the County's overall energy requirements and 42.5% of the County's electricity requirements will be provided from renewable sources by 2020 by implementing this Strategy.</li> <li>• <b>Objective 1.4:</b> It is an objective of the Council to encourage energy efficiency, low energy design and integration of renewable energy techniques into new and existing developments.</li> <li>• <b>Objective 1.5:</b> It is an objective of the Council to continue to ensure energy efficiency, low energy design and integration of renewable energy techniques into the Council's own operations, construction programmes and running of vehicle stock.</li> <li>• <b>Objective 1.6:</b> It is an objective of the Council to utilise renewable energy technologies at the sites of its major infrastructure (e.g. sewage treatment plants, water treatment plants etc) where feasible.</li> </ul>
<p><b>Policy 2 The Natural and Built Environment:</b></p> <p>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 Directives.</p>	<ul style="list-style-type: none"> <li>• <b>Objective 2.1:</b> It is an objective of the Council to ensure full compliance with European and National legislation in relation to renewable energy production and protection of the environment.</li> <li>• <b>Objective 2.2:</b> It is an objective of the Council to follow a sustainable plan led approach to renewable energy development within County Mayo through the implementation of this Strategy, in particular guiding renewable energy developments to preferred locations as set out in Section 6.4 and requiring all renewable energy developments to comply with standards and mitigation measures outlined in Section 6.5.</li> <li>• <b>Objective 2.3:</b> It is an objective of the Council that all proposed renewable developments will be assessed on the principles of 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 landscape. Full account shall be taken of the presence and requirement to protect all Natura 2000 sites, natural Heritage Areas, proposed Natural Heritage Areas, the national Park and</li> </ul>

	<p>Nature Reserves. Projects will be subject to Habitats Directive Assessment where considered appropriate.</p> <ul style="list-style-type: none"> <li>• <b>Objective 2.4:</b> It is an objective of the Council to ensure that renewable energy developments do not interfere with, damage, remove, or impinge on the visual amenity of, existing rights of way, public walking and cycling routes, scenic routes and scenic views, architectural heritage including protected structures and Architectural Conservation Areas, archaeological heritage including recorded monuments, Ballycroy National Park and vulnerable or sensitive landscapes in the County.</li> </ul>
<p><b>Policy 3 Strategic Infrastructure:</b></p> <p>It is the policy of the Council to encourage and assist in the provision of strategic infrastructure at appropriate locations to facilitate the provision and exporting of renewable energy.</p>	<ul style="list-style-type: none"> <li>• <b>Objective 3.1:</b> It is an objective of the Council to actively pursue the upgrading of the national grid and for the provision of a 400kV line in Mayo with the Minister, The Commission for Energy Regulation and EirGrid.</li> <li>• <b>Objective 3.2:</b> It is an objective of the council that the final route of any new 110/220 or 400 kV transmission lines be selected in line with best International Practice. Among other things, this process will require that a highly detailed study be carried out incorporating technical and environmental considerations to assist in selecting the most appropriate route. As part of this process the feasibility of using all existing linear infrastructure corridors such as road and rail as well as the existing transmission corridors for the 110 kV and 38 kV circuits or their established way leaves should be given due consideration. The existing transmission corridors for the 110kV and 38kV circuits shall be followed as far as technically and environmentally practicable.</li> </ul>
<p><b>Policy 4 Community Benefit:</b></p> <p>It is the policy of the Council to require that renewable energy developments are carried out in a manner that promotes economic and social benefits for the community of Mayo as a whole.</p>	<ul style="list-style-type: none"> <li>• <b>Objective 4.1:</b> It is an objective of the Council to ensure that the advantages presented by renewable energy development outweigh the disadvantages for the majority of the community residing in the area of any proposed renewable energy development, and for the wider environment, when assessing planning applications for renewable energy development.</li> <li>• <b>Objective 4.2:</b> It is an objective of the Council to encourage community based renewable energy developments in the County having regard to the principles of proper planning and sustainable development.</li> <li>• <b>Objective 4.3:</b> It is an objective of the Council to require developers to incorporate the concept of community benefit into any renewable energy development proposal. Details of the particular form/model of community benefit proposed by the developer shall be submitted with the planning application for agreement by the Council at planning stage.</li> </ul>



## 5.0 RELEVANT PLANNING HISTORY FOR WINDFARM

### 5.1.1 Planning history on subject site

PI Ref:	Description	Decision
Pl.ref 11/495 ABP Ref PL.16.241592	<b>Applicant:</b> John Duffy & Others <b>Description:</b> The erection of 21 no. turbines with 85m hub height and rotor blades of 35.5 m in length with a total power output capacity of 48.3 megawatts, new site roads, upgrading existing tracks, hard standing area, electrical control building, two anemometry masts, installation of underground cabling, temporary works and ancillary works.	Permission granted by An Bord Pleanála on the 1st August 2013 (MCC Pl.ref. 11/495)
22/221	<b>Applicant:</b> Mercury Renewables (Carrowleagh) Ltd Retention of a temporary Meteorological Mast and associated site works that will operate for a further 2 years.  The Meteorological Mast will retain its finished height not exceeding 80m above existing ground level consisting of a lattice tubular frame, guy wires and ancillary equipment.	Retention permission granted 13/06/2022. 6 no Conditions attached.

### 5.1.2 Planning history on adjacent site(s)

PI Ref:	Description	Decision
Pl.ref 06/3861	<b>Applicant(s):</b> Joseph, Martin & Michael Loftus <b>Description:</b> Construct a 29.9mw wind farm consisting of 13 no. enercon e-70 2.3mw turbines with a 64 mtr hub height, rotor diameter of 71 mtr, 4.5 metre access roads to each turbine in addition to upgrade of existing roads hard standings at 20kv substation building and temporary contractors' compound	Planning permission granted (14/11/2007)
Pl.ref 14/401	<b>Applicant(s):</b> Joseph, Martin & Michael Loftus <b>Description:</b> variation of condition 2 of planning permission pl.ref 06/3861 to amend the duration of planning permission from 20 years from the date of commissioning to 25 years.	Permission granted (28/10/2014)

## 6.0 ENFORCEMENT INFORMATION RELATING TO THE SUBJECT SITE

None

## 7.0 EIA SCREENING FOR WINDFARM

The proposed development falls within the definition of a project under the EIA Directive as amended by Directive 2014/52 and falls within the scope of Class 3 under Part 1 Schedule 5 of the Planning and Development Regulations, (as amended), Development for the Purposes of Part 10:

*Energy Industry (j) Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.*

EIA is required. The applicant has submitted an EIAR.

## 8.0 DESIGNATED SITES

### **Appropriate Assessment under the Habitats Directive**

An Appropriate Assessment was carried out for the Proposed Development in compliance with Article 6(3) of the Habitats Directive. As part of this assessment, the potential for the Proposed Development to have an effect on any European sites in the Zone of Influence (Zoi) was considered.

The Screening for Appropriate Assessment concluded as follows:

In the absence of mitigation, likely or possible significant effects on four of the European sites listed in below could not be excluded during the construction, operational and/or decommissioning stages of the proposed development:

- Ox Mountains SAC (code 000365)
- River Moy SAC (code 002315)
- Killala Bay/Moy Estuary SAC (code 000364)
- Killala Bay/Moy Estuary SPA (code 002041)

As it is considered that the risk of likely or possible significant effects on these European sites cannot be ruled out, an Appropriate Assessment of the Proposed Development is required, and a Natura Impact Statement (NIS) has been submitted as part of this SID.

The Board should satisfy itself that the Natura Impact Statement on the proposed Windfarm and the and the Screening for Appropriate Assessment adequately address the likely impact on the Natura 2000 sites identified, either alone in combination with other plans or projects and considers whether these impacts are likely to be significant.

### **PROTECTED STRUCTURES/ACA/SPECIAL AMENITY AREA ORDERS:**

#### **Record of Monuments and Places (RMP)**

The following 3 Recorded Monuments and Places (RMPs) are located within the subject site.

Site Name	Townland	Monument Type
MA031 - 005	Carrowleagh	Megalithic Tomb – Wedge Tomb
MA031 - 034	Carrowleagh	Megalithic Tomb – Court Tomb

#### **Protected Structures/ACA**

There are no Protected Structures within the site and the site is not located within an Architectural Conservation Area.

## 9.0 MAYO COUNTY COUNCIL COMMENTS

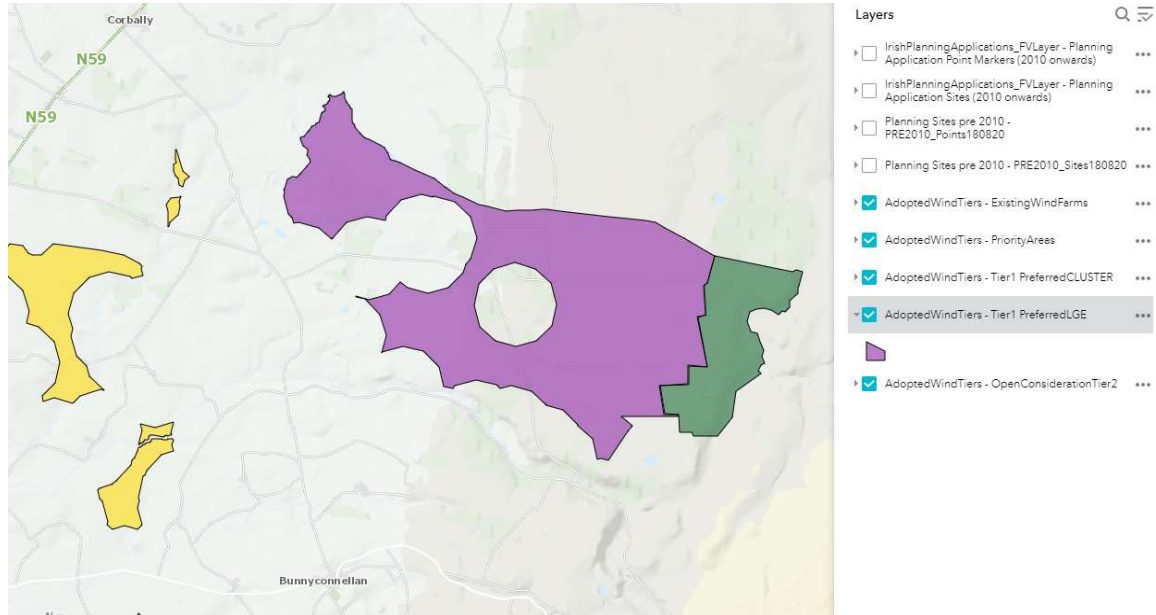
The following section gives the Planning Authority's comments in relation to the proposed development. It is noted that the proposed hydrogen plant is located within County Sligo and the proposed windfarm within County Mayo.

#### **Principle of Proposed Development:**

Mayo County Council adopted a Renewable Energy Strategy for County Mayo on the 9<sup>th</sup> May 2011. The Strategy sets out a path to allow County Mayo to contribute to meeting the national legally

binding renewable energy targets and sets out opportunities for individuals, communities and businesses to harness renewable energy in a sustainable manner and to assist in combating climate change.

Map 1 Wind Energy details location in the County where wind farms will be considered. See extract from map below **Map 1**



It should be noted that Mayo County Council adopted the renewable energy strategy in 2011 when turbines were considerably smaller in height and less imposing on the landscape compared to modern turbines. Comparing the turbines at this location with the proposed development.

#### Previously permitted development 11/495

- 21 turbines with hub height of 85 m and rotor blades of 35.5m in length. (Overall Height 120.5m)

#### Adjacent windfarm granted under pl.ref 06/3861 and pl.ref 14/401

- 13 turbines with 64 metre hub height with 35.5m rotor blade (Overall Height 99.5m)

#### Current Application

13 turbines with a hub height of between 102.5 m and 110.5m and rotor blades 74.5m in length (Overall Height 177m and 185m). The Wind Farm aspect of the development will have an installed capacity of 78 MW. The Hydrogen Plant electrolyser will be scaled up to meet demand for green hydrogen in the Irish market to a maximum 80MW capacity.

Mayo County Council is in the process of commencing a review of the current renewable energy strategy with the potential visual impact of new technological advances and increased turbine sizes considered in this review. Therefore, the areas identified as preferred locations within the current strategy may change over the course of this review.

In relation to the proposed Hydrogen plant, Mayo County Council is of the opinion that the hydrogen plant is not dependent on locating beside a wind farm as energy providers can certify that the energy used to produce the hydrogen is from a renewable energy source. The proposal is to transport the

hydrogen from the plant, but little detail is given as to the end user of the green hydrogen, therefore not providing a locational need for the hydrogen plant.

From a sustainable development perspective, the location of the end user for the produced hydrogen would establish a locational need for such a plant and therefore alternatives have not been adequately considered.

**Comments Relating to the Planning Application:**

Mayo County Council has concern that elements of the proposed development provides a level of uncertainty as to the overall impact on the environment and surrounding landscape.

In relation to the proposed turbines. The application proposes turbines ranging from a hub height of between 102.5 m to 110.5m with an overall height of between 177m and 185. Whilst this may not have significance in terms of visual intrusion on the landscape, it may have environmental considerations in terms of delivery along the proposed haul routes.

In relation to the delivery from the N59 to the site, the detail submitted states that *'Turbine Delivery Route to be a minimum of 4.5m wide. Where the carriageway is less than 4.5m wide, local widening with granular material to accept axle loading is necessary'*.

The details as to what sections along the haul route that will require widening is not specifically stated, therefore it is not possible to ascertain the level of impact that the delivery of turbines will have on the environment, with particular reference to any potential impacts on local biodiversity. It is also not clear as to the level of road widening that will be required or if such involves lands privately owned or if the relevant landowner would permit such works to be carried out on their lands.

**Visual Assessment:**

Mayo County Council is concerned that the substantial increase in turbine heights at this location combined with the existing windfarm at this location would have an overall negative impact on the landscape character and this location by providing disjointed visual cluster effect. The visual analysis provided with the application clearly demonstrates this issue. Of particular concern is the analysis provided at view points 5, 6, 7 and 8 shows the increased height of the turbines breaks the existing skyline, as the Ox mountains has proved a natural backdrop to the existing windfarm, nestling it into the landscape.

**Financial Contributions:**

Should the Board grant permission for this development, financial contributions relating to development located in County Mayo should be calculated based on the indicated 13.no turbine/78mw (total) capacity of the wind farm, or per turbine capacity as appropriate and shall accord with the Mayo County Council Development Contribution Scheme as adopted on the 30<sup>th</sup> June 2023. In addition, the provisions of Mayo County Council's policy on Community Benefit Contributions required for certain major developments as adopted on 14/04/2014 shall apply.

**Cash deposit:**

To ensure the satisfactory completion of the development, the developer will be required to lodge a refundable cash deposit together with an agreement allowing Mayo County Council to apply such security or part of as may be required, for the satisfactory completion of the reinstatement, including necessary demolition and removal as appropriate.

## 10.0 REPORTS OF RELEVANT LOCAL AUTHORITY SECTIONS

### **Road Design Section of MCC**

No reports have been returned from Road Design to date.

However, the following considerations are generally required in relation to such development:

- Visual and Falling Weight Deflectometer surveys are to be undertaken to all roads used as haul routes for this project in advance of the project commencing and again at the completion of the project. These surveys are to be submitted to Mayo County Council. Any pavement damage or deterioration which is identified by the surveys and is clearly as a result of this project is to be repaired by the developer in consultation with Mayo County Council.
- Bridge structural surveys are to be undertaken to all bridges along haul roads associated with this project in advance of the project commencing and at monthly intervals as the project is under construction. These surveys are to be forwarded to Mayo County Council and any deterioration in a bridge structure identified as the project proceeds is to be repaired by the applicant in consultation with Mayo County Council.
- A traffic management plan for the project is to be agreed with Mayo County Council prior to the project commencing and in particular at the site entrance to this project on the N59. All proposed haul routes are to be detailed in this plan and must be agreed by Mayo County Council in advance of project commencement.
- Abnormal load permits will be required for all oversize deliveries associated with the project. All costs associated with the re location of road infrastructure to facilitate oversized loads are the responsibility of the developer.
- Road surface water drainage is to be maintained at all times during this project.
- A refundable cash deposit, the amount to be determined in advance of commencement of development, to be paid by the Developer to Mayo County Council to cover any costs incurred by the local authority in repairing the road infrastructure as a result of this project.

### **Flood Risk Section of MCC**

No further assessment is required.

### **Environment Section:**

No Report received.

### **Archaeology Section of MCC**

A report from Mayo County Council Archeologist dated 04/09/2023. There is no objection to the proposed development subject to a number of conditions.

1. An exclusion/buffer zone ("Exclusion Zone 1") should be created around Recorded Monument and Place No. MA031-034 Court Tomb and the burnt spread uncovered in the 2011 pre-development testing programme. The location and erection of the buffer zone should be supervised by a suitably qualified archaeologist.
2. An exclusion /buffer zone ("Exclusion Zone 2") should be created around Recorded Monument and Place No. SL022-026 Barrow in the vicinity of the Hydrogen Plant. The location and erection of the buffer zone should be supervised by a suitably qualified archaeologist.
3. A written, drawn and photographic record of all vernacular structures to be removed should

be completed prior to their removal.

4. Monitoring of all groundworks during the removal of all vernacular structures should be undertaken by a suitably qualified archaeologist under licence from the National Monuments Section, Department of Housing, Local Government and Heritage.
5. A programme of licensed archaeological pre-development testing should be carried out by a suitably qualified archaeologist on the proposed Hydrogen Plant site and associated access road.
6. The developer is required to employ a suitably qualified archaeologist to monitor under licence from The National Monuments Section, Department of Housing, Local Government and Heritage all ground disturbance in the turbine site, hydrogen plant site, grid connection route and all excavation works associated with the proposed development.
7. The degree, extent and frequency of the monitoring shall be determined by The National Monuments Section of the Department of Housing, Local Government and Heritage and agreed to by the licensed archaeologist. All geotechnical trial holes and associated works must also be monitored by a suitably qualified licensed archaeologist.
8. Should archaeological material be uncovered during the course of the archaeological pre-development testing and/or monitoring, the archaeologist shall have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Section of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found.
9. The Planning Authority and the National Monuments Section of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

## 11.0 RECOMMENDATION(S)

### **Recommendation 1**

Requests the Board to consider the comments made by Mayo County Council in Section 9 of this report.

### **Recommendation 2**

In the event of a grant of planning permission Mayo County Council considers that the following conditions should be applied:

#### **Conditions Relating to Roads Infrastructure**

1. Visual and Falling Weight Deflectometer surveys are to be undertaken to all roads used as haul routes for this project in advance of the project commencing and again at the completion of the project. These surveys are to be submitted to Mayo County Council. Any pavement damage or deterioration which is identified by the surveys and is clearly as a result of this project is to be repaired by the developer in consultation with Mayo County Council.

**Reason:** In the interests of traffic safety.

2. Bridge structural surveys are to be undertaken to all bridges along haul roads associated with this project in advance of the project commencing and at monthly intervals as the project is under construction. These surveys are to be forwarded to Mayo County Council and any deterioration in a bridge structure identified as the project proceeds is to be repaired by the applicant in consultation with Mayo County Council.  
**Reason:** In the interests of traffic safety.
3. A traffic management plan for the project is to be agreed with Mayo County Council prior to the project commencing. All proposed haul routes are to be detailed in this plan and must be agreed by Mayo County Council in advance of project commencement.  
**Reason:** In the interests of traffic safety.
4. Abnormal load permits will be required for all oversize deliveries associated with the project. All costs associated with the re location of road infrastructure to facilitate oversized loads are the responsibility of the developer.  
**Reason:** In the interests of traffic safety.
5. Road surface water drainage is to be maintained at all times during this project.  
**Reason:** In the interests of traffic safety.
6. Prior to commencement of development a refundable cash deposit, amount to be agreed with the planning authority, is to be paid by the Developer to Mayo County Council to cover any costs incurred by the local authority in repairing the road infrastructure as a result of this project.  
**Reason:** To ensure satisfactory completion of the development and protection of public infrastructure.

#### **Conditions Relating to Archaeology**

7. An exclusion/buffer zone (“Exclusion Zone 1”) should be created around Recorded Monument and Place No. MA031-034 Court Tomb and the burnt spread uncovered in the 2011 pre-development testing programme. The location and erection of the buffer zone should be supervised by a suitably qualified archaeologist.  
**Reason:** Protection and preservation of archaeological heritage and proper planning and sustainable development.
8. An exclusion /buffer zone (“Exclusion Zone 2”) should be created around Recorded Monument and Place No. SL022-026 Barrow in the vicinity of the Hydrogen Plant. The location and erection of the buffer zone should be supervised by a suitably qualified archaeologist.  
**Reason:** Protection and preservation of archaeological heritage and proper planning and sustainable development.
9. A written, drawn and photographic record of all vernacular structures to be removed should be completed prior to their removal.  
**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
10. Monitoring of all groundworks during the removal of all vernacular structures should be

undertaken by a suitably qualified archaeologist under licence from the National Monuments Section, Department of Housing, Local Government and Heritage.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 11 A programme of licensed archaeological pre-development testing should be carried out by a suitably qualified archaeologist on the proposed Hydrogen Plant site and associated access road.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 12 The developer is required to employ a suitably qualified archaeologist to monitor under licence from The National Monuments Section, Department of Housing, Local Government and Heritage all ground disturbance in the turbine site, hydrogen plant site, grid connection route and all excavation works associated with the proposed development.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 13 The degree, extent and frequency of the monitoring shall be determined by The National Monuments Section of the Department of Housing, Local Government and Heritage and agreed to by the licensed archaeologist. All geotechnical trial holes and associated works must also be monitored by a suitably qualified licensed archaeologist.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 14 Should archaeological material be uncovered during the course of the archaeological pre-development testing and/or monitoring, the archaeologist shall have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Section of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 15 The Planning Authority and the National Monuments Section of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

### **General Conditions**

16. Construction operations shall be restricted to between 0800 hours and 2000 hours Monday to Friday and 0800 hours and 1800 hours on Saturdays.

**Reason:** In the interest of orderly development and residential amenities.

17. Prior to commencement of development, a detailed reinstatement program for the



decommissioning of the wind farm shall be submitted to Mayo County Council for written agreement. The said program shall apply to full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than one year. The said program shall provide for the dismantling and removal from the site of masts, turbines, and buildings including foundations and roads. The site shall be reinstated in accordance with the said program (including all access roads) and all decommissioned structures shall be removed within three months of decommissioning.

**Reason:** To ensure the satisfactory decommissioning of the project.

18. Prior to commencement of development, the developer shall agree a protocol for assessing any impact on radio or television or other telecommunication reception in the area. In the event of interference occurring, it shall be the responsibility of the developer to mitigate such interference according to a methodology to be agreed with Mayo County Council.

**Reason:** In the interest of orderly development.

19. All cabling from the turbines to the substation shall be placed underground.

**Reason:** In the interest of visual amenity

#### **Environmental Conditions**

20. Costs incurred by Mayo County Council Environment Staff in carrying out any necessary monitoring, monitoring checks, inspections and environmental audits, shall be reimbursed by the developer.

**Reason:** In the interest of clarity, and the protection of the environment during the earthworks and construction phase.

21. Prior to commencement of the development, an Environmental Monitoring Committee (EMC) shall be established to assess and monitor the surface water run-off, drainage control, traffic management, road maintenance, dust control, noise monitoring and other environmental issues during the period of construction. The EMC shall comprise two representatives of the developer, two representatives of Mayo County Council, and an invitation shall be extended to Inland Fisheries Ireland and National Parks & Wildlife Service to provide a representative for the committee. In addition, one representative of the local community, selected in accordance with procedures to be agreed with Mayo County Council, shall be invited to serve on this committee. The EMC shall have the right to co-opt other members as required.

**Reason:** To ensure effective monitoring during construction phase in the interest of the proper planning and the protection of the environment.

22. The site preparation and the construction shall adhere to best practice and shall conform to the following Inland Fisheries Ireland Guidance "Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites".

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

23. In the event that works give rise to siltation of watercourses the environmental Clerk of Works or supervising Hydrologist will stop all works in the immediate area around where the siltation

is evident and additional drainage measures installed. All water pollution incidents must be recorded and reported to Inland Fisheries Ireland.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

24. Prior to commencement of development, the developer shall agree a management plan for construction works on the site. This shall include access arrangements for construction materials, the storage of materials on site; details for the control of run-off from the site, extraction and infilling of borrow pits (if any), the removal of all machinery, spoil and waste material from the site following completion and the restoration of vegetation and landscaping; and provisions for emergencies.

**Reason:** In the interest of visual amenity, public safety and the prevention of pollution.

25. An Emergency Response Procedure shall be prepared, with Inland Fisheries Ireland included as a notifiable body in the case of an environmental emergency.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

26. Measures should be put in place to prevent the spread of invasive species

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

27. The water quality monitoring locations, parameters and schedules should be agreed with Inland Fisheries Ireland. Daily surface water monitoring should be carried out during construction.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

28. The use of poor tensile strength rock such as shale as road construction material is not permitted.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

29. The schedule of works shall show that all silt mitigation and surface water control measures, such as silt fences and settlement ponds, are in place prior to the ground works commencing. All drainage channels should be constructed in advance of construction works to allow the channels to grass over prior to flooding. Peat storage areas should be reseeded or have vegetated turf placed on them once completed.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

30. An emission limit value of 25mg/l suspended solids shall apply to all discharges from the site to watercourses. The developer shall submit to Mayo County Council, for written agreement, at least six months prior to the commencement of the development details for continuous monitoring of suspended solids, in addition to turbidity, at representative locations. The monitoring equipment shall be operational at the agreed locations at least three months prior

to the commencement of development.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

31. The monitoring results and the interpretation of the monitoring shall be available on site and shall also be submitted to Mayo County Council on a monthly basis in both hardcopy and electronic format.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

32. The developer shall appoint a suitably qualified and experienced Environmental Scientist or Environmental Engineer for the period of the earthworks and construction phase. As part of his/her duties, the Environmental Officer shall liaise with Mayo County Council in relation to the implementation of the required environmental monitoring, and shall be responsible for reporting to Mayo County Council –

- (a) any malfunction of any environmental system,
- (b) any occurrence with the potential for environmental pollution,
- (c) any emergency which could reasonably be expected to give rise to pollution of waters.

33. The Environmental Officer shall maintain a record of any such occurrences and any action taken. The records shall be available for public inspection at the developer's site offices during normal office hours.

**Reason:** In the interest of proper environmental control during the earthworks and construction phase.

34. During construction and haulage, noise levels shall be kept to a minimum. Any activity that will result in a significant increase in the ambient noise levels, for example, piling or rock breaking, shall be notified to Mayo County Council in advance.

**Reason:** In the interest of public health and residential amenity.

35. Dust levels shall not exceed 350 mg/m<sup>2</sup> (TA Luft Air Quality Standard) per day averaged over thirty days when measured at the site boundaries. Any activity, which could reasonably be expected to exceed that dust level and proposed mitigation measures, shall be notified to Mayo County Council in advance.

**Reason:** In the interest of public health and residential amenity.

36. All tank and drum storage areas on the site shall, as a minimum, be bunded to a volume not less than the greater of the following –

- (a) 110% of the capacity of the largest tank or drum within the bunded area, or
- (b) 25% of the total volume of substance which could be stored within the bunded area.

All fuel storage areas and cleaning areas, particularly for concrete trucks, shall be rendered impervious to the stored or cleaned materials and shall be constructed to ensure no discharges from the areas.

**Reason:** To prevent surface and ground water pollution.

37. The developer shall maintain on the site for the duration of the construction period, oil abatement kits comprising of booms and absorbent materials. The precise nature and extent

of the kits shall be agreed in writing with Mayo County Council prior to commencement of development.

**Reason:** To prevent water pollution.

38. Prior to commencement of development, the developer shall submit, and obtain the agreement of Mayo County Council to a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

39. No stream diversions, culvert installations or replacements should be carried out without prior consultation and agreement with Inland Fisheries Ireland Galway. Clear span structures to be used where possible.

**Reason:** In the interests of prevention of water pollution.

40. (a) The construction of the development shall be carried out only outside the breeding season of locally sensitive bird species.

(b) No works or site preparation shall be carried out during the bird-nesting season in the first year of construction.

(c) no re-commencement of construction works shall be permitted during the bird-nesting season in subsequent years after any significant periods of inactivity.

(d) An annual monitoring program of birds in accordance with the methodology used to gather baseline data in the EIS to review interaction by birds with the wind farm, to survey species and to document bird casualties shall be submitted to Mayo County Council for written agreement prior to commencement of development. This program shall be developed in consultation with Mayo County Council and the Heritage Division of the Department of the Environment, Heritage and Local Government and shall cover the entire period of the operation of the wind farm and the program shall be forwarded to Mayo County Council.

**Reason:** To provide for the mitigation of effects of the development on avian species.

41. Prior to commencement of development, a detailed conservation plan for the rehabilitation of the site following completion of construction shall be submitted to Mayo County Council for written agreement. The conservation plan shall be prepared by a suitably qualified Ecologist. The conservation plan shall include for habitat management and enhancement measures on the site, the reinstatement of hedgerows and embankments removed to facilitate construction and an agreed monitoring period. The implementation of the conservation plan shall be monitored by a suitably qualified Ecologist, and a copy of this plan and monitoring reports shall be submitted to Mayo County Council and the National Parks & Wildlife Service.

**Reason:** To provide for the mitigation of effects of the development on the ecology of the area.

### **Financial conditions**

42. The developer shall pay to Mayo County Council a contribution of €10,000 per megawatt of electricity produced from the wind farm aspect of the development (calculated 78MW x €10,000) in accordance with the Mayo County Council Development Contribution Scheme as adopted on the 30<sup>th</sup> June 2023.

**Reason:** To comply with Mayo County Council's Development Contribution Scheme.

43. The developer shall lodge with Mayo County Council, a cash deposit, or such other security as may be acceptable to Mayo County Council, to secure the satisfactory reinstatement of the site, couple with an agreement empowering Mayo County Council to apply such security or part thereof to the satisfaction completion of the reinstatement, including all necessary demolition and removal. The security shall be lodged as follows:

- a) a cash sum, amount to be agreed prior to commencement of development, is to be paid by the developer to Mayo County Council to be applied at its absolute discretion if not completed to its satisfaction; or
- b) such other security as may be accepted in writing by Mayo County Council

**Reason:** To ensure the satisfactory completion of the project.

41. The developer shall pay to Mayo County Council an annual contribution of €10,000 per megawatt of electricity produced from the Wind Farm aspect of the development (located in County Mayo), to a Community Fund to be established by Mayo County Council in accordance with the policy on community benefit contributions required for certain major developments adopted on 14/04/2014, towards the cost of the provision of environmental improvements, recreational or community amenities, cultural and heritage facilities and social inclusion and community development in the locality.

**Reason:** It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which will help mitigate the impact of the transport of waste peat on the local community.