



Tionscail Innealtóireachta agus Mórhionscail,  
Aon Lárcheantar Aerfort Bhaile Átha Cliath,  
Clochrán, Co. Bhaile Átha Cliath, K67 XF72, Éire  
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Engineering and Major Projects,  
One Dublin Airport Central, Dublin Airport,  
Cloghran, Co. Dublin, K67 XF72, Ireland  
Phone +353 1 703 8000

**The Secretary,  
An Coimisiún Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01V902.**

10/07/2025

**Re: Application for Substitute Consent pursuant to Section 177E of the  
Planning and Development Act, 2000 (as amended) in relation to the  
Decommissioning of Derrybrien Wind Farm, Co. Galway**

**Applicant: Gort Windfarms Limited**

A Chara,

Please find enclosed an application for Substitute Consent in relation to the decommissioning of Derrybrien Wind Farm and associated development, in County Galway (c. *300m of access road subject of this application is located in County Clare*) pursuant to section 177E of the Planning and Development Act, 2000, as amended ("the 2000 Act").

This application relates to the proposed retention *in situ* of specific features of the existing development (the "Retained Development"). A parallel application for permission to carry out Prospective Development associated with decommissioning, under section 37L of the 2000 Act is also being made to An Coimisiún Pleanála.

I refer to pre-planning consultation held with An Coimisiún Pleanála (ACP, "the Commission") under Ref. No. ABP-321156-24 held on 7<sup>th</sup> February 2025 (**Attachment 1**) where ACP reviewed procedural matters in relation to the application details:

- The applicable fee is €38,000 (see **Attachment 2** for fee calculation);
- The Applicant would provide the Commission with 6 hard copies and 1 electronic copy of the application;
- Proposals in relation to drawing scales are agreeable;
- Proposed arrangements in relation to notices (site notices and newspaper notices) appeared to be in order; site notices will be erected on a white background;

The application includes the following documents:

1. This Cover Letter;
2. Application form (see **Volume 1** of this pack);
3. Cheque made payable to An Bord Pleanála in the amount of €38,000 (**Attachment 2** to this letter);
4. EIA portal confirmation notice (**Attachment 3** to this letter);
5. Site notice as erected on site at various locations on 03/07/25 (see **Volume 1** of this pack);
6. Newspaper notice as published in the Irish Independent (03/07/2025) and Connacht Tribune (04/07/25) (see **Volume 1** of this pack);
7. Planning Report x 6 hard and 1 electronic copy (see **Volume 1** of this pack);
8. Plans and Drawings x 6 hard and 1 electronic copy (see **Volume 1** of this pack);
9. Remedial Environmental Impact Assessment Report x 6 hard and 1 electronic copy (see **Volume 2** of this pack);
10. Remedial Natura Impact Statement x 6 hard and 1 electronic copy (see **Volume 2** of this pack).

It is the intention of the Applicant to secure, in due course, all other consents to regularise the status of this development, including Waste Licences, if and where applicable.

I trust all application details are in order, if you have any queries please contact me on 086 176 7511.

Is mise le meas,

*Heather McMeel*

**Heather McMeel**

**Senior Planner, Engineering and Major Projects, ESB**



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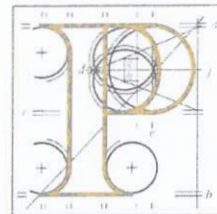
## Attachment 1

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**Written Record of Pre-Application Consultation under ABP-321156-24**

**Our Case Number:** ABP-321156-24

**Your Reference:** Gort Windfarms Limited FAO Siobhán Sugrú



An  
Bord  
Pleanála

Heather McMeel  
ESB Engineering and Major Projects  
One Dublin Airport Central  
Dublin Airport  
Cloghran  
Co. Dublin  
K67 XF72

Date: 24 February 2025

Re: Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the first meeting of the 07 February 2025.

Your comments should be submitted within 17 days from the date of this letter, if you do not wish to comment can you confirm same within 17 days.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Daniel O'Connor  
Executive Officer  
Direct Line: 01-8737170

SI Record

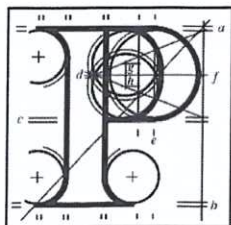
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An  
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## Record of Meeting ABP- 321156-24 1<sup>st</sup> meeting

<b>Case Reference / Description</b>	ABP- 321156-24		
	Request to enter into pre-application consultation pursuant to Section 177E(1A) 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.		
<b>Case Type</b>	Pre-application Consultation		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup> Meeting		
<b>Date</b>	07/02/2025	<b>Start Time</b>	11.00.a.m. (approx.)
<b>Location</b>	Virtually by Microsoft Teams	<b>End Time</b>	11.30 a.m.(approx.)
Processing Contact: Dan O'Connor <a href="mailto:danieloconnor@pleanala.ie">danieloconnor@pleanala.ie</a>			
<b><u>Representing An Bord Pleanála</u></b>			
Karen Hamilton – Assistant Director of Planning (Chair)			
Ian Campbell – Senior Planning Inspector			
Daniel O'Connor – Executive Officer (Note taker)			
<b><u>Representing the Prospective Applicant</u></b>			
Heather McMeel - Senior Planner (ESB Engineering and Major Projects)			
Brendan Allen - Planning Team Lead (ESB Engineering and Major Projects)			



Daniel Hogan - Senior Environmental Consenting Specialist (ESB Engineering and Major Projects)
Rob Laird - Manager – Major Contracts & Commercial (ESB Generation and Trading)

## Introduction:

The representatives of An Bord Pleanála welcomed the prospective applicant, and their agent and introductions were made. The procedural matters relating to the meeting were outlined as follows:

- **The Board will keep a record of this meeting and any other meetings, if held. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.**
- **A further meeting or meetings may be held in respect of the proposed development.**
- **The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.**
- **The Pre-Application process is to outline procedural matters only.**

The ABP representatives acknowledged the request on 21<sup>st</sup> November 2024 from Heather McMeel, to enter into pre-application consultations under Section 177E(1A) of the Planning and Development Act, 2000, as amended.

A broad agenda was circulated before the meeting as follows:

## Agenda

- Opening of pre-application meeting by Inspector
- Description of development and relevant background information. Brief outline presentation by the applicant of development proposed under S. 177E.
- Procedural advice from the inspectorate.
- Closing comments.

## **Description of development and relevant background.**

### **Prospective Applicant**

The existing Derrybrien windfarm development is located in the northern part of the Slieve Aughty Mountains, approximately 11kms due south of Loughrea.

The development comprises of a number of elements, namely:

- A non-operational windfarm and associated on site development including an electrical substation.
- A grid connection consisting of a c.7.8 km overhead electricity line connecting to the national grid via 110kV substation.
- Other off-site development works associated with peat slide events that occurred during construction.

Pursuant to a decision by the Board under reg ref ABP-308019-20 substitute consent was refused in February 2022 for retention, prolonged operation and decommissioning of all elements of the existing development. The decision rendered the entire development unauthorised and all work at the wind farm ceased.

In August 2024 Galway County Council issued and served an enforcement notice (ref: EN23/235) requiring the developer to:

- Cease and discontinue the unauthorised use and unauthorised development
- Decommission and where appropriate, remove unauthorised windfarm and structures
- Where an EIAR and/or AA report is required, undertake this and submit it with any substitute consent/ permission application under S177E and Section 37L of the Planning and Development Act, 2000 as amended.
- Meet the requirement of the notice in respect of all necessary applications

The applicant seeks to undertake the necessary decommissioning works in compliance with that notice. A detailed strategy has been prepared, having regard to reasons for refusal in relation to previous substitute consent application and potential environmental impacts. The strategy comprises of 2 elements:

- 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.



- 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.

**ABP:**

The Board acknowledged the submission of a S37L application, and a pre-application meeting will be held in conjunction with this meeting.

**Prospective Applicant:**

The prospective applicant had some general procedural queries as follows:

1. What colour the site notices should be if all notices are erected on the same day?
2. Scale of the drawings to be submitted.
3. Number of hard copies submitted.
4. Fee calculation.
5. There is a query with regard the number of weeks to be included on the public notice.
6. Applicant queried if reference should be made in public notices to a project website.
7. Applicant indicated that application form that will be submitted with the S. 177E application will be Form No. 6.

**ABP:**

1. The site notice for the application under section 177E should be white, and any further application the site notice should be yellow.
2. Scale of drawings seem fairly logical.
3. When submitting the application, you should submit 6 hard copies and 1 electronic/digital copy of the full application.
4. Standard fees apply. The Board don't ask for the fee x3 for SC.
5. Applicant advised that consultation period is 8 no. weeks, as per Art. 231 of Planning and Development Regulations, 2001, as amended.
6. Reference to project website is not required under Planning and Development Regulations, 2001, as amended, and should not be included in public notices. Project website may be referred to in planning report/supporting documentation.
7. Form 6 is the correct form for the purpose of S.177E applications.

**Prospective Applicant:**

A remedial EIAR will be submitted with the application.

**Prospective Applicant:**

Questions whether they will need to notify prescribed bodies.

**ABP**

The Board will notify prescribed bodies as necessary.

**ABP:**

The applicant should ensure all surveys have been updated to reflect the passing of time since the previous application was submitted, for example:

- Peat stability reports within area, including consideration of mechanical peat harvesting in area.
- Traffic impact report.
- Flood risk assessment.

**Prospective Applicant:**

The applicant notes the Board's comments and concerns on the previous substitute consent application. All appropriate peat stability, haul routes etc will be clearly identified in the application

**ABP:**

The applicant should ensure they demonstrate exceptional circumstances, as required under Section 177 k (IJ), (a) –(g) of the Planning and Development Act, 2000, as amended.

**Prospective Applicant:**

There will be 3 applications in total, one under Section 177E and 2 under Section 37L.

Applicant indicated intention to submit 3 no. applications on the same day.

There was a query with regard to the payment methods for the three applications.

**ABP:**

The fees will need to be submit with the application, and can only be paid for by cheque or postal order. The Board cannot accept payment via EFT.

**Conclusion:**

At conclusion of the meeting, it was advised that the record of the meeting would issue to the prospective applicant in due course. If no comments on the record are received, the Board will close the file and await the application. If the prospective applicant is of the opinion that another meeting is required, they should identify the specific matter for discussion and rationale for the holding of such further meeting. The holding of such meeting is at the discretion of the Board.

**Karen Hamilton**

**Assistant Director of Planning**



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## Attachment 2

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### Application Fee

## Fee Calculation for Derrybrien Substitute Consent Planning Application under S177E

As per Schedule 9, Section 2 of the Planning and Development Regulations, 2001 (as amended), the fee calculation is based on Class 13 works:

13. Development not coming within any of the foregoing classes.	€80, or €10 for each 0.1 hectare of site area, whichever is the greater.	€240, or €30 for each 0.1 hectare of site area, whichever is the greater.
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Site area approx. 458Ha (tbc) x €10 = €45,800

However, as per Section 3 of Schedule 9 of the Regulations 'Maximum and minimum fees for planning applications', the maximum fee payable to a Planning Authority by an applicant in respect of an application other than an application mentioned in paragraph 1 (application for outline permission), 2 (application under article 161), 3 (application for retention of unauthorised development) or 6 (large-scale residential development) shall be €38,000.

The maximum fee of €38,000 therefore applies.





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## Attachment 3

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### EIA Portal Receipt

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**EIA Portal Application Confirmation Number: 2025115**

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**From** Housing Eiaportal <EIAportal@housing.gov.ie>

**Date** Thu 7/3/2025 4:51 PM

**To** McMeel. Heather (Engineering and Major Projects) <heather.mcmeel@esb.ie>

**CAUTION:** This message is from an EXTERNAL SENDER - be CAUTIOUS, Do NOT Click any links or Open any attachments if you were not expecting them.

Dear Heather,

An EIA Portal notification was received on 03/07/2025 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 03/07/2025 under EIA Portal ID number 2025115 and is available to view at <http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

**Portal ID:** 2025115

**Competent Authority:** An Bord Pleanála

**Applicant Name:** Gort Windfarms Limited

**Location:** Bohaboy, Boleyneendorrish, Coppanagh, Derreenamucka, Derrybrien East, Derrybrien North, Derrybrien South, Derrybrien West, Funshadaun, Kilbeg, Loughatorick North & Toormacnevin in Co. Galway & Slieveanore, Co. Clare

**Description:** The development consists of the proposed retention in situ of existing development associated with the Derrybrien Wind Farm Development (Site 458 Ha) including all at- and below-ground structures.

**Linear Development:** Yes

**Date Uploaded to Portal:** 03/07/2025

Regards,

Emmet

EIA Portal team

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**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
Department of Housing, Local Government and Heritage

**Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0**  
Custom House, Dublin 1, D01 W6X0

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**T** +353 (0) 1 888 2000

[www.gov.ie/housing](http://www.gov.ie/housing)



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Department of Housing,  
Local Government and Heritage