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Derrybrien Wind Farm Decommissioning Project

Gort Windfarms Ltd.

Planning Report to Accompany Application for Planning
Permission for Prospective Works under S.37L of the
Planning and Development Act, 2000 (as amended)

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1 Introduction

This Planning Report relates to the proposed decommissioning of the Derrybrien Windfarm Project, and specifically to the proposal to carry out decommissioning works, which forms the subject matter of the application for substitute consent submitted to An Bord Pleanála (the “**Board**”) under section 37L of the Planning and Development Act 2000, as amended (the “**2000 Act**”).

1.1 Background to the Project

The existing Derrybrien Windfarm Project – and the history of its development, is described here insofar as it relates to the proposal to decommission that development.

Derrybrien Wind Farm is located in the northern part of the Slieve Aughty Mountains approximately 11 km due south of Loughrea, 12.7 km north northeast of Gort and 24 km west of Portumna; in County Galway.

When acquired in 2003, planning permission was in place permitting the development of a 71 No. turbine wind farm which would be connected to the national grid by means of an overhead line. Construction of the wind farm began in mid-2003. In October 2003, a large peat slide originated within the wind farm site boundary to the south of the site of the development. In the aftermath of the slide, containment and stabilisation works were carried out to minimise effects on lands, receiving watercourses and the local road network. In June 2004, construction of the wind farm and the grid connection resumed and these works were completed. The wind farm commenced commercial operations in March 2006.

The completed development comprised:

- a 70 No. turbine wind farm with associated on-site development including an on-site substation (‘Derrybrien Substation’);
- a grid connection consisting of a c.7.8km overhead electricity transmission line connecting to the national grid via a 110kV substation (herein referred to as ‘Agannygal substation’); and
- other off-site development works associated with peat slide events that occurred during construction.

In 2019, pursuant to proceedings before the Court of Justice of the European Union (Case C-261-18), Ireland was found to have failed to take measures necessary to fulfil a number of obligations arising from the Environmental Impact Assessment (EIA) Directive.

On foot of that judgment and the legislative provisions set out under section 177B of the Planning and Development Act, 2000 (as amended) (“the 2000 Act”), on 23rd July 2020, Galway County Council directed Gort Windfarms Limited to seek substitute consent for the Derrybrien Wind Farm development.

In July 2008, the Court of Justice of the European Union (CJEU) delivered a judgment against the Irish State in Case C-215/06 referencing Derrybrien Wind Farm ¹. In a further judgment in Case C-261/18 ², on 12th November 2019 the CJEU found that the Irish State had failed to take measures necessary to comply with Case C-215/06 and to fulfil a number of obligations arising from the Environmental Impact Assessment (EIA) Directive (at the time Directive 85/337 as amended by Directive 97/11).

On foot of that judgment, and the legislative provisions set out under section 177B of the 2000 Act, on 23rd July 2020, Galway County Council directed Gort Windfarms Limited to seek substitute consent from the Board in respect of the Derrybrien Wind Farm development.

In August 2020, the application for substitute consent relating to the retention and continued operation of the wind farm development, and decommissioning of all elements of the existing development, was submitted to the Board (“ABP”) under reg. ref. ABP-308019-20. In February 2022 the Board decided not to accept its Inspector’s recommendation to grant, and refused substitute consent.

The Board’s February 2022 decision to refuse substitute consent rendered the development which formed the subject-matter of the application under ref. no. ABP-308019-20 as “unauthorised development”. Commercial operation of the windfarm ceased shortly thereafter. Since that time, the turbines have been maintained by the turbine supplier in a prolonged non-generating mode so as to ensure the site remains safe. Gort Windfarms Ltd has monitored and maintained the site in the interim, having regard to all applicable safety standards. Similarly, the condition of the substations has been maintained and managed to ensure they do not pose a health and safety risk, pending their decommissioning.

On 29th August 2024 Galway County Council issued and served an enforcement notice on Gort Windfarms Limited (Ref. EN23/235 – see **Appendix A**), in the following terms:

- The Notice related to the unauthorised development located in the townlands of Derrybrien North, Derrybrien West, Boleyneendorrish, Toormacnevin, Bohaboy, Funshadaun, Coppanagh, Kilbeg, Derrybrien South, Loughatorick North, Slieveanore, Derrybrien East, and Derreenamucka, Co. Galway;
 - specifically the unauthorised windfarm located in the townlands of:
 1. Derrybrien North,
 2. Derrybrien West,

¹ Proceedings commenced by the Commission of the European Communities on 29 July 2006

² Proceedings commenced by the European Commission on 22 June 2018

3. Boleyneendorrish,
4. Toormacnevin,
5. Bohaboy,
6. Funshadaun,
7. Coppanagh,
8. Kilbeg,
9. Derrybrien South,
10. Loughatorick North,
11. Slieveanore,
12. Derrybrien East, and
13. Derreenamucka

- comprising the windfarm, access and service roads, compound and substation located townlands 1 to 8; and the grid connection located in townlands 9 to 13;

- Gort Windfarms Limited was directed to cease and discontinue the unauthorised use and unauthorised development referred to (being that subject of the refusal of consent under reg. ref. ABP-308019-20) within 24 hours of the date of service of the notice;
- Requires the decommissioning and, where appropriate in terms of possible environmental impacts on the environment at this location, the removal of the unauthorised windfarm and associated ancillary structures, subject to the applicable consent(s) / permissions(s) from the appropriate authority or authorities;
- Requires that, in circumstances where an environmental impact assessment and/or appropriate assessment is required, this will be carried out and the results submitted with any application for consent/permission referred to above, to the appropriate authority or authorities (pursuant to the provisions of S.177E and S.37L of the Planning & Development Act, 2000 (as amended) ("the 2000 Act");
- Warned that if the steps to be taken as specified in the notice are not taken within a period of 36 months of the date of service of the notice, or such extended period as the Planning Authority may allow, the Planning Authority may enter on the land and take such steps, including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by it in that behalf;
- Required the refund to the Planning Authority the costs and expenses reasonably incurred by the Planning Authority in relation to the investigation, detection and issue of the Notice;
- Warned that, if within the period specified in the notice or such extended period, not being more than 6 months, as the Planning Authority may allow, the steps to be taken as specified are not taken, Gort Windfarms Limited may be guilty of an offence.

In these circumstances, Gort Windfarms Limited intends to decommission the Derrybrien Wind Farm Development.

1.2 The Project

The scope of the **Derrybrien Wind Farm Development Decommissioning Project ('the Project')** has been informed by a robust assessment of alternatives – see Chapter 3 of the remedial Environmental Impact Assessment Report submitted with this application for

substitute consent – which describes and evaluates a range of alternative approaches and the associated environmental impacts.

The assessment of alternatives systematically analysed the reasonable alternatives studied for decommissioning (including and “do nothing” scenarios); complete removal of development; and partial removal of development), so as to identify the preferred options, and then considered and compared the environmental effects of the identified alternatives across all environmental receptors.

Arising from that analysis, the “The Project” described herein comprises elements relevant to each works area – the windfarm, the overhead line and the off-site works areas, that were identified in that process as the ‘preferred options’. These comprise:

- *Derrybrien Wind Farm (including the Derrybrien 110kV substation)*

Decommissioning works include the removal of the above ground structures only, leaving the access tracks, hard stands, wind turbine foundations, underground LV cables, meteorological mast foundations and substation foundations *in situ*. Any protruding foundations or structures would be cut to below ground level and infilled and levelled to match adjoining areas.

- *Derrybrien to Agannygal 110 kV Overhead Line (OHL) and Agannygal 110kV Substation*

The OHL all pole sets and masts to be cut at c.300mm below ground level and removed from site. The reinforced concrete bases for angle masts would be left *in situ*. All above ground structures would be removed from the Agannygal 110kV substation. The palisade fencing surrounding the substation would be dismantled and removed from site. The reinforced concrete base and the platform for the substation would be left in-situ. Once the Derrybrien-Agannygal 110 kV OHL and Agannygal substation is removed, the Ennis-Shannonbridge 110kV OHL would be reinstated.

- *Offsite ancillary works associated with peat slide (2003)*

No development works would be carried out to decommission the offsite ancillary works associated with the peat slide in 2003. All features associated with the peat slide 2003 (Barrages 1 – 4, peat repositories and the minor borrow pit adjacent to Barrage 1) which have naturalised and become heavily vegetated over the past 20 years and are virtually imperceptible today, will remain *in situ*. There would be no requirement for vegetation clearance, construction of temporary compounds and haul routes to access the works areas and there be no requirement for instream works to remove any items.

As such decommissioning comprises two types of works:

- proposed retention *in situ* of other specific features of the existing development (the “**Retained Development**”); and
- the carrying out of physical works to decommission specific features of the existing development (the “**Prospective Development**”).

This application for planning permission, relates to the Prospective Development, as described and defined in **Para.** Error! Reference source not found. below.

1.3 Consents to Implement the Project

Having regard to the unauthorised status of the development for which substitute consent was previously refused, and the scope of the proposed Prospective Development, it is clear that development consent and environmental assessments are required in order for the Decommissioning Project to proceed.

In order to determine the optimal consenting option(s), the scope of works – both retained and prospective, was considered. Screening statements were prepared in respect of the requirements for both Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). Screening confirmed that both EIA and Stage Two AA were required for both the Retained and Prospective Development.

On that basis, in accordance with the provisions of the 2000 Act, substitute consent is required in relation to the Retained Development.

Where an application for substitute consent is made, a separate application may also be made for permission for: (a) development of the land the subject of the application for substitute consent; (b) development of land adjoining the land the subject of the application for substitute consent. This is the basis for this application for planning permission being sought for the Prospective Development.

Therefore, to implement the Decommissioning Project, it is necessary to make two separate applications as follows:

- an application for substitute consent in relation to the **Retained Development**, under section 177E of the 2000 Act – being the retention *in situ* and in perpetuity of part of the existing development – including at- and below-ground structures such as turbine and other foundations; and development associated with historic peat slide events that occurred during construction such as barrages, peat repositories, on-site borrow pits / quarries etc.
- an application for planning permission to carry out the **Prospective Development**, under section 37L of the Planning and Development Act 2000, as amended (“the 2000 Act”) – being 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.

Each application for permission is accompanied by appropriately detailed environmental assessment documents – a remedial Environmental Impact Assessment Report (rEIAR) and a remedial Natura Impact Statement (rNIS) with the section 177E substitute consent application; and an EIAR and NIS, in respect of the section 37L application for permission. These assessments provide information in relation to all aspects of the Decommissioning Project, in compliance with the requirements of both the Environmental Impact Assessment and Habitats Directives.

This report has been prepared to accompany the application for planning permission for the Prospective Development.

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

1.4 The Need for the Project

The overall need to carry out the works, as proposed arises because of the need to:

- comply with enforcement notice EN23/235 issued by Galway County Council which requires the removal of the unauthorised windfarm and associated ancillary structures, subject to the applicable consent(s) / permissions(s) from the appropriate authority or authorities.;
- regularise the planning status of the development; and
- safely complete decommissioning of this unauthorised development.

If the decommissioning works do not proceed, the structures associated with the windfarm, substations and overheadline, would deteriorate over time, rendering the site unsafe and posing serious risks – both to human health and to the local environment.

2 The Planning Application

2.1 The Applicant

The application for planning permission is being made by Gort Windfarms Limited which is a wholly owned subsidiary of the Electricity Supply Board (ESB).

2.2 The Planning Application

The requirements in respect of this application are contained in section 37L of the 2000 Act and in Part 22 of the Planning and Development Regulations, 2001, as amended ('the 2001 Regulations').

In compliance with the 2001 Regulations, the submitted application documentation comprises:

- competed statutory documents including:
 - application form and supporting documents,
 - public notices (newspaper ads and site notice),
 - receipt for submission to the EIAR Portal,
- this Planning Report,
- planning drawings showing the full extent of the development subject of this application,
- an Environmental Impact Assessment Report (EIAR)
- a Natura Impact Statement (NIS).

The EIAR assesses the impacts on the environment resulting from the Prospective Development (as described in EIAR Chapter 4).

The NIS provides supporting information to assist the Board – as the relevant Competent Authority, in undertaking an Appropriate Assessment of the Prospective Development in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42 of the Birds and Natural Habitats Regulations 2011, as amended.

In support of a separate application for substitute consent for Retained Development, a remedial EIAR and a remedial NIS have also been submitted – in order to enable the Board to assess the impacts of the Retained Development.

Accordingly, the totality of the documentation submitted to the Board in relation to the Project provides information in relation to all aspects of the Project – both the Retained Development and the Proposed Development, thereby enabling the environmental assessment to be carried out in compliance with the requirements of both the Environmental Impact Assessment and Habitats Directives.

2.3 The Prospective Development

The existing Derrybrien Wind Farm Project comprises 70 no. Vestas V52-850 kW wind turbines and on-site substation ('Derrybrien Substation'), a c.7.8km grid connection

comprising an overhead line and Agannygal Substation connecting the wind farm to the National Grid and all associated development works.

For context, the location of the project site is shown on **Drawing QS-000280-01-D460-025-002-000**. For ease of reference this drawing also shows the application area for the Retained Development substitute consent application.

As noted in **Para. 1.2** above, the ‘**Derrybrien Windfarm Development Decommissioning Project**’ will be implemented by way of two consented works packages – the ‘Retained Development’ and the ‘Prospective Development’.

This application relates to the **Prospective Development** i.e. - that is all proposed physical works associated with the decommissioning project, including any ancillary and temporary works – being the prospective works that will be carried out to decommission the existing wind farm site; along the route of the overheadline, and at Agannygal substation.

These are summarised as:

- Enabling works to facilitate the decommissioning of the Derrybrien Wind Farm, including all temporary and ancillary works;
- Decommissioning of Derrybrien Wind Farm with the removal of the 70 No. turbines (blades, nacelle, and tower), 2 No. anemometer lattice masts, electrical equipment and the substation building at Derrybrien substation. Subject to a grant of substitute consent, all sub-surface infrastructure, hardstand areas and the internal road network would remain *in situ* but would not be visible in the context of the surrounding landscape;
- Decommissioning and removal of the Derrybrien Wind Farm grid connection comprising Derrybrien-Agannygal 110 kV Overhead Line and Agannygal Substation connecting into the Ennis-Shannonbridge 110 kV Overhead Line. Reinstatement of the Ennis-Shannonbridge 110kV Line.

It is noted that these works will utilise pre-existing site infrastructure, namely:

- Existing hardstands – which it is proposed will be used at two locations the Wind Farm and Agannygal Substation, to accommodate new, temporary construction compounds with minor improvement works including vegetation/scrub clearance and minor levelling works;
- Existing on-site roads and accessways – which it is proposed will be subject of localised improvements and use in facilitating decommissioning works; with these ‘improved and retained’ roadways remaining *in situ* post-decommissioning, subject of a grant of permission.

Additional detail in relation to each aspect of the Retained Development is provided on the accompanying planning drawings and also in the EIAR and NIS. Where any conflict arises between the development or construction details set out in this Report and the accompanying drawings, the EIAR or the NIS, those statutory documents should be considered to take precedence.

2.3.1 Enabling Works

Enabling works are necessary at the Derrybrien Wind Farm site to facilitate the decommissioning, dismantling and removal of the Derrybrien Wind Farm.

These enabling works will include:

- Establishment of 3 No. temporary compounds and hardstand areas for use by contractors. At specific locations (e.g. the Wind Farm and Agannygal Substation) these compounds will be located on the site of previous areas of hardstanding.
- Vegetation/scrub clearance and minor levelling works at the existing hardstand areas and access tracks.
- Improvements to existing access roads and forestry tracks. Minor permanent upgrades are needed to some sections of the access roads to facilitate heavy plant accessing the wind farm. It is envisaged that the improvement works would include filling potholes and localised widening, as necessary. Temporary widening of the turbary road and certain sections of turning heads may also be required to provide safe access to the mobile crane that will be used to dismantle the turbines. 1 No. 10m long turning area at Turbine No.4 is required to facilitate access. Furthermore, for clarity, it is noted that – subject of grants of permission, these ‘improved and retained’ roadways would remain *in situ* post-decommissioning.

2.3.2 Decommissioning

The existing Derrybrien Wind Farm Development comprises 70 no. turbines, crane hard standings, 17.5 km of access tracks within the site (including 14.6km of floating access tracks), drainage channels, borrow pits/quarries, on site material storage, the Derrybrien 110 kV substation, direct buried electric cables and 2 no. anemometer masts. The windfarm is no longer in commercial operation.

The site access road is from a pre-existing Coillte accessway that links with a minor public road – the Black Road, which connects with the R353 Regional Road.

The site is located on the upper slopes of Cashlaundrumlahan Mountain within the Slieve Aughty Mountains, at altitudes of 320m to 365mOD.

It is proposed to decommission and remove key elements of the Derrybrien Wind Farm and associated ancillary components – namely the 70 no. turbines (blades, nacelle, and tower), 2 No. anemometer lattice masts, electrical equipment and the substation building at Derrybrien substation. The decommissioning works will principally remove the above ground structures only. On completion of the works, the wind farm site will be free of all above ground structures. Locations of works will be levelled and reinstated to match adjoining areas of ground. It is not proposed to replant the wind farm site with trees although natural regrowth of previously felled areas will likely continue.

Access to the site will be via the existing main accessway. Localised improvements to on-site roads are provided for (refer **Para. 2.3.1**)

Subject to a grant of substitute consent, all sub-surface infrastructure, hardstand areas and the internal road network would remain *in situ* but would not be visible in the context of the surrounding landscape. For clarity, the features of the wind farm that will be left *in-situ* after decommissioning works are completed (i.e. the Retained Development) comprises:

- Reinforced concrete foundations for 70 No. wind turbines,
- Reinforced concrete foundations of structures within the Derrybrien Substation compound,
- Reinforced concrete foundations of 2 No. Anemometer masts,
- Approximately 17.5km of access tracks and 70 No. hardstand areas,

- Direct buried underground electrical and communications cabling,
- 3 No. borrow pits / quarries,
- Naturalised peat repository areas,
- Onsite drainage infrastructure, and
- A third-party mast (noting that the electricity supply to the site will be disconnected).

2.3.3 Grid Connection Works

The decommissioning works will include:

- Destraining of the overhead line conductor,
- Removal of the overhead line infrastructure (34 no. double wood pole structures and 8 no. masts),
- Removal of Agannygal substation and demolition of control building,
- Removal of standby generator (bunded) and diesel tank, external lighting poles, lightning mast,
- Removal of palisade fencing surrounding the Agannygal substation,
- Reinstatement of the Ennis-Shannonbridge 110kV Line.

Subject to a grant of substitute consent, the features of the grid connection that will be left *in-situ* after decommissioning works are completed (i.e. the Retained Development) comprises:

- Concrete foundations for wood pole structures, end masts, angle mast and intermediate mast.
- Concrete foundations within the Agannygal Substation compound.

2.4 The Retained Development

As noted previously, in addition to the undertaking the Prospective Development, it is also proposed to retain specific parts of the existing development *in situ* – the Retained Development. This proposed approach has been developed having regard to a detailed engineering assessment of alternative options for decommissioning and an assessment of likely environmental impacts. The approach of retaining specific features in situ is an industry standard – and notably reflected in the relevant policies for decommissioning wind energy projects (see **Para.** *Error! Reference source not found.*) which assumes that particular features associated with a decommissioned windfarm would remain *in situ*.

For the avoidance of doubt, it is proposed that the following features will remain *in situ* after the Derrybrien Wind Farm Decommissioning works are completed:

- At-ground and below-ground structures, such as:
 - Reinforced concrete foundations for 70no. wind turbines.
 - Reinforced concrete foundations of structures within the Derrybrien Substation compound.
 - Reinforced concrete foundations of 2no. Anemometer masts.
 - Approximately 17.5km of access tracks and 70no. hardstand areas.
 - Direct buried underground electrical and communications cabling.
 - 3no. Borrow Pits / Quarries.
 - Naturalised Peat Repository areas.
 - Onsite Drainage Infrastructure.

- Below ground elements of 34no. double wooden pole sets.
- Reinforced concrete foundations for 2no. end masts.
- Reinforced concrete foundations for 5no. angle masts.
- Reinforced concrete foundations for 1no. intermediate mast.
- Reinforced concrete foundations of structures within the Agannygal Substation compound.
- Offsite features constructed in response to the peat slide in 2003, including:
 - Barrage 1 and Coillte Access Track.
 - Barrage 2 and Peat Repository Area.
 - Barrage 3 and Repository Area/.
 - Barrage 4.
 - Repository Area at the Black Road Bridge.
 - Drainage Diversion Works.
 - Repair works to Black Road Bridge, Flaggy Bridge, Unnamed Bridge C and Crooked Bridge.

Subject to a grant of substitute consent all of these elements will remain *in-situ*. However, the effect of such a grant of substitute consent, and the environmental assessments to be undertaken in the context of this application, would be that the planning status of these items would be regularised – i.e. they would no longer constitute unauthorised development.

2.5 Timeframe for the Completion of Decommissioning Works

The duration of the decommissioning phase is expected to be approximately 24 months. On completion of all of the works the site will be largely free of above ground structures. Pursuant to the grant of substitute consent as sought, all sub-surface infrastructure, hardstand areas and the internal road networks would remain *in-situ*.

The duration of the decommissioning phase is expected to be approximately 24 months. On completion of all of the works, the site will be largely free of above ground structures. Pursuant to the grant of substitute consent as sought, all sub-surface infrastructure, hardstand areas and the internal road networks would remain *in-situ*.

The implementation of the Project is expected to take place in stages, as set out in Section 2 of the Decommissioning Management Plan included within this application, and as summarised below, **Table 2.1**.

The stages are expected to run concurrently. As is normal in construction programmes, there may be periods where factors such as the presence of breeding birds, restrictions on hedge trimming, weather conditions, ground conditions or availability of an outage of the grid for the reinstatement of the Ennis-Shannonbridge line etc., may influence works schedules. As such, to ensure adequate provision is made for construction works to take place in an orderly manner, planning permission is sought for a 5-year period.

Table 2.1 Indicative Decommissioning Stages, per Decommissioning Management Plan

Stage No.	Individual Task Description	Individual Task Duration	Stage duration
Stage 1: off site enabling works	Off site enabling works e.g., public roads, verge clearing (if required), hedge trimming (public road and site).	2 weeks and might be undertaken in advance due to the seasonal nature of the works	2 weeks
Stage 2: Wind Farm (excl. Derrybrien substation)	Establish site compound On site enabling works e.g., potholes on private tarred road in addition to potholes on windfarm roads	3 weeks	42-77 weeks
	Dismantle turbines Remediate windfarm road surface to ensure appropriate running surface for cranes Clear area to receive rotor assembly & temporary blade storage. Turning heads (where required) Widen turbary road (if required) Dismantle Turbines and haul off site	39-74 weeks duration	
Stage 3: Grid Connection (incl. Derrybrien substation). This stage can only commence once the last turbine radial has been disconnected.	Derrybrien substation	14 weeks	26 weeks
	Decommission the OHL as far as Agannygal	9 weeks	
	Reinstate Ennis Shannonbridge 110kV line	6 weeks Will need to take down the Agannygal masts before doing anything with the reinstatement and then ensure that appropriate safety clearances are in place while the line is live overhead.	
	Decommission Agannygal substation	14 weeks	

2.6 Public Consultation and Engagement

2.6.1 Pre-Planning Application Consultation

In accordance with provisions of section 37L(9) of the 2000 Act, in October 2024 the Applicant wrote to ABP seeking to initiate pre-application consultation in respect of this application for planning permission. At this time, the Applicant confirmed that it did not propose to seek a scoping opinion in relation to the environmental assessment documents, but indicated the purpose of consultation was, in accordance with statutory provisions, to enable:

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

The Applicant confirmed at that time that the preparation of this planning application was at an advanced stage and noted that Gort Windfarms Limited was co-operating with Galway County Council in relation to enforcement proceedings which require that these works are completed within a specified timeframe. Furthermore, it was confirmed that, as part of the pre-application and environmental assessment process, the Team acting for the Applicant had held a public information event where the scope of work proposed was explained and where attending members of the public were advised of our intention to submit this application.

Under reference ABP Ref ABP-321862-25, the Board acknowledged the pre-application meeting request – noting that this process would only deal with procedural matters. A pre-application meeting was facilitated on 7th February 2025, with a written record provided thereafter – see **Appendix B**.

It is noted that pre-application scoping correspondence was issued to the Planning, Roads and Transportation, Environment and Heritage Departments of the County Council. The Applicant did inform the Planning Department of Galway County Council of the convening of the Public Information event and timeframe for any pre-application submission. Similarly, the Enforcement Section of Galway County Council, in acknowledgement of the receipt of the enforcement notice, were advised of the timeframe for submission.

2.6.2 Informal EIA Scoping

As part of the environmental assessment process, a non-statutory scoping report, providing details of the Derrybrien Wind Farm Development Decommissioning Project, was circulated to prescribed statutory bodies in September 2024.

The scoping document provided details of the Derrybrien Wind Farm Development Decommissioning Project and set out the scope of work for the EIAR. Consultees were invited to contribute to the environmental assessment documentation by suggesting baseline data, survey techniques and potential impacts that should be considered as part of the assessment process and in the preparation of the EIAR. *Section 2.2* of the EIAR sets out in detail the list of 36 consultees to whom the scoping document were sent; the 11 responses received from those; the key points from the scoping responses and identifies where such points have been addressed in the EIAR.

2.6.3 Public Consultation

The Applicant set in place a consultation process that began with the Board's decision to refuse substitute consent in relation to the previous development proposal (February 2022). A press statement confirmed the cessation of generation activity and an intention that the wind farm development would be decommissioned. The dedicated project website – www.derrybrienwindfarm.ie, was maintained and periodic updates posted.

National and local media periodically feature articles in relation to the Derrybrien Wind Farm Development. There has consistently been a high level of public awareness of the development and the requirement for the developer to decommission the wind farm development, consequent upon the refusal of substitute consent.

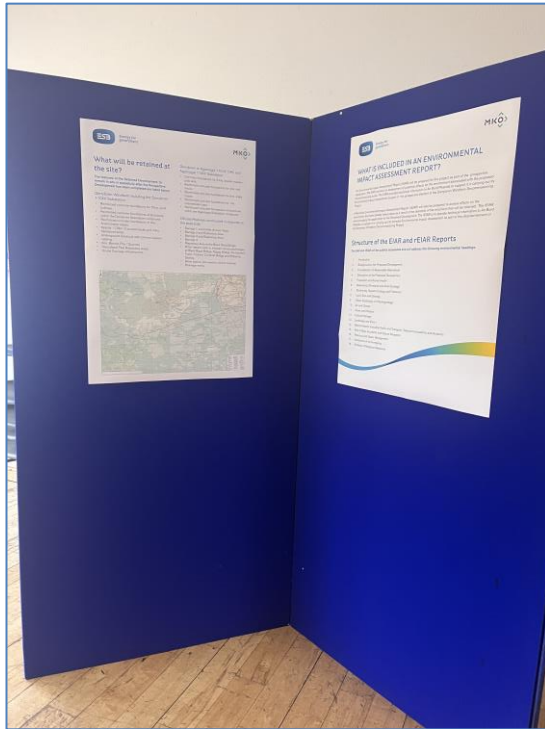
Gort Windfarms Limited sought to increase public awareness of the imminent application and to highlight the opportunities that this particular process gives for third parties to get involved. Although the current proposal relates to decommissioning – as opposed to continuing operation of a wind farm development – it was deemed appropriate that sectoral guidance was reviewed, considered and applied, particularly:

- the 2006 **Wind Energy Development Guidelines** [specifically Para. 4.4 Public Consultation with the Local Community and Appendix 2 – Advice for Developers on Best Practice in the Pre-application Consultation Process];
- the **Good Practice for Wind Energy Development Guidelines**, Department of Communications, Climate Action and Environment (December 2016);
- The **Code of Practice for Wind Energy Development in Ireland Guidelines for Community Engagement**, Department of Communications, Climate Action and Environment (2016) and
- Relevant guidance in relation to environmental impact assessment and Appropriate Assessment.

In advance of submitting this application for planning permission - and mindful of, *inter alia*, the need to engage in meaningful consultation; the limited range of options open to the Applicant; the planning history of the project, and the associated sensitivity of these issues with the local community; a number of steps were taken, namely:

- An independent Community Liaison Officer (CLO) was retained – having been previously involved in engagement with third parties during the original substitute consent process. Contact details (email and phone number) for the CLO were provided in an information sheet and members of the public were invited to contact the CLO as appropriate.
- From July 2020, the dedicated Project website (www.Derrybrienwindfarm.ie) was maintained. This website provided updates on the status of the application and also – once this application is submitted, hosts the application documentation. The public notices were included to ensure that people had access to information directing them to how they could engage with the statutory decision-making process;
- Key stakeholders were advised of the application and submission of the assessments in compliance with the EIA and Habitat Directives and the opportunity to engage with that process (relevant details are set out in Chapter 2 of the EIAR).

- A public information event was hosted at Gort Community Centre, Ennis Road, Lavally, Gort, Co. Galway, H91 K7YA on Monday 16th September 2024.



Images from the Derrybrien Public Information Event, October 2024



In advance of the event, advertisements were posted in the local press, and details provided to local newspapers. In advance of the event, a one page, 'plain English' leaflet (see **Appendix C**) was distributed; describing the 'Derrybrien Wind Farm' and providing details on the event where the public could find out

more about the decommissioning process. The leaflet was distributed within a consultation catchment of 10 km from the outer edge of the Wind Farm site. At the event, information boards were provided describing the Project and setting out the next steps in the planning process; and 10 representatives from the technical team – including those engaged in planning, environmental impact assessment, civil engineering, geotechnical assessment, and hydrology / flood risk assessment; attended.

The event was attended by c. between 55 and 60 people - principally members of the local community, with a small number of public representatives. The key issues raised were:

- Dissatisfaction with the proposal to decommission the wind farm, particularly in light of the need for additional renewable electricity generation capacity and the perception of it as an important asset.
- Community gain and a desire that there should be a contribution to the local community via a prolonged community fund, or other measure linked to the long-term management of the site.
- Concern about how the Project could interact with on-going turbary activity on the site.
- Flooding and assessment of flood risk – with positive engagement on how the risk would be assessed and mitigated.
- Engagement and communications – with some participants speaking to issues specific to the planning and legal history of the development, which were beyond the scope of the discussion.

Following the event, digital versions of the information boards were posted on the project website. The information boards described the 'Derrybrien Wind Farm Development Decommissioning Project' and explained the development consent processes, setting out the opportunities people would have to view the application documentation and also to comment on the Project.

- Landowners who are affected by the project, including Coillte were consulted with directly.

2.6.4 Consultation during the Application Processes

The planning application process includes statutory public consultation, including:

- Registration of the project with the EIA Portal, operated by the Department of Housing, Planning and Local Government enabling the searching of public notices and applicant details;
- Erection of statutory notices on the subject site – noting that some 11no. notices have been erected in advance of this submission being made. It is noted that such notices were in excess of those required under the Act and Regulations, but reflective of the Applicant's intention that the application process would be notified to the general public;
- Publication of statutory notices in two approved newspapers for County Galway – namely the Irish Independent and the Connacht Tribune, to ensure that the general public were aware of the planning application process and the opportunities for engagement.

- Availability of hard and soft copies of the application documents at the offices of An Bord Pleanála and also Galway County Council;
- Availability of project documents on a dedicated website – www.Derrybrienwindfarm.ie; and
- The opportunity is afforded to third parties to participate in the decision-making process through the making of written submissions and the opportunity to seek an oral hearing.

3 Planning & Environmental Assessment

3.1 Policy Context

The existing development comprises a non-operational wind farm and associated development, which is deemed to be unauthorised development. Relevant policies and development management guidance that may apply, is set out below.

3.1.1 National Policy Guidance

In relation to the decommissioning and reinstatement of a wind energy project, the **2006 Wind Energy Development Guidelines**, provide some guidance as follows:

- **Para. 5.14** – describes the environmental implications associated with these works, stating:

“The decommissioning of a wind energy development once electricity ceases to be generated must be assessed. Plans for decommissioning should be outlined at the planning stage. Issues to be addressed include restorative measures, the removal of above ground structures and equipment, landscaping and/or reseeded roads. It may be appropriate to allow tracks to remain, e.g., as part of a walking route after decommissioning.”

It is noted that the two applications for consent to decommission the Derrybrien Wind Farm Development, strongly align with this guidance.

It is further noted that the Guidance accepts the principle that a reinstated site will, by necessity, retain some elements of the development post-decommissioning and, the proposed retention of on-site roads, and access ways, strongly complies with this.

- **Para. 7.19** deals with planning conditions in relation to this final phase of development of a wind energy project, stating:

“Conditions requiring the lodgement of financial bonds have been used in the past to try to ensure that decommissioning will take place in a responsible manner. However, the use of long-term bonds to secure satisfactory reinstatement of the site upon cessation of the project puts an unreasonable burden on developers given the long time span involved in wind energy developments and is difficult to enforce. The recycling value of the turbine components, particularly copper and steel, should more than adequately cover the financial costs of the decommissioning. Accordingly, the use of a long-term bond is not recommended.”

It is noted that the original consents for the windfarm did not limit the operational life of the development. Notwithstanding this omission, and pursuant to the refusal of substitute consent by the Board, there is an imperative to decommission the site of the development and regularise its planning status, having enabled all required environmental assessment to have been carried out by the competent authority.

As set out in the application documentation, the decommissioning strategy has been strongly influenced by the need for environmental protection and, therefore, decommissioning has been designed to occur in an environmentally responsible manner – with the key mitigation being the avoidance of impacts particularly in respect of the decision

to retain elements of the development *in situ*. As such, compliance with this Ministerial guidance is achieved.

In conclusion, it is noted that this application submitted to the Board for planning permission and the accompanying environmental reports and statements have been prepared in compliance with the applicable Guidelines – the WEDG 2006 Guidelines.

3.1.2 Provisions of the Galway County Development Plan

The relevant provisions of the Galway County Development Plan 2022–2028 (“the CDP”) apply to the Board’s consideration of this application for development consent.

As a general principle, it is noted that the introduction to the CDP states that ‘*In accordance with national policy, the plan is seeking to develop in a sustainable and environmentally sensitive manner.*’. In regard to this general principle, it is submitted that the Derrybrien Wind Farm Decommissioning Project – which will regularise elements of unauthorised development within a broader strategy to decommission an unauthorised development, is strongly aligned with this over-arching principle which is central to orderly and sustainable development.

The following provisions of the CDP are noted.

- **S.8.13.2** identifies the four landscape sensitivity classes in the County. The subject site is located in the Slieve Aughty Landscape Character Area (LCA). The wider area features the ‘Slieve Aughty Scenic Route’. This area is classified as Class 3 - having a ‘special’ landscape sensitivity. The commentary in the accompanying Landscape Character Assessment notes the presence of large windfarms in the area and their contribution to the locally distinctive appearance and character of the area.
- **Development Management Standard 47** notes these landscape designations and indicates that development in Class 3 setting will be ‘*Restricted to essential residential needs of local households, family farm business and locally resourced enterprises.*’
- **Development Management Standard 70** on Wind Energy sets out those local considerations that will be taken into account in the assessment of an application for wind energy developments. It is noted that visual and environmental impacts are prominent on this list.
- A **Renewable Energy Strategy** (RES) is appended to the CDP (Appendix A). In a commentary on the availability of renewable wind energy capacity in the County, this 2021 report does refer to the 163.3 MW capacity of the existing wind farm. As noted previously, it is confirmed that this contribution is no longer on-going as the windfarm ceased commercial generation in early 2022. As shown on RES **Map 15** the subject site is in an area where wind energy projects are ‘*not normally permissible*’.

From a landscape setting point of view, the implementation of the Derrybrien Wind Farm Decommissioning Project, will remove visible elements of this large-scale development from a sensitive landscape character area. On completion of these works the appearance of the site will be consistent with that of the surrounding area – which is characterised by its rural setting, with significant commercial forestry.

The proposed decommissioning of the development will remove this development from the local landscape. This is strongly endorsed by the RES given this location is now one where wind energy developments are now not normally permitted. The proposed decommissioning and the reinstatement of the site – by means of the removal of visible items, is therefore strongly compliant with the provisions of the County Development Plan. In respect of DM Standard 70, in decommissioning a wind energy project it is reasonable to have regard to those considerations that apply to the assessment of a *de novo* proposal for construction of a wind energy project. In that regard it is noted that the proposed development would strongly comply with the objectives set out therein, which we submit is reflective of the degree to which environmental protection has informed the scoping of the Derrybrien Wind Farm Decommissioning Project as a whole.

3.2 Planning History

The application for planning permission seeks authorisation for certain development, necessary to fully and finally decommission the development.

As such, the planning history of the existing development, as it relates to both the initial development phases and the previously proposed retention and continued operation of the development (as set out in the substitute consent application, ABP 308019-20), is of limited relevance. For ease of reference, **Table 3.1** below sets out the key differences in scope between the previous (2020) substitute consent application and the current (2025) decommissioning proposal – noting that, at the most fundamental level, the previous proposal sought the retention and continued operation of the wind farm development, whereas the current application seeks only to retain existing structures in the context of implementing a broader and final decommissioning strategy, without any intention to resume operation of the wind farm development.

Given the fundamental material differences - in factual and planning terms, between the proposed developments, it is submitted that the reasons for refusal under ABP-308019-20, are not relevant to the current application. Indeed, this application for permission should be assessed *de novo* and in light of the obligation to decommission arising from the previous decision to refuse substitute consent for the previous proposal involving an intention to continue operation of the wind farm development – which is not being pursued – and the enforcement notice issued by Galway County Council, EN24/237.

Table 3.1 Scope and content of the Development subject of ABP-308019-20 and the current Derrybrien Wind Farm Decommissioning Project

Project Element	Proposal for Retention and Continued Operation of Derrybrien Wind Farm as set out in ABP-308019-20	Derrybrien Wind Farm Decommissioning Project as set out in current applications
Derrybrien Wind Farm and ancillary development	<ul style="list-style-type: none"> - Regularisation of all existing development works, - Continued operation for c. 20 years; and - Decommissioning at end of life, in-line with current proposal where at- and over-ground structures are removed and substructures retained <i>in situ</i> 	<p>Decommissioning of development with:</p> <ul style="list-style-type: none"> - removal of at- and above ground structures including turbines, anemometer lattice masts, electrical substation and plant; - retention <i>in situ</i> and in perpetuity of at- and below-ground structures such as turbine and other foundations, hardstands, internal road network, borrow pits / quarries, etc.
Existing grid connection (OHL) and Gangwal Substation	<ul style="list-style-type: none"> - Regularisation of all existing development works, - Continued operation for c. 20 years; and - Decommissioning at end of life, in-line with current proposal where at- and over-ground structures are removed and substructures retained <i>in situ</i>. 	<p>Decommissioning of development with:</p> <ul style="list-style-type: none"> - Destraining of the overhead line conductor - Removal of the overhead line infrastructure (34 no. double wood pole structures and 8 no. masts) - Removal of Agannygal substation and demolition of control building - Removal of standby generator (bundled) and diesel tank, external lighting poles, lightning mast - Removal of palisade fencing surrounding the Agannygal substation - Reinstatement of the Ennis-Shannonbridge 110kV Line. - Retention <i>in situ</i> of concrete foundations for wood pole structures, end masts, angle mast and intermediate mast, and concrete foundations within the Agannygal Substation compound.
Off-site Development Works associated with peat slide events	<ul style="list-style-type: none"> - Decommissioning of Barrages 3 and 4 - Retention <i>in situ</i> of off-site development associated with historic peat slide events that occurred during construction, namely: - Barrage 1 and Coillte Access Track: - Access track at T68 – within the wind farm site - Access track between T23 and T70 – within the wind farm site - Barrage 1 and associated access track - Barrage 2 & associated repository area and associated access track - Repository area at Barrage 3 - Repository area at the Black Bridge 	<p>Retention <i>in situ</i> of off-site development associated with historic peat slide events that occurred during construction, namely:</p> <ul style="list-style-type: none"> - Barrage 1 and Coillte Access Track. - Barrage 2 and Peat Repository Area. - Barrage 3 and Repository Area/. - Barrage 4. - Repository Area at the Black Road Bridge. - Drainage Diversion Works. - Repair works to Black Road Bridge, Flaggy Bridge, Unnamed Bridge C and Crooked Bridge

3.3 Planning and Environmental Assessment

The proposed Prospective Development forms part of the Derrybrien Wind Farm Development Decommissioning Project which will remove substantial elements of unauthorised development and regularise the status of the Retained Development and the subject lands.

The proposal - whereby development works (the Prospective Development') will decommission above ground structures and reinstate the site; and limited elements will remain *in situ* (the Retained Development) has been confirmed to be the option that poses the least environmental risk. In circumstances where alternative approaches e.g. removal of these elements, could give rise to avoidable environmental risk, a grant of substitute consent for the Retained Development is consistent with the principles of proper planning and sustainable development.

The proposal is fundamentally different, in factual and planning terms, from the proposal submitted to the Board under ABP-308019-20 – in that it does not seek consent to regularise and resume or continue operation of the development but rather consent to decommission the development, in compliance with a statutory enforcement notice. As such, the proposal complies strongly with planning policies that support the orderly development of the local area – insofar as it relates to the regularisation of unauthorised development; and sectoral policies (WEDG 2009) which confirm that the decommissioning of wind farms is understood to include the removal of above ground elements and the retention of elements including site tracks and access roads.

As regards environmental assessments, this application for planning permission is supported by environmental assessments in compliance with the provisions of both the Environmental Impact Assessment and Habitats Directives – in the form of a detailed Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS). These documents enable the Board to carry out full and robust remedial environmental assessments of the Retained Development as part of the Decommissioning Project, and again support a grant of planning permission.

3.4 Conclusion

Having regard to the totality of the information submitted with this application, it is submitted that permission should be granted for the Prospective Development under section 37L of the 2000 Act

Appendix A

Enforcement Notice EN23/235 issued by Galway
County Council

COPY

EN23/235

GALWAY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000: SECTION 154

ENFORCEMENT NOTICE

TO: Ronke Gbadebo,
Company Secretary
C/O Gort Windfarms Limited
27 Fitzwilliam Street Lower
Dublin 2
D02 KT92

WHEREAS Galway County Council (“the Planning Authority”):

1. Has made a decision pursuant to Section 153 of the Planning and Development Act 2000 to issue this Enforcement Notice.
2. The Planning Authority considers that Unauthorised Development has been, is being or may be carried out (by you) in the Townland/s of

1. Derrybrien North
2. Derrybrien West
3. Boleyneendorrish
4. Toormacnevin
5. Bohaboy
6. Funshadaun
7. Coppanagh
8. Kilbeg
9. Derrybrien South
10. Loughatorick North,
11. Slieveanore,
12. Derrybrien East
13. Derreennamucka,

In the County of Galway and that you are the person carrying out the development.

Development to which this Notice relates:

- Unauthorised Windfarm at Derrybrien, Co. Galway located in the townlands of
 1. Derrybrien North
 2. Derrybrien West
 3. Boleyneendorrish
 4. Toormacnevin
 5. Bohaboy
 6. Funshadaun
 7. Coppanagh
 8. Kilbeg
 9. Derrybrien South
 10. Loughatorick North,
 11. Slieveanore,
 12. Derrybrien East
 13. Derreenamucka

The Unauthorised Windfarm development falls within 13 townlands, those at 1-8 above consist of the windfarm itself, access and service roads, the compound and sub-station. The townlands 9-13 consist of the grid connection which facilitates the export of electricity from the wind farm to the national grid.

TAKE NOTICE that the Planning Authority hereby:

1. Requires that the development, being a development for which no permission has been granted would cease.
2. That you take the steps hereunder specified:
 - a) Requires the cessation and discontinuance of the unauthorised use and unauthorised development at Derrybrien in the townlands referred to above, within 24 hrs of the date of service of this notice (the subject matter of application ABP – 308019 – 20 refused by An Bord Pleanála under s177K of the Planning and Development Act, 2000 as amended).
 - b) Requires the decommissioning and, where appropriate in terms of possible environmental impacts on the environment at this location, the removal of the unauthorised windfarm and associated ancillary structures at Derrybrien in the townlands referred to above, subject to the applicable consent(s)/ permission(s) from the appropriate competent authority or authorities.
 - c) Requires that in circumstances where an environmental impact assessment and/or appropriate assessment is required, this will be carried out and the results submitted with any application for consent/permission referred to

above, to the appropriate Authority or authorities (pursuant to the provisions of s177E and s37L of the Planning & Development Act, 2000 (as amended).

- d) All necessary applications, approvals, permissions and works to be carried out and completed in full within 36 months of the date of this notice.
3. Gives you warning that if the steps to be taken specified in this Notice are not taken within the period of 36 months of the date of service of this Notice, or such extended period as the Planning Authority may allow, the Planning Authority may enter on the land and take such steps, including the removal, demolition or alteration of any structure, and may recover from you any expenses reasonably incurred by it in that behalf.
 4. Requires you to refund to the Planning Authority the costs and expenses reasonably incurred by the Planning Authority in relation to the investigation, detection and issue of this Notice (and any warning letter under Section 152), including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisors, and the Planning Authority may recover these costs and expenses incurred by it in that behalf pursuant to s161 of the Planning & Development Act, 2000.
 5. Gives you warning that if within the period specified in this Notice or such extended period, not being more than 6 months, as the Planning Authority may allow, the steps to be taken as specified in the Notice are not taken, you may be guilty of an offence.

Dated: 29/8/24

Signed: Aileen Kearey
Administrative Officer/Senior Staff Officer

Box 27,
Galway County Council,
Planning and Development Section,
Áras an Chontae,
Prospect Hill,
Galway.

EN23/235

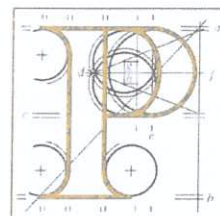
Please contact the Enforcement Section at 091-509042 should you have any queries

Appendix B

Pre-Application Consultation Record, issued by An Bord Pleanála

Our Case Number: ABP-321862-25

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 in to pre-application consultation pursuant to section 37L of the Planning and Development Act 2000, as amended
Derrybrien Wind Farm, Slieve Aughty Mountains. Co. Galway

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

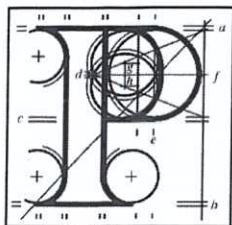
SI Record

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email
(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



An
Bord
Pleanála

Record of Meeting ABP- 321862-25 1st meeting

Case Reference / Description	ABP- 321862-25 Request to enter into pre-application consultation pursuant to Section 37L of the Planning and Development Act 2000 (as amended) for the carrying out of decommissioning works to remove the majority of above-ground features from the site - including all turbines, masts, electrical plant, overhead lines etc. and enable the final decommissioning of the site.		
Case Type	Pre-application Consultation		
1st / 2nd / 3rd Meeting	1 st Meeting		
Date	07/02/2025	Start Time	11.30.a.m. (approx.)
Location	Virtually by Microsoft Teams	End Time	12 p.m. (approx.)
Processing Contact: Dan O'Connor danieloconnor@pleanala.ie			
<u>Representing An Bord Pleanála</u>			
Karen Hamilton – Assistant Director of Planning (Chair)			
Ian Campbell – Senior Planning Inspector			
Daniel O'Connor – Executive Officer (Note taker)			
<u>Representing the Prospective Applicant</u>			
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)			

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 November 2024 from Heather McMeel, to enter into pre-application consultations under Section 37L of the Planning and Development Act, 2000, as amended.

A broad agenda was circulated as follows:

Agenda

- Description of development and relevant background information. Brief outline presentation by the applicant of development proposed under S. 37L.
- 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 S.177E application, and a pre-application meeting will be held in conjunction with this meeting.

There were questions around printing requirements and how many copies should be submitted. When submitting the application 6 hard copies and 1 electronic/digital copy of the full application should be submitted.

Prospective Applicant:

Questions

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. Fee calculation
4. Applicant queried if reference should be made in public notices to a project website.
5. Applicant indicated that application form that will be submitted with the S. 37L application will be Form No. 2.

ABP:

1. The site notice for the application under section 177E should be white, and any further application under section 37L, the site notice should be yellow.
2. Scale of drawings seem logical.
3. Standard fees apply.
4. 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.
5. Applicant advised that correct form for S.37L application(s) is Form 10, as per the Planning and Development Regulations, 2001, as amended.

Prospective Applicant:

An EIAR will be submitted with the application with a full life cycle of the development.

ABP:

EIAR will be validated under 22AR(1) it is a very specific requirement.

Prospective Applicant:

There will be a stand-alone chapter of technical reports and sources submitted within the EIAR.

Prospective Applicant:

Questions whether they will need to notify prescribed bodies.

ABP

The Board will notify prescribed bodies as necessary.

ABP:

The applicant should submit updated survey reports

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

Prospective Applicant:

The application is to minimise risk. Peat instability and haul routes will be included as part of the application

There will be 3 applications in total; 1 under Section 177E and 2 under Section 37L. The decommissioning of the Agannygal 110kV substation will be included in a separate S. 37L application. All applications will all be made on the same day.

ABP:

Noted that applications under Section 37L must be submitted no later than 6 weeks after the application under Section 177E is submitted,

Prospective Applicant:

Noted that they plan to submit 3 applications together and make payment via EFT.

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

Appendix C

Derrybrien Wind Farm Decommissioning Project – Public Information Sheet

Public Information Event

Gort Windfarms Limited, a wholly owned subsidiary of ESB, plan to decommission the Derrybrien Wind Farm, in consultation with the relevant planning authorities and in accordance with planning laws and regulations.

Gort Windfarms Limited will host a Public Information Event where you can find out more information on the decommissioning plans.

The Public Information Event will be attended by the project developers and environmental experts. Join us to understand the scope and timeline of the decommissioning process, learn about measures to mitigate the environmental impact during and after decommissioning, and engage with project team leads to address any concerns and queries.

Date: 16th September 2024

Time: 3- 8pm

Location: Gort Community Centre

Address: Ennis Rd, Lavally, Gort, Co. Galway, H91 K7YA

We look forward to discussing the project with you.

If you have any questions in advance of the Public Information Event, please contact the project's Community Liaison Officer David Linnane at david.linnane@esb.ie

CONTACT US :

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