

## James Sweeney

**From:** McMeel, Heather (Engineering and Major Projects) <heather.mcmeel@esb.ie>  
**Sent:** Monday 13 July 2026 17:21  
**To:** Appeals2  
**Subject:** 323014-25 and 323018-25 - Applicant's Response on Submissions Received  
**Attachments:** 260713\_Response to Submissions\_37L 323018-25.pdf; 260713\_Response to Submissions\_Sub Con 323014-25.pdf

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Good afternoon,

I refer to the above applications and, in particular, to correspondence received from An Coimisiún Pleanála (ACP) dated 24th June 2026, requesting ESB to make submissions or observations on the observations received by ACP for both **323014-25** and **323018-25**. Please see attached the Applicant's observations in relation to same.

I would appreciate if you could provide confirmation of receipt of this email.

Kind regards,

Heather

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**An Coimisiún Pleanála**  
**64 Marlborough Street,**  
**Dublin 1**  
**D01 HV902**

13<sup>th</sup> July 2026

**Re: ACP Case Number 323018-25 - Response to Submissions from Martin Collins;  
Derrybrien Bog Plot Owners' Society Limited; Paul O'Shea on behalf of Planet Before  
Profit CLG; Department of Housing, Local Government and Heritage; An Taisce; and  
Transport Infrastructure Ireland**

Dear Sir/Madam,

## **1. Introduction**

On behalf of Gort Windfarms Ltd., I refer to the above application and, in particular, to correspondence received from An Coimisiún Pleanála (ACP) dated 24<sup>th</sup> June 2026, requesting ESB to make submissions or observations on the observations received by ACP:

- (i) Martin Collins dated 20<sup>th</sup> August 2025,
- (ii) Derrybrien Bog Plot Owners' Society Limited dated 22<sup>nd</sup> August 2025,
- (iii) Paul O'Shea on behalf of Planet Before Profit CLG dated 4<sup>th</sup> August 2025,
- (iv) Department of Housing and Local Government dated 20<sup>th</sup> October 2025,
- (v) An Taisce dated 22<sup>nd</sup> October 2025 and
- (vi) Transport Infrastructure Ireland dated 17<sup>th</sup> October 2025.

It is noted that certain submissions received refer to issues in terms of the use of language as between the documentation submitted under the application for substitute consent (ACP 323014-25) and the documentation submitted with the (subject) application made under section 37L of the Planning and Development Act 2000, as amended (ACP 323018-25). In responding to the items raised in the submissions on the section 37L application, this response refers to documentation as submitted in respect of the 37L application ACP 32018-25 and, only to the extent necessary and appropriate, refers to documentation submitted under the application for substitute consent.

The specific submissions are responded to below.

## 2. Response to Submissions

### 2.1. Martin Collins

The submission received from Martin Collins identifies a number of issues arising in respect of the section 37L application and the planning issues arising from the submission are considered and responded to below.

#### **Issue #1: Community Engagement/Just Transition Fund**

##### Submission:

The submission states that the Applicant did not engage meaningfully with the local community (*refer page 1, pages 4-7 of the observation*). It is also contended that the Applicant has not put in place a "Just Transition Fund" to support the community (*refer page 1 of the observation*).

##### Response:

Section 2.6 of the Planning Report submitted with the application sets out the details of the consultation and engagement process undertaken in relation to the application for development under section 37L. Gort Windfarms Ltd set in place a consultation process that began once the decision to refuse consent issued under ABP-308019-20 (February 2022). A press statement was issued on the 16th of March 2022 to confirm the cessation of generation activity and that the Project would be decommissioned. In advance of submitting the section 37L application, a number of steps were taken by or on behalf of Gort Windfarms Ltd., including: (i) retaining an independent Community Liaison Officer (CLO) for the project, (ii) maintaining a dedicated project website ([www.Derrybrienwindfarm.ie](http://www.Derrybrienwindfarm.ie)), (iii) convening a public information event in September 2024, and (iv) informing key stakeholders of the intended application (as outlined in Chapter 2 of the EIAR). The Applicant has sought to increase public awareness of the application and highlighted the opportunities for third parties to become involved in the development consent process. Full details of the consultation process, and issues raised through the pre-planning public consultation phase in respect of the Project are set out in Section 2.6.3 of the Planning Report, submitted with the section 37L application.

Further, there has been ongoing consultation as part of the statutory development consent application process before the Commission.



It is acknowledged that a Just Transition Fund has not been put in place in this instance. It is important to recognise that the Just Transition Fund was created to support communities, particularly in Midlands counties, which are affected by the cessation of electricity generation from peat. In these areas, local economies were heavily dependent on employment provided by Bord na Móna's peat extraction activities and the ESB's peat-fired power generation. As these industries, that had long sustained significant levels of employment, were wound down, the Fund played an important role in assisting the communities most impacted. However, the decommissioning of an existing wind farm development does not present a comparable economic impact, nor does it carry the same implications for local employment. For those reasons, a Just Transition Fund is not appropriate in this context. However, it is worth noting that ESB has continued to operate a Community Benefit Fund for the Derrybrien Wind Farm, despite the wind farm ceasing commercial operations in February 2022, and ESB has committed to maintaining this Community Benefit Fund until 2028.

## Issue #2: Remediation Option

### Submission:

The submission states that the Applicant has not attempted to remediate the windfarm site to pre-development condition (pre-2003) (*refer page 1, page 3 of the observation*) and also queries the Alternative Scenarios considered in the EIAR and the rationale for the retention of specific features on the site (*refer page 7-10 of the observation*).

### Response:

As set out in detail in Chapter 3 of the Environmental Impact Assessment Report (EIAR), together with Appendix 3-1: *Assessment of Decommissioning Alternatives Report*, a full range of decommissioning options for the wind farm development was examined. The various alternatives were evaluated with regard to land ownership constraints, engineering feasibility, and environmental effects.

It should be reiterated that the overarching objective of the Derrybrien Wind Farm Development Decommissioning Project is to remove the wind farm infrastructure and, insofar as practicable, restore the site in a manner that avoids or minimises potential risks to key environmental receptors. In this context, the option of remediating the site to pre-development (pre-2003) condition is expressly referenced, and assessed, in the EIAR under **Alternative 3** (including emergency works installed during the peat slide) and **Alternative 4** (excluding emergency works). The environmental implications of both alternatives are evaluated in Chapter 3 and its associated appendices. Section 3.5 of the EIAR sets out



the conclusions of the alternatives assessment for each works area and provides the rationale for the preferred option.

Accordingly, the Applicant has considered the option of remediating the windfarm site to pre-development condition, as one of the alternative scenarios considered in the EIAR. However, for the reasons set out in the EIAR, such remediation to pre-development condition is not the preferred approach.

### **Issue #3: Hen Harrier Habitats**

#### **Submission:**

The submission states that the Applicant has not attempted to restore Hen Harrier habitat at the site and also refers to information regarding the status of Hen Harrier population in the Slieve Aughty Mountains SPA (*refer page 1, pages 11-12 of the observation*).

#### **Response:**

As is evident from section 5.3 of the Natura Impact Statement (NIS) submitted with the application, the mitigation measures which will be implemented during decommissioning have been designed to ensure that any potential impacts on hen harrier (including, for example, as a result of the temporary loss and disturbance of suitable habitat as well as increased levels of disturbance), do not result in adverse effects on the integrity of the Slieve Aughty Mountains SPA, either alone or in combination with any other plans or projects. These mitigation measures include the following steps, which have been specifically designed to avoid/reduce potential impacts on suitable hen harrier habitat:

- Cutover bog habitat will be temporarily removed to facilitate the temporary widening of the turbary track between turbines T25 and T45 as follows:
  - All plant machinery for widening of turbary road will operate from adjacent existing road surface.
  - Bog mats, geotextile and stone will be used to ensure peatland habitat in footprint of road widening will be reinstated.
  - Removed material will be carefully stored on pre-identified local hardcore areas not prone to disturbance and not on other vegetated bog habitat.
  - Material will be removed as turves where practical and care taken to keep the turves as intact as possible and vegetated side upwards. Where this is not possible, surface vegetated areas will be scrapped off and removed to the storage area where piles will be formed. Material will be regularly monitored and watered as required.

- After the temporary widening works are completed, the turves or peat piles will be transported back to the location using a dumper and bucket. Turves will be bedded in with the bucket to ensure a continuous layer without gaps between them. Surface peat material will be spread over bare surface.
  - All these steps will be monitored by an Ecological Clerk of Works.
- Additional terrestrial habitat protection measures will be implemented as follows:
  - Cutting back of vegetation will be completed from hard surfaced areas. Where this is not possible, manual tools should be used.
  - Ecological Clerk of Works to undertake pre-construction verification surveys of turbine and rotor storage sites and advise on micro-siting.
  - Ecological Clerk of Works, Geotechnical Engineer and contractor will undertake joint walkover survey of overhead line route to demarcate agreed access routes and agree detailed approach (including specific ground protection measures).
- A pre-construction non-native invasive species survey will be carried out prior to decommissioning. If any problematic non-native species are identified, an Invasive Species Management Plan will be prepared and implemented. All machinery will be checked and cleaned for non-native invasive species prior to entering site to avoid introduction and/or spread.

For the reasons set out in detail in the NIS, with the effective implementation of these mitigation measures, there will not be adverse effects on Hen Harrier habitat within, or associated with, any European site.

#### **Issue #4: SEA Directive**

##### **Submission:**

The submission states that the planning application is not in compliance with the Strategic Environmental Assessment Directive (SEA Directive) 2001/42/EC (*refer page 1 of the observation*).

##### **Response:**

The project for which development consent is sought is not a "plan or programme" which is required to be subject to environmental assessment pursuant to the SEA Directive, or the Irish implementing regulations. Article 3(2) of the SEA Directive provides the circumstances in which an environmental assessment shall be carried out in respect of a plan or programme. However, the project for which development consent is sought does not constitute such a plan or programme.



The SEA Directive is not applicable to applications for development consent, including applications for substitute consent (see, for example, *O'Donnell v. An Bord Pleanála* [2023] IEHC 381 at §116-§126, *Ballyboden Tidy Towns Group v. An Bord Pleanála* [2023] IEHC 722 at §184-§241 and *Kimmage Dublin Residents Alliance CLG v. An Coimisiún Pleanála* [2026] IEHC 406 §168 - §230).

Rather, the EIAR submitted with the section 37L application has been prepared in accordance with the requirements of the EIA Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU) concerning the assessment of the effects of certain public and private projects on the environment.

#### **Issue #5: Second Substitute Consent Application**

##### **Submission:**

The submission appears to raise issues in relation to the legality of seeking a second substitute consent, the 'severance' of the applications and the discrepancy of the site areas (***refer pages 2-4 of the observation***).

##### **Response:**

The context and rationale for submitting an application for substitute consent is outlined in Section 1 of the Planning Report as submitted with the application. The application for substitute consent previously submitted (ABP-308019-20) sought development consent relating to the retention and continued operation of the wind farm development. In February 2022, the previous application for substitute consent was refused.

As a consequence, the Derrybrien Wind Farm Development has been deemed, by operation of law, to be an unauthorised development and is now subject of an enforcement notice issued by Galway County Council. As such, development consent and environmental assessments are required in order for the Decommissioning Project to proceed, which project is different in both planning and factual terms to the development for which substitute consent was previously sought. In this regard, the application for planning permission to carry out the Prospective Development, under section 37L of the Planning and Development Act 2000, as amended (ACP 323018-25), has been submitted together with a separate application for substitute consent (ACP 323014-25) – for development which is materially different from development to which the previous application for substitute consent related – which is required in order to regularise the planning status of aspects of the development.

Furthermore, the red line area of this application relates to the prospective works proposed as part of the Decommissioning Project which includes *inter alia*: enabling works, decommissioning and removal of the



Derrybrien Wind Farm and associated ancillary components, and decommissioning and removal of the Derrybrien Wind Farm grid connection. Consequently, the application boundary differs from that used in the substitute consent application, and the calculated site area therefore varies to reflect the works proposed under this planning application.

#### **Issue #6: Landowner Consent**

**Submission:**

The submission states that several of the Letters of Consent attached to the application do not relate to lands adjoining the windfarm (*refer page 7 of the observation*).

**Response:**

The letters of consent from third parties (refer to the Application Form as submitted) which are submitted with the application relate to the relevant folios which are within, or partially within, the application boundary.

#### **Issue #7: Quarry at entrance to site**

**Submission:**

The submission states the quarry at the entrance to the windfarm should be made safe (*refer page 10 of the observation*).

**Response:**

The quarry referenced in the submission (i.e. borrow pit 3), which is located at the site entrance, does not present a health & safety risk. It should be noted that this quarry is intended to be retained and is included within the application for substitute consent under ACP 323014-25. For the sake of completeness, it should also be noted that the quarry is located approximately 3 kilometres from the nearest public road. Moreover, and significantly, as demonstrated in Drawing No. QS-000280-01-D460-033-005-000 submitted with the application for substitute consent under ACP 323014-25, comprehensive safety measures are already in place, which include secure perimeter fencing, clearly visible warning signage and strategically positioned life buoys around the quarry area.



#### **Issue #8: Disposal of turbine blades**

**Submission:**

The submission seeks clarity as to the manner in which the wind turbine blades will be disposed of and/or reused (*refer page 10 of the observation*).

**Response:**

Chapter 16 of the EIAR outlines the options assessed in relation to the decommissioning of the development, including wind turbine components. The majority of the electrical equipment, wind turbines, and grid connection cabling will either be recycled or reused. The preferred option for the wind turbines is to dismantle on site, sell to a third party and transported off site. If any of the turbines or part of a turbine are unsuitable for re-use, then this will be managed appropriately in accordance with the waste hierarchy. A detailed Turbine Recyclability Assessment has been undertaken and is provided as Appendix 16-1 of the EIAR.

#### **Issue #9: Infilling excavated drains**

**Submission:**

The submission states that there is a need to infill excavated drains to restore the site to its original condition and stop release of carbon (*refer page 10-11 of the observation*).

**Response:**

As outlined in Chapter 3 of the EIAR, Alternative 2 considered the option of backfilling/reinstating the drains that were constructed for the wind farm, see *Table 3-4 (Soils and Geology)*. Blocking and infilling of the drains that were constructed for the windfarm could have a moderate to significant impact on peat stability if it results in localised flooding and ponding of surface runoff in areas where there is an elevated risk of peat instability due to natural conditions on the site such as zones of deep peat at convex breaks in slope directly upslope from natural watercourses where there is evidence of concentrated subsurface drainage. As concluded in Chapter 3, Alternative 2 was not considered to be a practicable alternative.

#### **Issue #10: Responsibility for the site**

**Submission:**

The submission queries who will maintain and be responsible for the safety of the site in the future (*refer page 12 of the observation*).



Response:

Following the conclusion of the decommissioning works and the end of the legal interest of the Applicant in the lands, the responsibility for the site will revert to the landowners. The Applicant acknowledges that ACP has full discretion to impose such conditions as it considers appropriate in the granting of the planning permission or substitute consent including with regard to any ongoing monitoring or annual surveys post decommissioning.

## **2.2. Derrybrien Bog Plot Owners' Society Limited**

The submission received by ACP from the Derrybrien Bog Plot Owners' Society Limited raised a number of issues, each of which has been considered by the Applicant and responses to each issue are set out below.

### **Issue #1: Public Engagement**

Submission:

**Observation Point 1, Point 2, Point 3 and Point 13:** The submission states that the Applicant did not adequately facilitate engagement with the public as part of this application and did not facilitate a scientific evaluation by the community of the EIA and NIS submitted.

Response:

Section 2.6 of the Planning Report submitted with the application sets out the details of the consultation and engagement process undertaken in relation to the application for development under section 37L. Gort Windfarms Ltd set in place a consultation process that began once the decision to refuse consent issued under ABP-308019-20 (February 2022). A press statement was issued on the 16th of March 2022 to confirm the cessation of generation activity and that the Project would be decommissioned. In advance of submitting the section 37L application, a number of steps were taken by or on behalf of Gort Windfarms Ltd., including: (i) retaining an independent Community Liaison Officer (CLO) for the project, (ii) maintaining a dedicated project website ([www.Derrybrienwindfarm.ie](http://www.Derrybrienwindfarm.ie)), (iii) convening a public information event in September 2024, and (iv) informing key stakeholders of the intended application (as outlined in Chapter 2 of the EIAR). The Applicant has sought to increase public awareness of the application and highlighted the opportunities for third parties to become involved in the development consent process. Full details of the consultation process, and issues raised through the pre-planning public consultation phase in respect of the Project are set out in Section 2.6.3 of the Planning Report, submitted with the section 37L application.



Further, there has been ongoing consultation as part of the statutory development consent application process before the Commission.

## **Issue #2: Assessment of Slieve Aughty Mountains SPA**

Submission:

**Observation Point 4:** The submission states that the environmental assessment is inadequate as the REIAR fails to take account of the Slieve Aughty Mountains Special Protection Area (SPA) in existence over the entire site and that arguments for the retention of significant elements of the development appear to be based on purely economic factors and do not take into account the issue arising from the SPA.

Response:

The potential for the Prospective Development to result in adverse effects on the Slieve Aughty Mountains SPA, either alone or in combination with other plans or projects, has been fully assessed in the Natura Impact Statement (NIS) submitted with the application. Similarly, the potential for the Retained Development to result in adverse effects on the Slieve Aughty Mountains SPA, either alone or in combination with other plans or projects, has been fully assessed in the remedial Natura Impact Statement submitted with the Substitute Consent application. In addition, all potential impacts on biodiversity, including the Slieve Aughty Mountains SPA, have also been assessed in the EIAR (see Section 6.3.1.1, 6.4.2.1, 6.4.3.1 and 6.5.1.1) and rEIAR (see Sections 6.3.1 and 6.4.1.2) for the respective applications.

These assessments have considered potential impacts on the qualifying interest (QI)/special conservation interest (SCI) species of Slieve Aughty Mountains SPA in its geographical entirety, including with reference to its conservation objectives. The ecological assessment methodology followed best practice guidance. The Zone of Influence (Zoi) of the development was established using the source-pathway-receptor conceptual model, all potential impacts have been identified and fully assessed, and mitigation measures have been proposed as necessary.

Potential impacts on biodiversity (including the Slieve Aughty Mountains SPA) as well as other environmental factors were considered as part of the Assessment of Reasonable Alternatives as presented in Chapter 3 of both the EIAR and rEIAR, which also informed the proposed retention of certain structures as part of the Retained Development.

In these circumstances, the assessments in the application documents, including in the NIS submitted on the section 37L application concluded as follows:

- With the implementation of mitigation measures (as described in Section 5.3 of the NIS) the Prospective Development will not result in any adverse effects on the integrity of the Slieve Aughty Mountains SPA or any other European site, either alone or in combination with other plans and projects, during the decommissioning of the wind farm and associated infrastructure.
- The Retained Development will not have an adverse impact on any European site, in light of its conservation objectives, either individually or in combination with other plans or projects.

### **Issue #3: Subdivision of applications for development consent**

Submission:

**Observation Point 5:** The submission states that no explanation has been offered for the reasons for the subdivision of the application.

Response:

The context and rationale for the making of the application for substitute consent is outlined in Section 1 of the Planning Report submitted with the application. The Derrybrien Wind Farm Development has been deemed, by operation of law, to be an unauthorised development and is subject of an enforcement notice issued by Galway County Council. As such, development consent and environmental assessments are required in order for the Decommissioning Project to proceed. In this regard, in order to regularise the planning status of aspects of the development, an application for substitute consent is required (ACP 323014-25), as well as this separate application for planning permission to carry out the Prospective Development, under section 37L of the Planning and Development Act 2000, as amended (ACP 323018-25).

### **Issue #4: Adequacy of Drainage**

Submission:

**Observation Point 6:** The submission queries the adequacy of the drainage assessment in the EIAR in the context of the emergency works following the landslide during construction of the windfarm.

Response:

Extensive geotechnical and hydrological investigations were undertaken following the 2003 peat slide, including a full review of both the on site and downstream drainage regime. These post event drainage works and their environmental implications are assessed in the rEIAR, as submitted with the application



for substitute consent under ACP 323014-25, which supersedes the assumptions made in the original EIA.

Section 9.4 of the rEIAR specifically evaluates the hydrological and hydrogeological effects of the emergency drainage measures, including their influence on surface water pathways, peat stability, and downstream receptors. This assessment considers both the immediate containment works and their longer term environmental impact within the wider catchment. On this basis, the rEIAR provides an updated and comprehensive analysis of the drainage interventions and their environmental consequences, addressing the issues raised in the query. Potential impacts that may have arisen from the peat slide and associated works are also fully assessed in Sections 4 and 5 of the rNIS.

#### **Issue #5: Impacts of retaining development *in situ***

Submission:

**Observation Point 7:** The submission states that the retention of the turbines and concrete foundation slabs have not been analysed for future impact.

Response:

It is important to reiterate that, as set out in Section 2 of the Planning Report, it is not proposed to retain the turbines on site. Rather, the decommissioning of the turbines from the site are subject of this permission for 'Prospective Development', under section 37L of the Planning and Development Act 2000, as amended (ACP 323018-25). It is important to note that the elements proposed for retention are limited to the reinforced concrete foundations within the Derrybrien and Agannygal substation compounds and the concrete bases of the Turbines. These retained structures have been fully assessed in the rEIAR, submitted with ACP 323014-25, including a detailed review of their potential long-term environmental effects. The assessment concludes that the retention of these limited elements of the development does not give rise to significant adverse environmental impacts, and is therefore considered appropriate.

#### **Issue #6: Soil stability assessment**

Submission:

**Observation Point 8, Point 9 and Point 10:** The submission states the assessment in relation to soil stability is unreliable and inadequate in its assessment in relation to turf-cutting activities and previous works carried out on the site.

Response:

In relation to Observation Point 8, the assertion that the EIAR makes a “specious allegation” of significant soil-stability impacts arising from turf-cutting operations is incorrect. Indeed, the EIAR does not identify turbary activity as a significant stability risk, nor does it rely on any assumptions regarding machinery types. The reference to turbary activity is contained in section 8.4.5, where peat extraction is clearly assessed as a cumulative, localised land-use impact, accompanied by recommended mitigation measures to minimise any cumulative effects on stability.

The stability assessment presented in the EIAR is founded on geotechnical investigations, peat-strength data, hydrological analysis, and documented construction-related impacts. It does not depend on turbary machinery or turbary operations in any way. Accordingly, the claim that the EIAR’s conclusions are “without any foundation and entirely unreliable” is wholly incorrect.

In relation to Observation Point 9, the comment that individual bog-plot analysis is “entirely rejected” mischaracterises the EIAR’s methodology. The EIAR provides a site-wide peat stability assessment supported by geotechnical investigations, peat-depth mapping, hydrological analysis, and records of historical instability. In addition, a Peat Stability Risk Assessment (PSRA) was carried out for the turbary plots to evaluate the likelihood of peat failure in each plot, which considered existing peat and subsoil conditions, topography, hydrology, slope-stability factor-of-safety calculations, and recognised contributory factors, such as the methods of mechanical peat extraction used on the site since 2012, together with evidence of existing instability in the area. The PSRA results demonstrate that, under uncontrolled conditions and without appropriate mitigation, several turbary plots exhibit a Very Possible to Likely risk of peat failure associated with mechanical peat harvesting. However, these activities relate to third-party land use and do *not* affect the stability of the wind-farm infrastructure. Accordingly, the EIAR’s conclusions remain valid, robust, and appropriately scoped.

In relation to Observation Point 10, the submission incorrectly asserts that the EIAR fails to assess the impact of ESB’s operational works, including the use of heavy vehicles on floating roads. In fact, the EIAR expressly considers:

- Construction-phase loading, including heavy plant and road-surge effects
- Operational-phase traffic, including long-term consolidation of peat under road infrastructure
- Future maintenance and decommissioning impacts, including heavy-vehicle access requirements



The EIAR concludes that long-term consolidation and drainage improvements have increased peat stability, and that operational traffic does not pose a significant risk of peat failure when managed under existing mitigation measures. The claim that a "significantly more thorough examination" is required is not supported by the evidence. Rather, the EIAR's assessment is consistent with geotechnical best practice and reflects the actual conditions and operational history of the site.

#### **Issue #7: Quarry drainage and soil stability assessment**

Submission:

**Observation Point 11:** The submission states that the EIAR has not analysed the quarries in terms of impact on drainage and soil stability. The submission further alleges that the quarry at the site entrance is dangerous and a public nuisance.

Response:

The assertion that the EIAR and planning application fail to analyse the onsite quarries is incorrect. All onsite quarries are referred to as 'borrow pits' in both the EIAR and rEIAR, and the potential impacts of those borrow pits are assessed comprehensively, including in terms of geotechnical stability, soil stability and associated risks (Appendix 8 2 "Geotechnical Stability Report for On Site Activities", specifically sections 3.1.9, 3.2.9, 5.4.3 and 7.5). In addition, borrow pits are analysed in Chapter 9, where their drainage characteristics and potential impacts are evaluated in the context of the overall wind farm drainage design.

The quarry referenced in the submission (i.e. borrow pit 3), which is located at the site entrance, does not present a health & safety risk. It should be noted that this quarry is intended to be retained and is included within the application for substitute consent under ACP 323014-25. For the sake of completeness, it should also be noted that the quarry is located approximately 3 kilometres from the nearest public road. Moreover, and significantly, as demonstrated in Drawing No. QS-000280-01-D460-033-005-000 submitted with the application for substitute consent under ACP 323014-25, comprehensive safety measures are already in place, which include secure perimeter fencing, clearly visible warning signage and strategically positioned life buoys around the quarry area.



## **Issue #7: Maintenance and rehabilitation**

Submission:

**Observation Point 12:** The submission states that the application does not provide for the ongoing maintenance and rehabilitation of entire site after decommissioning.

Response:

Following the conclusion of the decommissioning works and the end of the legal interest of the Applicant in the lands, the responsibility for the site will revert to the landowners. The Applicant acknowledges that ACP has full discretion to impose such conditions as it considers appropriate in the granting of the planning permission or substitute consent including with regard to any ongoing monitoring or annual surveys post decommissioning.

### **2.3. Paul O'Shea on behalf of Planet Before Profit CLG**

The submission received by ACP from Paul O'Shea on behalf of Planet Before Profit CLG raises a number of issues arising on the application, which have been considered by the Applicant, and responses are provided to each issue below.

## **Issue #1: Dismantling renewable energy development**

Submission:

The submission opposes the proposed dismantling of a renewable energy installation, which undermines Ireland's decarbonisation and energy security plans, contrary to EU/Irish renewable targets (***refer Point A. Climate & Energy of the observation***).

Response:

The rationale for the Decommissioning of the Derrybrien Wind Farm Development is a result of the wind farm development having been deemed, by operation of law, to be an unauthorised development and subject of an Enforcement Notice which requires its decommissioning. The position in law arises from the prior refusal by the (then entitled) An Bord Pleanála of the application for substitute consent made in 2020 for development consent for the retention and continued operation of the wind energy development. Section 1 of the Planning Report as submitted sets out the rationale for the applications made to ACP.



## Issue #2: Removal of above-ground infrastructure

### Submission:

The submission states that the removal of above-ground infrastructure risks further ground disturbances to the site and the requirement of detailed EIA (**refer point B. Environmental Impact of the observation**).

### Response:

Chapter 3 of the EIAR concluded that Alternative 4 'practicable restoration' was selected as it facilitates the decommissioning of the Derrybrien Wind Farm and the Derrybrien to Agannygal 110kV OHL work areas. Alternative 4 ensures the potential risks to the environment, peat stability and human health are minimised. When compared to other decommissioning alternatives, Alternative 4 aims to minimise ground and civil works across the site and reduces the potential environmental impacts. By proposing to retain roads, hardstands, bases, cables etc. *in situ*, there is a 98% reduction in waste and traffic generation (thus reducing the effects from very significant /profound (Alternative 2&3) to slight to moderate). The potential for significant effects on soils and geology and the increased risk of further peat instability at the wind farm site is also reduced to slight to moderate.

It is submitted that the EIAR has assessed the impact of the proposed development on site stability and ground disturbance (refer Chapter 8 of the EIAR as submitted). For the decommissioning phase of the project the direct impacts on soils land and geology of significance will be restricted to the tracking of plant across the deeper peat slopes for the OHL. These have been assessed as of slight significance. In conclusion, the removal of above-ground infrastructure will not risk further ground disturbances.

## Issue #3: Impacts of retaining development *in situ*

### Submission:

The submission queries the potential long-term ecological impacts from the retention of certain features on site and states a full EIA must be required (**refer point C. Remediation Strategy of the observation**).

The submission also states that no alternatives such as partial retention/repowering/restoring generation capacity at the wind farm have been explored (**refer point D. Alternatives of the observation**).

### Response:

A full Environmental Impact Assessment Report and Natura Impact Statement was submitted with the application, which includes assessment of the ecological impact of the proposed development. The



retention of specific features on site is subject to another application under ACP 323014-25, where a remedial Environmental Impact Assessment Report and remedial Natura Impact Statement provide assessment of same.

In the case of Derrybrien Wind Farm Development, An Bord Pleanála (ABP) refused the substitute consent application (ABP-308019-20), which would have authorised the continued operation of the wind farm and its ancillary development. As a result, and as a matter of law, the development is now deemed to be unauthorised and is subject to an enforcement notice requiring the decommissioning and removal of the wind farm and associated structures. Therefore, the only reasonable alternatives that can be assessed relate to its decommissioning.

#### **2.4. Department of Housing, Local Government and Heritage**

The submission received from the Department of Housing, Local Government and Heritage in relation to the application, as coordinated by the Development Applications Unit, have been responded to below.

##### **Issue #1: Hen Harrier**

###### **Submission:**

The Department recommends that any works which may cause disturbance to the Hen Harrier should not be carried out between March 1st and August 15<sup>th</sup> as hen harrier may still have young in the nest in early August.

The Department also recommends post-decommissioning monitoring for any habitat clearance to identify the spread or growth of invasive non-native plant species as well as subsequent remediation measures to be implemented. It is also recommended that at the end of the first year following the decommissioning, a reassessment of the habitats and species present and any further management requirements should be undertaken.

###### **Response:**

It is confirmed that any works which may cause disturbance to breeding Hen Harrier will not be carried out between March 1st and August 15<sup>th</sup>.

Confirmatory surveys will be undertaken prior to and during works to determine the presence or absence of breeding hen harrier (without causing disturbance to the bird, if present). If a nest is identified, all works

will be restricted within 1,000 m of the nest location (as detailed in Section 5.3.3 of the NIS). For the avoidance of doubt, this mitigation will apply from March to August inclusive.

It is also confirmed that a pre-construction invasive non-native species survey will be undertaken prior to works commencing. If invasive non-native species are present, an Invasive Species Management Plan will be implemented (as detailed in Section 5.3.2.2 of the NIS). As part of their role, the Ecological Clerk of Works will monitor for any potential spread or growth of invasive non-native species during the decommissioning phase, including post-clearance. If invasive species are identified, remediation measures will be implemented in accordance with *The Management of Invasive Alien Plant Species on National Roads – Technical Guidance* (TII, 2020).

## **2.5. An Taisce**

The submission received from An Taisce raises two issues in respect of the section 37L application, albeit an An Taisce submission was also made on the application for substitute consent (ACP 323014), which are responded to below. For the sake of completeness, it should be noted that the responses provided below should be read in conjunction with the submissions made by the Applicant in relation to An Taisce's comments for the substitute consent application (under ACP 323014).

### **Issue #1: Machinery movements & turbine haulage**

Submission:

**Observation Point 1:** An Taisce notes the potential Impacts of Machinery Movements and Turbine Haulage during decommissioning.

Response:

The Applicant refers to the examination, analysis and evaluation, including the relevant assessments undertaken within the EIAR, including the Decommissioning Management Plan (Appendix 4-2) and the Traffic Management Plan (Appendix 14-3). Section 3.5 of the Decommissioning Management Plan outlines the plant that will be mobilised to the wind farm site when it is required, which will be generally kept on the site and not removed from the site until it had fulfilled its purpose. The amount and type of plant on site will vary in accordance with the level and type of activity on site over the period of decommissioning. The transport of disassembled turbines from the site will be undertaken in accordance with a Transport Management Plan which will be issued to and agreed with Galway County Council as part of a permit application for the transportation of abnormal loads using the local roads under the Road Traffic (Permits for Specialised Vehicles) Regulations 2009 and Road Traffic (Specialised Vehicle



Permits)(Amendment) Regulations 2010. The Transport Management Plan will provide for all necessary safety measures, including a convoy and Garda escort as required. The Traffic Management Plan prepared for this project (Appendix 14-3) is a live document drafted during the planning stage and will be upgraded as the Prospective Development progresses, taking into account of any road improvements and changes to the network.

## **Issue #2: Re-use of turbines**

Submission:

**Observation Point 2:** An Taisce queries the plans for the reuse of the turbines.

Response:

The Applicant refers to Chapter 16 of the submitted EIAR. All components decommissioned and removed from the Derrybrien Wind Farm will be managed in accordance with the waste hierarchy, ensuring appropriate handling, reuse, recycling, and disposal. As outlined in Section 16.5.2 of the EIAR, wind turbines will be dismantled and removed from the site preferably for sale or re-use on other projects. If any of the turbines or part of a turbine are unsuitable for re-use, then this will be disposed of appropriately with materials being recycled where possible. The Turbine Recyclability Assessment (Appendix 16-1) estimates an overall turbine recyclability of 88% for the Vestas V52 wind turbines. Recycling of the V52 turbines will be undertaken by a specialist wind turbine recycling contractor.

## **2.6. Transport Infrastructure Ireland (TII)**

The submission received from TII sets out its observations in relation to two issues arising on the application which have been considered by the Applicant and responded to in turn below.

### **Issue #1: Direct access to national road network**

Submission:

**Observation Point 1:** TII outlines the requirements of the Section 28 Ministerial Guidelines '*Spatial Planning and National Roads Guidelines for Planning Authorities*' in relation to the creation of additional access points onto national roads and notes that the application does not indicate any direct access requirements to the national road network.



Response:

The Applicant confirms that additional access points onto national roads are not proposed and there are no direct access requirement to the national road network as a result of the Project.

#### **Issue #2: Network maintenance & Road safety**

Submission:

**Observation Point 2:** TII outlines observations relating to network maintenance and road safety. TII advises that any works to the national road network to facilitate the transportation of any decommissioned development components from site or delivery of any components to site shall comply with TII Publications/Standards and shall be subject to Road Safety Audit as appropriate. TII also requests the details of the abnormal load and haul routes should be agreed prior to the commencement of the development.

Response:

The Applicant confirms that any works to the national road network, if required, to facilitate the transportation of any decommissioned development components from site or delivery of any components to site shall comply with TII Publications/Standards and shall be subject to Road Safety Audit as appropriate.

The Applicant also confirms that the details of the abnormal load and haul routes should be agreed prior to the commencement of the development.

In addition, the Applicant notes that a Traffic Management Plan has been submitted with the application (refer Appendix 14-3 to the EIAR), which is a dynamic document which will be further developed through the decommissioning phase with ongoing consultation with the Local Authority, An Garda Síochána, Emergency Services and other stakeholders, including TII as required.

Additionally, the Applicant notes that TII has recommended that the Applicant should consult with Galway County Council in relation to any greenway or active travel projects in the vicinity of the site. The Applicant confirms that it shall consult with Galway County Council in this regard.



### 3. Conclusion

As set out above, Gort Windfarms Ltd. has considered the issues arising on the section 37L application and as requested by ACP, has provided its submissions by way of response to the issues raised.

Yours faithfully,

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