

James Sweeney

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From: communications
Sent: Thursday 25 September 2025 09:51
To: Appeals2
Subject: FW: ABP-322962-25 Substitute Consent - Galway County Council Planning Report
Attachments: ACP 323014 25 GCC Planning Report 25.09.25.pdf; ACP 323018 25 GCC Planning Report 25.09.25.pdf

From: Sinead Burns <sburns@galwaycoco.ie>
Sent: Thursday, September 25, 2025 9:29 AM
To: Daniel O'Connor <danieloconnor@pleanala.ie>
Cc: communications <communications@pleanala.ie>
Subject: FW: ABP-322962-25 Substitute Consent - Galway County Council Planning Report

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Hi Daniel,

Please see attached Galway County Council Planning Reports in relation to two Substitute Consent Applications.

- ABP-323014-25 (GCC Ref. SC 06/25)
- ABP-323018-25 (GCC Ref. SC 07/25)

I would be grateful if you could confirm receipt at your convenience.

Kind regards,

Sinead.

Sinead Burns
Assistant Staff Officer
Planning & Development Unit | Rannóg Pleanála
Galway County Council | Comhairle Chontae na Gaillimhe
Áras an Chontae, Cnoc na Radharc, Gaillimh H91 H6KX

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Comhairle Chontae na Gaillimhe
Galway County Council

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ghabhann leis a léamh, a chóipeáil ná a úsáid. Má tá an ríomhphost seo faighte agat trí dhearmad, cuir an seoltóir ar an eolas trí ríomhphost a sheoladh ar ais agus scríos ansin é le do thoil. Má tá an ríomhphost seo ag teastáil uait i bhformáid eile téigh i dteagmháil leis an duine a sheol chugat é.

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Planning Ref. No.:	SC07/25 (ABP-323018-25)
Description of development:	The development consists of the Decommissioning of Derrybrien Wind Farm (Site 132 HA) including enabling works; the removal of the turbines and other structures on site; the removal of the Derrybrien-Agannygal overhead line; and all other works.
Location:	Bohaboy, Boleyneedorish, Coppanagh, Derrybrien East, Derrybrien North, Derrybrien South, Derrybrien West, Funshadaun, Kilbeg, Loughatorick North, Toormacnevin in Co. Galway & Slieveanore, Co. Clare
Applicant(s) :	Gort Windfarms Limited

In response to the letter received from An Coimisiún Pleanála, dated 26th August 2025, the Planning Authority can advise the following views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the functional area of the authority as per the provisions of Section 37L(12) (a) and 34 (2) of the Planning and Development Act, 2000 (as amended).

Legislative Context

Section 37L(12)(a) states that 'Where requested to do so by the Board, the planning authority for the functional area (or, as the case may be, each planning authority for the functional areas) in which the proposed development would be situated shall, within 6 weeks from the making of the request, prepare and submit to the Board a report setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the functional area of the authority, having regard in particular to the matters specified in section 34(2) to which a planning authority is to have regard.'

Section 34 (2) states that 'When making its decision in relation to an application under this section, the planning authority shall be restricted to considering the proper planning and sustainable development of the area, regard being had to—

- (i) the provisions of the development plan,
- F325[(ia) any guidelines issued by the Minister under section 28,]
- (ii) the provisions of any special amenity area order relating to the area,
- (iii) any European site or other area prescribed for the purposes of section 10(2)(c),
- (iv) where relevant, the policy of the Government, the Minister or any other Minister of the Government,
- (v) the matters referred to in subsection (4), F326[...]
- F327[(va) previous developments by the applicant which have not been satisfactorily completed,

(vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and]

(vi) any other relevant provision or requirement of this Act, and any regulations made thereunder.'

Site Description and Development Proposal

The application site comprises a wind farm located in the northern part of the Slieve Aughty Mountains. The existing development comprises 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.7.8 km overhead electricity transmission line connecting to the national grid via a 110 kV substation (herein referred to as 'Agannygal substation'); and other off-site development works associated with peat slide events that occurred during construction.

The application documentation outlines the following proposed works:

- *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.

This application is accompanied by a Remedial Natura Impact Statement and Remedial Environmental Impact Assessment Report.



Planning History

Galway County Council/ An Coimisiún Pleanála Planning Reference	Applicant	Location of development	Nature of development permitted by the permission and indication of whether an Environmental Impact Statement (EIS) was submitted as part of the planning application in question
973470	Saorgus Energy Ltd	Derrybrien West & Boleynneendorrish	for a) wind farm of 23 wind turbines; b) service roadways; c) control house; d) anemometer mast - EIS submitted. Permission issued by An Bord Pleanála PL 07.106290
973652	Saorgus Energy Ltd	Derrybrien North	for a. wind farm of 23 wind turbines, b. service roadways, c. a control house, d. anemometer mast at Caheranearl, Derrybrien - EIS submitted. Permission issued by An Bord Pleanála PL 07.106292
992377	Saorgus Energy Ltd	Derrybrien North and East	for the installation of a 110kV electricity transmission line between wind farm at Derrybrien North and 110kV ESB transmission line at Loughatorick North. Permission issued by Galway County Council
004581	Saorgus Energy Ltd	Derrybrien	Development of Derrybrien wind farm consisting of 25 wind turbines, service roadways, transformer compounds and anemometry mast (see newspaper notice) at Toormacnevin, Bohaboy and Derrybrien North. Permission issued by An Bord Pleanála PL 07.122803
035642	Gort Windfarms Ltd	Boleynneendorrish Derrybrien West	Extension of appropriate period for development of (a) windfarm of 23 wind turbines (b) service roadways (c)



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			control house (d) anemometer mast 97/3470 refers. Permission issued by Galway County Council
035637	Gort Windfarms Ltd	Derrybrien North	Extension of appropriate period for development of a wind farm of 23 wind turbines, b. service roadways, c. a control house, d. anemometer mast - 97/3652 refers. Permission issued by Galway County Council
05317	Gort Windfarm Ltd	Derrybrien North	Extension of appropriate period for development of wind farm of 23 wind turbines. Permission issued by Galway County Council
05316	Gort Windfarms Ltd	Derrybrien West	Extension of appropriate period for development of wind farm of 23 wind turbines. Permission issued by Galway County Council
ABP-308019-20	Gort Windfarms Ltd	Coppanagh, Slieveanore, Loughatorick North, Boleyneendorrish, Kilbeg, Toormacnevin, Funshadaun, Derrybrien North, Derrybrien South, Bohaboy, Derrybrien West, Derrybrien East, Derreenamucka, County Galway	Application for Substitute Consent for Existing Works under S.177E of the Planning and Development Act, 2000 (as amended)

Planning Policy

The Galway County Development Plan 2022 – 2028 is the relevant development plan pertaining to the subject lands. An Coimisiún Pleanála should have regard to the following, including but not limited to the policy objectives contained within:

- LCM 1 Preservation of Landscape Character
- LCM 2 Landscape Sensitivity Classification
- LCM 3 Landscape Sensitivity Ratings
- LCM 4 Open/Unfenced Landscape
- PVSR 1 – Protected Views and Scenic Routes
- MRE 1 Renewable Energy
- NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species
- NHB 2 European Sites and Appropriate Assessment
- NHB 3 Protection of European Sites
- NHB 4 Ecological Appraisal of Biodiversity
- NHB 5 Ecological Connectivity and Corridors
- NHB 7 Mitigation Measures
- NHB 8 Increased Awareness of the County's Biodiversity and Natural Heritage
- CC 1 Climate Change
- CC 2 Transition to a low carbon, climate-resilient society
- CC 4 Local Authority Climate Action Plan
- CC 5 Climate Adaptation and Mitigation
- CC 6 Local Authority Renewable Energy Strategy (LARES)
- CC 7 Climate Action Fund
- CC 8 Climate Action and Development Location
- CC 9 Mainstreaming Climate Change Adaptation
- CC 10 Green Infrastructure
- FL 1 Flood Risk Management Guidelines
- FL 6 Surface Water Drainage and Sustainable Drainage Systems (SuDs)
- FL 7 Protection of Waterbodies and Watercourses
- RE1 Renewable Energy Generation and ancillary facilities
- RE 2 Local Authority Renewable Energy Strategy
- RE 3 Wind Energy Developments
- RE 5 Renewable Energy Strategy

There is no Local Area Plan pertaining to the area of the site.

Appropriate Assessment

The development site is located within a 15km radius of the following Natura 2000 designations:

- Slieve Aughty Mountains SPA (004168)
- Sonnagh Bog SAC (001913)
- Drummin Wood SAC (002181)
- Peterswell Turlough SAC (000318)

- Lough Rea SPA (004134)
- Lough Rea SAC (000304)
- Lough Coy SAC (002117)
- Pollagoona Bog SAC (002126)
- Gortacarnaun Wood SAC (002180)
- Carrowbaun, Newhall and Ballylee Turloughs SAC (002293)
- Lough Cutra SPA (004056)
- Lough Cutra SAC (000299)
- Ballinduff Turlough SAC (002295)
- Pollnaknockaun Wood Natura Reserve SAC (000319)
- Loughatorick South Bog SAC (000308)
- Kiltartan Cave (Coole) SAC (000286)
- Derrycrag Wood Nature Reserve SAC (000261)
- CooleGarryland Complex SAC (000252)
- CooleGarryland SPA (004107)
- Ardahan Grassland SAC (002244)
- Rosturra Wood SAC (001313)
- Cloonmoylan Bog SAC (000248)
- Glendree Bog SAC (001912)
- Barroughter Bog SAC (000231)
- Lough Derg (Shannon) SPA (004058)
- Lough Derg, North-east Shore SAC (002241)

See www.npws.ie for the conservation objectives and qualifying interests of the above listed sites.

Galway County Council note the Natura Impact Assessment (NIS) prepared by Electricity Supply Board (ESB) submitted as part of the application. As the competent authority for this application, An Coimisiún Pleanála should be satisfied that the proposal has demonstrated that the development can be implemented without adverse effects on the integrity of the European Sites listed above.

Environmental Impact Assessment

The Planning Authority note the Environmental Impact Assessment Report prepared by MKO submitted as part of the application. As the competent authority to assess the Environmental Impact Assessment in accordance with EIA Directive 2011/92/EU as amended by EIA Directive 2014/52/EU and Part 2 Schedule 5 of the Planning and Development Regulations, 2001 (as amended), An Coimisiún Pleanála should be satisfied that the development would not have a significant negative effect on the receiving environment.

Assessment

The application relates to the decommissioning of the Derrybrien Wind Farm (including substation), Derrybrien to Agannygal 110 kV Overhead Line (OHL) and Agannygal 110kV Substation and Offsite ancillary works associated with the peat slide that occurred in 2003.

The Planning Authority note the extensive planning history on site, in addition to the Court of Justice of the European Union (CJEU) judgements (Case C-261/18 and Case C-215/06) in respect of the development.

The Planning Authority note that the purpose of the application, as stated in the documentation, is to comply with an enforcement notice (EN23/235) served by Galway County Council. The applicants seek to regularise the planning status of the development and decommission the unauthorised development.

A concurrent application has been submitted to An Coimisiún Pleanála pursuant of Section 177E of the Planning and Development Act 2000 (as amended) in relation to the Decommissioning of Derrybrien Wind Farm.

An Coimisiún Pleanála should have regard to the policy objectives Galway County Development Plan 2022 – 2028 in determining the application having particular regard to the residential amenity, and landscape sensitivity and environmental impacts on/in the receiving environment.

The Planning Authority recognise that the development will comprise enabling works including upgrades to roads and temporary compounds and hardstanding, to facilitate the decommissioning, dismantling and removal of the windfarm. The Planning Authority would welcome the attachment of a condition for a bond to be placed on the satisfactory reinstatement of the public road, notably the upgrades to roads, temporary compounds and hardstanding.

Furthermore, the Planning Authority highlight that traffic and transportation movements associated with the development may impact on the public infrastructure in the wider area, therefore the Planning Authority would welcome the attachment of a Special Contribution in this respect. Where An Coimisiún Pleanála are minded to attach a condition to this effect, the Planning Authority are happy to provide assistance with calculating the costs.

As the competent authority, An Coimisiún Pleanála, should be satisfied that the mitigation measures detailed in the accompanying application documentation, including the EIAR and NIS, are sufficient and would not result in a significant negative impact on the environment or on the integrity of any Natura 2000 site.

Should An Coimisiún Pleanála be minded to grant permission for this development the Planning Authority request that the following conditions would be considered.

1. The development shall be carried out and completed in accordance with the plans and particulars received by An Coimisiún Pleanála, except as may otherwise be required in order to comply with the following conditions.

REASON: In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report and Natura Impact Statement submitted with the planning application shall be implemented in full by the developer, except as where may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with an appropriate ecological and construction expertise as an environmental manager/ecological clerk of works, to ensure that the mitigation measures identified are implemented in full.

REASON: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Prior to commencement of development, a detailed Environmental Management Plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority generally in accordance with the proposals set out in the Environmental Impact Assessment Report. The Environmental Management Plan shall incorporate the following:
 - (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise management measures, construction hours and the management of construction waste
 - (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,
 - (c) an emergency response plan, and
 - (d) proposals in relation to public information and communication. The mitigation measures contained in the Natura Impact Statement shall be implemented in full.

REASON: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

4. The developer shall manage surface water drainage in accordance with a Drainage Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate a monitoring programme relating to control and management of water on the site.

REASON: In order to protect water quality.

5. The developer shall ensure that all plant and machinery used during the works is thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

REASON: In the interest of the proper planning and sustainable development of the area.

6. Prior to commencement of development, a Transport Management Plan for the decommissioning stage shall be submitted to, and agreed in writing with, the planning authority. The plan shall incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

REASON: In the interest of traffic safety.

7. (a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
 - (i) the developer shall prepare design drawings for any road upgrades which shall detail and specify the road layout and finishes following the construction stage and include boundary walls, traffic calming details, temporary boundary details, drainage details, signage and road markings,
 - (ii) a condition survey of the roads and bridges along the haul routes shall be carried out at the developer's expense by a suitably qualified person both before and after decommissioning of the development. This survey shall include a schedule of required works to enable the haul routes to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority/authorities prior to commencement of development,
 - (iii) details for the rectification of any construction damage which may arise,
 - (iv) detailed arrangements for the protection of bridges to be crossed,
 - (v) detailed arrangements for temporary traffic arrangements/ controls on roads,
 - (vi) a phasing programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development, and
 - (vii) within three months of the cessation of the use of each public road and haul route to transport material to and from the site, a road survey and scheme of works detailing works to repair any damage to these routes shall be submitted to the planning authority.
- (b) All works arising from the aforementioned arrangements shall be completed at the developer's expense within 12 months of the cessation of each road's use as a haul route for the proposed development.

REASON: To protect the public road network and to clarify the extent of the permission in the interests of traffic safety and orderly development.

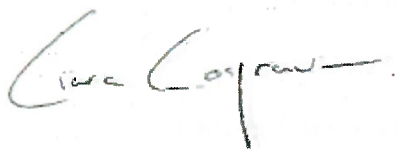
8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of

materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

REASON: To ensure the satisfactory reinstatement of the delivery route.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Prepared By Ciara Cosgrave, A/Senior Executive Planner on the 15th September 2025