Lisa

Garry Dorgan

From: Bord
Sent: Thursday 5 November 2020 11:50
To: Appeals2
Subject: FW: Report on Derrybrien Windfarm: Case number : APB-308019-20
Attachments: Derrybrien Report.pdf

From: Valerie Loughnane [redacted]
Sent: Wednesday 4 November 2020 17:30
To: Bord <bord@pleanala.ie>
Subject: Report on Derrybrien Windfarm: Case number : APB-308019-20

For the attention of Lisa Clarke/Anna Howard,

Case Number: ABP -308019-20 Derrybrien Windfarm

Please find attached Report in accordance with Section 177I (1) of the Planning and Development Act, 2000 (as amended) on behalf of Galway County Council.
We also have a suite of documents complied which outlines all the Planning permissions and associated reports which can be forwarded to you should you require them.
I can have them posted to you if that would be of assistance. You can contact me at any time to have them forwarded if required.
Should you require anything further please do not hesitate to contact me.

Kind Regards

Valerie Loughnane – Moran
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Galway County Council
County Hall, Prospect Hill, Galway H91 H6KX
[redacted]

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Galway County Council

Report to An Bord Pleanala on behalf of Galway County Council on the Application for the Substitute Consent for Derrybrien Wind Farm

ABP REFERENCE NUMBER: (ABP -308019-20)

VALERIE LOUGHNANE – MORAN
(SENIOR PLANNER)

EILEEN RUANE
(DIRECTOR OF SERVICES PLANNING ENVIRONMENT AND EMERGENCY SERVICES)

KEVIN KELLY
(CHIEF EXECUTIVE)

REPORT TO AN BORD PLEANALA ON BEHALF OF GALWAY COUNTY COUNCIL ON THE APPLICATION FOR THE SUBSTITUTE CONSENT FOR DERRYBRIEN WIND FARM

Introduction

This Substitute Consent application has been made to An Bord Pleanala for approval by Gort Windfarms Ltd (ESB) under Section 177E of the Planning and Development Act, 2000- 2018. Gort windfarms Ltd had been directed pursuant to a notice issued by Galway County Council under section 177B of the Planning and Development Act, 2000 as amended to make an application for Substitute Consent to An Bord Pleanala under Section 177E of the 2000 Act.

The existing Windfarm is located in the townlands of Coppanagh ,Slieveanore, Loughatorick North, Boleyneendorrish, Kilbeg, Toomacnevin,Funshadaun, Derrybrien North, Derrybrien South, Bohaboy, Derrybrien West, Derrybrien East, Derreennamucha in County Galway

The main components of the Project submitted for substitute consent are:

- Derrybrien Windfarm and associated ancillary works
- Grid Connection comprising Derrybrien-Agannygal 110kv OHL, Agannygal substation and associated ancillary works
- Works undertaken in response to the peat slide which occurred during the construction of the wind farm and associated ancillary works.

r Environmental Impact Assessment Report and r Natura Impact Statement

A remedial Environmental Impact Assessment Report (rEIAR)and a remedial Natura Impact Statement (rNIS) have been prepared in respect of the Project.

The associated documentation submitted is as follows:

Planning Report

Remedial Environmental Impact Assessment Report (rEIAR)

Remedial Natura Impact Statement (rNIS)

Plans and drawings have been submitted in two volumes

Volume 1 contains not to scale prints of all application drawings printed on A3 (with appropriate scales)

Volume 2 contains all the rEIAR figures in A3 size (A4 copies of these drawings are also contained in the rEIAR)

It is also noted that the applicant intends to secure in due course all other consents to regularise the status of the development including waste licenses if and where applicable.

Letter from An Bord Pleanala

In response to the letter of the 27th August 2020, the Planning Authority submits the following response.

Development Description

The application relates to development as outlined below:

- Derrybrien windfarm - an existing 70 turbine windfarm and ancillary works.
- The grid connection which facilitates the export of electricity from the wind farm to the national grid – Consisting of Derrybrien-Agannygal 110Kv overhead line and Aganngal substation where that overhead line connects into Shannonbridge- Ennis 110Kv overhead line and associated ancillary works.
- Development associated with peat slides which occurred during the construction of the windfarm and associated ancillary works.

This application for substitute consent seeks to regularise all elements of the Derrybrien windfarm project across its entire lifecycle- from pre-construction through to decommissioning.

The three main elements subject of the application are described below in terms of the characteristics most relevant to the planning assessment, namely the description of:

- The site
- The development
- The site context
- The phases of activity (when each activity took place)

The application content seeks also to be in full compliance with the CJEU ruling and the Section 177B Notice issued by Galway County Council.

The Site

The Derrybrien Windfarm site is located in south County Galway approx. 11km south of Loughrea, 12km northeast of Gort and 24km west of Portumna.

The site access road is from a pre-existing Coillte assess way that links with a minor public road called 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.

In October 2003 during excavation work for turbine base T68 a peat slide occurred. The slide caused disturbance and partial displacement of peat and forest debris mainly onto land between the windfarm site and Flaggy bridge on the R335. This occurred during a period of heavy rainfall.

During the peat slide some peat was transported further down the Owendululleagh River with peat deposited along the riverbanks.

The lands affected were owned by Coillte and some private landowners.

The Development

The development consists of 70 existing wind turbines (vestas V52-850 Kw turbines of rotor diameter of 52m, hub height of up to 49m and an overall height of 75m)

Each turbine is supported by a turbine foundation and comprises a vertical tower, a nacelle-housing the machinery, connected at the hub to three rotating blades.

The hardstanding area of each turbine is approx. 47m x 18m

Following the peat slide, additional measures were put in place to minimise environmental risks. Due to poor ground conditions as a precautionary measure it was decided during construction to omit T16 and the access track at T16 and from T15 and T17 towards T16.

Underground cables transport the electricity generated to the electrical transformers in the Derrybrien substation. This is then transformed to a higher voltage for supply to the national grid network via the overhead line Derrybrien to Agannygal. Cables are buried at a shallow depth in the peat.

In September 2017, as part of an upgrade to the turbine control system approx. 7.6Km of fibre-optic cable was installed. The purpose of this was to improve signals between the turbine controllers and the central control system.

There are two 49m Anemometer lattice masts on the site. These are adjacent to T68 and between T6 and T12.

Access as previous noted is by means of an existing Coillte roadway. This 3.1km roadway was widened to typically 4m -4.5m, strengthened and resurfaced to facilitate the development. There is also a network of roads within the windfarm site.

Three borrow pits/quarries are excavated within the site. The extracted material was used for re construction of the access tracks and hard standing areas.

Borrow pit 1 was the source of c 40,000 cu m of material, borrow pit 2 c12,000 cu. m and borrow pit 3 (located at the entrance to the windfarm) had 180,000cu.m extracted from it. Borrow pit 3 is currently flooded to natural water table level and borrow pit 1 and 2 are fenced off as a safety measure.

Peat excavation was carried out to facilitate the development and storage of this peat was at various location across the site. Survey's in 2019/2020 indicate that most of these areas have naturally re vegetated.

There are a number of storage containers across the site for the storage of spare parts etc.

A network of drainage channels ae also located across the site which facilitate the discharge of surface water to watercourses.

Information signage also is present on the site.

The Derrybrien substation transforms the electricity from 20Kv to 110Kv and exports to the national grid. It consists of a network cabling, transformers, masts, circuit breakers and surge arresters etc

Approximately c220Ha of forestry was felled to facilitate the construction of the windfarm. A further c 47 Ha of forestry was also felled between 2016 and 2018.

A Construction compound of 0.289 Ha was provided during the construction phase of the windfarm. The area remains in place just north of the access road to the windfarm.

Improvement to the road network has also taken place because of the windfarm construction. Four bridges in all have had works completed on them, one on the Regional Road and three on the Black Road.

Following the peat slide in October of 2003, localised landforms created by the displacement of material and the engineering response is also considered development for the purpose of this application.

Emergency measures were undertaken in response to the event. Stabilisation and containment works comprised of the following:

The containment works comprised the replacement of two sections of floating access track inside the windfarm with new roads also acting as barrages and the construction of eight rock and earthen barrages which acted as dames to stem the movement of material. Four of the eight of these barrages are still in situ, the others having been removed a few months after the event.

Three repository areas located adjacent to the containment barrages were constructed also.

Minor tree felling was also required to stabilise displaced material.

Repairs to two bridges on the public roads was required as well as repair to the to a bridge on private lands.

The estimated volume of peat in the peat slide was 450,000m3 dispersed over a wide area. The material remains in situ and has remained stable over the last 15 years. It is largely naturalised and will remain in situ in perpetuity.

Within the windfarm site itself several interventions took place. These include Removal of stored excavated material and its relocation to geotechnically assessed areas for use as peat repositories, increased drain maintenance and activities to ensure no waterlogging at open excavations on the site.

It is envisaged that many these interventions will be retained in situ following decommissioning of the site. A full examination is outlined in the rEIAR submitted with this application.

The Site Context

The development site accommodates the windfarm, associated development and an extensive area of commercial forestry. The closest settlement is the village of Derrybrien which is 2km away. The windfarm occupies only a small portion of the larger Coillte Plantation. The site is covered by forestry plantation and blanket peat. Some turbary activity has taken place in the area also. The turbary activity undertaken by private individuals is set to continue at this location into the future.

Phases of Activity

The windfarm was constructed in the period of mid-2003 to early 2006. It was commissioned and began early operations in March 2006. The Overhead line and the substation was constructed in Autumn 2004

The site operates an environmental management system (EMS) and a Safety management system (SMS) in accordance with the certified standards.

Operational and maintenance protocols implemented between 2006 and 2020 will remain in place for the entire operational life of the wind farm which is proposed to be in place until c2040. Decommissioning will take place in c2040 with removal of the above ground elements of the wind farm, the substation and its foundation and the reinstatement of the site will take place in accordance with the protocol outlined in the rEIAR.

Works associated with the peat slide took place between October 2003 and Mid 2004. Periodic inspection works have taken place during the intervening period. Peat repositories have been inspected in the period 2006-2020. There has been no maintenance requited in relation to these areas.

The material displaced by the slide and the associated peat repositories has been steadily re vegetating over the years and as a result these areas are now often difficult to discern.

Project Chronology

- Predevelopment Phase (January 1998-June 2003)
- Construction Phase 1 (June- October 2003
- Peat Slide and response phase (October 2003-June 2004)
- Construction Phase 2 (June 2004-March 2006)
- Operational Phases (March 2006-2040)

Planning History

Council 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 & Boleyneendorrish	for a) wind farm of 23 wind turbines; b) service roadways; c) control house; d) anemometer mast - EIS submitted. Permission issued by An Bord Pleanala 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	Boleyneendorrish Derrybrien West	Extension of appropriate period for development of (a) windfarm of 23 wind turbines (b) service roadways (c) 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

Legal Judgements

In July 2008, the Court of Justice of the European union (CJEU) delivered a judgment against the Irish state (Case C-215/06) finding issues with how the state had implemented the Environment Impact Assessment (EIA) Directive. This judgement specifically referenced the Derrybrien Windfarm. In November 2019, a further CJEU judgement found that the state had not complied with the 2008 findings and required remedies to comply with the ruling.

Arising from these judgements, in June 2020, Gort Windfarms Ltd was served Notice from Galway County Council under section 177B of the Planning and Development Act. The Notice directed it to apply for Substitute Consent within a 12-week period from the date of the confirmed notice.

On the 21st August 2020, Gort windfarms Ltd applied for substitute consent to An Bord Pleanala.

National, Regional and Local Policies

Energy White Paper
Ireland's Transition to a Low Carbon Energy Future 2015 -2030
National Policy Position on Climate Action and Low carbon development (2014)

The White Paper *Irelands Transition to a low Carbon energy future 2015-2030* sets out a strategic Energy Policy Framework to deliver a sustainable energy future for Ireland.
In the European context. It introduces an Emissions Trading System (ETS) and sets out targets for 2020 and proposed targets for 2030. It supports an energy union with the following commitments and legislative Directives

–Renewable Energy Directive

–Energy Efficiency Directive

–Emissions Trading System (ETS) reforms

–Market reforms

–Security of supply initiatives

–Heating & cooling strategy

The White Paper emphasizes that *'the availability of reliable, secure and competitively priced electricity supply must be assured at all times'* and highlights the fact that electricity*' is a vital ingredient in the competitiveness of Irish industry and Ireland's long term economic and social development'.*

Renewable energy sources (wind, hydro, landfill gas, biomass and biogas) accounted for nearly 23% of Ireland's electricity consumption in 2014, which was just over halfway to the 2020 target of 40%. The use of renewables in electricity generation in Ireland reduced our CO2 emissions by 2.6 million tonnes in 2014.
The 40% target set in the white paper is based around the statement that '*the long-term development of Irelands abundant, diverse and indigenous renewable energy resources is a defining element of this energy policy*'
This statement placed the diversification of the state's energy system at the centre of energy policy from 2014 onwards.

Climate Action and Low Carbon Development Act, 2015

This Act introduced a number of statutory requirements and objectives to be reflected in Government Policy.
The Cross- Departmental Climate Action Plan 2019 key focus was to identify how Government would reduce Ireland's growing greenhouse emissions.
A key platform of the Plan was to increase reliance on renewable from 30% to 70% by 2030.

Project Ireland 2040
National Planning Framework (NPF) 2040 and the National Development Plan (NDP) 2018-2027

The National Planning Framework NPF sets out the strategic Plan for the future growth and development of Ireland up to the year 2040. It replaces the previous National Spatial Strategy (NSS) and differs considerable from that document in that the entire framework is under pinned with the funding mechanism that is the National Development Plan. (NDP).

The **National Strategic Outcome 8** relates to the Transition to a low carbon and climate resilient society. This is best described as *'new energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation system, harnessing both the considerable on shore and of shore potential from energy sources such as wind, wave, and solar and connecting the richest resources of that energy'*

National Policy Objective 55 (NPO 55) seeks to *'promote renewable energy and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'*

The National Development Plan (NDP) 2018-2027 underpins the successful implementation of the NPF. One of Strategic investment Priorities (SIPs) includes '**Climate action** 'which advises that new energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation systems, harnessing both the considerable on shore and off shore potential from energy sources such as wind, wave and solar and connecting the riches resources of that energy to the major sources of demand.

West Regional Planning Guidelines 2010-2022 now replaced with the Regional Spatial and Economic Strategy (RSES) 2020-2032

The Regional Planning Guidelines for the West Region further reinforced the policies and objectives set out in the NSS (guiding document at the time) and the section within the document in relation to Infrastructural priorities highlight the need for the reinforcement of the electricity supply of the western region.

Energy transmission networks are considered in section 5.5 of the RPGs. It is stated that for any region to develop economically and socially, it must have available a reliable, cost competitive and sustainable electricity service as there is a well-established correlation between economic growth and increasing electricity consumption.

This document has now been superseded with the RSES which copper fastens the NPOs set out in the NPF.

Regional Policy Objective (RPO) 8.1 states that the assembly support the development of a safe, secure and reliable electricity network and the transition towards a low carbon economy centered on energy efficiency and growth projects outlined and described in the this strategy.

Regional Policy Objective (RPO) 8.3 states that the Assembly supports the necessary integration of the transition network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner.

County Development Plan 2015-2021

The County Development Plan 2015-2021 sets out a number of Strategic Objectives for the County over the period of the Plan.

Strategic Aim 2 – Environmental Protection- to afford suitable protection to the environment and natural resources of the County and ensure the fulfilment of environmental responsibilities

Strategic Aim 3 – Living landscapes – to recognise the importance of living landscapes where people live, work, visit and enjoy while ensuring that are managed in a sustainable and managed way.

Strategic Aim 9 – Infrastructural Projects – to facilitate the development of infrastructural projects, which underpin sustainable development throughout the County and Region during the Plan period

Strategic Aim 11 – Climate Change Adaptation – to engage in efforts to limit the human induced causes of climate change and take account of climate change in planning and delivering work programmes, and to engage in efforts to mitigate and adapt to climate change and integrate climate change considerations in planning and delivering work programmes.

Chapter 7 of the County Development Plan 2015-2021 includes objectives and policies that support and encourage the delivery of infrastructural and renewable energy projects.

These are outlined below:

Objective ER 1 – Electricity and Renewable Energy Infrastructure

Support the development and expansion of infrastructure for the generation, storage, transmission and distribution of electricity, renewable energy and other renewable energy proposals in suitable locations in County Galway.

Objective ER 2 – Priority Transmission Infrastructure Projects

Facilitate the progression of and implement improvements to the existing electricity networks and facilitate the development of new transmission infrastructure projects in accordance with EirGrid's Grid25 Strategy that might be brought forward during the lifetime of this plan, subject to relevant Irish planning and European environmental legislation including Article 6 of the Habitats Directive and/or other environmental assessment.

Objective ER 3 – Low Carbon County

Promote County Galway as a low carbon County by 2020 having regard to the Climate Action and Low Carbon Development Bill when adopted. Encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional, county energy targets and to facilitate a reduction in CO2 emissions.

Objective ER 4 – Renewable Energy

a) Support and facilitate the sustainable development and use of appropriate renewable energy resources and associated infrastructure within the County, including,

•Wind Energy; •Wave/Tidal Energy; •Hydro-Power; •Solar Energy; •Bio-Energy; •Geo-Thermal; •Combined Heat Power (CHP); •Heat Energy Distribution (such as District Heating/Cooling Systems); and •Other renewable energy sources, as appropriate and in line with national guidelines for sustainable development.

b) The Council shall commence a County Renewable Energy Strategy within the lifetime of the plan as resources permit. This document will also take micro generation options into account

and will recognise that renewable energy projects are not just limited to large scale infrastructural projects.

Objective ER 5 - Wind Energy Developments

Promote and facilitate wind farm developments in suitable locations, having regard to areas of the County designated for this purpose in the County Galway Wind Energy Strategy.

The Planning Authority will assess any planning application proposals for wind energy production in accordance with the County Galway Wind Energy Strategy, the DoEHLG Guidelines for Planning Authorities on Wind Energy Development, 2006 (or any updated/superseded documents), having due regard to the Habitats Directive and to the detailed policies, objectives and Development Standards set out in the Wind Energy Strategy.

Objective ER 6 – Wind Energy Strategy

The policies, objectives and development management guidelines/standards set out in the County Galway Wind Energy Strategy shall be deemed to be the policies, objectives and development management guidelines/standards for the purposes of the Galway County Development Plan 2015-2021.

Policy ER 1 – Sustainable Energy Policy and Targets

Promote the implementation of the Government's White Paper Delivering a Sustainable Energy Future for Ireland, Energy Policy Framework 2007-2020 (or any updated or superseding document) over the lifetime of the Galway County Development Plan 2015-2021 to assist in ensuring that the energy efficiency target is realised by 2020 from renewable sources.

Policy ER 2 – Development of Renewable Energy

The Council shall support proposals for renewable energy developments at appropriate scales (including, ocean energy/wave and tidal technologies and ancillary facilities including associated grid connection) at appropriate locations within the County having regard to residential amenities, biodiversity and landscape sensitivities, where such proposals are in compliance with the County Development Plan 2015 - 2021 and the principles of proper planning and sustainable development. Where possible the Council will develop its own micro generation projects to facilitate its own energy requirements.

Policy ER 3 – Security of Supply

Facilitate the strategic goal of effective balanced regional development through the implementation of policies that will deliver reliable and effective energy networks and electricity grid for the West Region including County Galway, minimising environmental impact by:

a) Promoting and supporting the provision of secure and efficient energy supply and storage including electricity, gas, and renewable energy including wind, wave/tidal, solar, bio-energy and heat energy distribution;

b) Supporting infrastructural renewal, strengthening and development of strategic electricity networks within the County, as provided for under Eirgrid's Grid25 Strategy, including Eirgrid's Grid West project.

c) Facilitating the extension of a natural gas distribution network to serve both the County and West Region.

Section 7.4.2 of the County Development Plan 2015-2021 outlines the section on Wind Energy and states the following:

Galway County Council has produced the County Galway Wind Energy Strategy which forms part of this plan. The Strategy supports a plan led approach to wind energy development in County Galway and sets out Strategic Areas, Acceptable in Principle Areas, and Areas Open for Consideration and it is the policy of the Council to maximise wind energy development in all three of these areas, on a case by case basis, subject to meeting specific requirements and guidance contained within the strategy. An aim of the strategy is to meet a minimum target of 500 MW of wind energy in County Galway and to generate the equivalent of over 70% of its electricity needs from wind energy.

Overall, the project accords with the policies and objectives of the Country Development Plan 2015-2021.

Remedial Environmental Impact Assessment Report (rEIAR)

The rEIAR deals with the impacts the existing development has had on the environment and it is presented under the follow chapter headings:

Chapter 1 Introduction

Chapter 2 Description of the Project

Chapter 3 Alternatives considered

Chapter 4 Assessment of impacts

- Population and Human Health
- Noise
- Shadow flicker
- Biodiversity Terrestrial

- Aquatic ecology and fisheries
- Landscape and visual
- Soils, Geology and Land
- Hydrology and Hydrogeology
- Air and Climate
- Material assets
- Roads, Traffic and Transport
- Cultural Heritage
- Major Accidents and Disasters
- Interaction of Impacts

Chapters 1 and 2 have been dealt with in the earlier part of this report.

In Chapter 3 the alternatives considered by the applicant are as follows:

'Do nothing scenario' – substitute consent sought for all works to date followed by end to electricity generation and decommissioning of entire development 2020/2021

'continued operation and later decommissioning' - substitute consent sought for all works to date followed by continued operation of the windfarm until the end of its operational life and then decommissioned c2040

'Alternative renewable energy project' – standalone projects such a repowered wind farm, solar farm or energy storage utilising some of the existing infrastructure

'Alternative land use'- reestablishment of a commercial forest

'Alternative decommissioning options' – options of leaving structure/underground cabling etc left in situ.

Following the analysis, the preferred emerging option is the continue operation and later decommissioning.

Chapter 4 Assessment of the impacts examines each impact and makes conclusion regarding the various impacts of the development itself, the grid connection and peat slide. The assessment also includes a summary of the 'cumulative impacts' of the development.

Section 4.7 Soils, Geology and Land outlines extensive detail with respect to the pre-construction phase and the beginning of the construction phase 1. The peat slide of the 16th October 2003 is detailed, and the measures put in place in the aftermath of the slide is referenced extensively and outlined above in the project description also. It also details the schematic of likely failure mechanism of October 16th 2003. Excavations arising from the turbine foundations at T68 in particular the side cast materials have been attributed to triggering the slide although there

were several other contributory factors related to topography, hydrology and peat strength in that area which made it particularly susceptible to peat failure.

This was remedied by the following:

The containment works comprised the replacement of two sections of floating access track inside the windfarm with new roads also acting as barrages and the construction of eight rock and earthen barrages which acted as dames to stem the movement of material four of the eight of theses barrages are still in situ, the other shaving been removed a few months after the event.

Three repository areas located adjacent to the containment barrages were constructed also.

Following the peat slide in October 2003 extensive mitigation measures were implemented for the remainder of the construction phase to reduce the likelihood of further peat stability. No further peat slides occurred during the works.

Overall the analysis is that the impact for the decommissioning phase of the project will be restricted to the tracking of plant across the deeper peat slopes for the Overhead line and the barrage decommissioning works. For the decommissioning activity, these controls shall also be incorporated into the works methodology.

Section 4.8 deals with Hydrology and Hydrogeology. A full analysis of the flood risk has been undertaken and the conclusion is that the project is overall in compliance with the objectives of the Flood Risk Management Guidelines for planning authorities. It has concluded that the Derrybrien wind farm project has not an is not anticipated to give rise to any significant impacts related to the hydrological or hydrogeological regime or result in any unacceptable downstream hydrological impacts.

European Designations

European Directives, Natura 2000 and Environmental Assessments At European level, the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) mandate the identification and protection of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which together create a network of protected wildlife areas, known as the Natura 2000 network, across the European Union. The designation of these sites forms part of a range of measures aimed at conserving important or threatened habitats and species. The Water Framework Directive Register of Protected Areas also contains an inventory of protected area sites to include areas designated for the protection of habitats and species.

The County Development Plan 2015-2021 has e number of objectives that relate to developments within the European designated sites. These are as follows:

Objective NHB 1 – Protected Habitats and Species

Support the protection of habitats and species listed in the Annexes to and/or covered by the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), and regularly occurring-migratory birds and their habitats and species protected under the Wildlife Acts 1976-2000 and the Flora Protection Order.

Objective NHB 2 – Biodiversity and Ecological Networks

Support the protection and enhancement of biodiversity and ecological connectivity within the plan area, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geo-morphological systems, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive.

A Remedial Natura Impact Assessment (rNIS) has been submitted with the application.

As with the previous assessments the rNIS takes the format of the 3 elements of the application and identifies the impacts in each of the elements whilst correlating them with the Project Chronology.

The site is located in the Slieve Aughty Mountains Special Protection Area (SPA) (site code 004168). This was designated as a SPA in March 2012 some 15 years after the first grant of permission for a windfarm on the site. The Qualifying interest/ Special conservation interest are the Hen Harrier and the Merlin.

In accordance with the directives and guidance in place the rNIS takes account of EU designated sites within 15km of the project site. Many designated sites are within this area. There are 24 Special Areas of Conservation (SAC) and 3 Special Protection Areas (SPA). All have been examined in light of the assessment of the potential impacts of the existing development.

Numerous surveys have been undertaken all of which inform the submitted rNIS. These include the following historic reports:

- Bat Assessment Draft Report, February 2012
- Summer assessment of the lesser horseshoe bat roost at Lough Cutra Demense, September 2004
- Impact Assessment of Derrybrien Peat slide on Habitats, Cormorants ad Bat fauna of Lough Cutra, August 2004
- Derrybrien Peat slide EIA on the Owendalluleegh River, March 2004

The rNIS considered the likely significant effects of the Derrybrien wind farm project, if any that have occurred and those likely to occur going forward, that would adversely affect the integrity of any European site or sites. Two sites have been identified to having potential affects as a result of the development. These are the Slieve Aughty Mountain SPA and the Lough Cutra SPA. The assessments undertaken in the rNIS has been informed by project specific field surveys and specialist reporting.

The removal of the conifer plantation as part of the project construction has created approx.. 225Ha of suitable open upland foraging habitat for the hen harrier in the Slieve Aughty mountains SPA. Given that it is a stated fact that mature forest is partly responsible for regional decline in breeding hen harriers, it is considered that this deforestation can only benefit the hen harrier population. With the implementation of mitigation measures contained in the rNIS, the report states that it is not anticipated that the project will result to adverse impacts either direct or indirect on this qualifying interest of the SPA.

The measures outlined in the rNIS with respect protection of water quality is extensive and involves protection of all the identified water courses. Any potential grant of permission should include this aspect in an Environmental Management Plan (see attached condition)

Planning Authority's view in relation to the decision to be made by the Board

The Planning Authority acknowledges that the generation and distribution of the electricity supply to the region as a whole is of paramount importance and that has been recognised in the policies and objectives stated in the County Development Plan 2015-2021. The requirement for the generation and distribution of the power created by this renewable energy project is necessary in order to fulfil our national targets, comply with national and regional policy and fulfil Strategic Aim 9 of the current County Development Plan. The application for Substitute Consent made by Gort Windfarms Ltd seeks to continue power generation and export this power to the national grid up to 2040. The application itself has been presented under 3 distinct elements namely,

- Derrybrien windfarm itself- an existing 70 turbine windfarm and ancillary works.
- The grid connection which facilitates the export of electricity from the wind farm to the national grid – Consisting of Derrybrien-Agannygal 110Kv overhead line and Aganngal substation where that overhead line connects into Shannonbridge- Ennis 110Kv overhead line and associated ancillary works.
- Development associated with peat slides which occurred during the construction of the windfarm and associated ancillary works.

And these three elements have been categorised under four headings:

- The site
- The development
- The site Context
- Phases of Activity

The Project Chronology is as follows:

- Pre development Phase (January 1998-June 2003)
- Construction Phase 1 (June- October 2003)
- Peat Slide and response phase (October 2003-June 2004)
- Construction Phase 2 (June 2004-March 2006)
- Operational Phases (March 2006-2040)

Whilst it is acknowledged that environmental damage occurred as a result of the peat slide in October 2003, the management of that event at the time and in the subsequent 15 years has been outlined and assessed in this application. This is in an effort to rectify the findings of the CJEU judgement.

Having reviewed the significant documentation submitted as part of this application for substitute consent, Galway County Council acknowledge the efforts made to comply with the legislation in force currently and concur that the project as proposed correlates with the concepts of achieving national targets for renewable energy set out in **National Policy Objective 55** (NPO 55) which seeks to '*promote renewable energy and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050*' further supported by **Regional Policy Objective (RPO) 8.3 which states** that 'the *Assembly supports the necessary integration of the transition network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner*' and Strategic Aim 9 of the County Development Plan 2015-2021 and consequently have no objection to a grant of substitute consent.

Possible conditions to be attached to any potential grant of permission

1. The development shall be in accordance with the plans and particulars lodged with the application including the mitigation measures and monitoring commitments identified under the Remedial Environmental Impact Assessment Report (rEIAR) and Remedial Natura Impact Statement (rNIS) submitted to An Bord Pleanala, except as may otherwise be required in order to comply with the following conditions. This permission shall be for a period of 20 years from the date of the Grant of substitute consent of the wind farm. Reason: In the interest of clarity.

2. (i) All oils and fuels shall be stored in a bunded area (providing 110 per cent capacity of the largest storage unit), 100 metres from any watercourse that appears on a six-inch ordnance survey map of the site. Vehicle maintenance (if any) shall not occur within 100 metres of any watercourse and all machinery shall be in good working order and kept free from leakage of fuel or hydraulic fluid.

   (ii) Roadside drains shall not intercept large volumes of water from ground above.

   Reason: In the interest of Environmental protection.

3. Wind turbine noise arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed the greater of:

   (a) 5 dB(A) above background noise levels or

   (b) 43 dB(A) L90,10min

   when measured externally at dwellings or other sensitive receptors. Within 3 months of the grant of substitute consent the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with Respect to Community Response," as amended by ISO Recommendations R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the Planning Authority/An Bord Pleanala within six months of the grant of permission.

   Reason: In the interest of residential amenity.

4. Shadow flicker arising from the proposed development, by itself or in combination with other existing or permitted wind energy development in the vicinity, shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

   Reason: In the interest of residential amenity.

5. Facilities shall be installed if not already at the developer's expense to ensure that radio or television transmissions in the area are not interfered with by the proposed development. Details of the facilities to be installed shall be submitted to and agreed with the planning authority following consultation with the relevant authorities within 3 months of this grant of substitute consent

   Reason: To prevent interference with radio or television transmissions and in the interest of residential amenity.

6. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than one year, the masts and turbines concerned, including foundations, shall be dismantled and removed from the site in accordance with a decommissioning programme that shall be submitted to and agreed in writing with the Planning Authority. The site shall be reinstated (including all internal access roads) and all decommissioned structures shall be removed within three months of decommissioning.

   Reason: In the interest of amenity and orderly development in this scenic area.

7. The developer shall undertake ornithological monitoring of the site a period to be specified following the grant of permission for substitute consent of the windfarm. This shall include bat activity on the site. The nature and extent of this monitoring shall be submitted to and agreed in writing with the planning authority within 3 months of this grant of permission. Results of the monitoring shall be submitted to the Planning Authority and to the Department of Housing, Planning and Local Government

   Reason: In the interest of the natural heritage of the area.

8. Within three months of the grant of substitute consent , the developer will lodge with the Planning Authority a cash deposit or other form of security, as agreed in writing between the developer and the Planning authority, to secure the satisfactory reinstatement of the public roads that may be damaged by the transport of the decommissioned materials from site on the decommissioning of 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.

   Reason: In the interest of Road Safety

9. Within three months of the grant of substitute consent , the developer will lodge with the Planning Authority a cash deposit or other form of security, as agreed in writing between the developer and the Planning authority, to secure the satisfactory reinstatement of the site following decommissioning of the site coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory reinstatement of all or part of the site itself.

   Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

10. Full details with respect to the treatment of hydrology and hydrogeology aspects of the site shall be agreed in writing with the Planning authority/ An Bord Pleanala prior to the decommissioning of the site.

    Reason: In the interest of the proper Planning and Development of the area.

11. Prior to any decommissioning of the site, a full Environmental Management Plan to further detail that contained in the rEIAR with specific reference to the geotechnical aspects of the decommissioning element of the proposal. This EMP shall be submitted to the Planning Authority / An Bord Pleanala for written agreement

    Reason: In the Interest of protection of Environment.

Legislation

177I.— (1) No later than 10 weeks after receipt, under section 177E(5), by a planning authority of a copy of an application for substitute consent and a remedial environmental impact statement or a remedial Natura impact statement or both of those statements, as the case may be, a planning authority shall submit a report to the Board and the Board shall consider the report.
(2) The report referred to in subsection (1) shall include the following:
(*a*) information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;
(*b*) information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent;
(*c*) information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;
(*d*) any information that the authority may have concerning—
(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place and, if relevant, the area surrounding or near the development or site, or
(ii) any remedial measures recommended or undertaken;
(*e*) the opinion, including reasons therefor, of the manager as to—
(i) whether or not substitute consent should be granted for the development, and
(ii) the conditions, if any, that should be attached to any grant of substitute consent.