



An
Bord
Pleanála

Inspector's Report

ABP-307392-20

Development	A ten-year planning permission for the erection of 2 no. Wind Turbines. The proposed development will have a 30-year operational life from the date of commissioning of the Wind Turbines.
Location	Derrinlough, County Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	20/45
Applicant(s)	Martin Carroll and Johnny Ryan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Martin Carroll and Johnny Ryan
Observer(s)	Bord Na Mona Powergen Limited
Date of Site Inspection	8 th September 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The site is located in a rural area approx. 4.6km south of the village of Cloghan. The site is low lying and gently undulating. It has a stated area of 12.37ha and forms part of a larger agricultural landholding which is within the ownership of the applicant. The larger land holding is bound to the north by the Bord Na Mona Derrinlough Briquette Factory and agricultural lands, to the south by agricultural lands and associated dwellings and farm buildings, to the east by the Little Cloghan River and harvested peat land and to the west by the N62 and agricultural lands on the opposite side of the road.
- 1.2. There is an existing gated access to the overall landholding from the N62.

2.0 Proposed Development

- 2.1. This appeal relates to a 10-year permission to erect 2 no. wind turbines, each with a maximum height of up to 169m. The works include turbine foundations, hardstanding areas, electrical switch room with a gross floor area of 101sqm and underground cabling. It is proposed to upgrade an existing entrance from the N62 and provide internal access tracks, approx. 1.55km in length.
- 2.2. The combined electrical capacity of the wind turbines shall not exceed 4.98 megawatts. The development would have a 30-year operational life from the date of commissioning the wind turbines.
- 2.3. A Planning and Environmental Report and an Appropriate Assessment Screening Report were submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

Objective EO-01 of the Offaly County Development Plan 2014-2020 (CPD), as amended, states that it is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the

wind energy resources of the County to be harnessed in an environmentally sustainable manner. This will be implemented having regard to the Council's Wind Energy Strategy and the identified suitable areas in the County for wind energy developments, as outlined in Map 3.2 of the CDP.

In addition, Objective EO-01 states that in all other areas Wind Energy Developments shall not normally be permitted, except as provided for under exemption provisions and as specifically described in Section 5.4 of the Wind Energy Strategy and Policy EP-05. As these exemptions do not apply in this instance, it is considered that the proposed development would materially contravene Objective EO-01 of the CDP, as amended, and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The area planners report raised some concerns regarding the proposed development and recommended that permission be refused for the reason outlined above.

3.2.2. ***Other Technical Reports***

Road Design: Recommended that further information be sought regarding the road layout and sightlines and that a Road Safety Audit be submitted.

Environmental Water Services: recommended that permission be refused as the development is located outside of the Wind Energy Development Area as defined in the development plan.

Chief Fire Officer: No objection

3.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht: Noted the following: -

- The AA Screening Report has not adequately assessed the potential impact on the Shannon Callows SAC

- Suitable bird surveys are required to establish the use of the site by bird species, with particular attention to potential commuting routes between the Middle Shannon Callows SPA, River Little Brosna Callows SPA, Dovegrove Callows SPA and River Suck Callows SPA and the nearby Bord Na Mona owned 'Drinagh wetlands'.
- To fully assess the impact of the proposed development, bat, otter and badger surveys are required.
- The courts determined that the wind energy developments and subsequent grid connection are a single element. Further information is required regarding the impact of the grid connection works.
- If permission is being contemplated a condition requiring archaeological monitoring be attached.

Irish Aviation Authority: Final submission dated received by the planning authority on the 19th March 2020 raised concerns that there could potential be a negative impact on flight inspection procedures and profiles and recommended that a third party complete an assessment of the impact.

Transport Infrastructure Ireland: No objection

3.4. **Third Party Observations**

A third-party submission was received from Bord Na Mona. The concerns raised were similar to those raised in the observation outlined below.

4.0 **Planning History**

Subject Site

None

Surrounding Sites

ABP 306706-20: Current application by Bord Na Mona Powergen Limited for the provision of 21 no. wind turbines and all associated works on lands located to the north / north west / north east of the appeal site.

PL19.244053 (Reg. Ref. 14/188): A 10-year permission was granted in 2016 for the erection of 9 no. wind turbines and all associated site development works at lands located approx. 500m north of the appeal site.

ABP-304056-19 (Reg. Ref. 18/230): Permission was granted in 2020 to install approximately 12.5km of 38kv electricity transmission line from the permitted (windfarm) substation (PL19.244053).

307266-20 (Reg. Ref. 19/404): Current application for amendments to previously approved wind farm (PL19.244053).

5.0 Policy Context

5.1. Offaly County Development Plan 2014 – 2020

The appeal site is located on unzoned lands in a structurally weak area, as identified on Map 1.3 – Rural Area Types and in an area with a low sensitively landscape classification, as identified in table 7.15. The relevant chapters of the plan include Chapter 2 – Economic and Enterprise Strategy, Chapter 3 – Energy Strategy, Chapter 4 – Infrastructure and Environment and Chapter 7 – Heritage and Landscape.

Map 3.2, Wind Energy Strategy Map, indicates that the site is located outside of an area which is open for consideration of wind energy. The Wind Energy Strategy forms part of the Development Plan notes that the development and proliferation of such turbines will be kept under constant review throughout the lifetime of this plan and that development outside of the designated Wind Energy Development Areas will not normally be permitted.

The following policies are considered to be of particular relevance.

Objective EO–01 ‘It is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally

sustainable manner. This will be implemented having regard to the Council's Wind Energy Strategy as follows:

1. In Areas open for consideration for Wind Energy Development, as identified in Map 3.2, the development of Wind Farms and smaller wind energy projects shall be open for consideration.
2. In all other areas Wind Energy Developments shall not normally be permitted – except as provided for under exemption provisions and as specifically described in Section 5.4 of the Wind Energy Strategy and Policy EP – 05'.

Policy EP-01 "It is Council policy to support national and international initiatives for limiting emissions of greenhouse gases and to encourage the development of renewable energy sources."

Policy EP-02 'It is Council policy to facilitate the continual development of renewable energy sources having regard to the proper planning and sustainable development of the area concerned, the protection of amenities, landscape sensitivities, European Sites, biodiversity, natural heritage, and built heritage, and where such proposals comply with policy contained in the County Development Plan, in the interests of proper planning and sustainable development'.

Policy EP-03 "It is Council policy to encourage the development of wind energy in suitable locations, on cutaway bogs within the wind energy development areas open for consideration identified on Map 3.2, in an environmentally sustainable manner and in accordance with government policy, having particular regard to the Wind Energy Strategy for the County and Section 3.5.1 which states that appropriate buffers should be provided, which shall be a minimum of 2km from Town and Village cores, European designated sites, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), and national designations, Natural Heritage Areas (NHA). Wind Energy developments on cutaway bogs should generally be developed from the centre out. The Area around Corracullin Bog, (Area 4 in Wind Energy Strategy), is omitted from the Wind Energy Development Area'.

Policy EP-04 'Cumulative effects of wind farm development can arise as the combined consequences of proposals for more than one wind energy development within an area or proposal(s) for new wind energy development(s) in an area with one or more

existing or permitted developments. Offaly County Council will monitor cumulative impact assessments of wind energy proposals over the lifetime of the plan and cumulative impacts will be a material consideration in the assessment of any planning application for wind energy development’.

Policy EP-05: ‘It is Council policy that applications for wind energy development outside of the wind energy development areas open for consideration identified in Map 3.2 will not normally be permitted except when it can be demonstrated that the proposal falls into the following category:

Category A: Single Turbines that are sited close to and specifically relate to the operations of an industrial/commercial premises or a school, hospital or other community-related premises. Supporting evidence must be provided detailing that the development will only facilitate and is only related to the operation of the business or community facility.

Each proposal within this category will be open for consideration outside of the wind energy development areas and subject to site specific assessment in accordance with relevant guidance.

5.2. ***National Planning Framework 2040***

The framework notes that a transition to low carbon energy requires the following:

- A shift from predominantly fossil fuels to predominantly renewable energy sources;
- Increasing efficiency and upgrades to appliances, buildings and systems;
- Decisions around development and deployment of new technologies relating to areas such as wind, smartgrids, electric vehicles, buildings, ocean energy and bio-energy;
- Legal and regulatory frameworks to meet demands and challenges in transitioning to a low carbon society.

National Policy Objective 55: ‘Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050’.

5.3. ***Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019 – 2031***

The Strategy supports an increase in the amount of new renewable energy sources in the region, stating that the renewable energy needs of the region, in the form of wind, solar and biomass, will be likely to be met in rural areas.

Regional Policy Objective 7.35 states that Eastern Midland Regional Authority shall, in conjunction with local authorities in the Region, identify Strategic Energy Zones as areas suitable for larger energy generating projects, the role of community and micro energy production in urban and rural settings and the potential for renewable energy within industrial areas. It is stated that Strategic Energy Zones for the Region will ensure all environmental constraints are addressed in the analysis and that a regional landscape strategy could be developed to support delivery of projects within the Strategic Energy Zones.

5.4. ***Ireland's Transition to a Low Carbon Energy Future 2015-2030***

This document is a complete energy policy update, which sets out a framework to guide policy up to 2030. Its objective is to guide a transition, which sets out a vision for transforming Ireland's fossil fuel-based energy sector into a clean, low carbon system. It states that under Directive 2009/28/EC the government is legally obliged to ensure that by 2020, at least 16% of all energy consumed in the state is from renewable sources, with a sub-target of 40% in the electricity generation sector. It notes that onshore wind will continue to make a significant contribution but that the next phase of Ireland's energy transition will see the deployment of additional technologies as solar, offshore wind and ocean technologies mature and become more cost-effective.

5.5. ***Climate Action Plan 2019***

Ireland aims to increase electricity generated from renewable sources to 70%, with up to 8.2 GW generated from onshore wind energy, by 2030. Section 4 - Choosing the Pathways which Create the Least Burden and Offer the Most Opportunity for Ireland states that 'in the power generation sector, increasing onshore and offshore wind capacity are the most economical options from the MACC for electricity production'.

5.6. **Wind Energy Development Guidelines 2006**

The Guidelines are intended to ensure consistency of approach in the identification of suitable locations for wind energy developments and acknowledge that the siting of developments is an important consideration.

Section 5.6 addresses noise impacts, which should be assessed by reference to the nature and character of noise sensitive locations i.e. any occupied house, hostel, health building or place of worship and may include areas of particular scenic quality or special recreational importance. In general noise is unlikely to be a significant problem where the distance from the nearest noise sensitive property is more than 500m.

Section 5.12 notes that careful site selection, design and planning and good use of relevant software can help to reduce the possibility of shadow flicker in the first instance. It is recommended in that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day. The potential for shadow flicker is very low at distances greater than 10 rotor diameters from a turbine.

Chapter 6 relates to aesthetic considerations in siting and design. Regard should be had to profile, numbers, spacing and visual impact and the landscape character. Account should be taken of inter-visibility of sites and the cumulative impact of developments.

5.7. **Draft Wind Energy Development Guidelines 2019**

Chapter 5 provides guidance for considering an application for wind energy development. Notable changes within the draft guidelines relate to community engagement, noise and separation distance.

5.8. **Natural Heritage Designations**

The appeal site is located approx. 6km east of the River Shannon Callows SAC (000216) and Middle Shannon Callows SPA (004069), approx. 9km south of Moyclare Bog SAC (000581), approx. 12km south of Ferbane Bog SAC (000575), approx. 6 km north of Dovegrove Callows SPA (004137), approx. 8km north west of All Saints Bog

and Esker (004103), 10km north west of River Little Brosna Callows SPA (004086) and 13km north west of Redwood Bog SAC (002353).

5.9. EIA Screening

- 5.9.1. A Planning and Environmental Report was submitted with the application.
- 5.9.2. Schedule 5 Part 2 (3)(i) Energy Infrastructure of the planning and development Regulations, 2001 (as amended) provides that mandatory EIA is required for the following development:
- Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.
- 5.9.3. It is proposed to erect 2 no. wind turbines with a height of 169m. The output would not exceed 4.98 megawatts and would have a 30-year operational life. The development also includes a new site entrance and a 1,550m internal access track.
- 5.9.4. The report of the planning authority recommended that an Environmental Impact Assessment Report is required as the applicant must consider the proposed development in addition to all other wind energy developments to ensure the full impact is presented and assessed. The planning authority considered that the cumulative impacts of all developments with regard to visual, noise, shadow flicker etc must be considered. The submission from the Department of Culture, Heritage and the Gaeltacht is also noted which recommended that surveys of bat, otter, badger populations and habitats are required.
- 5.9.5. The planning authority's report further notes that no details of the works required to connect the proposed turbines to the national grid has been included. In the appeal the applicant has stated that site is located within 7.5km of 3 no. existing electricity substations, in this regard Clondallow 110kV, Lumcloon 38kV and Derrycarney 119kV. Therefore, there are a range of suitable grid connection options available to connect to the proposed development.
- 5.9.6. The proposed development is marginally below the threshold for a mandatory EIA, with an estimated output of 4.98 megawatts. It is noted that concerns were raised by

both the planning authority and the Department of Culture, Heritage and the Gaeltacht. It is my view that insufficient information has been submitted with the application, in particular regarding the cumulative impact of the proposed development, to assess if likely significant effects on the environment can be excluded on the basis of a preliminary examination, therefore, the Board may wish to seek Schedule 7a information to allow for a screening determination to be carried out.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the Planning Authority's decision to refuse permission. The submission addresses the reason for refusal and is summarised below: -

- The provision of Objective EO-01 are noted. However, the reason for refusal on the basis that the development is located outside of a 'Wind Energy Development Area' is unreasonable. The appeal site is located marginally outside of a 'Wind Development Area'. These areas are indicative and are intended solely to guide wind energy developments to general locations which are considered to be appropriate. The absence of a clearly defined boundary suggests that the planning authority may be open to considering developments located on the periphery of these areas.
- The proposed development is substantially in accordance with the development plan and the Wind Energy Strategy. The development satisfies each of the criteria set out in the Wind Energy Strategy for a suitable development location and is an entirely appropriate location for the development of a wind energy project.
- The site is located within 7.5km of 3 no. existing electricity substations, in this regard Clondallow 110kV, Lumcloon 38kV and Derrycarney 119kV. There are a range of suitable grid connection options available to connect to the proposed development.

- The Planning and Environmental Report submitted with the application did not identify any likelihood for significant adverse effects on the surrounding environment.
- The landscape has a low sensitivity rating. While Bord Na Mona propose to provide 21 no. wind turbines in an area of high sensitivity to the east of the appeal site, which is designated as a suitable area.

6.2. Planning Authority Response

The planning authority recommended that the Board upholds the decision to refuse permission.

6.3. Observations

An observation was received from Bord Na Mona Powergen Limited. The concerns raised are summarised below: -

- Given the extent of Bord Na Mona's landbank they have the potential to make a significant contribution to a number of national targets, especially the target for renewable electricity generation. The main concern with the proposed development is the proximity of the proposed development to the boundary with lands in the ownership of Bord Na Mona, and the misalignment of the proposed development with planning guidelines.
- Having regard to Bord Na Mona's current SID application (ABP 306706-20) on the adjoining site, there are serious concerns regarding the proximity of the turbines and the subsequent windtake issues.
- The proposed maximum rotor diameter of the proposed turbines is 137m, best practices dictates a buffer of 274m (2 rotor blades) should be provided from each turbine to the adjoining land. The proposed development overlaps onto Bord Na Mona's landbank and therefore does not comply with best practice.

7.0 Assessment

7.1. The main issue in this appeal relates to the reason for refusal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial

planning issues arise. The main issues can be dealt with under the headings Principle of Development and Appropriate Assessment.

7.2. *Principle of Development*

- 7.2.1. Permission was refused on the basis that the proposed development was not in accordance with Objective EO-01 of the Offaly County Development Plan 2014-2020 and the Council's Wind Energy Strategy.
- 7.2.2. Objective EO-01 states that it is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner. This will be implemented having regard to the Council's Wind Energy Strategy. It further notes, that areas open for consideration of wind energy are identified in map 3.2 of the plan and that development would not normally be permitted in other areas, unless provided for under an exemption. Exemptions to wind energy developments outside are provided in Section 5.4 of the Wind Energy Strategy and Policy EP-05. It is noted that these exemptions do not apply in this instance.
- 7.2.3. The applicant acknowledged that the appeal site is located marginally outside of the councils 'Wind Development Area'. However, it is considered that these areas are indicative and are intended solely to guide wind energy developments to general locations which are considered to be appropriate. The absence of a clearly defined boundary suggests that the planning authority may be open to considering developments located on the periphery of these areas.
- 7.2.4. The appeal site is located outside of an area which is open to consideration to wind development and the proposed development is not in accordance with any of the criteria set out in section 5.4 of the Wind Energy Strategy and Policy EP-05, which allow for an exemption. It is my view that the applicant has not submitted a sufficient justification for the location of the proposed development and that the proposed development would contravene Objective EO-01. It is my view, that permission should be refused on this basis.

7.2.5. Concerns have also been raised in an observation regarding the proximity of the proposed wind turbines to the adjoining Bord Na Mona site and the subsequent windtake issues which could negatively impact on a current SID application (ABP 306706-20). Section 5.13 Windtake of the Wind Energy Development Guidelines 2006 and Section 4.9.6 of the Draft Wind Energy Development Guidelines, 2019 state that to ensure optimal performance and to account for turbulence and wake effects, the minimum distances between wind turbines will generally be three times the rotor diameter in the crosswind direction and seven times the rotor diameter in the prevailing downwind direction and that a distance of not less than two rotor blades from adjoining property boundaries would generally be acceptable, unless by written agreement of adjoining landowners to a lesser distance. However, where permission for wind energy development has been granted on an adjacent site, the principle of the minimum separation distances between turbines in crosswind and downwind directions indicated above should be respected.

7.2.6. The centre of Turbine 1 is located approx. 76m from the Bord Na Mona lands at the northern boundary of the site. The proposed turbines have a rotor diameter of approx. 134m. Having regard to the current application for a wind farm on the adjoining site, it is my view that the minimum separation distances between turbines in crosswind and downwind directions as indicated above should be respected. Therefore, the proposed siting of the development, does not comply with the Wind Energy Development Guidelines, 2006.

7.3. ***Appropriate Assessment***

An Appropriate Assessment Screening Report was submitted with the application.

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

The applicants AA Screening report considered that Middle Shannon Callows SPA (004096), River Little Brosna Callows SPA (004086), All Saints Bog SPA (004103), Dovegrove Callows SPA (004137) and River Shannon Callows SAC (000216) are the only Natura 2000 areas that lie within the zone of influence of the proposed development as pathways to other areas do not exist.

The following 8 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
River Shannon Callows SAC	000216	6km
Middle Shannon Callows SPA	004069	6km
Dovegrove Callows SPA	004137	6km
All Saints Bog and Esker SAC	004103	8km
Moyclare Bog SAC SPA	000581	9km
River Little Brosna Callows	004086	10km
Ferbane Bog SAC	000575	12km
Redwood Bog SAC	002353	13km

I am satisfied that 3 no. of these sites can be screened out of any further assessment due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works, the absence of an aquatic connection between the European sites and the proposed development and to the nature and scale of the proposed development.

It is my view that due to the qualifying interests and the potential pathway, the Middle Shannon Callows SPA (004096), River Little Brosna Callows SPA (004086), All Saints Bog SPA (004103) Dovegrove Callows SPA (004137) and River Shannon Callows SAC (000216) are the only European sites that could potentially be affected by the proposed development.

Middle Shannon Callows SPA (004096): The Middle Shannon Callows SPA is a long and diverse site which extends for approximately 50 km. It is a site of international importance as it regularly supports in excess of 20,000 wintering waterbirds. The site also supports a nationally important breeding population.

The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the wetland habitat at Middle Shannon Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. The qualifying interests are: -

- Whooper Swan

- Wigeon
- Corncrake
- Golden Plover
- Lapwing
- Black-tailed Godwit
- Black-headed Gull
- Wetland and Waterbirds

River Little Brosna Callows SPA (004086): The River Little Brosna Callows SPA follows the River Brosna from its confluence with the River Shannon for approximately 9 km south-eastwards. The site is one of the top sites in the country for wintering waterfowl and part of the site is a Wildfowl Sanctuary. It is of international importance on account of the total numbers of birds that use it.

The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the wetland habitat at River Little Brosna Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. The qualifying interests are: -

- Whooper Swan
- Wigeon
- Teal
- Pintail
- Shoveler
- Golden Plover
- Lapwing
- Black-tailed Godwit
- Black-headed Gull
- Greenland White-fronted Goose
- Wetland and Waterbirds

All Saints Bog SPA (004103): All Saints Bog is a lowland raised bog. It is separated from the River Little Brosna callows by a fragmented esker ridge. The site is unique in

that it contains the largest stand of birch woodland in the country growing on an active raised bog. The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the bird species. The qualifying interest is the Greenland White-fronted Goose

Dovegrove Callows SPA (004137): Dovegrove Callows is an area of callow land beside the Little Brosna River. It is of major conservation significance as a feeding site for an internationally important flock of Greenland White-fronted Goose. The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the bird species. The qualifying interest is the Greenland White-fronted Goose.

The applicants Screening report notes that there are 4 no. SPA within 10km of the site. The vast majority of these species are small waterbirds or wintering waders that do not forage over great distances. Both the Whooper Swan and the Greenland white-fronted goose are known to forage between 5km – 8km. The appeal site represents the upper limit of both these species foraging range. It is also noted that the Scottish Natural Heritage has provided evidence that collision events between a range of bird species and wind turbines is uncommon or rare, and that the avoidance rate for geese is up to 99.8% and for swans up to 99.5%. The report also notes that the appeal site is not considered to comprise optimal foraging habitat .

It is noted that the submission from the Department of Culture, Heritage and the Gaeltacht recommended that suitable bird surveys are required to establish the use of the site by bird species, with particular attention to potential commuting routes between the Middle Shannon Callows SPA, River Little Brosna Callows SPA, Dovegrove Callows SPA and River Suck Callows SPA and the nearby Bord Na Mona owned 'Drinagh wetlands'.

The evidence provided by the National Scottish Natural Heritage regarding collision rates for both geese and swans is noted, however, having regard to the proximity of the site to 4 no. SPA's and the 'Drinagh Wetlands', it is my view that in the interest of best practice and to protect ecology and wildlife in the area that bird surveys should be submitted.

River Shannon Callows SAC (000216): The River Shannon Callows is a long and diverse site which consists of seasonally flooded, semi-natural, lowland wet grassland, along and beside the river. It is approximately 50 km long and averages about 0.75 km wide. It has the largest area of lowland semi-natural grassland and associated aquatic habitats in Ireland, and one in which there is least disturbance of natural wetland processes. Botanically, it is extremely diverse with two legally protected species of plants and many scarce species. In winter the site is internationally important for numbers and species of waterfowl. In spring it feeds large numbers of birds on migration, and in summer it holds very large numbers of breeding waders, rare breeding birds.

The conservation objective for the SAC is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -

- Molinia meadows on calcareous, peaty or clayey-silt-laden soils
- Lowland hay meadows
- Limestone pavements
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*
- Otter

The site is bound to the east by the Little Cloghan River, which discharges to the River Shannon Callows, approx. 9km downstream, therefore, there is a potential hydrological pathway to the SAC.

The applicants Screening Report notes that due to the small scale and limited extent of the construction works associated with the proposed development there is limited likelihood for any pollution to the little Cloghan River. Having regard to the distance to the SAC, it is considered that there is no potential for adverse effects on the SAC.

It is noted that the submission from the Department of Culture, Heritage and the Gaeltacht recommended that the AA Screening Report has not adequately assessed the potential impact on the Shannon Callows SAC.

It is my view that the applicants screening report has not adequately addressed the potential impact on the SAC and it is unclear if any mitigation measures are proposed as part of the construction phase.

Conclusion

On the basis of the information provided with the application and appeal the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European sites Middle Shannon Callows SPA (004096, River Little Brosna Callows SPA (004086), All Saints Bog SPA (004103) Dovegrove Callows SPA (004137) and River Shannon Callows SAC (000216), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.'

8.0 Recommendation

I recommend that permission be refused for the reasons stated in the attached schedule.

9.0 Reasons and Considerations

1. The proposed development is located outside of an area open for consideration for Wind Energy Developments, as outlined in Map 3.2 of the County Development Plan. The proposed development would, therefore, contravene Objective EO-01 of the Offaly County Development Plan 2014-2020 which aims to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Elaine Power
Planning Inspector

23rd October 2020