



An
Bord
Pleanála

Board Direction
BD-014630-23
ABP-313750-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/11/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- a. The National Planning Framework – Ireland 2040,
- b. The Climate Action Plan, 2023,
- c. Climate Action and Low Carbon Development (Amendment) Act, 2021,
- d. National Biodiversity Action Plan, 2022,
- e. National Landscape Strategy for Ireland, 2015-2025,
- f. The Planning System and Flood Risk Management, 2009,
- g. The Regional Spatial & Economic Strategy for the North and West Region, 2020,
- h. the “Wind Energy Development Guidelines - Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in June 2006 (Draft Amendments, 2019),
- i. the policies of the planning authority as set out in the Roscommon County Development Plan, 2022 to 2028,
- j. the distance to dwellings or other sensitive receptors,

- k. the submissions made in connection with the planning application,
- l. the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
- m. the report and recommendation of the Inspector.

Proper planning and sustainable development:

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning, renewable energy, other and related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the following European sites are the only sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment: -

- River Suck Callows SPA – Site code: 004097
- Lough Croan Turlough SPA - Site Code: 004139
- Four Roads Turlough SPA - 004140
- Middle Shannon Callows SPA – Site code: 004096
- Lough Ree SPA – Site code: 004064
- Four Roads Turlough SAC – Site code: 001637
- Ballynamona Bog & Corkip Lough – Site code: 002330
- Killeglan Grassland SAC – Site code: 002214
- River Shannon Callows SAC – Site code: 000216

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives for these SACs and SPAs. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) Site Specific Conservation Objectives for these European Sites,
- (ii) Current conservation status, threats and pressures on the qualifying interest / special conservation interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iv) view of the Department of Arts, Heritage and the Gaeltacht,
- (v) mitigation measures which are included as part of the current proposal,

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,

- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the report of the planning authority,
- (d) the submissions received from the prescribed bodies,
- (e) the submissions received from the Observers, and
- (f) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Noise, vibration, dust and shadow flicker during the construction and/or the operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the Construction and Environment Management Plan (CEMP) which include specific provisions relating to the control of dust, noise and shadow flicker.
- The risk of soil instability and soil erosion during the construction and operational phases which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR) and the Construction and Environment Management Plan (CEMP) which include specific provisions relating to spoil management.
- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR), Drainage Management Plan and the Construction and Environment Management Plan (CEMP) which

include specific provisions relating to groundwater and surface water drainage.

- Biodiversity impacts, including on habitats, mammals, birds, bats, fisheries, invertebrates, and plant species would be mitigated by the implementation of specific mitigation to protect mammals, birds, bats, fisheries, invertebrates and plant species, during the construction and/or operational phases, and the measures set out in the Biodiversity Mitigation and Enhancement Plan.
- The increase in vehicle movements and resulting traffic during the construction phase would be mitigated by the upgraded site access, the preparation of a Construction Traffic Management Plan.
- Landscape and visual impacts would arise during the operational phase from the insertion of the turbines and met mast into an rural setting, the location and siting of which would assist in assimilating the works into the landscape.
- The impact on cultural heritage would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features or deposits that may be identified.
- Positive environmental impacts would arise during the operational phase from the generation of renewable energy.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the EIAR, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the further information received by the Board on the 31st day of March 2023 and the 10th day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted is constructed shall be 10 years from the date of this order.

Reason: In the interests of clarity.

3. This permission shall be for a period of 30 years from the date of the first commissioning of the wind farm.

Reason: To enable the planning authority to review its operation in the light of the circumstances then prevailing.

4. The design and layout of the development shall be amended to omit the three wind turbines (T9, T10 and T12) which would be located within the Killeglan Karst Landscape in the Southern Turbine Cluster. The Killeglan Karst Landscape is a County Geological Heritage site of National Importance, and Policy NF10.11 of the Roscommon County Development Plan, 2022 to 2028 seeks to preserve and protect sites of county geological importance from inappropriate development where they comprise designated sites or national heritage areas.

Reason: To protect the visual integrity and geological heritage of the area.

5. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report, Natura Impact Statement, Further Information response submission and all associated documentation, including the Biodiversity Mitigation and Enhancement Plan (BMEP) and associated Farm Plan, are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment.

6. The developer shall ensure that all soil and water quality related mitigation measures are implemented in full and monitored throughout the life cycle of the construction works and monitored throughout the operational phase, the excavation works for the turbine foundations and on-site spoil depositories should avoid incursion into the underlying bedrock, and where this cannot be locally avoided, excavations work shall not extend below or to within 2 metres of the winter water table level.

Reason: To protect groundwater in the area, public water supplies, and the quality and quantity of water in the surrounding interconnected turloughs.

7. The following design requirements shall be complied with: -

- (a) The wind turbines shall be as indicated in the plans and particulars submitted with the application.
- (b) Details of colouring for the turbines, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Cables within the site shall be laid underground.
- (d) The wind turbines shall be geared to ensure that the blades rotate in the same direction.
- (e) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

8. The operation of the proposed development, by itself or in combination with any other permitted wind energy development, shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:

- (a) Between the hours of 7am and 11pm:
 - i. the greater of 5 dB(A) $L_{90,10min}$ above background noise levels, or 45 dB(A) $L_{90,10min}$, at wind speeds of 7m/s or greater
 - ii. 40 dB(A) $L_{90,10min}$ at all other wind speeds
- (b) 43 dB(A) $L_{90,10min}$ at all other times

where wind speeds are measured at 10m above ground level.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of particular turbines. 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 within six months of commissioning of the wind farm.

Reason: In the interest of residential amenity.

9. The following shadow flicker requirements shall be complied with:

- (a) Cumulative shadow flicker arising from the proposed development shall not exceed 30 minutes in any day or 30 hours in any year at any dwelling.
- (b) The proposed turbines shall be fitted with appropriate equipment and software to control shadow flicker at dwellings.
- (c) Prior to commencement of construction, a wind farm shadow flicker monitoring programme shall be prepared by a consultant with experience of similar monitoring work, in accordance with details to be submitted to the planning authority for written agreement. Details of monitoring programme shall include the proposed monitoring equipment and methodology to be used, and the reporting schedule.

Reason: In the interest of residential amenity.

10. The developer shall retain the services of a suitably qualified and experienced Ecologist to undertake pre-construction surveys at the various project elements, immediately prior to commencing work in order to check for the presence of protected and sensitive species in the vicinity (incl. badgers, otters, nesting birds, bats and plants). A 500m to 700m buffer should be placed around any protected bird species nest sites and maintained free from construction works until the nest is vacated. Bridges along the grid connection route shall be examined for the presence roosting bats. Derogation Licences shall be obtained for the removal of any Bat roost or Otter holts.

Reason: In the interest of protecting ecology and wildlife in the area.

11. The developer shall comply with the following additional nature conservation requirements: -

- (a) No hedgerow felling or vegetation removal shall take place during the bird breeding period between 1st March and 31st August.
- (b) Replacement hedgerow planting shall comprise indigenous Irish hedgerow species and progress shall be monitored on an annual basis until the hedgerows reach maturity.
- (c) A 5m buffer zones shall be installed around Autumn Lady's Tresses orchid sites for the duration of the construction works.

Reason: In the interest of biodiversity and nature conservation.

12. The developer shall retain the services of a suitably qualified and experienced bird specialist to undertake appropriate annual bird surveys of this site. Details of the surveys to be undertaken and associated reporting requirements shall be developed following consultation with, and agreed in writing with, the planning authority prior to commencement of development. These reports shall be submitted on an agreed date annually for five years, with the prior written agreement of the planning authority. Copies of the reports shall be sent to the Department of Arts, Heritage and the Gaeltacht

Reason: To ensure appropriate monitoring of the impact of the development on the avifauna of the area.

13. The developer shall implement mitigation measures to lessen the potential for bat fatalities arising from collision with rotating turbine blades which shall include Feathering or pitching the blades out of the wind, and Curtailment between mid-April to mid-October, between sunset and sunrise, at certain windspeeds and temperatures. Details of the Curtailment shall be developed following consultation with, and agreed in writing with, the planning authority prior to commencement of development, and post construction monitoring shall be undertaken. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

Reason: To ensure appropriate monitoring of the impact of the development on the bat species of the area.

14. The developer shall implement mitigation measures to lessen the potential for impacts on Badgers arising from the excavation and construction works: -

- (a) A 30m cordon shall be installed around any badger sett entrances, which shall be screened and remain in place throughout the construction works,
- (b) There shall be no artificial lighting of any badger sett entrances during the construction and operational phases,
- (c) During the breeding season, no works shall take place within 50m of the sett for general construction and 150m for noisy and vibratory activities, and
- (d) The built-in construction design shall allow for escape from trenches.

Reason: To ensure appropriate monitoring of the impact of the development on the badger species of the area.

15. The developer shall implement mitigation measures to lessen the potential for adverse impacts on the Castlesampson Esker, a geological and geo-heritage site of national importance, which is located close to the southern boundary of the Southern Turbine Cluster. The area around the northern tip of the esker shall be cordoned off for the duration of the construction works, and no storage of materials, plant or vehicles should be permitted in the vicinity. The width of the internal roads and access tracks shall be kept to a minimum and not significantly exceed the width of the existing unpaved farm tracks in the vicinity of the esker deposits. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, the said mitigation measures that shall include, inter alia, the proposed width of the internal roads and access tracks in the vicinity of the esker deposits.

Reason: To protect the geological heritage of the area.

16. The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be finalised prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise, vibration, dust monitoring and management measures, traffic management, an invasive species management plan, and off-site disposal of construction and excavation waste. A construction noise management plan and a contingency plan for remedial action shall be prepared in the event that monitoring levels indicate an exceedance of limits, before works commence.

Reason: In the interests of public safety and residential amenity.

18. Prior to commencement of development, a transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The traffic management 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 roads, 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. Any works, including reinstatement works, works to existing junctions on the national road network, and grid connection cable excavations under the national road network shall comply with Transport Infrastructure Ireland (TII) standards as outlined in TII Publications, County Council roads requirements, and shall be subject to Road Safety Audit as appropriate.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

19. The developer shall prepare an Invasive Species Management Plan for the written agreement of the planning authority and all plant and machinery used during the works should be 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.

20. The construction and future decommissioning and works shall be limited between 08.00-hours and 18.00-hours Monday to Saturday excluding Bank Holidays.

Reason: To protect the amenities of nearby residential properties.

21. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the as constructed tip heights and co-ordinates of the turbines and wind monitoring masts.

Reason: In the interest of air traffic safety.

22. In the event that the proposed development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority prior to commissioning of the turbines and following consultation with the relevant authorities.

Reason: In the interest of protecting telecommunications signals and of residential amenity.

23. 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 wind monitoring mast, the turbines concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, all to be complete to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

Reason: To ensure satisfactory reinstatement of the site upon full or partial cessation of the project.

24. Prior to the commencement of development, the community gain proposals shall be submitted to planning authority for their written agreement.

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

25. 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 planning authority, to secure the satisfactory reinstatement of the site and delivery route upon cessation of the project, coupled with an agreement empowering the planning authorities to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authorities and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

26. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authorities 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 authorities and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Schedule of Costs

Amount to be refunded to applicant: €2,250

Board Member


Tom Rabbette

Date: 20/11/2023