



An
Bord
Pleanála

Board Direction
BD-015291-24
ABP-316051-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/01/2024.

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

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

1. The proposed development by reason of its height (185 metres ground-to-blade tip height), scale (nine turbines) and output (55.8 MW overall generating capacity) when taken in conjunction with the location on lands outside of cutover cutaway peatlands, would be contrary to Policy Objective CPO 10.145 of the Westmeath County Development Plan 2021- 2027, that seeks to strictly direct large-scale energy production projects in the form of wind farms onto cutover cutaway peatlands in the county. In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:

Projects that meet or exceed any of the following criteria:

- Height: Over 100 metres to blade tip, or
- Scale: More than five turbines, or
- Output: Having a total output of greater than 5 megawatts.

Accordingly, the Board was not satisfied that, notwithstanding the benefits of renewable energy proposals and the policy support otherwise, that the proposed development would in this instance be plan led as it would not be in

accordance with the stated policy objective of the statutory development plan for the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Board was not satisfied that the methodology applied to the collision risk of birds with turbines, that led to the screening out by the applicant of the Black-headed Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)) from the need for Stage 2 Appropriate Assessment, was scientifically robust for the reasons set out in Section 13.5 of the Inspectors report and which the Board agreed with. Accordingly, the Board did not consider that the screening out of these two SCIs from the need for Stage 2 Appropriate Assessment can be relied on with scientific certainty. Accordingly, the Board cannot be satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of Lough Ree Special Protection Area (Site Code: 004064) and Middle Shannon Callows Special Protection Area (Site Code: 004096) alone or in combination with other plans and projects. Consequently, on the basis of the information provided with the application, including the Natura Impact Statement and submissions received, and in light of the Inspector's assessment, which the Board agreed with, the Board was not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the above-mentioned sites, in view of these sites' conservation objectives with respect to the Black-headed Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)).

Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the Board decided that the amount due to be refunded to the applicant is €39,388. The Board considered the cost claim submitted by the planning authority, however, the Board determined that there was no compelling reason arising in relation to the application to apply the cost claim sought.

Note:

The Board concurred with the inspector that while the Hill of Uisneach has been included on Ireland's 2020 UNESCO World Heritage Tentative list for World Heritage Site Status, it is not yet a UNESCO site, however, it would be best practice for the EIAR to have had regard to both the UNESCO Guidance and Toolkit for Impact Assessment in a World Heritage Context and the UNESCO Guidance for Wind Energy Projects in a World Heritage Context. The Board agreed with the inspector that further information would be required to address this matter in the event that the Board was minded to grant permission. As the Board agreed with the inspector's recommendation to refuse permission, the Board did not pursue this matter further.

Board Member



Patricia Calleary.

Date: 12/02/2024