

An
Bord
Pleanála

Board Direction
BD-018134-24
ABP-316212-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/11/2024.

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

In coming to its decision, the Board had regard to the totality of information on the file including the following:

European legislation, including:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- the EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy,

National planning, related policy and guidance, including:

- National policy including the Climate Action Plan 2024, with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,

- The objectives and targets of Ireland's National Biodiversity Action Plan 2023-2030,
- Project Ireland 2040 National Planning Framework,
- the provisions of the Wind Energy Development Guidelines, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006 and the Draft Wind Energy Guidelines published by the Department of Housing Local Government and Heritage in December 2019.

Regional and local level policy, including:

- Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031,
- the Meath County Development Plan 2021 – 2027,
- the Westmeath County Development Plan 2021 – 2027,

other matters, including:

- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity,
- 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,
- the documentation submitted with the planning application, including the Natura Impact Statement and the Environmental Impact Assessment Report and the further information furnished to the Board,
- the submissions made to An Bord Pleanála in connection with the planning application,
- the report and recommendation of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

In completing the screening for appropriate assessment, the Board accepted and adopted the screening assessment and conclusion reached in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), River Boyne and River Blackwater Special Protection Area (Site Code: 004232), Lough Derravarragh Special Protection Area (Site Code: 004043), Lough Iron Special Protection Area (Site Code: 004046), Wexford Harbour and Slobs Special Protection Area (Site Code: 004076) and Garriskil Bog Special Protection Area (Site Code: 004102) are the European Sites for which there is a possibility of significant effects and which, must, therefore, be subject to appropriate assessment.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), River Boyne and River Blackwater Special Protection Area (Site Code: 004232), Lough Derravarragh Special Protection Area (Site Code: 004043), Lough Iron Special Protection Area (Site Code: 004046), Wexford Harbour and Slobs Special Protection Area (Site Code: 004076) and Garriskil Bog Special Protection Area (Site Code: 004102) in view of the sites' conservation objectives. The Board was satisfied that the information before it was sufficient to allow for a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field and reach complete, precise and definitive conclusions in respect of appropriate assessment.

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

- (a) The site-specific conservation objectives for the relevant European Sites,
- (b) the current conservation status, threats and pressures of the qualifying interest features,
- (c) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (d) the mitigation measures which are included as part of the proposal,
- (e) the views contained in the submissions.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives and there is no reasonable doubt remaining as to the absence of such effects.

Environmental Impact Assessment

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

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application, including the further information,
- (c) the submissions received during the course of the application, and
- (d) the Inspector's report.

The Board was satisfied 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 during the planning application. The Board was satisfied that the information was reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusion on the Significant Effects

The Board considered, and agreed with the inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Positive environmental impacts would arise during the operational phase from the generation of renewable energy with the displacement of CO₂ from the atmosphere arising from fossil fuel energy production.
- The impacts on residential amenity during the construction and operational phases would be avoided by the implementation of the measures, as set out in the Environmental Impact Assessment Report and associated Construction and Environment Management Plan which include specific provisions relating to the control and management of dust, noise, water quality, traffic movement, noise monitoring and turbine pre-programming, as well as a mitigation strategy to control the level of daily shadow flicker experienced at affected dwellings;
- The impacts on biodiversity during the construction phase include disturbance to birds and bats with potential for collision risk during the

operational phase, loss of habitat for and disturbance/direct mortality of Marsh Fritillary and a mitigation strategy devised to address such effects. Changes to water quality potentially impact aquatic habitats and species due to run-off and sedimentation of watercourses. Impacts will be mitigated by the implementation of the measures, as set out in the Environmental Impact Assessment Report and associated Construction and Environment Management Plan (CEMP) which include specific provisions relating to the control and management of water quality, avoidance of watercourses/streams and habitat management measures, pre-construction mammal surveys, bat protection measures and the appointment of an Ecological Clerk of Works as well as post construction monitoring;

- Impacts on roads and traffic will be mitigated during construction by the measures set out in the Environmental Impact Assessment Report and by a Traffic Management Plan. The main impacts will occur during the construction stage which. Having regard to the nature of the development, significant impacts during the operational stage would not arise.
- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures, as set out in the Environmental Impact Assessment Report and associated Construction and Environment Management Plan which include specific provisions relating to groundwater, surface water and drainage;
- Visual and landscape impacts would arise during the operational phase of the development due to the presence of the turbines and associated infrastructure in the landscape. The site is located within an area which has been identified as having a capacity to absorb a development of this nature and scale in landscape and visual terms. The location of the site and the existing topography and landscape features provide a level of assimilation of the development into the landscape. Given the large separation from sites of national significance including the Hill of Tara (26.1km), Hill of Uisneach (33.2km), Brú na Bóinne (37.5km) and Dun Ailinne (46.6km), the proposed turbines will be seen as small features at such distances and will be visually absorbed within an expansive flat plain and will not obstruct or

interfere with views nor result in any significant landscape and visual effects, including cumulative effects.

- 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.

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 Environmental Impact Assessment Report, 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.

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 policy, would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024, would be acceptable in terms of impact on the visual amenities and landscape character of the area, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would not pose a risk to water quality and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the response to the observations received by the Board on the 1st day of September, 2023 and the further information received by the Board on the 12th day of July, 2024, 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 authorities, the developer shall agree such details in writing with the planning authorities 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 may be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

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 relevant planning authorities to review its operation in the light of the circumstances then prevailing.

4. The following design requirements shall be complied with:

- (a) The wind turbines shall have a maximum tip height of 200 metres and hub height of 115 metres and rotor diameter 170 metres when measured from the top of the foundation.

- (b) Cables within the site shall be laid underground;
- (c) The wind turbines shall be geared to ensure that the blades rotate in the same direction;
- (d) 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.

5. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application as updated by response to observations received by An Bord Pleanála on the 1st day of September, 2023 and response to request for further information received on the 12th day of July, 2024 shall be implemented in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interests of clarity and the protection of the environment during the construction and operational phases of the proposed development.

6. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application as updated by response to observations received by An Bord Pleanála on the 1st day of September, 2023 and response to request for further information received on the 12th day of July, 2024 shall be implemented in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interest of clarity and for the protection of European Sites during the construction and operational phases of the proposed development.

7. The construction of the proposed development shall be managed in accordance with a final Construction Environment Management Plan, which

shall be submitted to, and agreed in writing with each planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

8.

- (a) A suitably qualified and experienced project ecologist shall be retained by the developer to undertake pre-construction surveys at the various project elements, including any river crossings, immediately prior to commencing work in order to check for the presence of protected species in the vicinity.
- (b) A pre-construction badger survey report by a suitably qualified ecologist shall be submitted for written agreement of the planning authorities, to include mitigation measures to avoid any injury to badgers as a result of the development including site avoidance or where unavoidable exclusion of badgers from setts.
- (c) A pre-construction updated survey of Marsh Fritillary habitat shall be carried out and a Marsh Fritillary Management Plan to enhance and promote further areas of suitable habitat shall be prepared and implemented.

Reason: In the interests of nature conservation and the protection of ecology and wildlife in the area.

9. The 0.26-hectare area of oak-ash-hazel woodland growing on mineral soil island at Corranstown Bog shall be retained and its boundary with the proposed borrow pit shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of nature conservation and the protection of ecology and wildlife in the area.

10. The developer shall review usage by birds of the wind farm site and document bird casualties through an annual monitoring programme which shall be submitted by the developer to, and agreed in writing with each planning authority prior to commencement of development. This programme shall be developed following consultation with the Department of Housing, Local Government and Heritage, and shall cover the entire period of the operation of the wind farm.

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

11. Prior to the commencement of the development, the developer shall prepare an Invasive Species Management Plan for the written agreement of the planning authorities 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 order to prevent the introduction or spread of invasive species within the footprint of the works.

12. The developer shall appoint a community liaison officer for all stages of the development who shall be the first point of contact for residents seeking information or making a complaint and shall be responsible for discharging information in relation to the project to residents.

During the construction phase the developer shall maintain a complaints register to record any complaints regarding, but not limited to noise, odour, dust, traffic and any other environmental nuisance. The complaint register shall include details of the complaint and measures taken to address the complaint and prevent repetition of the complaint.

Reason: In the interests of residential amenity and the orderly development of the site.

13. The operation of the proposed development, either 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 0700 and 2300:
 - (i) the greater of 5 dB(A) L90,10min above background noise levels, or 45 dB(A) L90,10min, at wind speeds of 7m/s or greater
 - (ii) 40 dB(A) L90,10min at all other wind speeds
- (b) 43 dB(A) L90,10min at all other times where wind speeds are measured at 10 metres above ground level.

Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authorities 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 authorities within six months of commissioning of the wind farm.

Reason: In the interest of residential amenity.

14. The developer shall comply with the following shadow flicker requirements:
- (a) Cumulative 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.

- (b) The proposed development shall be fitted with appropriate equipment and software to control shadow flicker in accordance with the above requirement. Details of these control measures shall be submitted to, and agreed in writing with, each planning authority prior to the commencement of development.
- (c) A report shall be prepared by a suitably qualified person in accordance with the requirements of each planning authority, indicating compliance with the above shadow flicker requirements at dwellings. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with each planning authority. The developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested at reasonable intervals thereafter by each planning authority.

Reason: In the interest of residential amenity.

- 15. 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 authorities prior to commissioning of the turbines and following consultation with the relevant authorities.

Reason: In the interests of the protection of telecommunications signals and of residential amenity.

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

monitoring mast and shall notify the Irish Aviation Authority of intention to commence crane operations at least 30 days prior to the erection.

Reason: In the interest of aviation safety.

17. The developer shall facilitate the archaeological appraisal of the site, and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the relevant planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development;
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works; and
- (c) provide arrangements, acceptable to the planning authorities, for the recording and for the removal of any archaeological material which the planning authorities considers appropriate to remove.

In default of agreement or any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

18. The delivery of large-scale turbine components for the construction of the windfarm shall be managed in accordance with a finalised Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with each planning authority prior to commencement of development. This plan shall provide details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

Reason: In the interests of traffic and road safety and residential amenity.

19. On full or partial decommissioning of the windfarm, or if the windfarm ceases operation for a period of more than one year, the masts and the turbines concerned shall be removed and all decommissioned structures shall be removed within three months of decommissioning.

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

20. Prior to commencement of development, the developer shall lodge with each planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to each planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the relevant planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between each planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

21. Prior to commencement of development, the developer shall lodge with the planning authorities, a cash deposit, a bond of an insurance company, or such other security as may be acceptable to each planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

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

Notes on Conditions

1. The Board decided to omit the inspector's recommended Condition No.2 from its decision as the Board noted that the application before it and assessed included proposals for the connection of the proposed wind farm to the national electricity grid, which will comprise connecting into the existing Mullingar – Corduff 110 kV overhead line that traverses the site. Following assessment, the Board was satisfied to permit this element of the proposed development.
2. In relation to the inspector's recommended Condition No.7, which the Board attached (as Condition No.8), the Board reworded the condition for reasons of clarity and also included an additional requirement that a pre-construction updated survey of Marsh Fritillary habitat shall be carried out for the reason that it would further strengthen the protection of ecology in the area.

3. In relation to the inspector's recommended Conditions 19 and 20 relating to traffic and road safety, which the Board did not attach these in full, the Board was satisfied that details of traffic have been adequately addressed in the planning application, specifically Chapter 14 (Material Assets) and related appendices of the EIAR and were assessed by the inspector and the Board. The Board agreed that the inspector's recommendation as part of Condition 20, that a traffic management plan in respect of the haul route be submitted and agreed in writing with the Planning Authority prior to commencement of the development and accordingly attached a condition, Condition 18, seeking a finalised Construction Traffic Management Plan be submitted. In doing so, the Board took into account the details of the Traffic Management Plan that were submitted by the applicant as included in Appendix 14-2 of the EIAR.
4. The Board decided not to attach the inspector's recommended Condition 18 (Community Gain Proposals) as the Board noted and was satisfied that outside of the planning process, the Renewable Electricity Support Scheme (RESS) requires that all renewable electricity generation projects establish a Community Benefit Fund to be used for the wider economic, environmental, social and cultural well-being of the local community and that the fund which would be aligned with the Megawatt hour generation of the windfarm paid to the local community annually over the lifetime of the project. Therefore the community gain proposals will be a requirement for the delivery of the project. The Board also noted commitments given by the applicant in this regard as set out in Chapter 4 (Description of the Proposed Development) of the submitted EIAR.

Board Member


Patricia Calleary

Date: 11/11/2024