

An
Bord
Pleanála

Board Direction
BD-019072-25
ABP-319448-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/02/2025.

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 made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended;
- Climate Action Plan 2024,
- National Biodiversity action Plan 2023 - 2030

and in coming to its decision, the Board had regard to the following:

- (a) The obligations placed on it under the Climate and Low Carbon Development Act 2015 (as amended), including to perform its functions in a manner consistent with the most recent Climate Action Plan 2024, and the National Biodiversity Action Plan 2023-2030.
- (b) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases.
- (c) 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.

- (d) the policies set out in the Regional Spatial and Economic Strategy of the Eastern and Midlands Regional Assembly.
- (e) the policies of the planning authority contained within the Westmeath County Development Plan 2021-2027 and Meath County Development Plan 2021-2027.
- (f) the character of the landscape in the area of the site and in the wider area of the site.
- (g) the pattern of the existing and permitted development in the area.
- (h) The distance between the turbines and surrounding dwellings and other sensitive receptors from the proposed development.
- (i) The Environmental Impact Assessment Report submitted.
- (j) The Natura Impact Statement submitted.
- (k) The submissions and observations made in connection with the planning application.
- (l) The report of the Inspector.

Appropriate Assessment: Stage 1:

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement (NIS) and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following European Sites in respect of which the proposed development has the potential to have a significant effect are River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), River Boyne and River Blackwater Special Protection Area (Site Code: 004232), and Lough Derravaragh Special Protection Area (Site Code: 004043).

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 and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the European Site for which potential to have a significant effect had been identified, in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

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 aforementioned European Sites, having regard to the site's 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.

Environmental Impact Assessment:

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

- The nature, scale and extent of the proposed development,
- The environmental impact assessment report and associated documentation submitted in support of the application,
- The submissions from the planning authorities, prescribed bodies and observers, and

- The Inspector's report.

The Board considered that the Environmental Impact Assessment Report (EIAR), 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.

Reasoned Conclusion on Significant Effects

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

- Population and human health: Significant local landscape and visual effects, with the introduction of large-scale wind turbines into the rural environment. Effects will in part be mitigated by a combination of the topography, roadside and intervening vegetation and siting of turbines at distance from dwellings. Residual short term, significant effects will arise for motorised and non-motorised traffic (delay and amenity) on the L5542 for the 18-24 months construction period. These will be mitigated in part by management of construction traffic and provision of alternative routes as set out in the Construction Traffic Management Plan.
- Air and climate: Long term positive effects on air quality and climate, with the net reduction in Green House Gas emissions over the lifetime of the development.
- Cultural heritage, landscape and visual effects: Significant residual direct and cumulative landscape character and visual effects in the immediate area of the site and at distance, when viewed from elevated locations, including for certain cultural heritage assets. These effects will be mitigated by a

combination of topography, screening, distance etc. however, residual effects will remain.

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 herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so the Board adopted the report and conclusions of the reporting Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Climate Action and Low Carbon Development Act 2015 (as amended), National Biodiversity Action Plan 2023-2030, the National Planning Framework, the Regional Spatial and Economic Strategy of the Eastern and Midland Region 2019-2031 and the provisions of the Westmeath County Development Plan 2021-2027 and Meath County Development Plan 2021-2027. It would:

- make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future,
- not seriously injure the residential or visual amenities of the area,
- not adversely affect the natural heritage or biodiversity,
- not have an unduly adverse impact on the landscape, cultural heritage or tourism, and
- 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.

The Board noted that Objective CPO10.146 of the Westmeath County Development Plan 2021-2027 seeks to strictly direct largescale energy production projects in the form of wind farms onto cutover/cutaway peatlands in the county, subject to

environmental, landscape habitats and wildlife protection requirements being addressed. The proposed wind farm is not located on cutaway bog but is primarily located on a mix of agricultural, pasture and forestry lands. As such, the proposed development can be considered as being a material contravention given that it does not align with Wind Energy Policy Objective CPO10.146 as set out in the statutory plan. The Board noted the provisions of section 37G(6) of the Planning and Development Act 2000, as amended, where the Board 'may decide to grant a permission for development, or any part of a development that materially contravenes the development plan'. The Board also noted that the Westmeath County Development Plan supports the development of renewable energy in the County, including onshore wind energy, under Wind energy policy objective CPO 10.143 'Ensure the security of energy supply by supporting the potential of the wind energy resources of the County in a manner that is consistent with proper planning and sustainable development of the area'. Furthermore, the Board noted from a full reading of the renewable energy policies of the development plan, that there is no clear measurable policy statement to the effect that locations outside of cutaway bogs are of themselves inherently unsuitable for the development of windfarms.

On the basis of the above, and noting the conclusions reached in the inspector's report that the proposed development accords with the proper planning and sustainable development and that environmental effects would be acceptable, the Board was satisfied that, notwithstanding the provisions of CPO10.146, it is appropriate for the Board to grant planning permission, taking into account the wider support for wind energy set out in the Westmeath County Development plan 2021-2027 as well as national and regional policy support for onshore wind energy, and the obligations placed on the Board under section 15 of the Climate Action and Low Carbon Development Act, 2015, as amended. In conclusion on this matter, the Board was satisfied that the development in a location outside of an area of cutover cutaway peatlands in County Westmeath, is acceptable and in relation to the current proposal is in accordance with the proper planning and sustainable development for the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, 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 the commencement of development and the proposed development shall be carried out and complied in accordance with the agreed particulars.

Reason: In the interest or 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. The permission shall be for a period of 30 years from the date of the commissioning of the wind turbines. The wind turbines and related ancillary structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.

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

4. The following design requirements shall be adhered to:

- (a) The wind turbines shall be designed to a hub height of 99 metres, a rotor blade diameter of 180 meters and an overall height of 180 meters, in accordance with the turbine option assessed in the Environmental Impact Assessment Report and Natura Impact Statement, together with application documentation.

- (b) The wind turbines, including masts and blades, shall be finished externally in a light grey colour.

Reason: In the interest of clarity and visual amenity.

5. Turbine number one shall be omitted from the development. Prior to commencement of development the developer shall submit plans and drawings indicating the omission of this turbine to the planning authority.

Reason: In the interest of biodiversity.

6. The developer shall appoint a Community Liaison Officer for all stages of the development who shall be the first point of contact for residents and be responsible for monitoring and reporting of complaints, maintaining complaints register, addressing complaints and for discharging information in relation to the development to residents.

Reason: In the interest of amenity and orderly development.

7. The mitigation and monitoring measures identified in the Natura Impact Statement 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.

8. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report shall be implemented in full except as may otherwise be required in order to comply with other conditions hereby specified,

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

In advance of commencement the developer shall submit to the planning authority a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements for agreement with the planning authority:

- i. Bat mitigation measures to be in accordance with National Road Authority Guidelines for the Treatment of Bats during Construction of National Road Schemes (to include arrangements for lighting where nighttime work is proposed).
- ii. Boundary treatment to delineate the works area and protect areas outside of this from disturbance impacts during construction.
- iii. Location of replant lands for forestry to be felled to accommodate the development, timescale for implementation and implementing body.
- iv. Detailed arrangements for directional drilling between Turbine five and Turbine eight, to include the mapped extent of ancient/long established woodland in this area.
- v. Detailed arrangements for monitoring of effects on bird species, to be in accordance with requirements of Scottish Natural Heritage 2009 Guidance on Methods of Monitoring Bird Populations at Onshore Wind Farms, after consultation with the National Parks Wildlife Services.

Reason: To protect the environment and the integrity of European Sites.

10. Prior to the commencement of development, details of the following shall be submitted to the planning authority for written agreement:

- (a) Details of external finishes to substation buildings and structures, and for provision of Closed Circuit Television to the sub-station compound.
- (b) Full details of interface mast (including height).

Reason: In the interest of clarity and visual amenity.

11. Prior to the commencement of development, the following shall be submitted to the planning authority for written agreement:

- (a) Details of road improvement works along the L5542, including arrangements for reinstatement of roadside vegetation and landscaping.
- (b) A Road Safety Audit for the temporary and permanent access onto the N52, with detailed design in accordance with Transport Infrastructure Ireland (TII) requirements, and if required, arrangements for the management of construction traffic using the access during construction.
- (c) Details of pre-construction condition survey of proposed haul routes, bridges/structures along the route, weight of abnormal loads, and arrangements for maintenance of routes/structures during construction and repair of any damage.
- (d) Detailed design and location of the underground electricity cable within the road corridor, including Joint bays, and details of cabling crossing culverts and streams, which shall be in accordance with the requirements of Transport Infrastructure Ireland.
- (e) A revised detailed Construction Traffic Management Plan, to include arrangements for the management of construction traffic on the public road, arrangements for alternative routes, details of source and volume of aggregate material to be sourced on/off site, haul routes, phasing programme for construction works (including with other wind farms), and means to keep the public road free of dirt and debris.

Reason: In the interest of visual amenity and traffic safety.

12. (a) The delivery of large-scale turbine components for the construction of the wind farm shall be managed in accordance with a finalised Traffic Management Plan. This plan shall provide details of the road network to be used by construction traffic, including oversized loads, and detailed arrangements for the protection of bridges, culverts and other structures to be traversed, as may be required. The plan shall also contain details of how the developer intends to engage with relevant parties (local authorities,

PPP companies and TII) and notify the local community in advance of the delivery of oversized loads.

- (b) Any proposed works to the national road network to facilitate turbine delivery shall comply with the requirements of Transport Infrastructure Ireland.

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

- 13. The developer shall retain the services of a suitably qualified and experienced Ecologist (to perform the role of Ecological Clerk of Works) to undertake pre-construction surveys at the various project elements, immediately prior to commencing work to check for the presence of protected species in the vicinity, and to oversee and ensure the implementation of all environmental mitigation and monitoring measures during construction and operation of the wind farm.

Reason: To protect biodiversity.

- 14. The developer shall retain the services of a suitably qualified and experienced bat and bird specialists to undertake appropriate bat and bird surveys of the site, in accordance with the mitigation and monitoring arrangements.

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

- 15. (a) The construction of the proposed development shall be managed in accordance with a final Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include details of the temporary construction compound to serve the southern cluster (which will also be used as a permanent operational compound).
- (c) The Construction and Environmental Management Plan shall include but not be limited to operational controls for dust, noise and vibration, waste

management, protection of soils and groundwaters and surface waters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, waste management, project roles and responsibilities.

- (d) Works near watercourses shall be carried out in consultation with and in accordance with Inland Fisheries Ireland standards Guidelines on the Protection of fisheries during Construction work in and adjacent to Waters (IFI, 2016). No spoil shall be stored in flood risk zones. Imported material shall be suitable to the peat soil/subsoil and bedrock of the site (hydrochemistry)
- (e) The Construction and Environmental Management Plan shall include a draft decommissioning plan for the turbines, to include reuse and/or recycling of turbine components. A revised plan shall be submitted and agreed in advance of decommissioning.

Reason: In the interest of environmental protection and residential amenity.

- 16. Commissioning and construction works shall be limited to the hours of between 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1400 hours on Saturday and shall not be permitted on Sundays or public holidays.

Reason: To protect the amenities of nearby residential properties.

- 17. Noise levels generated by the windfarm following commissioning by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at noise sensitive locations, shall not exceed:

- For the daytime period 7am to 11pm, in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 40dB(A)L90 T10,
- For daytime periods, 7am to 11pm, where the background noise level exceeds 30dB(A)L90 T10, the greater of 45dB(A)L90 T10, or 5dB(A) above background levels,

- For the nighttime period 11pm to 7am, for all noise environments, 43dB(A)L90 T10.

The wind farm shall not give rise to amplitude modulation, tonal or impulsive noise at noise sensitive locations.

Prior to the commissioning of the windfarm, the developer shall submit and agree in writing with the planning authority a Noise Compliance Monitoring Programme (NCMP) for the operational windfarm. The NCMP shall include a detailed methodology for all sound measurements, including frequency of monitoring and recording of results, which shall be made publicly available. The Noise Compliance Monitoring Programme shall be fully implemented during the operation of the windfarm.

Reason: In order to protect the amenities of noise sensitive properties in the vicinity of the development.

18. (a) Appropriate software shall be employed on each of the turbines to ensure that there will be no shadow flicker at any existing nearby dwelling. Turbine shutdown shall be undertaken by the wind energy developer or operator in order to eliminate the potential for shadow flicker.
- (b) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority indicating compliance with the above shadow flicker requirements at dwellings. Within 12 months of the commissioning of the wind farm, this report shall be prepared and submitted to, and agreed in writing with, the 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 by the planning authority at reasonable intervals thereafter.

Reason: In the interest of residential amenity.

19. In the event that the developer does not utilise the government's Renewable Energy Support Scheme (RESS), prior to the commencement of

development, a community gain proposal in line with S.37G(7)(d) of the Planning and Development Act 2000, as amended shall be submitted to the planning authority for written agreement. In default of agreement, the matter shall be referred to An Bord Pleanála for determination.

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

20. In the event that the proposed development causes interference with telecommunication signals, effective measures shall be introduced to minimise interference with telecommunication 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 the commissioning of the turbines and following consultation with relevant authorities.

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

21. (a) Prior to commencement of development and following consultation with the Department of Defence and Irish Aviation Authority, the developer shall submit for written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.
- (b) 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 mast.

Reason: In the interest of aviation safety

22. The developer shall comply with the requirements of Uisce Éireann with regard to diversion of infrastructure within the site and connections to the public network.

Reason: In the interest of public health.

23. All mitigation measures in relation to archaeology and cultural heritage as set out in the Report on Geophysical Survey at Galboystown, County Meath shall be implemented in full. This shall include test trenching as necessary to assess the nature, extent and depth of the geophysical anomalies. This shall be carried out by a licence-eligible archaeologist working under licence from the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

24. The developer shall engage a suitably qualified licence-eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the planning authority and the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. This shall include appropriate palaeo-environmental research within the footprint of the development and archaeological monitoring of grid connection works in Clonmellon, to the satisfaction of the planning authority.

The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

25. On full or partial decommissioning of the wind farm, or if the wind farm ceases operation for a period of more than 1 year, the turbines and all decommissioned structures shall be removed, and foundations covered with soil to facilitate revegetation. These reinstatement works shall be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

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

26. 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 the 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 local 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 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 completion of the development.

27. 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 the planning authority, to secure the 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 secure 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 completion of the development.

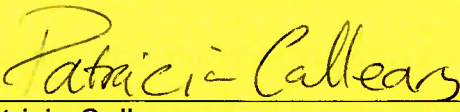
28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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 the permission.

Schedule of Costs

The Board determined, that in accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is €6,822.

Board Member


Patricia Calleary

Date: 03/03/2025