

An
Bord
Pleanála

Board Order
ABP-310612-21

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: P21/113

Appeal by Natural Forces Renewable Energy Limited care of Rowan Engineering Consultants Limited of Unit 14 Scurlockstown Business Park, Trim, County Meath against the decision made on the 26th day of May, 2021 by Sligo County Council to refuse permission for the proposed development.

Proposed Development: The construction of one wind turbine up to 5 Megawatts with overall tip height of up to 180 metres, the construction of the wind turbine foundation, hard standing and assembly area, provision of a site entrance and an access track within the site, construction of an on-site 20kV substation and underground electrical cable, installation of a 7.9 kilometres underground grid connection, which passes through the following townlands Rathbaun, Templehouse Demesne, Kilbrattan, Portnich, Emlaghmaghtan, Cartron (Percival), Cartron (Phibbs), Lecarrow, Carrowkeel, Cloonkeevy, Ballybrennan and connecting into the existing ESB station and all associated site development and ancillary works at Templehouse, Rathbaun, County Sligo, as amended by the revised public notice received by An Bord Pleanála on the 27th day of February, 2023 as follows: a revised Natura Impact Statement has been submitted.

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Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

It is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with:

- (a) the European energy policy,
- (b) the Project Ireland 2040 - National Planning Framework,
- (c) the Climate Action Plan 2023,
- (d) the Regional Spatial and Economic Strategy for the Northern and Western Region,
- (e) the provisions of Sligo County Development Plan 2017-2023, and
- (f) the Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006.

Furthermore, it is considered that the proposed development would make a positive contribution to the implementation of Ireland's national strategic policy on renewable energy and its move to a low energy carbon future, would have an acceptable impact on the landscape having regard to its overall benefits, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely affect the archaeological or natural heritage, 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.

Appropriate Assessment Stage 1

The Board agreed with the screening assessment, appropriate assessment and conclusions contained in the Inspector's report that the Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code: 000636) is the European site for which there is potential for significant effects.

Appropriate Assessment Stage 2

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the above referenced European site in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the Inspector's report and addendum report. In completing the appropriate assessment, the Board adopted the reports of the Inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not adversely affect the integrity of the Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code: 000636) or any European site in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted to An Bord Pleanála on the 18th day of January, 2022, 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 proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall be for a period of 30 years from the date of commissioning of the wind turbine. The wind turbine and ancillary related 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 planning authority to review its operation in the light of the circumstances then prevailing.

3. The mitigation measures and monitoring commitments identified in the Natura Impact Statement, the Environmental and Planning Report, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a schedule of these mitigation measures and monitoring commitments, and

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details of a time schedule for implementation of the mitigation measures and associated monitoring.

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

4. The operation of the proposed 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 5dB(A) L90, 10 min above background noise levels, or 45dB(A) L90, 10 min, at standardised 10 metres height above ground level wind speeds of 4m/s or greater, and
 - (ii) 40dB(A) L90, 10 min at all other standardised 10 metre height above ground level wind speeds.
 - (b) 43dB(A) L90, 10 min at all other times.

Prior to the 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 the turbine. 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 Recommendation 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.

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5. (a) Shadow flicker arising from the proposed development 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, the 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 the 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, 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 at reasonable intervals thereafter by the planning authority.

Reason: In the interest of residential amenity.

6. In the event that the proposed development caused 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 commissioning of the turbine and following consultation with the relevant authorities.

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

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7. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the 'as constructed' positions of the turbine and the highest point of the turbine to the top of the blade spin.

Reason: In the interest of air traffic safety.

8. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures, surface water management proposals, control and management of accidental spillages, detailed design of watercourse crossings, the management of construction traffic, construction work hours, and off-site disposal of construction waste.

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

9. (a) Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
- (i) a Transport Management Plan, including details of the road network/haulage routes and the vehicle types to be used to transport materials on and off the site and a schedule of control measures for exceptionally wide and heavy delivery loads. The plan should also contain details of how the developer intends to engage with and

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notify the local community in advance of the delivery of oversized loads,

- (ii) a condition survey of the roads and bridges along the haul routes shall be carried out at the developer's expense by a suitably qualified person both before and after construction of the wind farm. This survey shall include a schedule of required works to enable the haul routes to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed in writing with the planning authority prior to the commencement of development,
 - (iii) detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority,
 - (iv) detailed arrangements for the protection of bridges to be crossed,
 - (v) a Construction Traffic Management Plan, including details of temporary traffic arrangements/controls on roads, and
 - (vi) a phasing programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.
- (b) Within three months of the cessation of the use of the haul route to transport material to and from the site, a road survey and scheme of works detailing works to repair any damage to the route shall be submitted to the planning authority.
 - (c) All works arising from the aforementioned arrangements shall be completed at the developer's expense within 12 months of the

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cessation of the roads' use as a haul route for the proposed development.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

10. 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 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, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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11. On decommissioning of the wind farm or if the wind farm ceases operation for a period of more than one year, the turbine concerned (including its foundation) shall be removed and all decommissioned structures and any access roads shall be removed within three months of decommissioning.

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

12. 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 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 the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

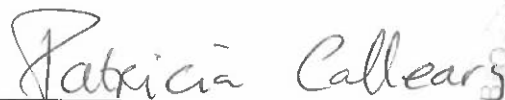
13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled 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.

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14. 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.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 11 day of July 2023.