



An  
Bord  
Pleanála

## Board Order ABP-317459-23

### Planning and Development Acts 2000 to 2022

**Planning Authority:** Longford County Council

**Planning Register Reference Number:** 23/60010

**Appeal** by Deirdre Clinton and Ian Hugguns care of Liam Madden of Convent Road, Longford and by Joseph Shiels of Lissanore, Edgeworthstown, County Longford against the decision made on the 8<sup>th</sup> day of June, 2023 by Longford County Council to grant subject to conditions a permission to Natural Forces Renewable Energy Limited care of Rowan Engineering Consultants Limited of Unit 14, Scurlockstown Business Park, Trim, County Meath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of one Enercon E138 Wind Energy Converter on an 81-metre tower with an electrical rating of 4.2 megawatts and an overall tip height of 149.38 metres. Installation of the hardstanding area for the Wind Energy Converter. Installation of underground circuit cables which will run in underground cable trenches (circa 1.2 metres deep) from the proposed Wind Energy Converter to the proposed substation building on the site. Construction of the proposed substation building which will be located circa 98 metres from the proposed wind turbine and surrounded by stock proof fencing. It will be a single storey building, measuring 55 square metres and circa 4.8 metres in height. Construction of proposed internal site access track, constructed from permeable material and which will run from the site entrance to the Wind Energy Converter hardstanding area. All associated ancillary infrastructure and preparatory works

such as provision of the site entrance, all at Lissanore, Edgeworthstown, County Longford.

## **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**

Having regard to the nature and scale of the proposed development, comprising a single wind turbine, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of impacts on the environment, including landscape and visual impacts, and on residential amenity and biodiversity. The proposed development would not be prejudicial to the bringing forward of the proposed N4 Mullingar to Longford (Roosky) road scheme. The proposed development would be supported by policy for the bringing forward of renewable energy development, as set out in the Longford County Development Plan 2021-2027, including, in particular, the provisions of objective CPO 5.143 which seeks to adopt a positive approach to renewable energy proposals, having regard to the proper planning and sustainable development of the area. The Board was satisfied that delivery of the proposed development would be consistent with and supported by the provisions of the Climate Action Plan 2024 which seeks to accelerate the delivery of onshore wind, together with offshore wind and solar energy, through a competitive framework to reach 80% of electricity demand from renewable energy by 2030. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening:**

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed development, the documentation on file, in particular the Appropriate Assessment Screening Report submitted in support of the proposed development, the submissions received, and the assessment carried out by the Inspector in relation to the potential for significant effects on European Sites having regard to their Conservation Objectives. In undertaking the screening exercise, the Board accepted and adopted the analysis and conclusions set out in the Inspector's report. The Board concluded that, by itself and in combination with other developments in the vicinity, the proposed development would not be likely to have significant effects on any European Site in view of the sites' Conservation Objectives. The Board determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not, therefore, required. No measures intended to avoid or reduce harmful effects on European Sites were taken into account in reaching this conclusion.

### **Environmental Impact Assessment Screening:**

In conducting a screening exercise Environmental Impact Assessment (EIA), the Board noted that the proposed development does not include more than five turbines or have an output greater than five megawatts which are detailed as mandatory EIA thresholds in Schedule 5, Part 2, 3 Energy Industry, (i) of the Planning and Development Regulations 2001, as amended. On this basis, the proposed development, while constituting a project, is less than the specified thresholds and does not fall within the mandatory EIA requirements and, accordingly, the requirement for EIA and an Environmental Impact Assessment Report (EIAR) is not triggered. The proposed development was screened by the Inspector as sub-threshold for the purposes of EIA and was assessed against the criteria specified in Schedule 7 of the Planning and Development Regulations 2001, as amended.

In undertaking the screening exercise, the Board agreed with and adopted the analysis and conclusions of the Inspector and the Board itself concluded, in agreement with the Inspector, that there would be no real likelihood of significant effects on the environment as a result of the proposed development, by reference to Schedule 7 criteria, the submitted Schedule 7A information, relevant information on the characteristics of the proposed development and its likely significant effects on the environment submitted by the applicant, mitigation, the likely significant effects on sensitive ecological sites, all as considered in the Inspector's report. Accordingly, the Board concluded that the preparation and submission of a sub-threshold Environmental Impact Assessment Report is not required.

## 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 plans and particulars received by the planning authority on the 19<sup>th</sup> day of April, 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 proposed development shall be carried out and completed 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 identified in the Environmental and Planning Report that includes the Construction and Environmental Management Plan (as finalised) and other plans and particulars submitted with the planning application shall be implemented in full.

**Reason:** In the interest of clarity and the protection of the environment.

4. This permission shall not be construed as any form of consent or agreement to connection to the national grid or to the routing or nature of any such connection.

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

5. The construction of the proposed development shall be managed in accordance with a finalised Construction Environmental Management Plan (CEMP) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including:

- (a) The location of the construction compound, including the area identified for the storage of waste.

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- (b) The location of areas for the construction site office and welfare facilities.
- (c) Details of on-site parking facilities for site workers during the course of construction.
- (d) Details of the location of the sediment features/barriers required to protect water quality during construction.
- (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (f) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (g) Invasive Species Management Plan.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be retained for inspection by the planning authority.

**Reason:** In the interest of protecting the environment.

6. Prior to commencement of development, a traffic management plan for the construction phase of the proposed development shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan shall incorporate the following:
  - (a) Details of the road network/haulage routes and the vehicle type to be used to transport materials to and from the site and a schedule of control measures for exceptionally wide and heavy delivery loads.

- (b) 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 the construction of the proposed development. This survey shall include a schedule of required works to cater for constructed related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development.
- (c) Detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority.
- (d) Details of construction related directional and road safety signage.

All works arising from the aforementioned arrangements shall be completed at the developer's expense.

**Reason:** To protect the public road network.

- 7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

- 8. The developer shall comply with the following shadow flicker requirements:
  - (a) Cumulative shadow flicker arising from the proposed wind turbine shall not exceed 30 minutes in any day or 30 hours in any year at any dwelling.
  - (b) The proposed turbine shall be fitted with appropriate equipment and software to control shadow flicker at dwellings.

**Reason:** In the interest of residential amenity.

9. During operation, noise levels when measured externally at nearby sensitive locations, shall not exceed:
- (a) Between the hours of 0700 and 2300:
    - (i) 45dB(A) L90, 10 min or an increase in 5dB(A) L90, 10 min above background noise levels at a standardised 10-metre height above ground level at wind speeds of 7m/s or greater, and
    - (ii) 40dB(A) L90, 10 min at a standardised 10-metre height above ground level at all other wind speeds.
  - (b) 43dB(A) L90, 10 min at all other times.
  - (c) 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 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 the commissioning of the wind turbine.

**Reason:** In the interest of residential amenity.

10. Prior to commencement of development, details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority having consulted with the relevant authorities.

**Reason:** In the interest of air traffic safety.



11. Prior to commencement of development, the developer shall submit to the planning authority for written agreement an outline Decommissioning and Restoration Plan. The Plan shall be reviewed every 10 years and implemented in accordance with the arrangements set out in the plan at the expiry of the permission granted.

**Reason:** In the interest of orderly development, visual amenity and the environment.

12. 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 own 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 the protection of telecommunications signals and of residential amenity.

13. 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 20 day of June 2024.**