



An
Bord
Pleanála

Board Order ABP-319800-24

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Planning Register Reference Number: 23/60142

Appeal by Molly Naughton of Farbreagues, Knockcroghery, County Roscommon and by Kilcash Wind Turbine Action Group of Kilcash, Rahara, Roscommon, County Roscommon against the decision made on the 3rd day of May, 2024 by Roscommon 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 Turbine on an 81-metre tower with an electrical rating of 4.2 megawatts and an overall tip height of 14.37 metres. Installation of the hardstanding area for the Wind Turbine. 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 2.82 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 five 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 and all associated ancillary infrastructure and preparatory works such as provision of the site entrance, all at Kilcash, County

Roscommon, as amended by the further public notices received by the planning authority on the 12th day of March, 2024.

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 policies and objectives of the Roscommon County Development Plan 2022-2028, the provisions of the Climate Action Plan 2024, the Wind Energy Guidelines for Planning Authorities (2006) and the Draft Revised Wind Energy Development Guidelines (2019), the nature and scale of the proposed development, and the distance to dwellings and European Sites, it is considered that, subject to compliance with the conditions set out below, the proposed development would not cause adverse impacts on the residential or visual amenities of the area or of property in the vicinity, would not significantly impact on biodiversity, European Sites, or archaeological resources, 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 and conclusion carried out in the Inspector's Report that the Lough Ree Special Protection Area (Site Code: 004064), the River Suck Callows Special Protection Area (Site Code: 004097), the Four Roads Turlough Special Protection Area (Site Code: 004140) and the Lough Croan Turlough Special Protection Area (Site Code: 004139) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Lough Ree Special Protection Area (Site Code: 004064), the River Suck Callows Special Protection Area (Site Code: 004097), the Four Roads Turlough Special Protection Area (Site Code: 004140) and the Lough Croan Turlough Special Protection Area (Site Code: 004139) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake 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. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

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.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that 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 plans and particulars received by the planning authority on the 29th day of September, 2024, the 15th day of February, 2024 and the 12th day of March 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 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. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the integrity of the European Sites.

3. The mitigation measures contained in the submitted framework Construction Environmental Management Plan shall be implemented.

Reason: To protect the environment.

4. A shadow flicker shutdown system shall be installed in the turbine.

Reason: In the interest of residential amenity.

5. The period during which the development hereby permitted may be carried out shall be 30 years from the date of the first commissioning of the wind energy development.

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

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

Reason: In the interest of clarity.

7. The operation of the proposed development, 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:

Between the hours of 0700 and 2300:

- (a) the greater of 5 dB(A) L90,10 minutes above background noise levels, or 45 dB(A) L90,10min, and

- (b) 43 dB(A) L90,10 minutes at all other times.

Prior to commissioning of the turbine, the developer shall submit to, and agree in writing with, the planning authority a Noise Compliance Monitoring Programme (NCMP). The NCMP shall include a detailed methodology for all sound measurements, including frequency of monitoring (initially six months, with confirmatory monitoring in the third-year post commissioning) and recording of results, which shall be made publicly available. The NCMP shall also include any mitigation measures such as the de-rating of the turbine, if required, and shall be fully implemented during the operation of the windfarm.

Reason: In the interest of residential amenity.

8. The following design requirements shall be complied with:

- (a) Cables within the site shall be laid underground.
- (b) The wind turbine shall be geared to ensure that the blades rotate in the same direction.
- (c) 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 and residential amenity.

9. In the event that the wind energy 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 authority prior to commissioning of the turbine and following consultation with the relevant authorities.

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

10. Prior to commissioning of the turbine, the developer shall inform the planning authority and the Irish Aviation Authority of the tip heights and co-ordinates of the turbine.

Reason: In the interest of air traffic safety.

11. The developer shall retain the services of a suitably qualified and experienced Ecologist to undertake pre-construction surveys at the various project elements, immediately prior to commencing work in order to check for the presence of protected species in the vicinity, including badgers, otters, deer, nesting birds and bats. Derogation licences shall be obtained as required.

Reason: In the interest of protecting ecology and wildlife in the area.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday, 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.

Reason: To safeguard the amenities of properties in the vicinity.

13. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development, following consultation with the planning authority Archaeologist or the National Monument Service (NMS). Prior to commencement of such works, the archaeologist shall consult with and forward to the planning authority archaeologist or the NMS, as appropriate, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. 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.

14. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

15. Existing road drainage shall not be impaired by the proposed development of the access and all roadside works shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off. The developer shall be responsible for the cost of any repairs to the public road deemed necessary as a result of any damage done to this road, to facilitate the development hereby granted.

Reason: In the interest of the protection of public health and traffic safety.

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, including delivery and haul routes, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

17. On full or partial decommissioning of the proposed development, or if the wind energy development ceases operation for a period of more than one year, the turbine concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, all to be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

Reason: In the interest of landscape restoration upon cessation of the project.

18. 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.

19. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *10th* day of *February*, 2025.