

An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-320302-24**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Sligo County Council**

**Planning Register Reference Number: 2360288**

**Appeal** by Tony Murray of Kilshalvey, Gurteen, County Sligo against the decision made on the 4<sup>th</sup> day of July 2024 by Sligo County Council, to grant subject to conditions, a permission to Riverstown Locally Owned Turbine Limited care of Jennings O'Donovan of Finisklin Business Park, Sligo in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of one electricity generating wind turbine with a rotor diameter of up to 136 metres and an overall blade tip height of up to 180 metres; construction of a circa 240 metres of permanent access track; construction of a crane hardstand; construction of a 20kV substation; construction of an underground trench for site electrical and fibre optic cabling circa 320 metres in length; and, all ancillary development, including the provision of site office, car parking, internal access roads, perimeter landscaping, fencing, lighting, and on-site drainage. The maximum output capacity of the wind farm will be circa 3.5 megawatts; all at Riverstown, Gurteen, County Sligo.

## 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

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with, inter alia, the Climate Action Plan 2025 and the furtherance of the national climate objective.

In coming to its decision, the Commission had regard to the following:

- (a) European legislation, including of particular relevance:
  - (i) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - (ii) EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025)
  - (iii) Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.

- (iv) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.
- (b) National and regional planning and related policy, including:
  - (i) National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.
  - (ii) Wind Energy Guidelines: Guidelines for Planning Authorities 2006 and the draft guidelines published in 2019.
  - (iii) The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- (c) Regional and local planning policy, including:
  - (i) Regional Spatial Economic Strategy for the Northern and Western Region 2020-2032.
  - (ii) Sligo County Development Plan 2024-2030.
- (d) Other relevant national policy and guidance documents.
- (e) The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- (f) 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.
- (g) The reports of the planning authority and submissions received in response to same.
- (h) The submissions made on the planning application to the planning authority and to the Commission in connection with the appeal.
- (i) The report and the recommendation of the Planning Inspector.

## **Appropriate Assessment Stage 1 Screening Determination**

The proposed development and associated grid connection was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). Having carried out screening for Appropriate Assessment, and on the basis of the information considered in this AA screening, it is concluded that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely Lough Gara Special Protection Area (Site Code 004048), Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code 000636), and Lough Arrow Special Protection Area (Site Code 004050), in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- (a) Scientific information provided in the Screening report.
- (b) The scale of the development and the contained nature of the site.
- (c) No direct ecological connections to European Sites.
- (d) Distance from and weak indirect connections to the European sites.
- (e) No ex-situ effects on wintering birds.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## **EIA Screening Determination**

Having regard to –

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 3(i) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- (b) the consideration of the cumulative effects of the proposed development, subject of the screening;
- (c) the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- (d) the location of the development as it relates to any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- (e) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- (f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised; and,
- (g) the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project in the submitted Environmental Report, Archaeological Assessment, Construction Environmental Management Plan and other submitted plans and particulars,

the Commission concluded that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.



## **Conclusions on 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 European, national, and regional renewable energy policies and with the provisions of the Sligo County Development Plan 2024-2030, would be acceptable in terms of traffic and road capacity and traffic safety, and would facilitate the generation of electricity to the national grid by means of renewable energy. The Commission further considered the development, as proposed, would not have an unacceptable impact on the landscape and visual amenities, biodiversity, geology and soil, water environment or residential amenities of the area, nor would it adversely affect the archaeological and cultural heritage of the area. 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, as amended by the further plans and particulars received by the planning authority on the 7<sup>th</sup> day of June 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 development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This five-year 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.

3. (a) The permission shall be for a period of 30 years from the date of the first commissioning of the wind turbine. All structures, including foundations, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
- (b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the turbines and all ancillary structures, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.
- (c) On full or partial decommissioning or if the wind turbine ceases operation for a period of more than one year the wind turbine, the turbine and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan, and all decommissioned structures shall be removed from the site within six months of decommissioning.

**Reason:** To enable the planning authority to review the operation of the windfarm over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration upon cessation of the project.

4. The mitigation measures and monitoring commitments identified in the Environmental Report, Archaeological Assessment, and other plans and particulars submitted with the planning application and as further information shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

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

5. 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 National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance works and/or construction works.

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 archaeological interest.

6. (a) Appropriate software shall be employed on the turbine to ensure that there will be no shadow flicker at existing nearby habitable dwellings (excluding participating properties). 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 turbine, 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.

7. The following design requirements shall be complied with:
- (a) The hub height of the turbine shall not exceed 112 metres, and the rotor diameter shall not exceed 136 metres. The overall tip height shall not exceed 180 metres. Details of the turbine design, hub height, blade length, and tip height shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
  - (b) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.
  - (c) Prior to the commencement of development, details of the external finishes to substation building, fencing, and for provision of CCTV to the sub-station compound following shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of clarity and visual amenity

8. (a) Noise levels generated by the wind turbine following commissioning by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at existing noise sensitive locations, shall not exceed:
- (i) For the daytime period 0700 to 2300 hours, in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 40dB(A)L90 T10.

- (ii) For the daytime period 0700 to 2300 hours, where the background noise level exceeds 30dB(A)L90 T10, the greater of 45dB(A)L90 T10, or 5dB(A) above background levels.
  - (iii) For the nighttime period 2300 to 0700 hours, for all noise environments, 43dB(A)L90 T10.
- (b) Prior to the commissioning of the wind turbine, 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 results of the initial noise compliance monitoring to be submitted to and agreed in writing with the planning authority within 12 months of commissioning of the wind turbine. The NCMP shall be fully implemented during the operation of the wind turbine.

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

9. The construction of the 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. The CEMP shall provide details of intended construction practice for the development, including, but not limited to, and in line with the methodology and mitigation and monitoring measures detailed within the Environmental Report and other plans and particulars submitted with the planning application and as further information:
- (a) Hours of working;
  - (b) details of the construction methodology for all the components of the development;
  - (c) specifications of detailed geotechnical site surveys which shall be carried out for all development infrastructure components;
  - (d) details of pre- and post- construction condition surveys which shall be carried out for the L8206;
  - (e) details of on-site car parking and access arrangements for site workers and deliveries;
  - (f) a construction traffic management plan. Details of abnormal load road routes and management of the abnormal load delivery process, construction haul routes, road closures and diversion, local property access arrangements, and alternative arrangements to be put in place for pedestrians in the case of the closure of any public road or footpath during the course of site development works;

- (g) measures to obviate queuing of construction traffic on the adjoining road network;
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and to prevent surface water flowing onto the public road;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the 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;
- (k) details of marking of hydrological buffer zones and silt fencing. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface watercourses or drains;
- (l) measures to intercept and dispose of surface water that may flow off the public road onto the site;
- (m) a surface water management plan including details of water quality monitoring;
- (n) the location and specifications of any temporary storage requirements;
- (o) a waste management plan for construction waste;
- (p) the location of all archaeological constraints relevant to the development;



- (q) a record of daily checks that the works are being undertaken in accordance with the CEMP shall be available for inspection by the planning authority; and,
- (r) details of a local community feedback mechanism, where feedback including complaints are received and acted upon by a designated Community Liaison Officer.

**Reason:** In the interest of amenities, public health and safety and environmental protection.

- 10. 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.

- 11. Prior to the commissioning of the wind turbine, the developer shall submit, for the written agreement of the planning authority, details of actions to be taken by the developer in the event of the development causing interference with telecommunication signals. Such actions shall be completed to minimise interference with telecommunication signals and shall be carried out to the written satisfaction of the planning authority at the developer's expense.

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

12. 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' position 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.

13. The Community Benefit scheme shall be adhered to for the life of the wind turbine. The scheme shall be administered in accordance with the RESS Community Benefit Fund Good Practice Principles, 2021, prepared by the Department of the Environment, Climate and Communications. 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 shall be submitted to the planning authority for written agreement. In default of agreement, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure that the community living in proximity to the wind turbine, benefits from it.

14. 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 Coimisiún Pleanála for determination.

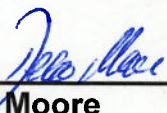
**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

15. Prior to commencement of development, the developer shall lodge with the relevant planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the relevant planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project, coupled with an agreement empowering the relevant 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 relevant planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

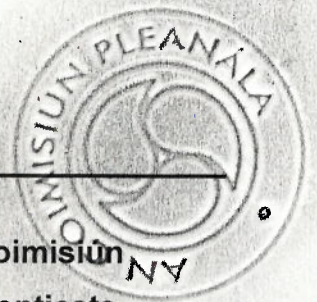
**Reason:** To ensure the satisfactory reinstatement of the site.

16. 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.

**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.

  
Declan Moore

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 2 day of DECEMBER 2025