



An
Bord
Pleanála

inspector's Report ABP-303677-19

Development	Relocation and alterations of the permitted wind turbines and associated infrastructure
Location	Derrane and Roxborough, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	18447
Applicant(s)	Peter Gillooly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Peter Gillooly
Observer(s)	Patrick & Eimear Kelly Noel Molloy Niamh Molloy Annette Garvey John Hussey & others Breeda Hickey

Deirdre Hickey
Sandra & Padraig Shanagher
Deirdre Lavin
Residents of Derrane & Roxborough
Area
John McNaboe
Catherine Waldron

Date of Site Inspection

30th May 2019

Inspector

Ciara Kellett

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	5
4.0 Planning History.....	7
5.0 Policy and Context.....	8
6.0 The Appeal.....	12
7.0 Assessment.....	20
8.0 Recommendation.....	33
9.0 Reasons and Considerations	33
10.0 Conditions	34

1.0 Site Location and Description

- 1.1. The location of the proposed development is in the townlands of Derrane and Roxborough, Co. Roscommon. It is c.4.5km north of Roscommon Town and c.1.4km to the east of the N61 Regional Road which runs generally in a north-south direction in the vicinity of the site linking Roscommon town to Boyle. The local L1805 Derrane Road runs to the north of the site. Access to the site is from this local road.
- 1.2. The general area is characterised by ribbon development along the L1805 road but is rural in nature. Agriculture is predominant, and the land is gently undulating. The site itself is currently in use for agricultural purposes and comprises a number of farm buildings as well as family homes which are accessed off the L1805.
- 1.3. An existing farm track will provide access to the proposed development site which is located to the rear of the family home and farm buildings. An anemometer exists on the site.
- 1.4. The Corbo Bog SAC (Site Code 002349) is located c. 4.8km to the east. The Derrycann Bog NHA (Site Code 000605) is c.2.8km to the north-east. The nearest SPA is the Lough Ree SPA (Site Code 004064) which is c. 9km to the south-east of the site. The River Suck Callows SPA (Site Code 004097) c.9.3km to the south. The Lough Ree SAC (Site Code 000440) is c.6km to the south-east.
- 1.5. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The development is described in the public notices as consisting of (in summary): Minor amendments to the development permitted under Reg. Ref. 11/126 and 18/313, to provide for the relocation of the permitted wind turbines and associated infrastructure and amendments to the turbine dimensions to allow an overall maximum tip height of up to 150m. The maximum combined output will not exceed 4.9MW.
- 2.2. There are currently 2 wind turbines permitted on the site, but they have not been constructed. The original permission (Reg. Ref. 11/126) permitted the turbines at a tip height of 126m and in different locations. T1 is proposed to move 17m to the west and T2 to the east by 73m. Consequently, the proposed relocation of the

turbines will result in the relocation of their associated site access tracks and crane hardstanding.

- 2.3. The original planning application (Reg. Ref. 11/126) included a drawing indicating that the hub height was 84.58m and the blade diameter was 82m. The subject application includes a drawing of the proposed wind turbines, but the only dimension referred is the maximum overall height of 150m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons (summarised):

1. Planning Authority consider that the proposal would interfere with a landscape characterised as being of High Value (LCA32) and these sensitive landscapes can only accommodate a limited level of development. The significant amendments proposed to the governing permission would negatively impact on the landscape, would unduly interfere with the character of the surrounding landscape and be contrary to Objective 7.37 of the County Development Plan.
2. The Planning Authority is not satisfied that the development description is an accurate representation of the nature and extent of the works proposed, by virtue of the fact that the proposal involves a substantial deviation in the design and siting outside of the site boundaries of the original permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's reports are the basis for the Planning Authority's decision. The Planning Authority sought further information and therefore there are two Planning Reports on file. In summary:

- Notes no proposed increase in the number of turbines but output increase from 4.6MW to 4.9MW.
- Principle of this type of development has been established at this specific location and aligns with National, Regional and Local policy.

- Relevant issue is whether the increase in turbine height from 125m to 150m will have a significantly detrimental visual impact above that associated with the permitted turbines.
- Site is positioned in an LCA that is described as having high value. Original parent permission visual consideration was in relation to views from Roscommon Town. Increase in height will increase viewable distance. No assessment provided by applicant – VIA and photomontages should be requested and should include photomontages of permitted development as a comparator.
- No concerns in relation to traffic safety or noise.
- Shadow Flicker has not been assessed and should be requested.
- Further Information was requested in relation to 2 items: 1. VIA and photomontages, 2. Shadow Impact analysis. The applicant responded supplying photomontages from 10 viewpoints and a shadow flicker report.
- The Planner considers each image supplied but notes that the applicant did not carry out an appraisal of the impact on Rathcroghan Archaeological Complex or on protected structures Roxborough House and Munsborough House. It is contended that the assessment is incomplete.
- With respect to the Shadow Flicker Assessment there is no objection and a suitable condition could be included.
- It is concluded that the Planning Authority is not satisfied on the basis of the information provided that the proposal would not have a significant detrimental visual impact, and it has not considered the implications on a number of historical features. In addition, reservation is expressed in terms of the development description which the Planning Authority consider misleading in that one of the turbines is moving 73m east to that which was originally permitted, and outside the boundaries of the original site. It is considered that the suggestion that the proposal involves minor amendments to the development previously permitted is incorrect.
- The Planner recommends a refusal of permission.
- The decision was in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

The file was not referred to internal sections of the Local Authority.

3.3. Prescribed Bodies

- **Irish Aviation Authority:** No objection subject to conditions
- **ESB:** File referred
- **Department of Arts, Heritage and the Gaeltacht:** File referred
- **Dept. of Agriculture, Food and Marine:** File referred
- **Fáilte Ireland:** File referred

3.4. Third Party Observations

There were no third-party observations submitted within the required time period.

4.0 Planning History

There have been two previous applications on the site. In summary:

- **RCC Reg. Ref. 18/313:** Permission was granted in September 2018 for minor amendments to the earlier permission, to provide for the relocation and redesign of the substation, realignment of internal roads, redesign of hardstands, and minor upgrade works to site entrance.
- **RCC Reg. Ref. 11/126:** Permission was granted in January 2012 for 2 no. 2.3MW wind turbines of up to 85m hub height and 82m rotor diameter with a total height of 126m and associated works. The permission is valid for 10 years.

In the vicinity and of relevance:

- **ABP Ref. 243479:** Permission was refused by the Board in June 2015 for 2 no. 2.3MW turbines with hub height of 78.33m and blade tip height of 119.33m in Rathconnor, Four mile House which is c.4km north-west of the subject site. Permission was refused because the Board were not satisfied that sufficient information was available to assess the impacts on Whooper Swans having regard to the proximity of two Natura 2000 sites (Lough Ree and River Suck Callows SPA)

as well as having regard to the ecology of the site and based on information contained in the Screening Report, third party submissions and a submission from the Dept. of Arts, Heritage and the Gaeltacht.

- **ABP Ref. 302597:** Permission was granted by the Board in March 2019 for the refurbishment of a 110kV overhead line from Cloon to Lanesborough. A Natura Impact Statement accompanied the application but was included for sites not located within the Roscommon area – the European sites in Roscommon had been screened out.

5.0 Policy and Context

5.1. National Planning Framework

5.1.1. Chapter 9 of the NPF addresses sustainability. It is stated that:

Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. The Government recognise that Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while at the same time ensuring security of supply of competitive energy sources to our citizens and businesses.

National Policy **Objective 55** seeks to promote renewable energy use and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050.

5.2. Wind Energy Development Guidelines for Planning Authorities 2006

5.2.1. The guidelines provide advice on wind energy development in terms of the Development Plan and development management processes. Guidance is given on matters such as noise, shadow flicker, natural heritage, archaeology, architectural heritage, ground conditions, aircraft safety and windtake. Whilst a setback distance is not established, it is stated that noise is unlikely to be a significant problem where the distance to a residential property is more than 500m. In respect of noise, the recommended standard is a lower fixed limit of 45dBA or a maximum increase of 5dBA above background noise and nearby noise sensitive locations, apart from very

quiet areas where the daytime level is limited to 35-40dB(A). A night time limit of 43 dB(A) is recommended.

5.2.2. In terms of shadow flicker, the recommended standard is a maximum of 30 hours per year or 30 minutes per day for dwellings and offices within 500m. It is further stated that at distances of greater than 10 rotor diameters, the potential for shadow flicker is very low.

5.2.3. Chapter 6 provides guidance on siting and design of wind energy development in the landscape. This includes advice on siting, spatial extent and scale, cumulative effect, spacing of turbines, layout of turbines and height of turbines. Advice is also given regarding landscape character types as a basis for the application of the guidance on siting and design.

5.3. Circular PL5/2017 Wind Energy Development Guidelines 2006 – Update on Review

5.3.1. The Interim Guidelines do not replace or amend the existing Wind Energy Development Guidelines 2006, but it is intended that the administrative provisions contained therein will be incorporated into the revisions to the 2006 Guidelines when finalised.

5.3.2. The key aspects of the preferred draft approach are:

- the application of a more stringent noise limit, consistent with World Health Organisation noise standards, in tandem with a new robust noise monitoring regime, to ensure compliance with noise standards
- a visual amenity setback of 4 times the turbine height between a wind turbine and the nearest residential property, subject to a mandatory minimum distance of 500 metres between a wind turbine and the nearest residential property
- the elimination of shadow flicker, and
- the introduction of new obligations in relation to engagement with local communities by wind farm developers along with the provision of community benefit measures.

5.4. Roscommon County Development Plan 2014 – 2020

5.4.1. Economic Development is addressed in Chapter 3, Infrastructure is addressed in Chapter 4, Natural Heritage and Landscape Character Assessment is addressed in Chapter 7 and Development Management Standards are addressed in Chapter 9. Relevant strategies include the Renewable Energy Strategy, Record of Protected Structures and the Landscape Character Assessment.

5.4.2. Section 3.4.3 of Chapter 3 refers to Wind & Other Natural Resource Energy Technologies. Reference is made to the Landscape Character Assessment 2014. Policies include **Policy 3.49**:

Assessment of visual impacts of proposals will have regard to the LCA and in particular to; immediate visual impact and long distance views, Scenic Routes and Scenic views depicted in Appendix 1 of the LCA report, sites of special value (i.e. the bog land north of Castlerea (LCA 27) and Upper Lough Ree (LCA6) which has been identified as of particular importance for their sense of isolation and tranquillity).

And

Policy 3.50 which states:

Encourage the development of wind energy in suitable locations in an environmentally sensitive way in accordance with Wind Energy Planning Guidelines, and the County Roscommon Renewable Energy Strategy 2014-2020 and land use policies of the CDP.

5.4.3. Section 4.6.2 of Chapter 4 refers to Wind Energy specifically. Reference is made to the Renewable Energy Strategy and the Landscape Character Assessment.

5.4.4. Section 7.6 of Chapter 7 addresses the Landscape Character Assessment. Objective 7.37 was referred to in the first reason for refusal. **Objective 7.37**:

Seek to minimize visual impacts on areas categorized within the Co. Roscommon Landscape Character Assessment including “moderate value”, “high value”, “very high value” and with special emphasis on areas classified as “exceptional value” and where deemed necessary, require the use of visual impact assessment where proposed development may have significant effect on such designated areas.

5.4.5. Section 9.30 of Chapter 9 refers to Renewable Energy. Reference is made to Wind Energy Development Guidelines (2006) and Table 2 of the appendix. This table provides standards and considerations in relation to Key Environmental Factors.

5.5. Renewable Energy Strategy (RES)

5.5.1. A Wind Energy Strategy was prepared by the Council, but it was decided to incorporate the Wind Strategy into the RES which is part of the County Development Plan. It is stated that wind energy offers the most viable solution for renewable energy expansion in the county and that one of the primary functions of the RES is to protect the landscape but also identify areas where wind energy shall be considered.

5.5.2. Map 6 indicates areas of wind energy development potential. There are 3 categories: Most Favoured, Less Favoured and Not Favoured. The subject site falls into the middle category, i.e. Less Favoured.

5.6. Landscape Character Assessment (LCA)

5.6.1. Four classifications of Landscape Value were defined: Exceptional Value, Very High Value, High Value and Moderate Value. Each of the 36 landscape character areas were classified according to the four classifications. Roscommon Town and Hinterland area is identified as area 32. It is stated that Roscommon Town and Hinterland is considered to be of High Value due to its cultural heritage significance.

5.6.2. The key characteristics of LCA 32 are described in detail. Key recommendations include "*Development should only be permitted where it is of the highest quality of design and will not significantly adversely impact on the surrounding landscape character*".

5.6.3. Appendix 1 to the LCA includes a map of Scenic Routes and Scenic Views. Maps 6, 9 and 10 indicate the views in the vicinity of the proposed development. View V16, V17 and V18 are towards the general direction of the development. There are no scenic routes in the vicinity.

5.7. Natural Heritage Designations

- Corbo Bog SAC (Site Code 002349) c. 4.8km to the east.

- Lough Ree SAC (Site Code 000440) c. 6km to the south-east.
- Lough Ree SPA (Site Code 004064) c.9km to the south-east.
- River Suck Callows SPA (Site Code 004097) c.9.3km to the south.

5.8. EIA Screening

5.8.1. Having regard to the limited nature and scale of the proposed development comprising amendments to two previously permitted turbines and the absence of any significant environmental sensitivity in the vicinity, and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has lodged a first party appeal against the decision of the Planning Authority to refuse permission. It addresses both reasons for refusal and in summary includes:

6.1.1. Reason for refusal no.1:

- The proposal seeks to provide a modest increase in the overall tip height of the previously permitted wind turbines from 126m to 150m, representing a 19% increase in overall tip height. The principle of development of this general scale and in this general location has previously been established and assessed as appropriate by the Planning Authority.
- Considers that the baseline must include the permitted windfarm, as this could be constructed without any further planning approvals. Considers that the nature of the assessment is a comparison of the permitted development vs. the proposed.
- Refers to Planner's Report whereby it was noted that no appraisal had been undertaken of potential impact on Rathcroghan Archaeological Complex and two identified Protected Structures. Considers 10 viewpoints appropriate for the scope of

'comparative' LVIA. Considers rationale for focussing on nearer viewpoint locations is supported by the fact that turbine height variation is much more likely to be noticed within the nearest 5km.

- VP9 in the LVIA is from an elevated, designated view at Carns Archaeological Complex which has the same orientation of view as Rathcroghan but at 11.4km from the site, is over 7km closer and still recorded as 'Imperceptible' which was agreed in the Planner's Report.
- Notwithstanding the justification for omitting a view from Rathcroghan Complex a photomontage has been prepared and submitted with the appeal. Any increase in visual impact from the Rathcroghan Complex will be imperceptible.
- With respect to Roxborough House and Munsborough House they were not included, because being structures they are not visual receptors in their own right. The heritage buildings should be publicly accessible and attract regular visitors. Both of these features appear to be in private ownership and Roxborough House appears to be in ruins.
- Considers the submitted LVIA was sufficient in scope for the purpose intended – to evaluate the incremental increase in effects.
- Notes refusal reason no.1 relates solely to effects on LCA32, i.e. a more generalised 'Landscape Impact'. The LVIA described the net effect being that the turbines would appear slightly closer to the visual receptor than they do for the permitted scheme. There would be almost no effect on landscape character between the permitted and proposed amended development.
- Refers to Objective 7.37 of the CDP and reference to this objective in the reason for refusal. Notes there are no 'Low Value' landscape areas in the entire County and that 'High Value' is the second lowest landscape value class of the four possible classes. Notes the objective requires a visual impact assessment where potential significant effects may occur. This was complied with at RFI stage.
- Concludes that the Council placed an overemphasis on effects on LCA32 and that effects are only likely to be marginally increased by the proposed alteration. Considers that the Planning Authority sought to revisit the principle of a wind energy

development at this location rather than focussing on the incremental increase in visual impacts.

6.1.2. Reason for refusal no.2

- Refutes the assertion of the Planning Authority that the proposed development represents a 'substantial deviation' from the permitted development. Refers to LVIA submitted which concludes that the visual impact arising ranges from 'Slight-Imperceptible to Slight' and that 'the amendments would not give rise to any significant impacts'. Submit that this rationale does not warrant inclusion in the reason for refusal.
- Refutes the contention that the development description does not accurately represent the nature and extent of the proposed works. The public notices which were accepted as valid by the Planning Authority clearly and accurately outline the development as proposed.
- There is nothing in the Planning and Development Act, or the Planning and Development Regulations which requires a planning application to amend a previously permitted development to be confined within a site boundary of a parent permission.
- The purpose of the red line is clearly defined in the P&D Regulations, with its express purpose being to clearly and accurately identify the area of the proposed development.
- The Planning Authority did not raise the issue of the red line in the planning application Reg. Ref. 18/313 which also amended the boundary.

6.2. **Planning Authority Response**

No submission has been received from the Planning Authority.

6.3. **Observations**

- 6.3.1. A number of observations on the first party appeal were received by the Board, as listed on the front page of this report. The observations can be grouped under various headings and are summarised below. Photographs accompanied some of the observations.

6.3.2. **Visual Impact of increase in height and relocation**

- The turbines are relocated up to 500m from the original permitted location – this is not a minor amendment.
- 19% increase in height equates to a visual increase of 60% which is not minor.
- 500m relocation places them much closer to family homes and within direct and uninterrupted line of visual impact of some.
- Will impact on views from high point on N61.

6.3.3. **Landscape**

- Proud of landscape being characterised as being of high value (LCA 32) – this proposal will have a significant visual impact on the local natural beauty.
- Proposal is totally out of character with the surrounding landscape.
- There has been a substantial change in the LCA of the area since 2011, when the landscape was considered to be of moderate value – it is now considered to be on high value.
- The site is not located in an area suitable for windfarms.

6.3.4. **Impact on biodiversity**

- There are whooper swans and buzzards in the area and they graze within 1km of the proposal (photos included).
- The site is in the vicinity of three European Designated areas – Appropriate Assessment screening should have been undertaken in the first instance.
- The location forms part of the flight path for whooper swans, wild geese and hawks.

6.3.5. **Health Impact**

- Concerned about health and children's health.

6.3.6. **Noise**

- There is no vegetation to lessen the noise.
- Low frequency noise can impact on health.

6.3.7. **Shadow Flicker**

- Effect of shadow flicker is an understatement – shadow flicker will impact health and quality of life.

6.3.8. **Consultation**

- No consultation with the local community took place.

6.3.9. **Impact on property**

- Will not be able to get future planning permission as land and house are within 900m of turbine. Children will be unable to build on sites in the future.

6.3.10. **Emissions**

- Output stated as being 4.9MW – who will regulate this?
- The increase in height is not proportionate to the increase in power output, i.e. from 4.6MW to 4.9MW.
- EMF impact has not been assessed.

6.3.11. **Cultural Heritage**

- No regard has been shown to Protected Structures in the vicinity or national monuments.
- No assessment of archaeology or mitigation measures provided.

6.3.12. **Procedural Issues**

- The site notice was inadequate, and the location has been used for other developments wherein the previous notices were not removed. As such, the local community were unaware of the development until it was too late to submit objections.
- The proposed development is outside the site boundary and the application is therefore invalid. A planning application to amend a parent permission must be within the same red line. Reference made to Case Law – Silverhill Development Co. Ltd. V ABP - Consider that a fresh application should be made.
- The newspaper notice was not placed in a local newspaper.
- Query land ownership and landowner consent for development.

- There is no information provided as to how this development will connect to the national grid.
- There has been no EIAR prepared for this development.
- There has been no assessment of the impact on water table in the area.

6.4. Further Responses

6.4.1. The Board provided the applicant an opportunity to respond to a number of the observations. In addition, certain prescribed bodies were provided an opportunity to comment. The applicant responded and included a Stage 1 Appropriate Assessment Screening Report.

6.4.2. Each of the observations circulated to the applicant are responded to individually. The response can be summarised as follows:

- Consider that the issues raised amount to an objection to the principle of a windfarm in itself at this location which has already been established by virtue of two previous permissions.
- Wish to clarify that neither turbine is moving 500m. The turbines are proposed to be relocated by 17m and 73m respectively. Turbine T1 is now identified as T2 and vice versa. The use of turbine numbers is purely for technical identification purposes.
- 19% increase relates to height only and not to any percentage increase in visual impact. It is incorrect to state that a “visual increase” of 60% will occur at a dwelling as a result of revised distances.
- With respect to noise, the Wind Energy Guidelines 2006 state that noise is unlikely to be a significant problem at distances greater than 500m – there are no dwellings closer than 600m. Proposal is in compliance with *Review of the Wind Energy Development Guidelines for Planning Authorities*, June 2017. These indicate that a setback of 4 times the tip height from dwellings would provide a sufficient degree of amenity protection.
- It is acknowledged that there is potential for ornithological activity to occur in the wider environs. Lough Ree SPA is c.8km from the site and the River Suck Callows SPA is c.9.3km south. The development is at the maximum extent of core winter

foraging ranges for both whooper swans and Greenland white-fronted geese. The extent of loss of foraging habitat is expected to be negligible. Stage 1 Screening Report was undertaken which concluded that there are no likely significant effects on any Natura sites or species of conservation concern.

- Photomontages were produced from the N61 looking eastwards towards the River Shannon. The VIA concluded that the development would not result in a substantial increase in the significance of visual impact.
- The site notice was fully compliant with the requirements of the P&D Regulations.
- Refute contention that the content of the public notice is incorrect. The site notice fully describes the nature and extent of the proposal.
- The red line clearly indicates the site boundary of the proposed development.
- Commit to eliminate any instances of shadow flicker.
- This development will not impede anyone from seeking planning permission for development on their lands.
- With respect to consultation, the proposal has been submitted in accordance with the P&D Act and Regulations.
- The development will be constructed in accordance with the plans and particulars submitted, which confirms that the maximum output will be 4.9MW.
- The project does not trigger the need for an EIAR. A sub-threshold EIA Screening Assessment was undertaken which concluded that given the minor nature of the proposal significant effects on the environment are unlikely.
- Given the distances between the proposal and Roxsborough and Munsborough House there is no likelihood for significant direct effects. There will be no effect on previously recorded archaeological features.
- As development is not of a scale which requires EIA it is not necessary for the grid connection to be assessed as part of this application. It is highly likely that the connection will be made via a 20kV overhead or underground line which is exempt development.
- Significant effects on the water table are not likely to occur.

- Should permission be granted, the Planning Authority will be part of the pre-commencement compliance process.
- No evidence to support contention that windfarms impact property values.
- All necessary consents have been obtained to lodge the planning application. All landowners including those providing access to the site have fully consented to the development.

6.4.3. The Department of Culture, Heritage and the Gaeltacht responded to the Board's request and stated that in response to a previous application (Reg. Ref. 11/126), they recommended that an archaeological assessment should be carried out. The resulting report recommended that the locations of the two turbines should be altered in order to position them away from upstanding archaeological remains. Subject to the revised site layout being adhered to, no further archaeological mitigation was needed. The current application proposes a slight change to T1 and a larger change to T2 – however this does not bring T2 any closer to upstanding remains. As there is no increased risk, no archaeological mitigation is recommended.

6.4.4. The observers were provided an opportunity to comment on the applicant's response to their observations. A number of points were repeated and have already been referred to above and in the interest of brevity are not repeated. In summary the responses include:

- Renaming of the turbines is done to mislead other parties and red line of Reg. Ref. 11/126 is the only granted site boundary – no other boundary applies.
- Applicant has failed to address WHO guidelines regarding noise.
- The Screening Report was only a desk study and no assessment has taken place in the field. It should have been submitted at the start of the planning process and its introduction now is not in line with due procedure.
- No mention as to how shadow flicker can be managed.
- Concerned about lack of detail with respect to the grid connection.
- Whooper swan flight path – reference to previous application refused only 2km from current site (ABP Ref. 243479).

- Photomontages presented do not show the impact of two turbines of 150m on the locality.
- The development will impact on the National Monuments in the area.
- The applicant has insufficient land interests that could be capable of providing any substantive mitigation of the visual impact.
- Concerned that further development will occur.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and observations, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Refusal reason no.2
- Refusal reason no.1
- Principle of development
- Procedural issues
- Residential Amenities
- Cultural Heritage
- Biodiversity
- Appropriate Assessment

7.1. **Refusal Reason no.2**

- 7.1.1. I consider it appropriate to address the second reason for refusal at the outset, because it refers to the development description which if considered first makes for a more coherent assessment.
- 7.1.2. The Planning Authority considers that the proposal involves a substantial deviation in the design and siting of the turbines outside the site boundaries of the original permission, and therefore the development description is not an accurate representation of the nature and extent of the works. At the outset, I wish to draw the

Board's attention to the fact that the Planning Authority deemed the application to be a valid application when it was initially lodged, and therefore in compliance with the Planning and Development Regulations, 2001, as amended (P&D Regs).

- 7.1.3. With respect to the site boundary, Article 22 of the P&D Regs details what the content of a planning application should be generally. With respect to the red line, it requires that the location map should be marked to identify clearly the "*land or structure to which the application relates and the boundaries thereof in red*". In addition, any other land should be clearly identified "*which is under the control of the applicant or the person who owns the land which is the subject of the application in blue*". In this case, I am satisfied that these requirements have been met. The Site Location map which accompanied the application has clearly outlined the relevant land in blue and the specific land, the subject of this application, in red. A letter of consent from the applicant's brother also accompanies the application. There is no requirement stated in the Planning Act or the P&D Regs for applicants to maintain the same boundaries across different planning applications. All planning applications are assessed on their merits, both in terms of proper planning and sustainable development as well as compliance with the legislation and in this case, I am satisfied that the requirements of the P&D Regs have been met in this respect. Moreover, I note that the Site Layout drawing includes the application boundaries for the previous permissions to assist in the understanding of the current proposal.
- 7.1.4. With respect to the reference to a 'substantial' deviation in the design and siting of the turbines, I consider it necessary to review the planning history of the site. As noted previously planning permission was granted for the development of two turbines under Reg. Ref. 11/126. Over the course of the assessment of that application the location of the turbines moved. This appears to be as a result of the response to the Further Information request, in particular the submission by the Department of Environment, Heritage and Local Government with respect to the archaeological heritage. The information on file indicates that the Turbine identified as T1 moved substantially northwards closer to the access road. Subsequently, the Planning Authority deemed that this change in location was significant and the Further Information was re-advertised.
- 7.1.5. A number of the observers state that the current application seeks to move the turbines substantially (e.g. T1 c.500m from its previous location) and do not consider

this to be a 'minor' deviation. However, this is a comparison of the original application turbine locations and the current application turbine locations. As noted above, the turbines were relocated and re-advertised as part of the earlier 'parent' permission, Reg. Ref. 11/126. As such, I do not consider that the relocation distance from the permitted locations, being c.73m and c.17m, and within the same general landholding, to be a substantial deviation in the siting of the turbines.

- 7.1.6. With respect to the reference to a 'substantial' deviation in the design of the turbines, I note that the permitted turbines have a maximum tip height of 126m. The revised design seeks to permit turbines with a maximum tip height of 150m. This is a c.19% increase in height. I will address visual impact below, which will assist in determining if the change is substantial in terms of its impact on the wider environment, however I note that the development description on the public notices clearly indicates that the amended tip height would be 150m. It could be argued that this is not a minor deviation, however the actual height is clearly and specifically identified in the public notices.
- 7.1.7. With respect to the change in the design of the turbines and the power output, I note that the development description clearly indicates that the total output would be 4.9MW.
- 7.1.8. In conclusion, reason no.2 refers to the development description not being an accurate representation of the nature and extent of the works proposed. I am satisfied that the nature and extent of the works proposed is adequately described in the public notices, and accordingly I am of the opinion that this is not a reason for refusal of permission.

7.2. Refusal Reason no.1

- 7.2.1. Reason no.1 referred to the landscape and the visual impact of the proposal. It was considered that the proposal would negatively impact on the landscape, would unduly interfere with the character of the surrounding landscape and would be contrary to objective 7.37 of the CDP.
- 7.2.2. As noted above a planning permission already exists on this land for two turbines of 126m in height which is not due to expire until 2nd January 2022. Thus, the principle of the development has already been permitted in this location. I note that the

principle of development in this location is accepted in the Planner's Report. Therefore, the question arises is if the difference between the subject proposal and the permitted development is such that it would negatively impact on the landscape, would unduly interfere with the character of the surrounding landscape and be contrary to objective 7.37 of the CDP.

- 7.2.3. I have reviewed the photomontages which accompanied both the application documents and the appeal. I have visited the site and the surrounds, as well as the Rathcroghan Archaeological Complex area. I have also visited the Skrine Hill area to the south of Roscommon town to view the two existing turbines which were referred to in the original Planner's Report (Reg. Ref. 11/126) and considered to be a "almost a mirror image through Roscommon Town". The Skrine Hill development was granted by Roscommon County Council and permitted by the Board (ABP Ref. 208733) in January 2005 following a third-party appeal.
- 7.2.4. I am satisfied that the photomontages provide a fair representation of the proposed development from the viewpoints I visited. I do not consider that either the original turbines or the change proposed in this subject application would negatively impact on the surrounding landscape. They will be a new feature in the landscape, however turbines are becoming more commonplace. Having particular regard to the two turbines in the Skrine area which I consider to be at a similar distance from Roscommon town, I do not consider that the proposed amendments or the permitted turbines would have a significantly negative impact on the landscape, to justify refusing the permission.
- 7.2.5. The reason for refusal referred to the landscape character area of Roscommon Town being of 'High Value' – the second lowest of four designations. Having viewed the Landscape Character Assessment which accompanied the 2008 Roscommon County Development Plan, I note that this same designation was the case in 2011 when the original permission was granted. There has been no change in policy or designation that would in my opinion affect the original grant of permission. Therefore, I do not consider that the proposed alterations will significantly adversely impact on the surrounding landscape or unduly interfere with the surrounding rural landscape. Furthermore, this LCA 32 is dominated by Roscommon Town and as the siting of the turbines is in the north-west corner of the LCA they will not have a significant visual impact on the town.

- 7.2.6. With respect to the visual impact, turbines by their very nature are difficult to mitigate. As noted previously, I have carried out a site visit and have driven the various roads in and around the proposal, as well as north and south of the N61 regional road and the L1812 where the turbines near Skrine are visible. There are not many places to stop along the N61 from Tulsk going south and therefore visibility will be limited to gaps in vegetation. The landscape is gently undulating for the most part but there will be visibility at certain points. However, for drivers this will be only fleeting glances of the turbines. I will address local visual impact under ‘Residential Amenities’ below, however, I am of the opinion that while the increase in height may increase the visual impact of the turbines from key roads, it is not a significant impact.
- 7.2.7. The reason for refusal referred to Objective 7.37 of the CDP. Objective 7.37 seeks to *‘minimize visual impacts on areas categorized within the Co. Roscommon Landscape Character Assessment including “moderate value”, “high value”, “very high value” and with special emphasis on areas classified as “exceptional value” and where deemed necessary, require the use of visual impact assessment where proposed development may have significant effect on such designated areas’*. The Planning Authority sought a visual impact assessment from the applicant to determine if the development would have a significant effect on the area. Having regard to the visual impact assessment submitted by the applicant, the photomontages prepared, and my site visit, I am of the opinion that the proposal would not have a significant effect on the area and therefore is not contrary to Objective 7.37.
- 7.2.8. In conclusion, I am of the opinion that the proposed amendments will not have a significant visual impact on the wider area and will not unduly interfere with the character of the surrounding landscape. Accordingly, I do not consider that the reason for refusal is applicable in this instance.

7.3. Principle of Development

- 7.3.1. The principle of development has been accepted within the Planner’s Report, however a number of the observers question the principle of turbines in this area.

- 7.3.2. At a national level, the National Planning Framework (NPF) supports the development of alternative renewable energy sources. Objective 55 within the NPF seeks to promote renewable energy use and generation at appropriate locations. The Renewable Energy Strategy for Roscommon identifies this location as an area “Less Favoured” for wind turbines, but there are only three categories - Most Favoured, Less Favoured and Not Favoured. Wind turbines are not precluded in areas identified as Less Favoured.
- 7.3.3. The proposed location is in LCA 32 – Roscommon Town and Hinterlands. It is stated that development in this area ‘*should only be permitted where it is of the highest quality of design and will not significantly adversely impact on the surrounding landscape character*’. As noted above I am satisfied that it will not significantly adversely impact the surrounding landscape character.
- 7.3.4. I am satisfied that the principle of development of wind turbines in this area is acceptable and not contrary to national or local policies and objectives.

7.4. **Procedural Issues**

- 7.4.1. A number of the observers referred to procedural issues with respect to this and earlier planning applications. They state that they were unaware of the proposed development, or any of the other applications, due to the placement of the site notice on top of old notices, and the fact that the advertisement was placed in a national and not a local newspaper. The current application before the Board was considered to be a valid application by the Planning Authority. The Site Notice was deemed to be in place by the Planning Authority upon inspection, and the application was advertised in a newspaper that was approved by Roscommon County Council. As such I am satisfied that the application is a valid application.
- 7.4.2. Reference is made by the observers to a lack of consultation. There is no specific requirement in the Planning Act or the P&D Regs for consultation with neighbours and I am satisfied that the applicant has complied with his obligations under the legislation.
- 7.4.3. One of the observers considers that the Stage 1 Appropriate Assessment Screening Report should have been submitted at the start rather than as part of the appeal. I

am satisfied that the issue of Appropriate Assessment was considered by the Planner at the start of the process.

- 7.4.4. The applicant submitted a Stage 1 Screening Report in response to the observations on the appeal and this was circulated by the Board to all parties for comments. Thus, I am satisfied that all procedures have been followed correctly.
- 7.4.5. The boundary or red line issue has been addressed above with respect to reason for refusal no.2. However, one of the observers refers to Case Law -Silverhill Developments V. ABP. I note that that case was in relation to an outline planning permission and a subsequent planning application and changes to the boundary therein. I do not consider that it is relevant or similar to the subject proposal. Of more relevance would be the case involving the South West Regional Shopping Centre Promotion Association Ltd. V. ABP whereby the concept of amendments to extant parent permissions was considered to be acceptable within the Planning Act. Furthermore, the judgement determined that the Board only had to assess the modifications proposed to the parent permission on their own merits.
- 7.4.6. Observers are of the opinion that an Environmental Impact Assessment Report (EIAR) should have been submitted. While wind turbines are of a class listed in Schedule 5 the subject proposal is for only 2 turbines and for less than 5MW output. I am satisfied that an EIAR is not required and can be excluded at preliminary examination and a screening determination is not required.
- 7.4.7. Reference is made to the grid connection and observers consider that the grid connection should have been included in the overall application. I am satisfied that an EIAR or an EIA is not required in this instance. Furthermore, the applicants state that a 20kV overhead line or underground cable is likely to be required to connect the development to the grid. A 20kV line is exempt from the requirements for planning permission. I am satisfied that it is not necessary for the grid connection to be considered as part of this particular application.

7.5. Residential Amenities

- 7.5.1. The observers are of the opinion that their amenities will be impacted in terms of noise, visual impact, shadow flicker, health and property values.

- 7.5.2. With respect to noise, I note the parent permission included a condition to limit noise in accordance with the wind energy guidelines 2006. I am satisfied that a condition requiring the subject development to be carried out and completed in accordance with the terms and conditions of that permission should be appended. Moreover, I note that the nearest dwelling is c.600m from the turbines which is 4 times the distance of the tip height away.
- 7.5.3. I have addressed the landscape and the general visual impact above, but at a local level there is no doubt that the introduction of new features in the landscape will be considered as adverse by some residents in the vicinity. The proposal will result in an intermittent local visual impact within the immediate locality dependent on viewpoint, but this has to be balanced against the need to develop key infrastructure to meet the strategic aims of national and local plans as well as the context which is that of a working agricultural landscape. In this particular case, two wind turbines have been granted permission already and as such, I am satisfied that the proposed amendment will not result in a significant impact over and above the visual impact of the permitted turbines to justify a refusal of permission on these grounds.
- 7.5.4. Shadow Flicker is raised as a concern. A shadow assessment was carried out by the applicant which demonstrated compliance with the Wind Energy Guidelines. Furthermore, the applicant has committed to eliminate shadow flicker. Having regard to distances from the nearest dwellings, the results of the shadow flicker assessment and the applicant's commitment to eliminate shadow flicker, I am satisfied that this will not result in an impact on residential amenities.
- 7.5.5. With respect to health, no information is provided by the observers to demonstrate specific health effects of wind turbines. Wind turbines are now commonplace around the country and no data has been provided to indicate that they cause health impacts due to noise or EMF.
- 7.5.6. Likewise, with property values, no information has been provided to demonstrate that there is an impact on property values, and any future planning applications for dwellings will be assessed on their merits.
- 7.5.7. In conclusion, I am satisfied that the proposed amendments to the permitted two turbines will not seriously injure the residential amenities of residents in the locality. Furthermore, the separation distances together with existing mature trees and

hedgerows in the area should minimise adverse residential amenity impacts in particular from noise and shadow flicker.

7.6. Cultural Heritage

- 7.6.1. As noted previously, the turbines were moved *inter alia* to address concerns of the Department of Environment, Heritage and Local Government with respect to archaeological heritage as part of the parent permission (Reg. Ref. 11/126). Following this revised location, the department were satisfied that no other mitigation measures were required. The Department of Culture, Heritage and the Gaeltacht have made a submission on the subject proposal and have stated that they do not have concerns with the proposed amendments.
- 7.6.2. The observers refer to the visual impact on Rathcroghan Archaeological Complex and the Protected Structures of Roxborough and Munborough House. The applicants provided a photomontage from Rathcroghan as part of the appeal. Having travelled around the area as part of my site visit, I am satisfied that there will not be a significant visual impact on cultural heritage of the area.
- 7.6.3. I consider that appropriate conditions relating to archaeology should be appended should the Board consider granting permission.

7.7. Biodiversity

- 7.7.1. I have carried out an Appropriate Assessment Screening in section 7.8 below. However, having regard to concerns raised by observers, I consider it appropriate to address biodiversity concerns as part of the planning assessment.
- 7.7.2. Observers made reference to the presence of Whooper Swans in fields to the north of the proposed location of the two turbines. Photos accompanied the submission indicating the presence of a small number of swans. Other photos are noted as being of birds in the Rathconnor area. Other observers mention hawks and buzzards. I fully accept that there is potential for ornithological activity in the wider area having regard to the European Sites and various turloughs in the vicinity. However, I am mindful of the fact that there is permission for two turbines that is extant until January 2022. In addition, the submission from the Department of

Culture, Heritage and the Gaeltacht was in respect of the archaeological heritage and there were no comments made in relation to the natural heritage of the area.

- 7.7.3. I have reviewed the planning application ABP Ref. 243479 as referred to by one of the observers. This application was for two turbines further north of the subject site in the Rathconnor area. The Board refused permission for that development. The refusal reason referred to insufficient information on file to assess the impact on Whooper Swans and also made reference to third party submissions and the submission from the Department of Arts, Heritage and the Gaeltacht.
- 7.7.4. I consider the subject application to be somewhat different. As noted, permission already exists on the site for two turbines. Moreover, I have had regard to the applicant's Stage 1 Screening Report (referred to further below) whereby Scottish Natural Heritage (SNH) advice regarding collision avoidance rates for species such as geese being up to 99.8% and avoidance rate for all species of swan being 99.5% is referenced. Furthermore, I do not consider that there will be a significant loss of foraging area or a barrier effect due to two turbines.
- 7.7.5. As such I am satisfied that there will not be a significant adverse impact on biodiversity as a result of the increase in overall height of the two turbines.

7.8. Appropriate Assessment

- 7.8.1. An Appropriate Assessment (AA) screening report prepared by SLR Environmental Consulting Ltd. has been submitted by the applicant as part of the appeal.
- 7.8.2. I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-
1. Description of the plan or project and local site or plan area characteristics.
 2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
 3. Assessment of likely significant effects - direct, indirect and cumulative, undertaken on the basis of available information.
 4. Screening statement with conclusions.

7.9. Project Description and Site Characteristics

7.9.1. The proposed development and site characteristics are as described in this report above in Section 1 and 2.

7.10. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:

7.10.1. The zone of influence has been determined and is considered to be the two SPA's - Lough Ree and River Suck Callows¹. The two nearest SACs, Corbo Bog and Lough Ree, have been excluded on the basis of limited connectivity and distances which I consider to be reasonable.

Site Code, Site Name and Designation	Approx. distance from the site	Qualifying Habitats and Species	Conservation Objectives
004064 - Lough Ree - SPA	c.8.5km south-east	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>

¹ The NPWS website was accessed on 31st May 2019.

Site Code, Site Name and Designation	Approx. distance from the site	Qualifying Habitats and Species	Conservation Objectives
		Wetland and Waterbirds [A999]	
004097 – River Suck Callows - SPA	c.9.3km south	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. To maintain or restore the favourable conservation condition of the wetland habitat at River Suck Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

7.11. Assessment of likely Effects

- 7.11.1. The Screening Report states that the site is sufficiently distant from the Natura 2000 sites that during construction there will be no risk of habitat damage, loss or fragmentation within the sites, as there is no landtake or works within the sites. There is sufficient distance such that there will be no disturbance of species due to construction noise. The potential effects have been identified as: Bird collision during operation; and, displacement of foraging birds during construction.
- 7.11.2. Direct effects are ruled out because the site is substantially removed from all the Natura 2000 sites in the area and I consider this to be reasonable given the distances involved (c.8km and 9.3km).
- 7.11.3. With respect to collision risk, the majority of species listed as features of interest for both SPAs are small water-birds or wintering waders that do not forage over great distances from the lake and are not considered a concern for collision with wind turbines. However, it is stated that both Whooper Swans and Greenland white-fronted goose are known to forage some distance from their winter roost sites. One of the observers submitted photographs of a small number of Whooper Swans in a

field opposite her house and stated that the area was on a flight path between Lough Ree and Rathconnor. I acknowledge the information provided by the observer and also note the proposal refused by the Board in 2015 (see section 7.7 above).

- 7.11.4. The Screening Report states that Scottish Natural Heritage (SNH) has set avoidance rates for species such as geese as up to 99.8% and avoidance rate for all species of swan is 99.5%. The Screening Report concludes that as the site is considered to be at the maximum extent of the core foraging range for both species and that as both species have high avoidance rates, the risk of collision as a result of the proposed amendments to two turbines is negligible.
- 7.11.5. With respect to displacement, the Screening Report states that this can occur through indirect loss of habitat if disturbance causes birds to avoid the windfarm and surrounds, as well as the barrier effect in which birds are deterred from using their normal routes to feeding or roosting grounds. The report states that as the site is at the maximum extent of the core winter foraging ranges, and while whooper swan and Greenland white-fronted geese may be present within the vicinity, any effect due to loss of foraging habitat as a result of the amendments is likely to be negligible. This is so when compared to the total area available closer to the SPAs and in the wider landscape. The proposed amendment will result in negligible additional loss of agricultural pasture and the effect would not be appreciable.
- 7.11.6. Cumulative effects are addressed in the Screening Report and it is considered that there are no plans or projects that could act in-combination with the proposed amendments to cause cumulative effect.
- 7.11.7. I am fully satisfied that there will be a negligible loss of foraging areas as a result of the amendments proposed which will not give rise to a significant adverse effect. With respect to collision risk, while I fully accept that the observer has provided photos of swans in the vicinity, I am mindful of the information provided by SNH regarding the risk of collision of swans and Greenland white-fronted geese. I am also mindful of the fact that there are only two turbines permitted, and for which this application is seeking amendments for. I do not consider that the amendments would be such to significantly effect the conservation objectives of the Lough Ree SPA or the River Suck Callows SPA.

7.11.8. The proposed development will not have any significant impacts, direct or indirect, on the qualifying species or habitats of the Natura 2000 sites listed above.

7.12. *Screening Statement and Conclusions*

7.12.1. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 **Recommendation**

8.1. Having regard to the documentation on file, the appeal and observations, the site inspection and the assessment above, I recommend that permission for the above described development be granted for the following reasons and considerations, subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the following:

- (a) national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouses gases,
- (b) 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,
- (c) the policies of the planning authority as set out in the Roscommon County Development Plan 2014 - 2020, including the Renewable Energy Strategy and the Landscape Character Assessment,
- (d) the character of the landscape in the area and the absence of any ecological designation on or in the immediate environs of the windfarm site,

- (e) the characteristics of the site and of the general vicinity,
- (f) the pattern of existing and permitted development in the area, including overhead powerlines and windfarms,
- (g) the distance to dwellings and other sensitive receptors from the proposed development,
- (h) the Appropriate Assessment Stage 1 Screening Report submitted, and
- (i) the appeal made in connection with the planning application

it is considered that the proposed amendments would not have an unacceptable impact on the landscape, the residential amenities of the area, and would not adversely affect the archaeological or natural heritage of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The 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 submitted on the 19th day of December 2018, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 24/11/2011 under planning register reference number 11/126, and permission granted on 17/08/2018 under planning register reference number 18/313 and any agreements entered into thereunder.</p>

	<p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.</p>
3.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>a) Details of the wind turbines including blade lengths shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>b) Cables within the site shall be laid underground.</p> <p>c) The wind turbines shall be geared to ensure that the blades rotate in the same direction.</p> <p>d) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.</p> <p>Reason: In the interest of visual amenity</p>
5.	<p>Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 masts.</p> <p>Reason: In the interest of air traffic safety.</p>
6.	<p>Details of the road network to be used by construction traffic and by the long-term maintenance traffic including detailed arrangements for the protection of bridges to be traversed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of traffic safety</p>
7.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p>

	<p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
8.	<p>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.</p> <p>Reason: To ensure satisfactory reinstatement of the site.</p>
9.	<p>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</p>

<p>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.</p> <p>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.</p>
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Ciara Kellett
Senior Planning Inspector

13th June 2019