



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308608-20

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<b>Development</b>	Retention and development of 80 metre meteorological mast.
<b>Location</b>	Bracklin, County Westmeath
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	206221
<b>Applicant(s)</b>	Bracklyn Windfarm Ltd.
<b>Type of Application</b>	Retention permission and permission.
<b>Planning Authority Decision</b>	Grant retention
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Gigginstown House Stud. Delvin Wind Information Committee Conor Milligan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> of May 2021.
<b>Inspector</b>	Stephanie Farrington

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the demesne of Bracklyn House (Bracklyn Farm) to the east of the L-1504 and accessed by the existing entrances to Bracklyn Farm and associated farm buildings. The mast structure is located to the east of Bracklyn House a designated Protected Structure and surrounded by farmland.
- 1.2. The site which has a stated area of 1.08ha is currently occupied by a 80m high meteorological mast. The mast is enclosed by a wire and post fence. Access to the site is provided via an existing access road and agricultural access tracks. An existing watercourse/drainage ditch runs adjacent to the access road to the east of the site. The site is adjoined by open agricultural lands to the west, forestry plantations to the north and east and cutaway bog to the south.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of the following
  - (i) retention permission for existing 80m meteorological mast; which was erected as exempted development in accordance with Class 20A, Schedule 2 of the planning and development regulations 2001 (as amended) and all ancillary infrastructure and associated site development and reinstatement works and
  - (ii) increase in height of existing mast from 80m to 100m;

Existing access arrangements using agricultural access tracks to the site will remain unaltered.

The application documentation outlines that the existing mast measures and records meteorological conditions. The operational lifetime of the development will be up to 5 years.

## 3.0 Planning Authority Decision

### 3.1. Decision

Westmeath County Council issued a notification of decision to grant permission and retention permission for the proposed development on the 15<sup>th</sup> of October 2020 subject to 4 no. conditions. The following conditions are of note.

- Condition no. 2: relates to Irish Aviation Authority requirements.
- Condition no. 3: The applicant shall ensure that bird deflectors are appropriately incorporated into the development.
- Condition no. 4: The development shall be valid for a period of 5 years after commissioning of the 100m high mast. Mast shall be removed on expiry of that period unless a future grant of permission is issued.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planners report reflects the decision of the decision of the planning authority to grant permission. The following provides a summary of the main issues raised:

- No residential amenity impacts are envisaged as there are no residential units within the vicinity of the site.
- There are no protected views within the vicinity of the existing mast and the mast does not appear overly prominent when viewed from the surrounding site context. The proposed development would not detract from the visual amenities of the area.
- There are no recorded monuments within the vicinity of the site. The proposed development will not impact on the protected structure.
- CRFAMS map illustrates that the mast is located within an area identified as being subject to pluvial flooding. The proposal is a water compatible development and will not result in the displacement of waters.

- Site is not located within a designated SAC/SPA or NHA. Condition recommended that bird deflectors be incorporated into the mast in the interest of preventing bird collisions.

### 3.2.2. Other Technical Reports

- District Engineer- No objection subject to conditions.
- Water Services – No objection.

### 3.3. Prescribed Bodies

- Irish Aviation Authority – No objection subject to conditions including specifications for the obstacle light.
- Department of Defence – No objection to proposal subject to condition including specifications for obstruction lights.

### 3.4. Third Party Observations

30 no. submissions were received by the planning authority in respect of the proposal. A list of objectors are provided in Appendix 1. The following provides a summary of the issues raised:

- Visual Impact of the proposal
- Impact of the proposal on residential and recreational amenity
- Health risk – on grounds of noise and vibration
- No justification is provided for the proposed development
- Light pollution associated with the proposed fixed light on top of the structure
- Contravenes planning policy to protect the countryside
- Impacts on wildlife and habitat loss, flora and fauna
- Insufficient information provided in support of the application. Ecological impacts and Appropriate Assessment impacts not considered
- Impact on Historical Monuments including Martinstown Castle and Bracklyn House

- Proposal will facilitate the future installation of wind turbines on the site.  
Objection to principle of turbines and impact on the area.
- Requirement for Environmental Impact Statement
- No decommissioning and reinstatement details submitted;
- Site boundary should be extended to include the access roads
- Duration of permission: Class 20A of the Planning and Development Regulations limits the period for such meteorological masts from 15 months to 24 months.
- Impact on Aviation
- Validity of Site Notice

Two representations on the application were received from (1) Sorca Clarke TD and (2) Johnny Guirke TD. The following issues were raised:

- Lack of assessment on local wildlife;
- Refers to condition for light on the mast and impact on residents in the locality;
- Lack of Consultation;
- Long term impact of the proposal on residents and community;
- Impact on Martinstown Castle;
- The lands have “low capacity” for wind energy development;
- Proposal will set a precedent for future development in area;

#### 4.0 **Planning History**

None relevant to the appeal site.

##### Lands to the south and east of the site:

ABP Ref. 306236-19 – application for leave to apply for substitute consent for peat extraction granted by An Bord Pleanála in May 2020 at Derrygreenagh Bog, Bracklin, Co. Westmeath, Carranstown, Co. Meath and Co. Westmeath, Ballivor, Co. Meath and Co. Westmeath, Ballybeg, Co. Offaly.

ABP Ref ABP-307278-20 – application for substitute consent in relation to Peat Extraction at Bogs in the Derrygreenagh Bog Group withdrawn in January 2021.

## 5.0 Policy Context

### 5.1. Development Plan - Westmeath County Development Plan 2021-2027

- 5.1.1. The site is located within the administrative boundary of Westmeath County Council. The operative Development Plan for the area is the Westmeath County Development Plan 2021-2027 which came into effect on the 3<sup>rd</sup> of May 2021. The application was assessed by Westmeath County Council in accordance with the policies and objectives of the Westmeath County Development Plan 2014-2020.
- 5.1.2. On review of the contents of both plans I note that there are no material changes between the 2014 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Westmeath County Development Plan.

#### Chapter 9: Rural Westmeath

- 5.1.3. The appeal site is an un-zoned site within a rural area outside of any designated settlement within the County Settlement Hierarchy. The site is characterised as being within a rural area under strong urban influence within Chapter 9 of the Development Plan.
- 5.1.4. Section 9.10 of the Development Plan relates to rural enterprise and the economy and outlines that *“the Council will continue to support the role of rural areas and the countryside in sustaining the rural economy and its role as a key resource for agriculture and agri-food, forestry, energy production and carbon reduction, tourism, recreation, mineral extraction and/or other new and emerging rural based enterprises”*.

#### Chapter 10 Transport, Infrastructure and Energy.

- 5.1.5. Section 10.23 of the Plan relates to Wind Energy. This outlines that:

*“In general, the Council will encourage wind energy, provided such developments would not have an adverse effect on residential amenities, tourism amenities, special landscape character, views or prospects, Natura 2000 sites, protected structures, aircraft flight paths or by reason of noise or visual impact. Applications for such developments will not be encouraged in Areas of High Amenity”.*

5.1.6. The following policies are of relevance:

CPO 10.144 of the Plan seeks to:

*“Ensure the security of energy supply by supporting the potential of the wind energy resources of the County in a manner that is consistent with proper planning and sustainable development of the area”.*

*CPO 10.146 of the Plan seeks to strictly direct large-scale energy production projects, in the form of wind farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed. In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:*

*Projects that meet or exceed any of the following criteria:*

- *Height: over 100m to blade tip, or*
- *Scale: More than five turbines, or*
- *Output: Having a total output of greater than 5MW*

*Developments sited on peatlands have the potential to increase overall carbon losses. Proposals for such development should demonstrate that the following has been considered:*

- *Peatland stability; and*
- *Carbon emissions balance”.*

### Chapter 13 Landscape and Lake Amenities

5.1.7. Landscape Character Areas are identified in Figure 13.1 of the Development Plan. The site is located within Character Area 3 - “River Deel Lowlands”.

5.1.8. Section 13.9 of the Plan outlines the following in respect of this character area:

*“The River Deel, the Stonyford River and their hinterlands form this landscape character area typified by low-lying pasture punctuated with small lakes which are flanked by scrub and wet woodland. These rivers form part of the River Boyne and Blackwater SAC complex. The area east of Delvin and running south along the Meath Border is characterised by cutover, cutaway bogs and small tracts of intact bog”.*

#### Chapter 16 Development Management Guidelines

5.1.9. Section 16.13.1 of the Development Plan relates to Wind Energy. This outlines that:

*“The Council recognises the importance of wind energy as a renewable energy source and its potential in contributing to reductions in fossil fuel dependency and greenhouse gas emissions. Chapter 10, Section 10.23 of the plan outlines the policy context for Wind Energy and should be referred to in the consideration of proposed development. The Council will have regard to the Wind Energy Development Guidelines for Planning Authorities, prepared by the Department of Environment, Heritage and Local Government, or any update made thereto. Further, regard should be given to the Landscape Character Assessment of the County which is contained in the accompanying Volume 2 of this Plan”.*

#### Other Designations

- *Landscape Designations*

5.1.10. The appeal site is not located within the path of any scenic routes or protected views are identified in Appendix 5 of the County Development Plan. The site is not identified within a high amenity area as identified within Map 64, Volume 2 of the Plan.

- *Wind Energy Capacity*

5.1.11. Map 69 attached as Volume 2 identified that the site is located within an area designated with “low” wind energy capacity. As illustrated within the extract from Map 69 as included within the attached presentation document, this designation covers the majority of County Westmeath.

- *Record of Protected Structures*



5.1.12. The Record of Protected Structures is set out within Volume 8 of the County Development Plan. The following protected structures are located within the vicinity of the site:

- 013-021 Gate lodge, Bracklyn House: Regional Importance – “Detached three-bay single-storey gate lodge, built c.1821, comprising central segmental-headed carriage with pyramidal-shaped bellcote over, flanked by single-bay single-storey 'lodges' to either side (north and south)”.
- 014-019 Bracklyn House: Regional Importance- “detached five-bay two-storey over basement neoclassical country house, built c.1790, with projecting single-bay Doric porch to the centre of entrance front (west), c.1855, and single-storey bowended wings to either end (north and south), built c.1910”.
- 014-020 Mausoleum, Bracklyn House: Regional Importance - Freestanding mausoleum, erected c.1836, comprising vaulted semi-sunken single-cell structure on square plan with raised pinnacles to corners and a segmental-headed opening to the south face. Constructed of rusticated water-weathered limestone.

#### *National Monuments*

5.1.13. The Built Heritage Map identifies a number of ringforts in the vicinity of the site. An extract from the map indicating the location of these as they relate to the site included in the attached presentation document.

#### **5.2. Draft Ministerial Direction, Westmeath County Development Plan 2021-2027 – 29th of April 2021**

5.2.1. A Draft Ministerial Direction on the 2021-2027 Development Plan is available on the planning authority’s website. The contents of the Direction relate to Wind Energy Policy as set out within the Development Plan. The direction requests the deletion of the wind energy policy as set out within the plan and revised policy is requested in order to ensure consistency with the Ministerial Guidelines issued under Section 28 of the Act, specifically items 2 and 3 of the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017).

5.2.2. The Direction outlines that the Development Plan fails to identify the wind energy production (in megawatts) which County Westmeath can contribute in delivering its

share of overall Government targets on renewable energy and climate change mitigation over the plan period. A revised Wind Energy Capacity Map and Landscape Character Assessment, and coordination of the objectives for wind energy development in the Development Plan are required.

### 5.3. **Planning and Development Regulations 2001 (as amended)**

5.3.1. The following is listed as exempted development under Schedule 2 – Article 6 Exempted Development:

*CLASS 20A The erection of a mast for mapping meteorological conditions.*

*Column 2 Conditions and Limitations*

1. *No such mast shall be erected for a period exceeding 15 months in any 24 month period.*
2. *The total mast height shall not exceed 80 metres.*
3. *The mast shall be a distance of not less than:*
  - (a) the total structure height plus:*
    - (i) 5 metres from any party boundary,*
    - (ii) 20 metres from any non-electrical overhead cables,*
    - (iii) 20 metres from any 38kV electricity distribution lines,*
    - (iv) 30 metres from the centreline of any electricity transmission line of 110kV or more.*
  - (b) 5 kilometres from the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting.*
4. *Not more than one such mast shall be erected within the site.*
5. *All mast components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunications signals.*
6. *No sign, advertisement or object, not required for the functioning or safety of the mast shall be attached to or exhibited on the mast.*

### 5.4. **Wind Energy Development Guidelines 2006**

5.4.1. The Guidelines are intended to ensure consistency of approach in the identification of suitable locations for wind energy developments and acknowledge that the siting of developments is an important consideration.

5.4.2. Section 4.2 of these guidelines relate to wind measuring masts. The following guidance is set out:

*“Planning applications for wind anemometers and measuring masts are generally sought for a limited period only. Permissions should be granted for approximately a two-year period, in consultation with the developer, to allow a wind resource analysis to be carried out. It would be inadvisable for the planning authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan. In a case where a developer wishes to extend the period of the permission an application must be made to the planning authority to retain the wind measuring mast; otherwise the developer should be required to remove it”.*

5.4.3. Section 6.11 relates to Landscape Impacts of Associated Development. This outlines that:

*“The elements associated with wind energy developments other than turbines include the roads and tracks, power poles and lines, the control building, the wind measuring mast and the compound. Individually and collectively, these elements should be considered, located and designed to respect the character of surrounding landscape”.*

#### **5.5. Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)**

5.5.1. These guidelines focus on administrative procedure and do not replace or amend the existing Wind Energy Development Guidelines 2006 which remain in place pending the completion of an ongoing review of the 2006 Guidelines.

5.5.2. The Guidelines set out Specific Policy Requirements that planning authorities shall carry out in in making, reviewing, varying or amending a development plan, or a local area plan, with policies or objectives that relate to wind energy developments. Such requirements include compliance with nation policy guidance on renewable energy,

identification of potential wind energy resource (in megawatts) and set back distances from turbines.

## 5.6. Draft Wind Energy Development Guidelines 2019

5.6.1. Section 4.6 relates to wind measuring masts. The following is noted in this regard:

*“Planning applications for wind anemometers and measuring masts are generally sought for a limited period only (usually 12 months but might be longer). Permissions should be granted for approximately a two-year period, in consultation with the developer, to allow a wind resource analysis to be carried out.*

*It would be inadvisable for the planning authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan. In a case where a developer wishes to extend the period of the permission an application must be made to the planning authority to retain the wind measuring mast; otherwise the developer should be required to remove it”.*

5.6.2. Section 4.9.5 of the Guidelines relate to Aircraft Safety. In this regard, it is stated that the Irish Aviation Authority (IAA) should be informed 30 days in advance of the erection of any structure exceeding 45 metres in height under S.I. 215 of 2005. This includes wind monitoring masts which may be exempt from planning permission.

## 5.7. Natural Heritage Designations

The appeal site is not located within a designated SPA/SAC or NHA. The nearest designated sites include the River Boyne and Blackwater SPA and SAC which are located c. 3km to the west of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

3 no. third party appeals have been submitted in respect of the notification of decision of Westmeath County Council to grant permission for the proposed development from the following:

- Delvin Wind Information group, c/o Mark Clune, Ballinacor, Delvin, Co. Westmeath;
- Conor Milligan, Martinstown, Devlin, Co. Westmeath
- BMA Planning on behalf of Gigginstown House Stud, Mullingar, Co. Westmeath.

The following provides a summary of the issues raised:

- Visual Impact – A case is made that the existing mast is unsightly and has a negative visual impact on the surrounding local countryside. The increase in height of the mast by 20% is not justified. The mast in both its existing format and the proposed increased height is inappropriate within the existing site context. Impact of permanent light on the local community.
- Principle of Proposal– the mast is a preclude to a proposed windfarm development. The site is located within the River Deel lowlands area which are identified as a “low capacity” area for Wind Energy Development.
- Duration of Permission The Guidelines for Planning Authority’s on Wind Farm Development and Wind Energy Development 2006 state that planning applications for wind anemometers and measuring masts are generally sought for a limited period only. Permission should be granted for approximately a two-year period, in consultation with the developer to allow a wind resource analysis to be carried out. On this basis the retention of a mast for a 5 year period should be refused on the basis that it is contrary to Ministerial Guidelines.
- Access – no permission is sought for the use of the access roads to the mast and a case is made that the application boundary should extend to include the access road.
- Insufficient Information: Reference is made to the requirements for an ecological impact statement, Environmental Impact Assessment and AA Screening Report.
  - Concerns are raised in relation to the impact of the proposal on existing wildlife in particular in relation to birds and impact on flight paths. It is stated that the mast does not seem to have any bird flight detectors as part

of its structure. An Ecological Impact Statement and Appropriate Assessment should be submitted with the application.

- Article 109 (2), (3) and (4) of the Planning and Development Regulations 2001, as amended, and Schedule 7 of the Planning and Development Regulations 2001 should have been examined to determine whether there is a requirement to submit an EIAR for the development or in combination with other projects.
- Given the nature of the application for “retention” the planning authority’s assessment should have considered the matter of “substitute consent” and implications of ECJ case (215/06 and 418/04).
- Impact on Built Heritage: No assessment is undertaken in relation to the impact of the proposal on national monuments, protected structures and ringforts within the area.
- Lack of Consultation – In this regard a case is made that no information is provided within the application in relation to consultation with the Irish Aviation Authority or Defence Forces. Concerns are raised in relation to the lack of a warning light.

## 6.2. Applicant Response

Gaeltacht Energy Services provided a response to the grounds of appeal on behalf of the applicant. The following provides a summary of the main points raised:

- Insufficient Information – A case is made that the planning authority had all the relevant information to allow a comprehensive assessment of the impact of the proposed development. It is noted that no request for further information was issued by the planning authority.
- Duration of Planning Permission – In response to the appellants reference to insufficient justification for the extension of the duration of the permission a case is made that the mast is required in order to accurately record and predict long term meteorological conditions.
- Visual Impact Assessment – The proposed development is for a meteorological mast for measuring and recording meteorological conditions.

The reference to the River Deel Lowlands as having a “low capacity” for wind energy development is of no relevance to this planning application.

- Environmental Considerations – In response to the reference within the appeal to the requirement for an Ecological Impact Assessment, Natura Impact Statement and Environmental Impact Assessment report a case is made that the appeal site and adjoining area which comprises of commercial forestry is of limited ecological significance. Having regard to the limited site area, effects on habitats are negligible. The proposed development poses no risk to Natura 2000 sites on the basis of the site characteristics, nature of the proposal and distance from designated sites. In terms of the reference to EIAR, it is stated that the proposal does not relate to a category of development to which the directive applies.

## 7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of the Proposal
- Design and Height
- Visual Impact
- Impact on Residential Amenity
- Ecology and Environment Impact Assessment
- Other Matters.
- Appropriate Assessment.

7.1.2. These issues are considered in turn as follows.

### 7.2. **Principle of the Proposal**

7.2.1. The proposal seeks permission and retention permission for an existing 80m mast on site and increase in height to 100m for a duration of 5 years. The purpose of the

mast as detailed within the application documentation is to accurately record and predict long term meteorological conditions.

- 7.2.2. A number of concerns in relation to the principle of the proposal are raised within the third party appeals on the application. Such concerns are raised in respect of the duration of the permission and reference is made to the mast being a preclude to a wind farm development in an area identified as having “low capacity” for wind energy within the Westmeath County Development Plan. I consider these points in turn as follows.

Duration of Permission

- 7.2.3. The principle of a mast is established on site. The existing mast on site is 80m in height and as detailed within the application documentation was erected as exempted development in accordance with Class 20A, Schedule 2 of the planning and development regulations 2001 (as amended) namely “*the erection of a mast for mapping meteorological conditions*”. In accordance with the conditions and limitations set out within the Planning and Development Regulations, the lifetime of this permission is restricted to a period exceeding 15 months within a 24 month period.
- 7.2.4. The subject application seeks temporary permission for 100m mast on site for period of 5 years. A justification for the proposed duration of permission is set out within the applicant’s response to the grounds of appeal. In this regard a case is made that the existing mast on site has already recorded a substantial volume of meteorological data but due to the variability of Irish weather conditions a period of 5 years is required to provide a comprehensive evaluation of meteorological conditions.
- 7.2.5. A case is made within the third party appeals that the duration of the permission for a period of 5 years is contrary to Ministerial Guidelines. On review of the relevant guidelines, I note that there are no restrictions applied to the lifetime of permissions for temporary masts. While reference is made to the temporary nature of permissions for a period of approximately 2 years within the Wind Energy Development Guidelines 2006 the guidelines also make provision for the extension of the lifetime of such permissions. I note the conditions and limitations under Class 20A under the Planning and Development Regulations 2001 (as amended) namely



*“the lifetime of this permission is restricted to a period exceeding 15 months within a 24 month period”* but such limitations relate to exempted development.

- 7.2.6. The principle of a 5 year temporary permission for a meteorological mast has previously been accepted by An Bord Pleanála. I refer the Board to permission granted for a meteorological mast for a temporary period of 5 years under ABP Reference PL03.248957 at Slaghbooly, Co. Clare in this regard.
- 7.2.7. Having regard to the above reasons and considerations, I consider the principle of a 5 year temporary permission to be acceptable.

#### *Principle of Proposed Mast*

- 7.2.8. No specific guidance is provided within the Westmeath County Development Plan in relation to the siting of meteorological masts. I note the conditions and limitations in relation to the siting of such masts as set out within Class 20A of the Planning and Development Regulations 2001.
- 7.2.9. The planner’s report which informs the decision of Westmeath County Council to grant permission for the proposal correctly identifies that subject matter of this appeal relates solely to a meteorological mast. However, in considering the principle of the proposal I refer to the guidance set out within the 2006 Wind Energy Development Guidelines which outline that: *“It would be inadvisable for the planning authority to grant planning permission for a wind measuring mast in an area where there is a presumption against wind energy development in the development plan”*.
- 7.2.10. The appeal site is located within an un-zoned rural area characterised as being “rural area under strong urban influence” within the Rural Typology Map within the Westmeath County Development Plan.
- 7.2.11. Section 9.10 of the Development Plan relates to rural enterprise and the economy and outlines that *“the Council will continue to support the role of rural areas and the countryside in sustaining the rural economy and its role as a key resource for agriculture and agri-food, forestry, energy production and carbon reduction, tourism, recreation, mineral extraction and/or other new and emerging rural based enterprises”*. In this regard, I note that the energy production is specifically identified as a use which can be considered in rural areas.

- 7.2.12. I note the reference within the grounds of appeal to the area being identified of “low capacity” for wind energy within the Westmeath County Development Plan. However as illustrated within the attached presentation document, the majority of County Westmeath is within the category of low capacity other than a small area which is identified as having “no capacity” within Map 69 “Wind Energy Capacity”.
- 7.2.13. The policies and objectives relating to Wind Energy as set out within Chapter 10 of the Development Plan support wind energy developments within the County. Policy CPO 10.146 of the Development Plan specifically refers to the potential of peatlands and cutaway bog in the County to accommodate wind energy developments. I furthermore refer the Board to permission granted at Coole Co. Westmeath for a wind farm development under ABP Reference 3006896-18 within an area which was designated for “low capacity” for Wind Energy Development within the Westmeath County Development Plan 2014-2020.
- 7.2.14. Section 10.23 of the Plan relates to Wind Energy and outlines that such applications will not be encouraged in Areas of High Amenity. This outlines that:
- “In general, the Council will encourage wind energy, provided such developments would not have an adverse effect on residential amenities, tourism amenities, special landscape character, views or prospects, Natura 2000 sites, protected structures, aircraft flight paths or by reason of noise or visual impact. Applications for such developments will not be encouraged in Areas of High Amenity”.*
- 7.2.15. The site is not located within a high amenity area as identified within the County Development Plan. In this regard, I note that there is no presumption against wind energy development within the area as set out within the Westmeath County Development Plan 2021-2027 in its current format subject to consideration of design, amenity and ecological considerations.
- 7.2.16. As detailed in the policy section of this report I note the contents of the Draft Ministerial Direction, Westmeath County Development Plan 2021-2027 dated the 29th of April 2021 which relates to the Wind Energy Policy as set out within Chapter 10. On review of the contents of this direction I note that the concerns raised relate to restrictions imposed by the current policies and objectives within the plan.
- 7.2.17. Having regard to the above reasons and considerations, I consider that the principle of the proposed meteorological mast for a temporary duration of 5 years can be

considered at this location subject to of design, visual impact and ecological considerations.

### 7.3. **Design and Height**

- 7.3.1. The existing mast on site is 80m high and comprises a narrow profile with associated guy wires. This is a typical design for this type of structure and no design issues arise. The proposal seeks retention of the existing mast and an increase in the height of the mast to 100m.
- 7.3.2. The third party appeals on the application raise concern in relation to the increased height of the proposal and lack of consultation with the Irish Aviation Authority and the Department of Defence in this regard. In considering the grounds of appeal I note that submissions on the application have been received from both the IAA and Department of Defence. No objection is raised to the proposed height of the mast within these submissions subject to conditions. In this regard, I consider the principle of the proposed increased height of the mast to be acceptable subject to visual impact considerations.

### 7.4. **Visual Impact**

- 7.4.1. Concerns relating to the visual impact of the proposed mast are raised within the third party appeals. Such concerns are raised in relation to the visual impact of the proposal on the existing rural landscape and the built heritage.

#### Visual Impact on Rural Landscape

- 7.4.2. A case is made within the third party appeals that the mast in both its existing format and the proposed increased height is inappropriate within the existing site context. In considering the grounds of appeal, I note that the appeal site is not located within a visually sensitive location. The appeal site is not identified within a high amenity area or within the path of any scenic routes or protected views as identified in Appendix 5 of the County Development Plan. The site is located within the River Deel Character Area as identified within the Westmeath County Development Plan. This area is characterised by low-lying pastureland, cutover, cutaway bogs and small tracts of intact bog.
- 7.4.3. The proposed mast comprises a narrow profile, and the subject lands are substantially screened with intermittent views of the mast along the L1504. The

appeal site is located within the demesne of Bracklyn House, (Bracklyn Farm) to the east of the L-1504 and accessed by the existing entrances to Bracklyn Farm and associated farm buildings. The existing character of development within the immediate vicinity of the site is agricultural in nature, comprising a working farm, commercial forestry and peatland.

7.4.4. The existing mast on site is located over 2km from the L-1504. On-site inspection, I note that only limited and intermittent views are provided of the mast from the adjoining road network.

7.4.5. Having regard to the slender profile of the structure it does not form a prominent or dominant feature on the surrounding rural landscape. The existing mast appears as slim semi-transparent structure which forms a very minor component of the landscape. I do not consider the proposed increased in height would render it more visually intrusive on the surrounding landscape or impact on the visual amenities of the area.

#### Impact on Built Heritage

7.4.6. Concerns in relation to the impact of the proposal on existing protected structures and national monuments within the vicinity of the site are raised within the third party appeals. I refer to the attached presentation document which includes an extract from the Built Heritage Map from the Westmeath County Development Plan 2021-2027 which illustrates the location of protected structures and national monuments relative to the appeal site.

#### Impact on Protected Structures

7.4.7. The site is located within the demesne of Bracklyn House, a designated protected structure of Regional Importance. The following description of the property is provided within the Record of Protected Structures attached as Volume 8 of the County Development Plan “*detached five-bay two-storey over basement neoclassical country house, built c.1790, with projecting single-bay Doric porch to the centre of entrance front (west), c.1855, and single-storey bowended wings to either end (north and south), built c.1910*”.

7.4.8. The mast is located c1km to the east of Bracklyn House. The house is the closest residential property to the mast. The property is located within an extensive

landscaped setting and views of the mast are not evident from the entrance to the property as illustrated within the attached presentation document. On site inspection I note that, existing views of the mast from the house are limited due to site topography.

- 7.4.9. The mast is visible from the eastern access road to the property but as illustrated within the attached presentation document due to the slender profile of the mast, it does not form a prominent feature in the area. Existing ESB poles form a more prominent feature in the landscape. On this basis I do not consider that the proposed mast will impact on either the residential or visual amenity of Bracklyn House.
- 7.4.10. The existing Gate Lodge at Bracklyn House is also designated as a Protected Structure of Regional Importance. It is described as follows within the RPS:  
*“Detached three-bay single-storey gate lodge, built c.1821, comprising central segmental-headed carriage with pyramidal-shaped bellcote over, flanked by single-bay single-storey ‘lodges’ to either side (north and south)”.*
- 7.4.11. The mast is located over 2km to the east of the gate lodge. On-site inspection I note that views of the mast are not evident from the structure. Similarly, I consider impacts on the existing Manouselum, Bracklyn House (1km to the west) are limited due to the separation distances involved.
- 7.4.12. On an overall basis, I do not consider that the existing mast has a negative impact on the character or setting of existing protected structures on site having regard to the slender profile of the mast and its siting relative to the protected structures. I do not consider that the proposed increase in the height of the structure would result in a negative impact on the character or settings of these structures.

#### *Impact on National Monuments*

- 7.4.13. National Monuments in the vicinity of the site include an existing ringfort c. 200m to the west of the site. The ringfort is described within the NMS website as being covered in a plantation of conifers. I refer to the attached presentation document which includes a photograph of the ringfort.
- 7.4.14. The existing mast is located 200m to east of the ringfort and separated from the monument by an open agricultural field. In this regard, the mast does not impinge on the physical extent of the ringfort. While the mast is clearly visible from the recorded

monument, I do not consider that it represents a form of development which detracts from its character or setting.

7.4.15. I note the reference within the grounds of appeal to the impact of the proposal on the recorded monument at Martinstown Castle which is located c 2.3km to the north of the appeal site. However due to separation distances and the slender profile of the mast I do not envisage an impact. The proposal does not represent a scale or format of development which negatively impacts on the character or setting of existing national monuments in the vicinity of the site.

## **7.5. Impact on Residential Amenity**

7.5.1. Concerns in relation to the impact of the proposal on residential amenity of the area are raised within the 3<sup>rd</sup> party appeals. A case is made that the proposed increase in height of the mast and provision of light will impact on the visual amenity of residential properties in the vicinity. As detailed above, having regard to the slender profile of the structure and its siting within an existing agricultural setting it does not form a prominent or dominant feature on the surrounding landscape.

7.5.2. The mast is located c1km to the east of the nearest residential property at Bracklyn House. The property is located within an extensive landscaped setting and views of the mast are limited from the property as illustrated within the attached presentation document.

7.5.3. No other residential properties are located within the immediate vicinity of the site. Having regard to the nature and scale of the proposal and its distance from existing residential properties I do not consider the proposal to represent a scale or format of development which would impact on the residential amenity of the area.

## **7.6. Ecology and Environmental Impact Assessment**

7.6.1. Concerns in relation to the limited scope of the application are raised within the third party appeals. In this regard reference is made to information deficiencies within the application in relation to the impact of the proposal on habitats and wildlife, Appropriate Assessment and Environment Impact Assessment. I consider Appropriate Assessment under a section 7.8. I consider the points raised in relation to EIA and ecology as follows.

### *Environmental Impact Assessment*

- 7.6.2. Concerns are raised within the third party appeal in relation to the requirements for an EIAR to accompany the application. In this regard, it is stated that Article 109 (2), (3) and (4) of the Planning and Development Regulations 2001, as amended, and Schedule 7 of the Planning and Development Regulations 2001 should have been examined to determine whether there is a requirement to submit an EIAR for the development or in combination with other projects.
- 7.6.3. The applicant, in responding to the grounds of appeal outlines that the proposal does not relate to a category of development to which the directive applies.
- 7.6.4. The subject matter of this appeal relates to retention permission and permission for a temporary meteorological mast. As submitted by the applicant, the proposed development does not trigger EIA, not being a category of development for the purposes of Part 10 of the Planning and Development Act, 2000, as amended to which the directive applies.
- 7.6.5. I have also examined Article 109 of the Planning and Development Regulations 2001 (as amended) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) in particular the criteria set out for 'characteristics of proposed development', 'location of proposed development' and "characteristics of potential impacts'. Given the nature and scale of the proposed development and the site context, I am satisfied that the proposed temporary development is not likely to have a significant impact on the immediate environment or on the wider environment. It follows that I do not consider that the development would give rise to any significant cumulative impacts. An EIAR, therefore, is not required.
- 7.6.6. I note the reference within the grounds of appeal to the matter of substitute consent given the nature of the application for retention permission. However as earlier detailed the proposal is not of a class to which the EIA directive relates. The issue of substitute consent therefore does not arise.

#### Impact on Ecology

- 7.6.7. Concerns in relation to the impact of the proposal on existing habitats and wildlife within the area are raised within the grounds of appeal. A case is made that an ecological impact assessment should have been submitted in conjunction with the application which takes into consideration the impact of the proposal on bird flight paths.

- 7.6.8. The applicant, in responding to the grounds of appeal, outlines that the appeal site is located within an intensively farmed and managed landholding and is of limited ecological significance. It is furthermore stated that the proposed development is not located over an expansive area and therefore effects on habitats are negligible. A case is made that having regard to the characteristics of the proposed development, effects on bats, terrestrial mammals and aquatic species are imperceptible.
- 7.6.9. Having regard to the characteristics of the appeal site which comprises of an open agricultural field enclosed by post and rail fencing and the limited scale and footprint of the development, I am satisfied that the proposed temporary development is not likely to have a significant impact on habitats and wildlife in the area.
- 7.6.10. I note the reference within the grounds of appeal to the point that meteorological masts and their supporting guy wires can present a collision risk to many bird species. In this regard I refer to the requirements of Condition no. 3 of Westmeath County Council's notification of decision to grant permission for the proposed development which outlines that: *"the applicant shall ensure that bird flight detectors are appropriately incorporated into the development hereby permitted"*. Reason: *In the interest of the environment, protection of bird species and preventing bird collision"*. I consider the requirements of this condition to be appropriate in the instance of a grant of permission.

## 7.7. Other Matters

### Access

- 7.7.1. Access to the existing mast is provided via an existing road/ track network within the site. The access network serves the existing cutaway bog in the vicinity of the site. The principle of access is established and having regard to the nature of the development and the limited use of this access, I consider that no traffic impact related issues arise. I furthermore note that no objection is raised by the Roads Department in Westmeath County Council.

### Reinstatement

- 7.7.2. Concerns relation to reinstatement of the site are raised within the grounds of appeal. I consider that this point can be addressed via condition in the instance of a grant of permission.



### Flood Risk

7.7.3. I note the reference within the Area Engineers Report to the location of the site in an area which is subject to pluvial flooding. The existing and proposed development is a water compatible development as identified within the Flood Risk Management Guidelines and the proposal will not result in the displacement of flood waters. No concerns in relation to the proposal are raised within the district engineers report on file. I similarly have no objection to the proposal on grounds of flood risk.

### **7.8. Appropriate Assessment**

7.8.1. Concerns relating to the impacts of the proposal on designated Natura 2000 sites are raised within the third party appeal. A case is made that the proposal should be accompanied by a Natura Impact Statement.

7.8.2. A screening report for Appropriate Assessment was not submitted with this application/ appeal case. Therefore, this screening assessment has been carried de-novo.

7.8.3. The appeal site is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

7.8.4. The appeal site is located c.3km to the east of the River Boyne And River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232). The following provides a summary of the qualifying interests of these sites and their conservation objectives.

#### River Boyne and River Blackwater SAC (002299)

7.8.5. The River Boyne and River Blackwater SAC (002299) comprises most of the freshwater element of the River Boyne from upriver of the Boyne Aqueduct at Drogheda, the Blackwater River as far as Lough Ramor and the principal Boyne tributaries, notably the Deel, Stoneyford and Tremblestown Rivers. This system drains a considerable area of Counties Meath and Westmeath and smaller areas of Cavan and Louth.

7.8.6. The site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II, including the following habitats and species:

- Alkaline fens [7230]

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

7.8.7. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

*‘To maintain or restore the favourable conservation condition of the Annex I habitat(s) and or Annex II species for which the site is selected’.*

River Boyne and River Blackwater SPA (004232)

7.8.8. The River Boyne and River Blackwater SPA is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Counties Cavan, Louth and Westmeath. The River Boyne and River Blackwater SPA (004232) is of conservation interest for the following species:

- Kingfisher (*Alcedo atthis*) [A229]

7.8.9. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

*‘To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA’*

7.8.10. Having regard to the nature of permission which relates to retention of and increase in height of the existing mast on site the construction phase would be of short duration and limited in scope. There would be no changes to groundwater levels. The nearest watercourse is the existing drainage ditch which is located to the east of the site at the opposite side of the access road. This drainage ditch was dry and overgrown on the date of site inspection.

7.8.11. In responding to the grounds of appeal the applicant outlines that the site is not of significance for avian species having regard to the habitat composition of the local landscape. Reference is made to the distance from the appeal site to the nearest designated site namely the River Boyne and River Blackwater SPA and outlines that

the species for which the site is designated, kingfisher, is unlikely to be found within the proposed development site or immediate environs due to the absence of suitable habitat.

7.8.12. I note that the Planning Authority carried out Appropriate Assessment Screening and concluded the following:

*“Having regard to the nature, siting and scale of the proposed development, separation distances from Natura 2000 sites and given that the subject lands are not within an identified flight path for protected bird species, it is determined that the proposal would not give rise to significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 site”.*

7.8.13. Having regard to the minor nature and scale of the development and its location relative to European sites, I consider 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 or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne And River Blackwater SAC European Site No. 002299 or the River Boyne and River Blackwater SPA European Site no. 004232 or any other European site, in view of the site’s Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

8.1. I recommend that retention permission and permission be granted for the development subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Westmeath County Development Plan 2021-2027, it is considered that subject to compliance with the conditions set out below, the proposed temporary meteorological mast would not seriously injure the visual amenities of the area, would not significantly impact on the ecological or cultural heritage of the area or significantly effect any European site in view of its

conservation objectives and would be consistent 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 and with the appeal, 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>(a) This permission shall apply for a period of five years from the date of this order. The mast structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.</p> <p>(b) The site shall be reinstated on removal of the mast structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
3.	<p>2. (i) The meteorological mast shall be fitted with a Type C, Medium intensity, Fixed Red obstacle light with a minimum output of 2,000 candelas to be visible in all directions of azimuth and to be operational 24/7 or a specification agreed directly with the Irish Aviation Authority.</p> <p>(ii) Light intensity to be a similar value to that emitted in the visible spectrum of light.</p> <p>(iii) The applicant shall make contact with the Irish Aviation Authority (IAA) of their intention to commence crane operations with at least 30days prior</p>

	<p>notification of the erection of the mast hereby permitted and to provide as constructed coordinates in WGS84 format together with ground and tip height elevations to the IAA.</p> <p>Reason: In the interests of clarity, orderly development and aviation.</p>
4.	<p>The applicant shall ensure that bird deflectors are appropriately incorporated into the development hereby permitted.</p> <p>Reason: In the interest of the environment, protection of bird species and preventing bird collisions.</p>
5.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>

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Stephanie Farrington  
Senior Planning Inspector

19<sup>th</sup> of May 2021

## **Appendix 1 – List of Objectors on Application**

1. Poilin and Aine Ni Bheachain
2. Brid and Rose Ni Bheachain
3. Kevin and Deirdre Vaughan and Family
4. Martin Vaughan and Family
5. Denis and Anne Vaughan
6. Diarmuid Priest
7. Andy Apps
8. Seamus and Kirsty McHale
9. Derry Priest
10. Paddy and Elizabeth Farrington
11. Veronica O' Reilly
12. Helen Mallon
13. Aldona Gad – Jordan and Bryan Jordan
14. Thomas and Siobhan Vaughan
15. Brendan Milligan
16. Derek Keaney
17. BMA Planning and behalf of Gigginstown Stud
18. Olga Aughey
19. Karen Clune
20. Jenna Clune
21. Conor Milligan
22. Patrick and Michelle Farrelly
23. Patrick and Bridget Milligan
24. John and Charline Milligan
25. Delvin Windfarm Information Group
26. Michelle and John Paul Farrelly
27. Geraldine and Paddy Farrington
28. Thomas and Carmel Clune
29. Mark and Nicola Clune
30. Thomas and Catherine Clune