An Bord Pleanála

Inspector's Report ABP-310612-21

Development	One wind turbine, substation and grid connection
Location	Rathbaun, Templehouse Demesne, Kilbrattan, Portinch, Emlaghnaghtan, Cartron (Percival), Cartron (Phibbs), Lecarrow, Carrowkeel, Cloonkeevy, and Ballybrennan.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	21113
Applicant(s)	Natural Forces Renewable Energy Ltd.
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Natural Forces Renewable Energy Ltd.
Date of Site Inspection	17th May, 2022
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The 9.53 hectare site for the proposed turbine is located approximately 4km north-west of Ballymote in County Sligo. The site for the proposed turbine would be within the eastern edge of established evergreen forestry. It would be accessed from the public road via a laneway, tracks and across bogland at the approach to the wind turbine site. Templehouse Lough is located a short distance west of the site and it forms part of Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site No: 000636). The route for the proposed grid connection would be along public roads leading to an ESB substation on the west side of the town of Ballymote.

2.0 Proposed Development

2.1. The proposed development would comprise:

- The construction of one wind turbine up to 5MW with overall tip height up to 180m,
- The construction of the wind turbine foundation, hardstanding and assembly area,
- Provision of a site entrance and an access track within the site,
- Construction of an on-site 20kV substation and underground electrical cable,
- Installation of a 7.9km underground grid connection passing through the townlands of Rathbaun, Templehouse Demesne, Kilbrattan, Portinch, Emlaghnaghtan, Cartron (Percival), Cartron (Phibbs), Lecarrow, Carrowkeel, Cloonkeevy, and Ballybrennan and connecting into an existing ESB station, and
- All associated site development and ancillary works.

The proposed project would have a 30-year lifespan.

2.2. Details submitted with the application included landowner consent details, an Environmental & Planning Report, an Environmental Impact Assessment Screening Report, and a Natura Impact Statement.

3.0 Planning Authority Decision

3.1. Decision

On 26th May 2021, Sligo County Council decided to refuse permission for the proposed development for two reasons relating to negative landscape impact and injury to a protected structure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted national and regional policy, development plan provisions, and reports received. An appropriate assessment was undertaken, concluding that the proposed development would not give rise to significant adverse effects on the integrity of the Templehouse and Cloonacleigha Loughs SAC as long as mitigation measures are implemented in full. The project was found to not have the potential to have significant effects on the environment and an EIAR was not required. It was acknowledged that the general principle of the proposal was in line with national and regional planning policy. The grid connection under the public road was seen to be in accordance with the Wind Energy Guidelines. It was noted that the site is located within a "sensitive rural landscape" as designated in the County Development Plan and it was considered that any proposals for development in this landscape would be difficult due to the open nature of the landscape. Referring to the submitted photomontages, it was submitted that the visual presence would be highly dominant, would have a negative aesthetic impact and could not be assimilated successfully into the landscape, and that the impact on the landscape would be significant. The potential impacts on residential amenity were regarded as being limited and largely restricted to the construction phase. It was considered that the proposal would seriously injure and interfere with the setting of Templehouse Demesne and should be refused. A refusal of permission for two reasons was recommended relating to detrimental impact on the landscape and injury and interference with the setting of Temple House in Templehouse Demesne.

3.2.2. Other Technical Reports

The Heritage Officer noted the lack of bat and bird surveys. It was submitted that the applicant's archaeological and architectural heritage assessment report was silent on the significant visual impact of the proposed turbine on the skyline to the east when viewed from Temple House and from within Temple House Demesne. It was stated that the view to and from the house and within/without the demesne landscape are integral to the character and setting of the protected structure and requires strict protection. It was considered that the turbine would irrevocably damage the landscape setting of Temple House and the wider demesne landscape.

The Council's National Roads Project Office had no objection to the proposal with regard to the upgrade of the N17 National Primary Road. Noting the route options for the road works, it was requested that the applicant remain informed of the process so that potential impacts of disruption of service from necessary cable diversion, bridge and associated works are considered as part of the cable design.

The Area Engineer recommended that permission is granted, referring to requirements relating to the haul route to the site. A schedule of conditions was set out.

The Environment Section raised concerns about the maintenance and protection of existing water quality conditions in surface waters in proximity to the proposed works. There was no objection to the proposed development subject to compliance with development policies. A request for further information was recommended relating to a construction compound, construction materials storage, supervision, provision of a site-specific construction and environmental management plan, proposals for a water quality monitoring programme during the construction phase, and method statements relating to mitigation measures.

3.3. **Prescribed Bodies**

Irish Aviation Authority requested that, in the event of permission being granted, the applicant should be conditioned to contact the IAA to agree an aeronautical obstacle warning light, provide as-constructed coordinates for the turbine location, and notify it of commencement of crane operations.

4.0 **Planning History**

4.1. I have no record of any previous planning application or appeal relating to the site.

5.0 **Policy Context**

5.1. **Sligo County Development Plan 2017-2023**

Energy

Policies include:

SP-EN-2 - Facilitate the sustainable production of energy from renewable sources, energy conversion and capture in forms such as wind power, hydro-power, wave-generated energy, bioenergy, solar technology and the development of Waste to Energy/Combined Heat and Power schemes at appropriate locations and subject to compliance with the Habitats Directive.

All such development proposals will be assessed for their potential impact on urban and rural communities, Natura 2000 sites, designated Sensitive Rural Landscapes, Visually Vulnerable Areas, Scenic Routes and scenic views, as well as in accordance with strict location, siting and design criteria.

SP-EN-7 - Protect significant landscapes from the visual intrusion of large-scale energy infrastructure.

Landscape Character

The site is located within an area designated a 'Sensitive Rural Landscape'. The Plan states that these are areas that tend to be open in character, highly visible, with intrinsic scenic qualities and a low capacity to absorb new development.

Policies include:

P-LCAP-1 - Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County's landscape character.

Planning applications that have the potential to impact significantly and adversely upon landscape character, especially in Sensitive Rural Landscapes, Visually

Vulnerable Areas and along Scenic routes, may be required to be accompanied by a visual impact assessment using agreed and appropriate viewing points and methods for the assessment.

P-LCAP-4 - Strictly control new development in designated Sensitive Rural Landscapes, while considering exceptions that can demonstrate a clear need to locate in the area concerned.

Ensure that any new development in designated Sensitive Rural Landscapes:

- does not impinge in any significant way on the character, integrity and distinctiveness of the area;
- does not detract from the scenic value of the area;
- meets high standards of siting and design;
- satisfies all other criteria with regard to, inter alia, servicing, public safety and prevention of pollution.

Architectural Heritage

Policies include:

P-ARH-1 - Preserve, protect and enhance the architectural heritage of County Sligo for future generations. The area's architectural heritage is of national and regional importance and is central to Sligo's ability to promote itself as a centre for cultural tourism.

P-ARH-2 - Ensure that any development, modifications, alterations, or extensions affecting a protected structure, an adjoining structure or a structure within an ACA is sited and designed appropriately and is not detrimental to the character of the structure, to its setting or the general character of the ACA.

P-ARH-5 - Protect important non-habitable structures such as historic bridges, harbours, railways or non-structural elements such as roadside features (e.g. historic milestones, cast-iron pumps and post-boxes), street furniture, historic gardens, stone walls, landscapes, demesnes and curtilage features, in cases where these are not already included in the Record of Protected Structures.

Development Standards

Renewable Energy Developments

The Planning Authority acknowledges the current need to adopt a more sustainable approach to energy production, through the promotion of facilities or installations that generate renewable energy. Such developments will be considered subject to the following criteria:

- visual impact on surrounding landscape;
- impact on designated sites, natural and built heritage, water bodies, groundwater, soils and air;
- impact on settlements or individual rural dwellings;
- impact on existing walking routes / rights-of-way / public access to the countryside.

All proposals for renewable energy developments should be discussed with the local authority at pre-planning application stage.

Wind Energy Developments (Section 13.9.3)

The Planning Authority will have regard to the DoEHLG's Wind Energy Development Guidelines (June 2006) and any revised guidelines, when considering wind energy applications.

The Guidelines outline the main criteria to be used in assessing development proposal. These criteria include:

- environmental impact – effects on landscape, natural and archaeological heritage;
- seeking visual harmony and balance – choice of turbines, towers, colour and siting;
- keeping secondary structures to a minimum – buried on-site cabling, minimal fencing, transformers placed inside towers where possible;
- keeping access roads to a minimum – using established roads where possible and following natural contours if roads are necessary;

- managing the building site – removing waste, avoiding erosion, replanting the land.

In assessing proposals for wind farms, the Council will require detailed information to Environmental Impact Assessment (EIA) standard. Assessment in accordance with government guidelines will have regard to visual impact (including the scarring effect of access roads), noise, electro-magnetic interference, ecological impact, safety (including aircraft safety and navigation) and land use implications.

Proposals will generally be discouraged in or close to pNHAs, cSACs, SPAs, designated Sensitive Rural Landscapes, Visually Vulnerable Areas, Scenic Routes, protected views, Zones of Archaeological Potential.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synopsised as follows:

Matters Considered

- Policies P-RDD-1, SP-EN-2, SP-EN-5, and P-CAM-9 of Sligo County Development Plan are relevant and support the proposed project.
- The proposed project meets the requirements of policies relating to renewable energy set out in the Irish Strategy for Renewable Energy 2021-2020, the National Planning Framework and the Regional Spatial and Economic Strategy 2020-2032.
- The proposal has been designed to comply with the DoEHLG Wind Energy Development Guidelines 2006 and the Draft Revised Wind Energy Development Guidelines 2019.
- The Natura Impact Statement concluded that, subject to implementation of the mitigation measures for construction, there would be no adverse effect on the integrity of the Templehouse and Cloonacleigha Loughs SAC. A Construction Environmental Management Plan will be produced and implemented to ensure the mitigation measures are adhered to.

- Regarding reports received by the planning authority, the six items of further information requested by the Environment Section could be provided as a condition of a grant of planning permission.
- The applicant is unclear as to why the "Sensitive Rural Landscape" has been referred to as a reason for refusal, given that the Council has previously granted permission for a number of wind developments located in these areas.

Reasons for Refusal

Reason 1

- The planning authority has adopted a position with regard to the inappropriate height, design and location of the single turbine development that is wholly subjective and not supported by relevant Wind Energy Guidance.
- The reason for refusal is not supported by the Guidelines and the Planner's report highlights a misinterpretation of the guidance, which undermines the reason for refusal.
- The planning authority has applied a very rigid interpretation to the "Sensitive Rural Landscape" designation and associated Policy P-LCAP-4 of the County Development Plan. A more considered approach reveals that the key values of the zoning and policy are not unduly undermined by the single turbine development.
- The Planner's report implies that a single turbine generates more of a concern than if the turbine was seen in conjunction with other turbines.

The appeal includes a Landscape and Visual Statement in support of the response to Reason No. 1. The appellant concludes that this reason does not constitute a reasonable basis for refusing the single turbine application.

Reason 2

- Templehouse is not a recorded monument.

- No recorded or suspected archaeological monuments will be impacted by the proposed development and there would be no visual impact on those recorded monuments within 450-1400m from the proposed development.
- It is acknowledged that Templehouse is a protected structure. However, lands 1.4km distant from it are not lands within its curtilage and the development will therefore not seriously injure and interfere with the setting of Templehouse.
- The bogland where the structure would be situated was taken over by the Land Commission in the 1990s, large sections of the estate broken up, and boglands only recently returned to the landowner.
- Policy P-ARH-2 refers to protected structures within an Architectural Conservation Area (ACA) and is not relevant in this instance. Templehouse is not within an ACA.
- Policy P-ARH-5 is not clearly defined by the Council and does not form a reasonable basis for rejection. The proposal complies with all relevant archaeological objectives. Any additional archaeological measures required will be complied with.
- The owner of Templehouse is also the owner of the site. The landowner selected the location as the most suitable. The appeal submission includes letters of support from the landowners from Temple House.

An archaeology appeal report was also submitted in Appendix B as part of the appeal response.

6.2. **Planning Authority Response**

The planning authority referred the Board to the reports prepared by it and considered the proposal to be unsuitable at the location proposed, contrary to Policy P-LCAP-4 and Section 13.9.3 of the County Development Plan. It was further submitted that no photomontages were provided at the pre-application stage in order for the planning authority to make a meaningful assessment. Furthermore, it is stated that adequate appraisal was not carried out on the impact of the turbine on Templehouse Demesne and it would have an injurious impact on its setting. The Board was asked to uphold the planning authority's decision.

6.3. **Further Responses**

The appellant was afforded the opportunity to respond to the planning authority's submission. Reference was made to the appeal submission and to pre-application consultation relating to alternative locations and the response given in the appeal submission on these discussions. Details of pre-planning correspondence with the planning authority were attached.

7.0 Planning Assessment

7.1. Introduction

7.1.1. I propose to address the principal planning issues arising from the planning authority's decision and the appeal submission with due regard to the issues of compatibility of the proposal with renewable energy policy, compliance with wind energy guidelines, and the landscape character and visual impact, including the impact on Temple House. I will further address a range of environmental impacts arising for the wider community, noise and shadow flicker. This assessment will be followed by considerations on appropriate assessment and the need for environmental impact assessment.

7.2. Compatibility with Renewable Energy Policy

7.2.1. I note that wind farm development would be compatible in principle with a wide range of international, EU, national, regional and local policies relating to the reduction in greenhouse gas emissions, the promotion of renewable energy, and the role of onshore wind development. This includes the following:

- The Kyoto Protocol, an international agreement to which Ireland is a party to, which seeks significant reductions in total greenhouse gas emissions to no more than 13% above 1990 levels;

- The Paris Agreement, which provides for a limitation of the global average temperature rise to well below 2 degrees Celsius above pre-industrial levels and to limit the increase to 1.5 degrees Celsius;
- The Renewable Energy Directive, which requires EU Member States to adopt a national renewable energy action plan (NREAP) and therein to set out national targets for the share of energy from renewable resources;
- The Climate Action and Low Carbon Development Act 2015, which provides for the establishment of a national framework with the aim of achieving a low carbon, climate resilient and environmentally sustainable economy by 2050;
- The National Mitigation Plan arising from the above Act, which aims to provide the statutory basis for the transition to a low carbon, climate resilient and environmentally sustainable economy;
- The provisions of the Climate Action Plan 2019 which sets out the actions over the coming years to address the impacts which climate may have on Irelands environment, society, economic and natural resources;
- The National Renewable Energy Action Plan, following on from the Renewable Energy Directive, which sets out the national targets for the share of energy from renewable resources to be consumed in transport, electricity, and heating and cooling;
- The National Planning Framework, which promotes renewable generation and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050 (National Policy Objective 55);
- The Regional Spatial and Economic Strategy for the Northern and Western Region, which recognises that the region has significant renewable energy resources through wind, with the Assembly supporting the development of a safe, secure and reliable electricity network and the transition towards a low carbon economy centred on energy efficiency and the growth projects outlined and described in the strategy (RPO 8.1); and

- Sligo County Development Plan, which seeks to facilitate the sustainable production of energy from renewable sources, energy conversion and capture in forms such as wind power (Objective SP-EN-2).

7.2.2. It is reasonable to conclude from the provisions and objectives of the above that the development of a wind farm would be consistent with the aims of reducing greenhouse gas emissions, improving renewable energy production, and contributing to the aim of achieving a low carbon economy.

7.3. The Development in the Context of the Wind Energy Guidelines and Department Circular PL5/2017

7.3.1. Wind Energy Development Guidelines – Guidelines for Planning Authorities

These Guidelines were published in June 2006 and remain the Guidelines that are in place for planning authorities and the Board when assessing wind farm developments. I acknowledge that the revised Wind Energy Development Guidelines have not been adopted to date and that such guidance is expected to address a wide range of issues, including matters pertaining to noise, visual amenity setback, shadow flicker, consultation obligations, community dividend and grid connections. At this stage, it appears reasonable to consider the proposal against the provisions set out in the 2006 guidance.

Chapter 3 relates to wind energy and the development plan. I submit the following:

- Section 3.1 states that the assessment of individual wind energy development proposals needs to be conducted within the context of a "plan-led" approach and that this involves identifying areas considered suitable or unsuitable for wind energy development, with such areas set out in the development plan in order to provide clarity for developers, the planning authority, and the public. The current Sligo County Development Plan does not provide any such clarity. Thus, there is no definitive understanding of areas in County Sligo that

are regarded as suitable for wind farm development and those that are regarded as unsuitable.

- As referenced earlier, the principle of supporting renewable energy from wind is supported in the Development Plan.
- Section 3.8 refers to 'Amenity Designations' and notes that the visibility of a proposed wind energy development from designated views or prospects would not automatically preclude an area from future wind energy development but is a material factor that would be taken into consideration in the assessment of a planning application. It is noted that the planning authority did not reference impacts on any designated views or prospects in its reasons for refusal.
- Section 3.9 refers to 'Tourism and Recreation' and again it is noted that the planning authority did not reference impacts on tourism and recreation in its reasons for refusal.

Chapter 4 of the Guidelines addresses planning applications and Environmental Impact Assessment. I submit the following:

- It is noted that EIA is not mandatory for the proposed development and my screening for EIA set out later in this assessment concludes that Environmental Impact Assessment is not required and the requirement to submit an Environmental Impact Assessment Report does not arise.
- Reference is made in the Guidelines to access to the electricity grid. I note that the application is particularly devoid of considerations on impacts and effects arising from the laying of the grid connection cabling through and alongside Templehouse and Cloonacleigha Loughs Special Area of Conservation. This matter will be addressed further in my considerations relating to appropriate assessment.
- The extent of public consultation, the community leaflet and the community engagement report are noted. It is observed that the planning authority did not receive any third party submissions or observations on the proposal and that the Board are not in receipt of any third party submissions.

- The Guidelines' reference in Chapter 4 to general considerations are acknowledged. These environmental matters will be considered further in my assessment at a later stage.

Chapters 5 and 6 address environmental implications and aesthetic considerations in siting and design. The significant planning matters relating to each of these are addressed later in my assessment and appropriate reference is made to the Guidelines where relevant.

7.3.2. Circular PL5/2017

I note Circular PL5/2017. This relates to the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* published in July 2017. These form an update on the review of wind energy and renewable policies in development plans. The Circular notes that the Interim Guidelines do not replace or amend the existing Wind Energy Development Guidelines 2006 and that it is intended that the administrative provisions contained therein will be incorporated into the revisions to the 2006 Guidelines when finalised. The Circular relates to the development plan process and to adoption of policies that reflect the overall national policy position on renewable energy. The lapse in time in the review of the 2006 Guidelines is acknowledged.

7.4. **Landscape Character and Visual Impact**

7.4.1. Introduction

The proposed development would include a single turbine located on cutover bog in forestry. The grid connection and cabling within the site would be laid underground. The remaining infrastructural components of the development, including the substation, would be sited within the commercial forestry. The principal feature to be considered in relation to the landscape and visual impact of the proposed development should reasonably focus on the proposed 180m high wind turbine.

7.4.2. Landscape Character

Sligo County Development Plan identifies the location within which the proposed development would be located as being a 'Sensitive Rural Landscape'. This is an area which is seen to be open in character, highly visible, with intrinsic scenic qualities and a low capacity to absorb new development. The policies of the Plan include Policy P-LCAP-4, which seeks to strictly control new development in designated Sensitive Rural Landscapes, while considering exceptions that can demonstrate a clear need to locate in the area concerned. Proposals that have the potential to impact significantly and adversely upon landscape character, especially in the Sensitive Rural Landscapes, may be required to be accompanied by a visual impact assessment using agreed and appropriate viewing points and methods for the assessment. I note that the planning application included a visual impact assessment. New development in designated Sensitive Rural Landscapes is required not to impinge in any significant way on the character, integrity and distinctiveness of the area, not to detract from the scenic value of the area, meet high standards of siting and design, and satisfy all other criteria with regard to, inter alia, servicing, public safety and prevention of pollution. I note also the development standards of the Plan as they relate to wind energy development (Section 13.9.3). It is stated that proposals will generally be discouraged in or close to designated Sensitive Rural Landscapes.

I acknowledge the first reason for refusal by the planning authority in its decision which determined that, by reason of the height, design and location of the proposed development, it would have a negative impact on the sensitive rural landscape and would be contrary to Policy P-LCAP-4 and section 13.9.3 of the County Development Plan.

Having regard to the provisions of Sligo County Development Plan as they relate to designated sensitive rural landscapes, as an initial observation it is appropriate to conclude that the planning authority's determination could be viewed as reasonable.

The most relevant component of the overall proposal for assessment in landscape terms consists of the wind turbine. This would be up to 180 metres in height within an open landscape. A turbine of this height in such a location would be highly visible over an expansive area. It would have a significant landscape impact, being a man-made feature of high visibility and being distinctly prominent over a wide geographical area. The issue at hand, however, is whether it can reasonably be concluded that the impact of this turbine would *adversely* impact on landscape character. To consider such an issue, it is reasonable to assess the physical impacts the turbine and its associated infrastructure would have on the landscape and then to assess its visual impact, as its visual presence could potentially prove to be the principal determinant as to whether the turbine does or does not adversely impact on this sensitive landscape.

Physical Landscape Impact

My considerations on the physical impact of the turbine and the associated infrastructure on the landscape are as follows:

- The 20kV substation would be located within the commercial forest area and would be small in scale and limited in height. It would not be within an open and exposed landscape. The associated electrical cabling would be laid underground. The physical footprint of this feature would be confined and screened. It may reasonably be determined that the physical impact of this infrastructure would not be significant within this expansive landscape.
- The grid connection would be laid underground and it would follow the route of tracks and public roads beyond the turbine site. The physical landscape impact would primarily be under man-made access tracks and roads and the physical landscape impact from the proposed routing could not in any meaningful way be seen as being significant.
- The site entrance would not be in any manner conspicuous in this remote location and would be limited in scale for the purpose needed. The short

access track to the turbine site would be laid on low-lying, relatively flat, cutover bog on the approach to the turbine site and would have a restricted footprint and a somewhat inconspicuous physical landscape impact.

- The ancillary site development works would be peripheral to the physical landscape footprint of the overall development and could not be construed as being in any manner significant in physical landscape terms.
- The wind turbine foundation, hardstanding and assembly area provided at and below ground level would be limited in area to that needed to provide an adequate footprint for the construction of the proposed turbine. These again would be located within the existing commercial forestry and could not be seen to have a significant physical landscape impact on cutover bog within commercial forestry.
- The physical footprint of the proposed turbine on the landscape would not in itself add further to the impact of the provision of the supporting infrastructure to allow for its construction.

Overall, it is reasonable to conclude that the impact of the wind turbine, arising from its height and scale and consequent impacts on landscape character due to its visual presence, is the matter meriting further assessment.

7.4.3. Visual Impact

I note the proposed development that was subject to the applicant's Landscape and Visual Impact Assessment. The turbine is described in Section 1.1.2 of that assessment as having dimensions of 110m hub height, 138.25 rotor diameter with an overall tip height of up to 180m. The proposed turbine could reasonably be described as a very high structure.

The landscape in which the proposed turbine would be set is noted as being relatively flat and framed by the distant Ox Mountains to the north-west and Kesh

Coran and Bricklieve Mountain to the south-east. Templehouse and Cloonacleigha Loughs are located to the west and south-west and the dominant land use in this area is agriculture, with cutover bog and commercial forestry in the vicinity of the site. Temple House demesne is located west of the site. Urban settlements in the vicinity include the village of Ballynacarrow approximately 2km to the north on the N17 national route and the town of Ballymote approximately 3.5km to the south-east. One-off houses in the vicinity of the site are limited and sporadic. There are no designated scenic routes along the local, regional or national roads in the general vicinity nor are there protected views or prospects.

Having regard to the wind farm being isolated from other developments of this nature, it is understood that the single structure would be a prominent, isolated feature in an open rural landscape that would present as a striking feature in the landscape. It would have a strong visual presence. It is understood that it would be remote from individual residential properties, public roads, and from urban settlements. The nature of the terrain in which it is proposed to be placed and the predominant lands in the vicinity, comprising mainly cutover bog and commercial forestry along with the existing lakes to the west and south-west, support the isolated nature of the proposed turbine from inhabited areas.

Zone of Theoretical Visibility (ZTV)

As part of the applicant's assessment of visual impact of the proposed wind farm development, a Zone of Theoretical Visibility, with a radius of 20km centred on the appeal site, was generated. The ZTV represents the area over which the development would theoretically be seen. It indicates broad areas where the visibility of the development is most likely to occur, how much is most likely to be visible, and the extent and pattern of visibility. It presents a 'bare ground' scenario, i.e. without screening structures or vegetation.

As would be anticipated from the height of the proposed turbine and its setting within a flat, open landscape, the turbine would theoretically be prominent over an expansive area. However, it is apparent from the ZTV that the turbine's visibility would occur within the general immediate vicinity and from the south (much of which would be distant) and that there is somewhat restricted visibility from the north, east and west. The drumlin nature of the landscape is evident in many locations. The results of the ZTV are noted again as being without regard to hedgerow and other vegetation interceding in the rural landscape.

Photomontages and Visibility from the Public Realm

I note that the applicant identified 9 no. viewshed reference points and presented photomontages of the existing view and the view with the proposed turbine in place in each view. I submit to the Board that, with due regard to the ZTV, these reference points may reasonably be determined to be representative of the relevant context of visibility for the proposed development, offering views from within urban areas, from public roads, from Temple House demesne parkland, and from the wider rural environment. I make the general observation that the lack of cumulative impact with other development of a similar nature is ably demonstrated in the representative views.

I propose to offer considerations on the nine photomontages presented as part of the applicant's assessment. The representation of the likely visual impact arising from views selected by the applicant form a reasonable illustration of the visibility of the turbine when viewed from the specific points presented and these views have been confirmed. The views presented may reasonably be determined to be location-specific and it is evident that viewpoints could have been selected elsewhere to indicate a varying degree of visibility. However, it is again accepted that the viewpoint selection may be deemed reasonably representative.

VPI 1

This is a view from the railway overpass on the edge of Ballymote at a distance of 3.2km from the site. The proposed turbine would be significantly screened by existing housing and vegetation. The rotating nature of the development would draw attention to the very upper sections of the blades. The visual impact from the public road could reasonably be seen to be very minor.

VP2

This is a view from a crossroads in a rural area approximately 1.5km south-east of the site. This is a representative view of the open nature of the local terrain in which the proposed development would be set. The proposed height, form and functioning of the turbine would result in it being a prominent, striking feature in the view and it would remain prominent in this general area. It is clearly not a development which can be substantially screened to minimise its visibility. The expansive open landscape in which it would be set must be understood. The placing of a single structure of this form and height will clearly influence the local landscape character, being another man-made structure in a rural area of farmland, forestry and bogland. The 'negativity' of impact on the landscape as determined in the planning authority's first reason for refusal is not meaningfully defined by the planning authority in its deliberations and the effect of a solitary turbine in this landscape, as evidenced in this view, could not wholly be construed as negative in a manner that it denudes the sensitivity of the wider landscape character. It presents as yet another distinctive feature in the open landscape, albeit very prominent, but does not limit the understanding of the wider landscape character.

VP3

This is a view from Regional Road No. R296 in a rural area approximately 3.2km south of the site. The proposed turbine would be significantly screened by existing vegetation. The rotating nature of the development would draw attention to the very

upper sections of the blades. The visual impact from the public road could reasonably be seen to be very minor.

VP4

This view is taken from a local rural road approximately 700 metres south of the site. There is extensive scrub and woodland in the low-lying foreground and, given the height and scale of the proposed turbine together with its proximity, it is unsurprising that the structure presents as a prominent feature in the view, projecting well above the vegetation. The structure is again seen within an expansive open landscape. The turbine would not in any manner be absorbed into the landscape but it would present as a distinct prominent feature. This is a good example of a localised impact of a structure of such a height and scale. At such a location one's attention would be definitively drawn to the prominent structure and this attraction to its presence would be intensified by rotating blades. The subjectivity of liking or disliking turbines would strongly come into play when considering the acceptability or not of such a structure in such an open landscape. My subjective opinion in this instance is that the single turbine would be likely to become a feature to which viewers would adapt to and that, because it is a singular isolated structure, it would not be readily seen as gravely impacting on the sensitivity of the wider landscape in which it would be understood.

VP5

This view is taken even closer to the site, some 500 metres to the west at a bridge over the Owenmore River. It is fortuitous that the viewpoint is selected where there are trees directly in the line of sight of the proposed turbine and perhaps a viewpoint a short distance either side along the local road may have presented more of a distinct view of the proposed turbine at such a local setting. In my opinion, my considerations on VP4 could in many ways be replicated when assessing this view.

VP6

This view is taken from the front of Temple House, a protected structure, which is located approximately 1.25km west of the site. The impact of this view is clearly at the heart of the second reason for refusal by the planning authority. The planning authority determined that the proposed development would seriously injure and interfere with the setting of Temple House, being contrary to Policies P-ARH-2 and P-ARH-5 of the Sligo County Development Plan. These policies seek to ensure that development which may affect a protected structure is sited and designed appropriately so as not to be detrimental to the character of such a structure and its setting and to protect important non-habitable structures such as the demesne, castle ruin, etc. where they are not in the Record of Protected Structures. The acceptability or otherwise of this view from Temple House will determine whether the planning authority's second reason for refusal is merited. It is acknowledged that the owner of the protected structure is also the landowner of the site for the proposed wind farm development.

In considering this view, there are a number of factors of particular note when assessing the proposed turbine's impact. The first is distance. The turbine would be located approximately 1.25km away from Temple House, a substantial separation distance. Secondly, it is apparent that the demesne and the land beyond includes very extensive mature treelines and woodland. With the separation distance and the established woodland, it is notable that substantial parts of the turbine would be screened from view from the protected structure, the castle ruin and the lake. It is also apparent that, when traversing the demesne landholding in the direction of the turbine, the woodland would come even more into play and more of the turbine would be screened from view. I must also acknowledge the significant extent of deciduous and evergreen forestry between the demesne and its associated curtilage and the proposed site. It is accepted that the rotating blades would be prominent features in the view as they project above the treelines. It is further accepted that deciduous trees would evidently be subject to leaf loss and that the effectiveness of

screening from deciduous trees would be reduced for substantial parts of the year by such leaf loss. The issue of whether the distant turbine would adversely impact on the protected structure, the setting of the house, the castle ruin, lake and other structures is debatable, in my opinion. It is important to note that the view from Temple House itself is focused south-eastwards towards the castle ruin, the lake and woodland. The proposed turbine would come within a panoramic view from the house but clearly this would be sited east of Temple House and on the periphery of any panoramic view. Clearly, the landowner and occupier of Temple House has a different perspective on the impact of the turbine on the house and its setting than that of the planning authority. I take the view that the proposed turbine would be a single structure that would form a visually prominent feature within a naturally evolving landscape, part of which includes the managed demesne of Temple House. The turbine would project above a treeline within this demesne and could alternatively be seen as a feature of modernity, a renewable energy resource, within the setting of a managed landscape. While clearly a highly prominent structure, it could reasonably be construed as being a distinctly complementary feature in this managed landscape. I cannot readily dismiss the positive attributes which the turbine, as renewable energy infrastructure, may provide to this house and its setting. Of course a turbine of this height and form would have a distinctive visual impact on the context of the protected structure. Because it would have such a distinctive impact does not necessarily mean that it would be adverse or negative. Further to this, I do not see how the planning authority has ably demonstrated how such an impact would be adverse or negative to the house and its setting. I note that the Heritage Officer has concluded that the insertion of the large single turbine would irrevocably damage the landscape setting of Temple House and the wider demesne landscape. However, it has not been set out *how* and *why* this irrevocable damage would result. I do not accept that the proposed development would be detrimental to the character of the protected structure, the demesne and other structures at this location given the separation distance, the extensive intervening forestry, and the location of the turbine site within available views from within the demesne. Visibility

of the single turbine from within the demesne property does not automatically trigger adverse or negative impact for the property. I conclude that the proposed turbine is sited and designed appropriately so as not to be detrimental to the character of the protected structure and its setting and that this siting, at a distance of 1.25km, protects the important non-habitable structures within the demesne.

VP7

This view is taken from the south-western end of the village of Ballynacarrow along the N17 national route, approximately 1.85km north of the site. Existing housing in the foreground masks the view of the turbine. As a consequence, only parts of the rotating blades would be visible. I acknowledge that it is likely that more of the turbine would become more visible in breaks between houses in the vicinity of this viewpoint and from the rear of houses in the estate. However, in the context of visibility from a main road in the wider area, it is reasonable to determine that the distance to the site and the effects of intervening structures and other barriers to views such as natural vegetation would result in the visibility of the turbine having no significant visual impact from the public realm.

VP8

This view is taken from a rural area on the N17 north-east of Ballynacarrow at a distance of approximately 3.2km from the site. The open, low-lying nature of the distant landscape in which the proposed turbine would be set is clearly understood. The setting and woodland in the foreground of the turbine location screens out much of the lower sections of the structure. The turbine would clearly be prominent in this view but, given the separation distance, the intervening natural and man-made features and the singular isolated nature of the structure, it could not reasonably be seen as severely impacting on the sensitivity of the expansive landscape available within the view.

VP9

This view is taken at a distance of approximately 1.5km east of the proposed site. It is representative of views from the regional road in this area and shows the low-lying nature of the land and the existence of extensive commercial forestry plantation in the vicinity of the site. The railway line is in the foreground, close to this forestry, and the forestry would clearly mask the visibility of the turbine at this nearest location from passing trains. Evidently, the high structure would project well above the forestry and it would be a prominent feature from the road. However, it could be construed as introducing some degree of a break in the relative monotony of the expansive commercial forestry plantation. Being a single structure, it would not in itself be an overpowering physical intrusion in this view of extensive forestry.

Conclusion

It is my submission to the Board that the proposed wind turbine would be viewed as a distinctive, prominent structure at a local level. Accepting or rejecting the aesthetics of such a structure is subjective. The impact of the development as a wind farm, however, is very significantly reduced by the provision of a single turbine. This turbine is located within an isolated, low-lying, remote location. The prevailing commercial forestry, natural woodland and other vegetation, buildings and other structures would play a significant role often in easing the visual impact of the scale of the turbine, where the lower sections of the turbine would be masked from the wider public view. Many of the available views from the public realm are distant views and with increased separation distance comes a perspective of a reduction in the dominance of such a high structure. The visual impact assessment demonstrates to a reasonable degree the localised nature of the substantial visual impacts that would result. It is apparent that more distant views of the structure could only be understood within an even more expansive landscape, allowing such a prominent structure to be more likely partly absorbed into long distant views or permitting one's perception of significance to reasonably adapt to it as a distinctive feature of visibility within an expansive landscape.

7.4.4. Landscape Impact and the Sligo County Development Plan

In conclusion on the issue of landscape and visual impact, I return to the Sligo County Development Plan provisions as they relate to sensitive landscapes, namely Policy P-LCAP-4 and Section 13.9.3.

With regard to the Policy and my considerations above, I submit the following:

- The proposed development is strictly controlled in its nature and extent. The wind farm includes a single turbine placed in cutover bog within forestry and its associated overground infrastructure would be within such forestry.
- I acknowledge that the scale and height of the proposed turbine would ensure that it would impact in a significant way on the character of the local area. For the reasons set out in my visual assessment above, I do not accept that it would 'impinge' in a negative way on the character, integrity and distinctiveness of the open and expansive landscape in which the turbine would be set.
- I do not accept that the turbine would detract from the scenic value of the area for similar reasons. The site is in a relatively isolated and remote rural location.
- The proposal would meet appropriate standards of siting and design, placed on cutover bog in a commercial forest and exhibiting a prominent renewable energy project.
- The proposed development provides the necessary associated measures in the proposal to satisfy the relevant criteria with regard to servicing, public safety and prevention of pollution.

Finally, while I note section 13.9.3 of the Plan states that wind energy development proposals will generally be discouraged in or close to designated Sensitive Rural Landscapes, I consider that it is reasonable to conclude that the single isolated turbine and associated infrastructure can be accommodated at this particular low-

lying, rural location without negatively or adversely impacting on the expansive open landscape in which it would be set.

7.5. **Other Environmental Impacts**

I propose to consider the impacts arising from shadow flicker, noise from the turbine, ground conditions and drainage, ecological impact, traffic impacts from haulage at the construction stage, and the archaeological impact.

7.5.1. Shadow Flicker

The casting of shadows by turbines and the rotation of blades can occur with wind farm development in certain defined circumstances. As a result, this can cause potential nuisance, in particular to residential properties in the vicinity. For this to occur the sun is required to be shining and to shine at a low angle, notably after dawn and before sunset. Along with this, a turbine is required to be between the sun and the affected property and there must be enough energy to make the turbine blades move. Where shadow flicker can potentially occur the Wind Energy Guidelines recommend that it should not exceed 30 hours per year or 30 minutes per day for dwellings within 500 metres. The Guidelines also note that, at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low.

I acknowledge the Shadow Flicker Assessment submitted by the applicant to the planning authority. For the assessment purposes, I note that a turbine with a rotor diameter of 138.3m and a hub height of 110.1m was modelled by the applicant. The applicant assessed the shadow flicker impact on 54 receptors and these are shown in Appendix A of the assessment. I note that this concluded that the worst case 30 hours per year or 30 minutes per day would be exceeded at three shadow receptors.

In the event that any nuisance potentially arises, I note that technology is available to prevent shadow flicker from affecting properties in the area. A simple and effective measure to address concerns is to turn off an offending turbine during periods when it is most likely to potentially create shadow flicker. A turbine can be appropriately programmed for this to occur. Automatic controllers can be employed to stop a turbine which could give rise to shadow flicker for the hours in any year that the phenomenon could potentially occur. These can be incorporated into the controls of the turbine and can be programmed to continually monitor sunshine intensity and wind direction and can automatically take the turbine out of operation to prevent moving shadows affecting houses. With such mitigation available, I do not consider that shadow flicker can be considered to be a potentially significant issue impacting on the amenity of residents and other receptors in the vicinity of the proposed wind turbine. I acknowledge that the applicant proposes to include the installation of a shadow shut-off system in the proposed turbine to address the shadow flicker impact.

7.5.2. Noise

I note the noise assessment undertaken and the report submitted with the application to the planning authority which addressed construction and operational noise. I am satisfied that the noise arising from the construction of the single turbine development would be short term and would not cause any particular nuisance or disturbance for the sporadic residential properties in the wider area. Appropriate site management, guided by a Construction Environmental Management Plan and a Traffic Management Plan, would be appropriate in reducing nuisance and disturbance to the general public. Furthermore, construction periods could be controllable by way of attaching a condition with a grant of permission to limit days and times of construction, thus reducing potential adverse impact to residents nearby. Construction noise impact is not seen to be significant and it is, therefore,

intended to consider further only the operational noise impact arising from the functioning turbine.

The prevailing guidance on noise is set out in the current national Wind Energy Guidelines dating from 2006. I accept that this is a particularly complex issue, with extensive conflicting research and a wide range of international guidance and standards. Evidently much can be learned from international best practice but the guidance to which the Board would ultimately be required to have due regard to at this time is set out in the Wind Energy Guidelines. Section 5.6 of the Guidelines refers to 'Noise'. It is noted that good acoustical design and carefully considered siting of turbines is essential to ensure that there is no significant increase in ambient noise levels at nearby sensitive receptors. It is also noted that sound output from modern turbines can be regulated to mitigate problems. The Guidelines require that noise impact should be assessed by reference to the nature and character of noise sensitive locations. They require noise limits to be applied to external locations and that such limits should reflect the variation in both turbine source noise and background noise with wind speed. The following is particularly noted:

"*In general, a lower fixed limit of 45 dB(A) or a maximum increase of 5 dB(A) above background noise at nearby noise sensitive locations is considered appropriate to provide protection to wind energy development neighbours. However, in very quiet areas, the use of a margin of 5 dB(A) above background noise at nearby noise sensitive properties is not necessary to offer a reasonable degree of protection and may unduly restrict wind energy developments which should be recognised as having wider national and global benefits. Instead, in low noise environments where background noise is less than 30 dB(A), it is recommended that the daytime level of the LA90, 10min of the wind energy development noise be limited to an absolute level within the range of 35-40 dB(A)*

Separate noise limits should apply for day-time and for night-time. During the night the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. A fixed limit of 43 dB(A) will protect sleep inside properties during the night.

In general, noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres."
A reasonable interpretation of the limits recommended above would be:

- A fixed limit of 43 dB(A) at a noise sensitive location for night-time hours,
- 45 dB(A) or up to 5 dB(A) above background noise, whichever is the greater, at a noise sensitive location for daytime hours, and
- 35-40 dB(A) at a noise sensitive location for daytime hours where background noise is less than 30 dB(A).

I note that noise conditions attached with a grant of planning permission for wind farm development in Ireland frequently reflect the above provisions.

I observe that the applicant's assessment, utilising noise calculation software, prepared noise predictions for 676 locations and presented noise levels for the top 50 locations in Table 8 of the assessment. All predicted noise levels were below 35 dB(A) at all wind speeds at all properties with the exception of one where a 0.3 dB and 1.1 dB excess was predicted at 7 and 8 m/s wind speeds. It is understood that this property has a financial involvement with the proposed development. I acknowledge that ETSU-R-97 guidance, which is the guidance upon which the noise guidance contained within the Wind Energy Guidelines is based, allows for a higher level of turbine noise operation at such properties. A lower threshold of 45 dB $L_{A90,\ 10\ min}$ is applicable and I note that the predicted noise levels for this receptor at all wind speeds are within this noise criterion.

Finally, I note that the applicant's assessment considered the construction, operational and decommissioning noise impacts of the proposed turbine and the substation in the assessment and set out appropriate mitigation measures for the construction and decommissioning phases. Provisions have also been provided for the operational phase which include relevant investigation in the event of an issue with low frequency noise and amplitude modulation, as well as noise monitoring to ensure compliance with any conditions which would be applicable to the proposed development. I do not consider that there would be a significant noise impact for the wider community arising from the proposed development.

7.5.3. Ground Conditions and Drainage

I note the surface water environment in which the turbine and associated infrastructure would be located. The Owenmore River and Templehouse and Cloonacleigha Loughs are the principal natural waterbodies in the area. I particularly note that the river is described as being of 'High Status' both upstream and downstream of the site. It is accepted that the main threat from the proposed development would come at the construction stage, with a potential for silt-laden or polluted surface water entering the river. I note that the site for the proposed turbine is low-lying on cutover bog and within established commercial forestry. The hydrology of the turbine site and access track leading to it has been greatly affected by turf cutting and by extensive drainage associated with this and the forestry. This drainage network associated with the cutaway bog at this location has very slack flows. I have no particular concerns about the stability of the cutover bog at this low-lying location. The applicant proposes a wide range of mitigation measures to address the effects on the Owenmore River and the Templehouse and Cloonacleigha Loughs SAC, inclusive of the provision of a Construction Environmental Management Plan and the application of best practice construction methodologies. These are considered both appropriate and robust. I do not consider

that the proposed development would have any significant adverse impact for the waterbodies of this area with the implementation of these measures.

7.5.4. Ecological Impact

I first draw the attention of the Board to the appropriate assessment undertaken later in this report and to the conclusion drawn that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Templehouse and Cloonacleigha Loughs SAC, or any other European site, in view of the site's Conservation Objectives. Mitigation measures to address construction-related drainage impacts on the Owenmore River are particularly noted. I then acknowledge the findings of the applicant's Ecological Impact Assessment. The site for the proposed development contains no habitat of conservation value. The turbine site would be within semi-mature evergreen forestry and the access track leading to this site from the existing access track to the north of the site would be across cutover bog. There is no rare, threatened or legally protected flora known to occur within the site. Given the established habitat, it is expected that there would be a range of passerine bird species and a number of mammal species that would use these lands. It is not anticipated that the proposed functioning development would affect the use of the site by these species. The applicant has set out a schedule of mitigation measures for the construction stage of the development in the ecological assessment and these are considered appropriate and robust. I do not consider that the proposed development would have any significant adverse ecological impacts.

7.5.5. Traffic Impact

I consider that the traffic issue relates solely to the construction phase of the proposed development and, in particular, the delivery of the turbine to the site. The application details indicate that a Construction Traffic Management Plan would be developed and that a haul survey would be undertaken. It is acknowledged that the

delivery of the turbine would involve a number of articulated haulage trucks, carrying oversized loads. It is anticipated that the turbine parts would arrive to Killybegs in County Donegal and that the route to the site would primarily be along national roads (N56, N15, N4 and N17) to south of Ballynacarrow, which the Board will note is less than 2km from the site. Road widening is not seen to be required. I do not foresee any particular traffic safety concerns arising from the delivery of the turbine or from any other traffic generated by the proposed development. The applicant's Environmental and Planning Report has set out what the Construction Traffic Management Plan would take into consideration and this is regarded as reasonable. Such a Plan could be required by way of a condition attached to any grant of planning permission. Finally, I note that the Council's National Roads Project Office had no objection to the proposal and that the Area Engineer recommended that permission is granted, referring to requirements relating to the haul route to the site.

7.5.6. Archaeological Impact

I note the applicant's Archaeological Assessment Report. I accept that there are no known archaeological remains that would be impacted by the proposal and there was no evidence of surface, sub-surface or other anomalies indicative of archaeological remains observed on the site. Notwithstanding these findings, I consider that an archaeological assessment should be carried out at the construction stage due to the potential for archaeological deposits within the peatland area and that this requirement could form a condition attached to a grant of planning permission.

7.6. Conclusion on Planning Issues

7.6.1. Having regard to the above, the following conclusions are drawn:

- The development of a wind farm would be consistent with EU, national, regional and local policies, seeking the reduction in greenhouse gas

emissions, improving renewable energy production, and contributing to the aim of achieving a low carbon economy.

- The proposed development is not in conflict with the Wind Energy Guidelines.
- The single isolated turbine and associated infrastructure can be accommodated in the low-lying, rural location without negatively or adversely impacting on the expansive open landscape in which it would be set and would not be in conflict with Policy P-LCAP-4 and Section 13.9.3 of Sligo County Development Plan.
- The proposed turbine is sited and designed appropriately so as not to be detrimental to the character of Temple House and its setting and would not be in conflict with Policies P-ARH-2 and P-ARH-5 of Sligo County Development Plan.
- The applicant proposes to include the installation of a shadow shut-off system in the proposed turbine, addressing potential concerns relating to shadow flicker.
- There would not be a significant noise impact for the wider community arising from the proposed development, with predicted noise levels being below 35 dB(A) at all wind speeds at all properties with the exception of one which has a financial involvement with the proposed development and where the predicted noise levels for this receptor at all wind speeds would meet with the permitted higher level of turbine noise operation at such property in accordance with ETSU-R-97 guidance.
- The proposed development would not have any significant adverse impact for the waterbodies of the area with the implementation of the proposed mitigation measures.
- The proposed development would not have any significant adverse ecological impacts.
- There are no particular traffic safety concerns arising from the delivery of the turbine or from any other traffic generated by the proposed development.

- An archaeological assessment should be carried out at the construction stage due to the potential for archaeological deposits within the peatland area.

8.0 Appropriate Assessment

8.1. ***Limitations of Assessment***

8.1.1. I note that the applicant's Natura Impact Statement and Screening for Appropriate Assessment were limited to considerations of the development at the wind turbine location and the effects of those components of the proposed development at that location. The application is clearly stated to include the installation of a c.7.9km underground grid connection to follow public main roads for the proposed route to the existing ESB Ballymote substation. I further note from the applicant's Environmental and Planning Report and the EIA Screening Report that the proposed grid connection route is stated to be an indicative route, that ESB are the only approved statutory body allowed connect, operate and own electrical distribution infrastructure, and that the exact grid connection route/methodology will only become apparent at the time when ESB are undertaking their detailed design review of the grid connection works. While the applicant understands from publicly available information from ESB that there is sufficient grid capacity at the Ballymote 38kV substation, I must indicate at this stage that the applicant's Natura Impact Statement and Screening for Appropriate Assessment did not consider the likely effects on European sites arising from the proposed grid connection. Furthermore, I observe that substantial lengths of the grid connection route proposed in the application goes directly through Templehouse and Cloonacleigha Loughs Special Area of Conservation, albeit along an existing public road, and that it also follows the road immediately adjoining this SAC for extensive lengths.

8.1.2. Having regard to the lack of consideration of the likely significant direct and indirect effects of the grid connection on this European site, and in light of the lack of any confirmed definitive routing and construction methodologies in accordance with any agreed proposal with ESB, the Board is not in a position to undertake appropriate assessment on this component of the proposed development. I consider that the Board could potentially seek a Natura Impact Statement which would include for

consideration of this part of the overall proposal. Alternatively, in the event of a grant of permission for the proposed development, a condition requiring the proposed grid connection to be subject to a separate planning permission could reasonably be attached. The planning application then associated with the grid would be anticipated to include the effect of that grid connection on European sites.

8.1.3. Having regard to the above, it is my intention to consider the effects of the development on European sites arising from those components at and in the vicinity of the proposed turbine and to not consider the effects arising from the proposed grid connection.

8.2. *Screening for Appropriate Assessment*

8.2.1. **Background**

The applicant submitted a Stage 1 Screening in Section 4 of the Natura Impact Statement (NIS) submitted to the planning authority with the planning application. This Stage 1 AA Screening Report was prepared in line with current best practice guidance. It provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential impacts, and assesses the significance of potential impacts. The conclusion of the applicant's AA Screening Report is as follows:

"*On the basis of the Screening Assessment undertaken in Section 4 above, it is considered that the proposed works present a minor risk of impacting on water quality within the Owenmore River during the construction phase and thus could affect the qualifying interest habitat Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation listed as Qualifying Interest for the Templehouse and Cloonacleigha Loughs SAC. There is therefore a requirement to proceed to Stage 2 Appropriate Assessment*."

Having reviewed the screening document and additional submissions to the planning authority, I am satisfied that the information allows for a complete examination and

identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

8.2.2. **Description of Development**

The applicant provides a description of the project in Section 2 of the NIS. In summary, the development comprises the construction of one 5MW wind turbine with an overall tip height up to 180m, its associated foundation, hardstanding and assembly area, a site entrance and an access track, an on-site 20kV substation and underground electrical cable, a 7.9km underground grid connection (not part of this assessment), and all associated site development and ancillary works.

8.2.3. ***European Sites***

I note that the applicant identified and examined three European sites within 15km of the proposed site. There would be no direct effects and there is no connectivity or pathways between the proposed site and the River Moy SAC, which is 9km to the west, or between the site and Turloughmore SAC which is 10km to the south-west. The development site for the proposed turbine and access track is located adjacent to Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code: 000636).

The qualifying features of conservation interest and conservation objectives for this European site are as follows:

Qualifying Features
Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation

Conservation Objectives

To restore the favourable conservation condition of Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp. in Templehouse and Cloonacleigha Loughs SAC.

To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in Templehouse and Cloonacleigha Loughs SAC.

8.2.4. **Identification of Likely Effects**

It is first acknowledged that the proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. I further note that the site and all works associated with the proposed development are intended to take place outside of the SAC. As a result, there would be no direct loss of habitat within this European site. I also acknowledge that the qualifying feature *Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.* is located upstream of the proposed development. It is, thus, accepted that there would be no potential effects arising for this feature as there is no connectivity or potential pathway.

It is acknowledged that there would be hydrological connectivity with the Owenmore River 600m downstream of the turbine location (and within the SAC) via the drainage network on the bogland. Potential siltation or other such effects at the construction stage could result in risks to water quality resulting in adverse effects for *Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation* in the SAC. I also acknowledge that the grid connection route would traverse the SAC. Given this connectivity, the potential for construction-related activities to indirectly impact on surface water quality by way of pollution is accepted. Therefore, significant effects on the surface water dependent qualifying interests of the SAC cannot be excluded beyond reasonable scientific doubt.

8.2.5. ***In-combination Effects***

Cumulative in-combination effects could potentially result with forestry felling, further forestry plantation, agricultural and turf cutting activities at this location Thus, it is

accepted that there is potential for significant cumulative effects with other potential sources of pollution in the area.

8.2.6. **Mitigation Measures**

No measures designed or intended to avoid or reduce any harmful effects of the proposed development on a European site have been relied upon in this screening exercise.

8.2.7. ***Screening Determination***

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would be likely to give rise to significant effects on Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code: 000636), in view of its Conservation Objectives, and Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the works associated with the proposed development,
- The proximity to a European site, and
- The known pathways between the site and the neighbouring European site.

8.3. Appropriate Assessment

8.3.1. **Background**

The proposed development is not directly connected to or necessary for the management of any European site. It is therefore subject to the provisions of Article 6(3) of the EU Habitats Directive. Following the screening process above, it has been determined that appropriate assessment is required as it cannot be excluded

on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code: 000636). The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects were not considered in the screening process.

8.3.2. **Natura Impact Statement**

The application included a document entitled *Appropriate Assessment Screening Report and Natura Impact Statement for Wind Turbine at Templehouse, Co Sligo* dating from March 2021. The NIS gives a description of the project, identifies characteristics of the receiving environment and the relevant Natura 2000 sites, discusses potential direct and indirect effects on European sites, and considers residual adverse effects and cumulative effects. The NIS had due regard to desk studies, field surveys and consultations undertaken as part of the application. The NIS was prepared in line with current best practice and provides an assessment of all potential effects on the SAC and the SPA arising from the proposed development.

The NIS concluding statement was as follows:

"*... it is hereby concluded that, subject to the full and proper implementation of the mitigation measures detailed in Section 7 of this NIS, there will be no adverse effects on the integrity of the Templehouse and Cloonacleigha Loughs SAC or any Natura 2000 site, as a result of the proposed development, either individually or in combination with other plans and projects, and that no reasonable scientific doubt remains in this regard.*"

I note the considerations of the planning authority's Heritage Officer and the Environment Section.

Having reviewed the documents, submissions, reports and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of Templehouse and Cloonacleigha Loughs SAC alone, or in combination with other plans and projects.

8.3.3. **Appropriate Assessment**

Introduction

This assessment considers all aspects of the proposal which could result in significant effects and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has had due regard to the applicant's submitted Natura Impact Statement and the reports and submissions received by the planning authority and the Board.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of te Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

European Sites

Templehouse and Cloonacleigha Loughs SAC is the European site that is subject to appropriate assessment. A description of that site and its Conservation and Qualifying Interests are set out in the NIS and in the Screening undertaken earlier in this report.

Relevant Aspects of the Proposed Development

Section 2 of the applicant's NIS details the characteristics of the proposed development and Section 6 identifies other plans, projects and activities relating to potential in-combination effects. As referenced in the Screening undertaken earlier, the main aspects of the proposed development that could adversely affect the conservation objectives of the European site are at the construction stage from sedimentation and siltation via existing drainage ditches as there is hydrological connectivity with the SAC via this drainage network. The potential for adverse effects on water quality within the Owenmore River is noted and, therefore, the potential

exists for effecting the qualifying interest habitat *Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation* in the SAC.

I acknowledge that the construction works would include site clearance, excavation, site preparation, the construction of foundations, hard standing, an assembly area, a turbine and a substation, and the laying of underground cable. The potential effects would relate to indirect effects on water quality associated with pollution at the construction phase from pollutants such as concrete/cement, siltation, sedimentation, and hydrocarbons percolating to ground and being carried via the drainage network to the Owenmore River within the SAC.

I observe the following:

- There would be no loss of habitat of qualifying interest within the SAC,
- The drains associated with the cutaway bog at this location have very slack flows.

8.3.4. **Potentially Significant Cumulative Effects**

I note the reference to potential in-combination effects in my screening earlier. I am not aware of any proposed projects or plans with which there could potentially be in-combination effects. I again acknowledge the existing land use activities prevalent at this location, namely agriculture, forestry and turf cutting. There are no known proposed intensive activities of that nature at this location with which the proposed development could have significant cumulative effects.

8.3.5. **Mitigation**

Section 7 of the applicant's NIS details the range of mitigation measures intended to be employed as part of the construction phase of the proposed development. The measures include the provision of a Construction Environmental Management Plan, concrete and cement controls, management of sediments, peat excavation, storage and handling provisions, and management and handling of hydrocarbons and chemicals. In my opinion, these constitute suitable, robust, comprehensive and

necessary measures to avoid any adverse impacts on the integrity of the European site.

8.3.6. **Residual Impacts**

I concur with the applicant's findings that, if the proposed mitigation measures are implemented in full, it is expected that significant effects would not result for the qualifying features of the SAC.

Following my appropriate assessment of the proposed development and, with due regard to consideration of the proposed mitigation measures, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of Templehouse and Cloonacleigha Loughs SAC in view of the Conservation Objectives of the site. This conclusion is drawn on a complete assessment of all implications of the proposed development alone and in combination with other plans and projects.

8.3.7. **Appropriate Assessment Conclusion**

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on Templehouse and Cloonacleigha Loughs SAC. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Templehouse and Cloonacleigha Loughs SAC, or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Templehouse and Cloonacleigha Loughs SAC,
- Detailed assessment of in-combination effects with other plans and projects, and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Templehouse and Cloonacleigha Loughs SAC.

9.0 Screening for Environmental Impact Assessment

9.1. I note the following from the Planning and Development Regulations 2001:

SCHEDULE 5

DEVELOPMENT FOR THE PURPOSES OF PART 10

Part 2

3. Energy Industry

(i) Installations for the harvesting of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.

I observe that the proposed wind farm development intends to have a total output up to 5 megawatts. Therefore, it is apparent that the proposed development is one which does not require mandatory environmental impact assessment.

My assessment of the environmental significance of this sub-threshold development is as follows:

9.2. **Characteristics of the Proposed Development**

- The proposed wind farm would comprise the provision of one wind turbine with an overall tip height up to 180m, a wind turbine foundation, hardstanding, an assembly area, a site entrance and an access track, a 20kV substation and underground electrical cable, an underground grid connection, and associated site development and ancillary works.
- There are no other known plans or projects with the potential to result in significant cumulative effects. The nearest existing wind farm developments

are some 25km from the site. Significant cumulative effects on the environment are not envisaged.

- There are no demolition works associated with the proposed development.
- The proposed development would be utilising the natural wind resource and would support the reduction on the reliance of fossil fuels to generate electricity. The land take of cutover bog and removal of forestry would not be significant for the single turbine and its associated infrastructure. The proposal envisages the application of a range of mitigation measures to reduce and avoid impacts on the natural water resources of the area.
- There is no likelihood of any significant production of waste arising from the nature and scale of the proposed development, either at the construction or operational phases.
- The proposed development would include the implementation of a range of mitigation measures designed to reduce and avoid pollution incidences and nuisance arising from the construction and operation of the wind farm. This includes measures protecting existing surface waters in the vicinity. Nuisance from shadow flicker can be adequately addressed through the application of a shut-off system when required. Noise generated at the operational phase is not anticipated to adversely affect sensitive receptors. There is no likelihood of any significant pollution instances or nuisance arising from the nature, scale and location of the proposed development.
- The construction and operation of the wind project is proposed to be managed in accordance with relevant health and safety legislation, with the application of appropriate mitigation measures and best practice construction methodologies. There is no likelihood of any significant risks of major accidents or disasters or risks to human health arising from the nature, scale and location of the proposed development.

9.3. **Location of the Proposed Development**

- The site for the proposed wind turbine and associated infrastructure is on cutover bog within a forestry plantation. The grid connection cable is intended

to be routed along established lanes and public roads. The site adjoins Templehouse Lough which forms part of Templehouse and Cloonacleigha Loughs SAC. The grid connection route traverses this SAC via the public road.

- The proposed development would not have any significant impact on the relative abundance, availability, quality and regenerative capacity of natural resources in the area, being of a limited scale with a single turbine and a development utilising the natural wind resource and supporting the reduction on the reliance of fossil fuels in the generation of electricity.
- The proposed development would adjoin Templehouse and Cloonacleigha Loughs Special Area of Conservation and would be sited within a commercial forest. It has been determined that the proposed development at the wind turbine site, individually or in combination with other plans or projects, would not adversely affect the integrity of the SAC. The proposed development would not affect the absorption capacity of any coastal zones, mountain areas, nature reserves and parks, densely populated areas, or any landscapes and sites of historical, cultural or archaeological significance and there are no known areas where the environmental quality standards laid down in legislation have been exceeded.

9.4. **Characteristics of the Potential Impacts**

- The proposed development is limited in scale, comprising a single turbine and associated infrastructure on cutover bog within a commercial forest that is remote from residential property and urban settlements, with the grid connection cabling proposed to be laid underground. Its beneficial impact as renewable energy is recognised.
- There would be no transboundary impacts arising from the proposed development.
- There would be no potential significant effects from the proposed development having regard to its magnitude and complexity.

- There would be no potential significant effects from the proposal having regard to the probability of its impact. The functioning wind turbine is understood to have the outcome of reducing the reliance of fossil fuels in the generation of electricity.
- Having regard to the expected onset, duration, frequency and reversibility of the environmental effects of the proposal, the development would be understood to be long-term in its effects on the site, with the development intended to function for some 35 years. I note that the project application includes the provision of a Decommissioning and Reinstatement Plan to be employed at the end of the wind farm life and that the site would then be returned to its prevailing land use.
- The proposed development would not result in any known significant cumulative impacts with any development approved, functioning or proposed at this location.

9.5. **Conclusion**

Overall, it may reasonably be concluded that the proposed development would not exceed the threshold of any project defined in Schedule 5 of the Planning and Development Regulations. Having regard to the consideration of the likely environmental significance of the proposal, it may reasonably be concluded that the characteristics of the development, its location, and the type and characteristics of the potential impacts arising from the construction and operation of the development would not result in a significant environmental impact. It is, thus, reasonably determined that Environmental Impact Assessment is not required and the requirement to submit an Environmental Impact Assessment Report does not arise.

10.0 **Recommendation**

10.1 My assessment was carried out based upon the proposed turbine being 180 metres in height with an output of 5 megawatts. This was premised upon the drawings and other details provided in the application which indicated in plan form that the proposal was for a turbine 180 metres high. However, I note the public notices

relating to this application and the descriptions provided in the various documentation which referred to the construction of one wind turbine up to 5MW with overall tip height up to 180m. Having regard to the Derryadd judgement (2021, IEHC 390), the specific nature and extent of this component of the proposed development requires clarification. Therefore, the Board must seek clarity on this.

10.2 Further to the receipt of this clarity and, having regard to my assessment above, I consider that permission should be granted for the turbine, its associated foundation, hardstanding and assembly area, site entrance and an access track within the site, 20kV substation and underground electrical cable, and all associated site development and ancillary works. I have indicated earlier that the Board may also wish to request, as part of a further information request, a Natura Impact Statement which adequately considers the effects of the proposed grid connection on European sites. However, I recommend that the grid connection should be subject to a separate planning permission, given the insufficiency of considerations on this component of the proposed development to date and the lack of clarity on the exact nature and extent of the grid connection.

Reasons and Considerations

It is considered that the proposed development, subject to the conditions set out below, would be in accordance with:

- European energy policy,
- The National Planning Framework,
- The Regional Spatial and Economic Strategy for the Northern and Western Region,
- The provisions of Sligo County Development Plan 2017-2023, and
- The Wind Energy Development Guidelines – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006

Furthermore, it is considered that the proposed development would make a positive contribution to the implementation of Ireland's national strategic policy on renewable energy and its move to a low energy carbon future, would have an acceptable impact

on the landscape having regard to its overall benefits, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely affect the archaeological or natural heritage, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment, appropriate assessment and conclusions contained in the Inspector's report that Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code: 000636) is the European site for which there is a likelihood of significant effects.

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the above referenced European site in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the inspector. In completing the appropriate assessment, the Board adopted the report of the inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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. The proposed grid connection shall be the subject of a separate planning application for permission

   Reason: To allow for adequate assessment of the effect of the proposed development on Templehouse and Cloonacleigha Loughs SAC and to clarify the nature and extent of the grid connection.

3. The period during which the development hereby permitted may be carried out shall be ten years from the date of this order.

   Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

4. This permission shall be for a period of 30 years from the date of commissioning of the wind farm. The wind turbine and ancillary related structures shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their continuance for a further period.

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

5. The mitigation measures and monitoring commitments identified in the Natura Impact Statement, Environmental and Planning Report, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.
   Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a schedule of these mitigation

measures and monitoring commitments, and details of a time schedule for implementation of the mitigation measures and associated monitoring.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

6. The following design requirements shall be complied with:
   (a) The hub height of the turbine shall not exceed 110 metres and the rotor diameter shall not exceed 140 metres. The overall tip height shall not exceed 180 metres. Details of the turbine design, hub height, blade length, and tip height shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The wind turbine, including tower and blades, shall be finished externally in a light grey colour.
   (b) Cables within the site shall be laid underground.
   (c) The wind turbine shall be geared to ensure that the blades rotate in the same direction.
   (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.

Reason: In the interest of clarity and visual amenity.

7. The operation of the proposed development shall not result in noise levels, when measured externally at nearby noise sensitive locations, which exceed:
   (a) Between the hours of 07.00 and 23.00

   (i) The greater of 5dB(A) L90, 10 min above background noise levels, or 45dB(A) L90, 10 min, at standardised 10 metres height above ground level wind speeds of 4m/s or greater, and
   (ii) 40dB(A) L90, 10 min at all other standardised 10 metre height above ground level wind speeds.

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

Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a noise compliance monitoring programme for the subject development, including any mitigation measures such as the de-rating of the turbine. All noise measurements shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with Respect to Community Response”, as amended by ISO Recommendation R 1996-1. The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing with, the planning authority within six months of commissioning of the wind farm.

Reason: In the interest of residential amenity.

8. (a) Shadow flicker arising from the proposed development shall not exceed 30 hours per year or 30 minutes per day at existing or permitted dwellings or other sensitive receptors.

(b) The proposed development shall be fitted with appropriate equipment and software to control shadow flicker in accordance with the above requirement. Details of these control measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(c) A report shall be prepared by a suitably qualified person in accordance with the requirements of the planning authority, indicating compliance with the above shadow flicker requirements at dwellings. Within 12 months of commissioning of the proposed wind farm, this report shall be submitted to, and agreed in writing with, the planning authority. The developer shall outline proposed measures to address any recorded non-compliances, controlling turbine rotation if necessary. A similar report may be requested at reasonable intervals thereafter by the planning authority.

Reason: In the interest of residential amenity.

9. Facilities shall be installed to minimise interference with radio or television reception in the area. Details of the facilities to be installed, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority prior to commissioning of the turbine and following consultation with the relevant authorities.

Reason: In the interest of residential amenity.

10. Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently the developer shall inform the planning authority and the Irish Aviation Authority of the co-ordinates of the 'as constructed' positions of the turbine and the highest point of the turbine to the top of the blade spin.

Reason: In the interest of air traffic safety.

11. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures, surface water management proposals, control and management of accidental spillages, detailed design of watercourse crossings, the management of construction traffic, construction work hours, and off-site disposal of construction waste.

Reason: In the interests of public safety, the protection of ecology and residential amenity.

12. (a) Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with the planning authority:

(i) A Transport Management Plan, including details of the road network/haulage routes and the vehicle types to be used to transport materials on and off the site and a schedule of control measures for exceptionally wide and heavy delivery loads. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads,

(ii) A condition survey of the roads and bridges along the haul routes to be carried out at the developer's expense by a suitably qualified person both before and after construction of the wind farm. This survey shall include a schedule of required works to enable the haul routes to cater for construction-related traffic. The extent and scope of the survey and the schedule of works shall be agreed in writing with the planning authority/authorities prior to the commencement of development,

(iii) Detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority,

(iv) Detailed arrangements for the protection of bridges to be crossed,

(v) A Construction Traffic Management Plan, including details of temporary traffic arrangements/controls on roads, and

(vi) A phasing programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.

(b) Within three months of the cessation of the use of the haul route to transport material to and from the site, a road survey and scheme of works detailing works to repair any damage to the route shall be submitted to the planning authority.

(c) All works arising from the aforementioned arrangements shall be completed at the developer's expense within 12 months of the cessation of the roads' use as a haul route for the proposed development.

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and
(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.
In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. On decommissioning of the wind farm or if the wind farm ceases operation for a period of more than one year, the turbine concerned (including its foundation) shall be removed and all decommissioned structures and any access roads shall be removed within three months of decommissioning.

    Reason: To ensure satisfactory reinstatement of the site upon cessation of the project.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

16. 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.

    Reason: To ensure the satisfactory reinstatement of the site.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area

of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector

25th May 2022