



An  
Bord  
Pleanála

## Inspector's Report ABP-311596-21

<b>Development</b>	Construction of one 4.2mw wind turbine with an overall tip height of up to 150m and on-site 20KV substation
<b>Location</b>	Clonminch, Tullamore, Co. Offaly.
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	21464
<b>Applicant</b>	Natural Forces Renewable Energy Ltd. (Niall McCoy)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant</b>	Natural Forces Renewable Energy Ltd. (Niall McCoy)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	01 <sup>st</sup> February 2022
<b>Inspector</b>	Máire Daly

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Appendix 1 - EIA Screening determination

## **1.0 Site Location and Description**

- 1.1. The subject site is located approx. 3km south of Tullamore town in Co. Offaly. The proposed turbine is to be located in a predominantly flat agricultural field, currently in use for grazing, which forms part of a larger landholding with the main agricultural sheds and farmhouse located to the northwest. The site is an unusual shape with access for larger construction traffic and turbine components proposed off the N52 National Secondary road which runs along the northwestern boundary and access for construction staff from the west, to the south of the existing farmyard, along partially established farm roads.
- 1.2. The field boundaries of the site consist of hedgerows and treelines. The site has one main field drain located on its north-eastern boundary and the surrounding agricultural fields also have prominent drainage channels. A small water course is located at the entrance to the main site of the proposed turbine, c. 110m from the proposed turbine location. This watercourse flows in a north-easterly direction and connects into the Tullamore River c. 1.5km to the east. The Tullamore River flows through the northern part of the Charleville Wood Special Area of Conservation (SAC)/proposed Natural Heritage Area (pNHA) (located c. 7km downstream of the proposed site).
- 1.3. The surrounding area is mainly comprised of agricultural lands, with residential dwellings located c. 0.7km to the south and southwest of the proposed turbine location. The closest residential property is the farmhouse associated with the landholding which is located c. 0.6km to the west. The Tullamore to Dublin railway line is located c. 550m to the northeast of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the following:
  - Single 4.2MW turbine with an overall tip height of up to 150m;
  - Hardstanding area and underground circuit cables to run in underground cable trenches (c.1m deep) from the proposed wind turbine to the proposed substation building on site.

- On-site 20KV substation building of area 53sqm and height 5m to be located c.200m from proposed turbine and surrounded by stockproof fencing.
- Provision of a site entrance off the N52 and access track. Provision of additional entrance for staff off L6003.
- Internal site access track comprised of permeable paving to be constructed from site entrance to location of turbine hardstanding area.
- All associated ancillary infrastructure and works for site development.

The proposed project is to have a 30 year lifespan.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Offaly County Council refused permission for the proposed development for the following two reasons:

1. Objective EO-01 of the Offaly County Development Plan 2014-2020 (as amended) states that it is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner. This will be implemented having regard to the Council's Wind Energy Strategy and the identified suitable areas in the county for wind energy developments (Figure 9). These areas have been identified based on an assessment of ecological designations; landscape sensitivities; locations of settlements; and, technical considerations.

Objective EO-01 of the CDP states that development for wind energy outside of the identified areas shall not normally be permitted unless the exemptions provisions as outlined in Section 5.4 of the Wind Energy Strategy and Policy EP-05 apply. As these exemptions do not apply in this instance, the proposed development would materially contravene the appropriate policies and objectives of the CDP and the application shall be refused as would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by virtue of the creation of a new access onto the N52, a national secondary road, would be contrary to both Policies STAP-17 and STAP-18 as set out in the Offaly County Development Plan 2014-2020 which requires the safety, capacity and efficiency of national roads and associated junctions and that a new direct access onto National Secondary where a speed limit greater than 50 km/ph applies will be restricted in accordance with the provisions of Spatial Planning and National Roads Guidelines for Planning Authorities January 2012.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Area Planner's report (dated September 2021) is consistent with the decision of the planning authority.

#### **3.2.2. Other Technical Reports**

- District Engineer report dated 18<sup>th</sup> March 2021:
  - Permanent direct access from the Tullamore bypass is not deemed appropriate. Access from the N52 directly to the site may be considered for delivery of turbine parts only. Applicant is requested to submit an alternative proposal for maintenance access/permanent access to the site.
  - Further information required to include detailing of indicative grid connection route from the site to Clonminch 38KV substation.
  - This route is to include agreement from third party landowners.
  - Proposal for alternative grid connection route that minimises impact on N52.
  - Full details required concerning proposed haul roads to be used for the delivery of the turbine to site (including an accommodation works required, auto track swept path analysis for all roundabouts and junctions.
  - A Stage 1 and 2 Road Safety Audit is required.
  - Major concerns expressed in relation to shadow flicker on N52 and nearby zoned lands.

- Road Design report dated 15<sup>th</sup> March 2021:
  - further information required in order to clarify proposed access for large construction traffic – off N52.
  - Provide swept path analysis for proposed haul roads in Co. Offaly that will be used for delivery of turbine parts.
  - Detail of any accommodation works required on the public road network.
  - Review proposed indicative cable route along N52 and provide proposals for alternative routes.
  - Provide details of cabling route e.g. trench locations, culvert crossings, chamber locations/size, roads widths etc.
  - Stage 1 & 2 Road Safety Audit required.
- Chief Fire Officer report dated 23<sup>rd</sup> February 2021 – No objection.
- Water Services report dated 12<sup>th</sup> March 2021 – No objection.
- Environment Section - No response received.

### 3.3. Prescribed Bodies

#### 3.3.1. Transport Infrastructure Ireland (TII) response dated 9<sup>th</sup> March 2021:

- The TII considers that the proposal is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- The proposal would create an adverse impact on the national road where the maximum permitted speed limit applies and would, in the Authority's opinion, be at variance with the foregoing national policy in relation to control of frontage development on national roads. Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions. The proposal, if approved, would create an adverse impact on the national road and associated junction and would, in the Authority's opinion, be at variance with the foregoing national policy.

- The TII also highlight that they have not consented to grid connection proposals outlined in the planning application, which indicates utilising the N52 for grid connection routing.

### 3.4. Third Party Observations

3.4.1. One submission was received from Peter Sweetman. The issues raised can be summarised as follows:

- Planning merits of the application should be assessed in accordance with the Planning and Development Act 2000 (as amended).
- Proposal should be screened for Environmental Impact Assessment.
- Requirements under Habitats Directive to be met.
- The current application does not comply with the regulations (not clear which regulations are being referred to here).
- The proposal must be assessed for compliance with the Water Framework Directive.

## 4.0 Planning History

On adjoining site to east:

- P.A. Ref – Offaly County Council (OCC) Ref. 21/46 – Permission refused in April 2021 for the construction of one wind turbine of overall height 150m and construction of an on-site 20KV substation and underground electric cable and all associated site works. Development to have total output of not greater than 5MWs.

The 2 no. reasons for refusal reflect the refusal reasons and the decision of the planning authority for the current planning application.

## 5.0 Policy Context

### 5.1. National Policy

#### National Planning Framework and National Development Plan

- 5.1.1. The National Planning Framework (NPF) 2018 identifies the importance of climate change in National Strategic Outcome (NSO) 8, which relates to ensuring a 'Transition to a Low Carbon and Climate Resilient Society'.
- 5.1.2. National Policy Objective 55 seeks to 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.'
- 5.1.3. National Development Plan (NDP) 2021-2030 sets out the investment priorities that will underpin the implementation of the NPF, one of which is climate action, the plan commits to increasing the share of renewable electricity up to 80% by 2030. This is an unprecedented commitment to the decarbonisation of electricity supplies.

#### Climate Action Plan 2021

- 5.1.4. This provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050. Among the most important measures in the plan is to increase the proportion of renewable electricity to up to 80% by 2030.

#### Ireland's Transition to a Low Carbon Energy Future 2015-2030

- 5.1.5. This document is a complete energy policy update, which sets out a framework to guide policy up to 2030. Its objective is to guide a transition, which sets out a vision for transforming Ireland's fossil fuel-based energy sector into a clean, low carbon system. It notes that onshore wind will continue to make a significant contribution but that the next phase of Ireland's energy transition will see the deployment of additional technologies as solar, offshore wind and ocean technologies mature and become more cost-effective.



## 5.2. National Guidelines

### Wind Energy Development Guidelines 2006

- 5.2.1. The Guidelines are intended to ensure consistency of approach in the identification of suitable locations for wind energy developments and acknowledge that the siting of developments is an important consideration.
- 5.2.2. **Section 5.6** addresses noise impacts, which should be assessed by reference to the nature and character of noise sensitive locations i.e. any occupied house, hostel, health building or place of worship and may include areas of particular scenic quality or special recreational importance. In general noise is unlikely to be a significant problem where the distance from the nearest noise sensitive property is more than 500m.
- 5.2.3. **Section 5.12** notes that careful site selection, design and planning and good use of relevant software can help to reduce the possibility of shadow flicker in the first instance. It is recommended in that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day. The potential for shadow flicker is very low at distances greater than 10 rotor diameters from a turbine.
- 5.2.4. **Chapter 6** relates to aesthetic considerations in siting and design. Regard should be had to profile, numbers, spacing and visual impact and the landscape character. Account should be taken of inter-visibility of sites and the cumulative impact of developments.

### Draft Revised Wind Energy Development Guidelines 2019

- 5.2.5. These guidelines are still in draft form; however their content has been noted including those sections and proposed SPPRs most relevant to the development. Chapter 5 provides guidance for considering an application for wind energy development. Notable proposed changes within the draft guidelines relate to community engagement, noise and separation distance. Key aspects include:
- Sound/noise - consistent with WHO standards, proposing a relative rated noise limit of 5 dB(A) above existing background noise within the range of 35 to 43 dB(A), or 43 dB(A) being the maximum noise limit permitted day or night, applicable to outdoor locations at any residential or noise sensitive properties,

and taking account of tonal noise, low frequency noise and amplitude modulation and the introduction of noise monitoring regime.

- Visual amenity setback – 4 times tip-height setback from the nearest point of the curtilage of any residential property (500 minimum mandatory setback)
- Shadow flicker – shadow flicker prediction modelling study to accompany applications. The adoption of technology that will shut off each turbine automatically to eliminate shadow flicker.
- Public consultation obligations and community report.
- Community dividend – measures to ensure enduring economic benefit to the community, and
- Grid connections – underground to be the standard approach.

### 5.3. Regional Policy

#### Eastern and Midland Regional Spatial and Economic Strategy 2019- 2031

- 5.3.1. The Eastern and Midland Regional Spatial and Economic Strategy (RSES) supports an increase in the amount of new renewable energy sources in the region stating that the renewable energy needs of the region, in the form of wind, solar and biomass, will be likely to be met in rural areas.
- 5.3.2. **Regional Policy Objective (RPO) 7.35** of the RSES states that Eastern Midland Regional Authority shall, in conjunction with local authorities in the Region, identify Strategic Energy Zones as areas suitable for larger energy generating projects, the role of community and micro energy production in urban and rural settings and the potential for renewable energy within industrial areas.
- 5.3.3. **RPO 7.36** – Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to ‘Wind Energy Development’ and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions.

- 5.3.4. It is stated that Strategic Energy Zones for the Region will ensure all environmental constraints are addressed in the analysis and that a regional landscape strategy could be developed to support delivery of projects within the Strategic Energy Zones.

#### 5.4. Local Policy

##### **Offaly County Development Plan 2021-2027**

- 5.4.1. Please Note: The planning authority assessed the planning application in accordance with the policies and objectives of the 2014-2020 Offaly County Development Plan. However, that Plan has subsequently been replaced by the Offaly County Development Plan 2021-2027 which came into effect on 20<sup>th</sup> October 2021. I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan namely the Offaly County Development Plan 2021-2027.
- 5.4.2. **Section 3.2.6** of the plan outlines the Council's approach to Wind Energy and states that site suitability is an important factor in determining the suitability of wind farms having regard to possible adverse impacts associated with, for example, residential amenities, landscape, including views or prospects, wildlife, habitats, designated sites, protected structures or bird migration paths and compatibility with adjoining land uses.
- 5.4.3. **Section 3.8** Climate Action and Energy Policies contains the following which are of relevance:

**CAEP-23** It is Council policy to require that environmental assessments should address reasonable alternatives for the location of new energy developments, and where existing infrastructural assets such as sub-stations, power lines and roads already exist within the proposed development areas, then such assets should be considered for sustainable use by the proposed development where the assets have capacity to absorb the new development.

**CAEP-25** It is Council policy to encourage and facilitate the production of energy from renewable sources, such as from bioenergy, waste material, solar, hydro, geothermal and wind energy, subject to proper planning and environmental considerations.

**CAEP-27** It is Council policy to ensure that whenever possible, community benefits are derived from all renewable energy development in the county such as near-neighbour benefit funds and general community benefit funds, which may take the form of contributions in kind to local projects, assets and facilities such as public amenities on the renewable energy site, measures to promote energy efficiency or a local energy discount scheme.

**CAEP-28** It is Council policy to co-operate if required with the Eastern and Midland Regional Assembly in identifying Strategic Energy Zones as areas suitable for larger energy generating projects, community and micro energy production, whilst ensuring environmental constraints and a regional landscape strategy are considered.

**CAEP-37** It is Council policy to recognise the importance of wind energy as a renewable energy source which can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency and therefore greenhouse gas emissions.

**CAEP-38** It is Council policy that in assessing planning applications for wind farms, the Council shall:

- (a) have regard to the provisions of the Wind Energy Development Guidelines 2006, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017 and the Draft revised Wind Energy Guidelines 2019 which are expected to be finalised in the near future;
- (b) have regard to 'Areas Open for Consideration for Wind Energy Developments' in the Wind Energy Strategy Designations Map from the County Wind Energy Strategy;
- (c) the impact of the proposed wind farm development on proposed Wilderness Corridors as detailed in Objective BLO-28 of Chapter 4;
- (d) have regard to Development Management Standard 109 on wind farms contained in Chapter 13 of this Plan; and
- (e) have regard to existing and future international, European, national and regional policy, directives and legislation.

**CAEP-40** It is Council policy to consider on-site wind energy development by auto producers/micro producers where energy generated is primarily required to meet the needs of the development, community, agricultural or small enterprise.

5.4.4. **Section 3.9** of the plan contains the following relevant Objectives:

Renewable Energy

**CAEO-03** It is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner.

Wind Energy

**CAEO-04** It is an objective of the Council to ensure the security of energy supply by supporting the potential of the wind energy (and other renewable) resources of the County in a manner that is consistent with proper planning and sustainable development of the area.

**CAEO-05** It is an objective of the Council to implement the Council's Wind Energy Strategy as follows:

1. In 'Areas Deemed Open for Consideration for Wind Energy Development' as identified in Map No. 10 'Wind Energy Strategy Designations', the development of windfarms and smaller wind energy projects will be considered;
2. In all other areas, wind energy developments shall not normally be permitted – except as provided for under relevant exemption provisions in the Planning and Development Regulations 2001 (as amended); and
3. Applications for re-powering (by replacing existing wind turbines) and extension of existing and permitted wind farms will be assessed on a case by case basis and will be subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Ministerial Wind Energy Development Guidelines.

5.4.5. Chapter 13, Section 13.9.13 Energy and Communications is also relevant as is the following **Development Management Standard 109 Wind Farms**:

When assessing planning applications for wind energy developments the Council will have regard to;

- the Wind Energy Development Guidelines for Planning Authorities, DoEHLG, (2006) and any amendments to the Guidelines which may be made; and
- the Wind Energy Strategy Designations Map from the County Wind Energy Strategy showing areas identified as 'Areas Open for Consideration for Wind Energy Developments' and 'Areas not deemed suitable for Wind Energy Developments', and specific policy for wind development in these areas as outlined in Section 8 of the County Wind Energy Strategy;

In addition to the above, the following local considerations will be taken into account by the Council in relation to any planning application;

- Impact on the visual amenities of the area;
- Impact on the residential amenities of the area;
- Scale and layout of the project, any cumulative effects due to other projects and the extent to which the impacts are visible across the local landscape;
- Visual impact of the proposal with respect to protected views, scenic routes and designated scenic landscapes and proposed Wilderness Areas as detailed in Chapter 4 of this Plan;
- Impact on nature conservation, ecology, soil, hydrology, groundwater, archaeology, built heritage and public rights of way;
- Impact on ground conditions and geology;
- Consideration of falling distance plus an additional flashover distance from wind turbines to overhead transmission lines;
- Impact of development on the road network in the area;
- Impact of the development on radio observatories and broadcast communications in the area; and
- Impact on human health in relation to noise disturbance (including consistency with the World Health Organisations 2018 Environmental Noise Guidelines for the European Region), shadow flicker and air quality.

This list is not exhaustive and the Council may consider other requirements contained in the chapter on a case by case basis with planning applications should the need arise. Where impacts are predicted to arise as a result of the development proposed, suitably detailed mitigation measures shall be proposed.

5.4.6. Chapter 8 Sustainable Transport Strategy

5.4.7. The following Policy in relation to 'Roads' are relevant to the current proposal:

**SMAP-24** It is Council policy to maintain and protect the safety, strategic transport function, capacity and efficiency of national roads, motorways and associated junctions and in accordance with Strategic Planning and National Roads Guidelines 2012 or any subsequent edition.

**SMAP-25** It is Council policy that development(s) requiring a new direct access or an intensification of an existing access onto a National Secondary road, or onto a privately owned road leading onto a National Secondary road where a speed limit greater than 60 km/h applies will be avoided in accordance with the provisions of Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012. Exceptional circumstances may be considered where the development is of national and regional strategic importance, is plan-led and complies with the criteria set out in the Spatial Planning and National Roads Guidelines in this regard.

**SMAP-28** It is Council policy to ensure that developments which have the potential to generate significant traffic movement are subject to a Traffic and Transportation Assessment, Quality Audit and Road Safety Audit as appropriate.

**Operative Offaly County Wind Energy Strategy (2021-2027)**

5.4.8. Table 3: Assessment of Wind Energy Potential Areas states that the Area generally south of Tullamore from Killeigh to Kilcormac is 'Not deemed Suitable for Windfarms' and Map No.10 displays the Wind Energy Strategy Designations.

5.4.9. Chapter 8 – Wind Energy Development Policy states – It is the policy of the Council to assess proposals for new wind energy developments in accordance with Map No. 10 'Wind Energy Strategy Designations', Climate Action Energy Objective CAEO-05 (Chapter 3 Climate Action and Energy) and the following parameters:

1. Areas Not Deemed Suitable for Wind Energy Developments

- (a) This area is considered to be generally unsuitable for wind farm development due to significant environmental, heritage and landscape constraints and housing density.
- (b) Individual small scale turbines will be considered on a case by case basis having regard to relevant exemption provisions in the Planning and Development Regulations 2001 as amended.
- (c) Applications for re-powering (by replacing existing wind turbines) and extension of existing and permitted wind farms will be assessed on a case by case basis and will be subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines.

### **Previous Offaly County Development Plan 2014-2020**

5.4.10. Objective EO-01 is specifically cited in the local authority's reason for refusal:

'EO-01 – It is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner. This will be implemented having regard to the Council's Wind Energy Strategy as follows:

1. In Areas open for consideration for Wind Energy Development, as identified in Map 3.2, the development of Wind Farms and smaller wind energy projects shall be open for consideration.
2. In all other areas Wind Energy Developments shall not normally be permitted – except as provided for under exemption provisions and as specifically described in Section 5.4 of the Wind Energy Strategy and Policy EP-05'.

Policy EP-05 is also specifically cited in the local authority's reason for refusal:

'Policy EP-05 – It is Council policy that applications for wind energy development outside of the wind energy development areas open for consideration identified in Map 3.2 will not normally be permitted except when it can be demonstrated that the proposal falls into the following category:



Category A: Single Turbines that are sited close to and specifically relate to the operations of an industrial/commercial premises or a school, hospital or other community-related premises. Supporting evidence must be provided detailing that the development will only facilitate and is only related to the operation of the business or community facility.

Each proposal within this category will be open for consideration outside of the wind energy development areas and subject to site specific assessment in accordance with relevant guidance’.

5.4.11. The second reason for refusal related to the following

**Policy STAP-17** It is Council policy to protect the safety, capacity and efficiency of national roads and associated junctions.

**Policy STAP-18** It is Council policy that development(s) requiring a new direct access or an intensification of an existing access onto National Secondary road, or onto a privately owned road leading onto National Secondary road where a speed limit greater than 50 km/ph applies will be restricted in accordance with the provisions of Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012. Exceptional circumstances may be considered where the development is of National and Regional Strategic Importance and complies with the criteria set out in the Spatial Planning and National Roads Guidelines in this regard

## 5.5. Natural Heritage Designations

The nearest designated sites from the proposal consist of the following:

- Charleville Wood SAC and pNHA (Site Code: 000571) is located c. 2.6km to the west.
- Hawkswood Bog NHA (Site Code:00255) is located c. 3.5km to the south west.
- Clonad wood pNHA (Site Code 000574) is located c. 3.7km to the south west.

## 5.6. EIA Screening

5.6.1. Schedule 5 Part 2 (3)(i) Energy Infrastructure, of the Planning and Development Regulations, 2001 (as amended) provides that mandatory EIA is required for the following development:

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

- 5.6.2. An Environmental Impact Assessment Screening Report (dated July 2021), an Appropriate Assessment Screening Report (dated January 2021) and an Ecological Impact Assessment (dated January 2021) have been submitted with the application and I have had regard to same.
- 5.6.3. The proposed development comprises one turbine with a proposed electrical output of 4.2MW, as the relevant thresholds of Schedule 5 are not met or exceeded, EIA is not mandatory for this development. However, given the sub-threshold nature of the proposal screening, with an electrical output just 0.8MW under the threshold, screening of the development is still required.
- 5.6.4. The submitted EIA Screening Report concluded that, having regard to the characteristics and location of the project and characteristics of potential impacts, there is no real likelihood of significant effects on the environment.
- 5.6.5. The report of the planning authority noted that the development was subthreshold, and the area planner examined the information submitted as part of the application. The planning authority noted the absence of any specific grid connection detail, although it is noted that an indicative route has been included, which proposes connection to Clonminch substation. The route is to travel from the proposed on-site substation building, north west to the public road, then west along the national road (N52) and finally north to the Clonminch substation. I note that the planning authority stated that if undertaken by a statutory undertaker the works may fall under exempted development under Schedule 2, Part 1, Class 26 or Class 27 of the Planning and Development Regulations 2001, as amended. In conclusion, the planning authority state having regard to the Schedule 7 criteria and schedule 7A information submitted as well as the Water Framework Directive and Habitats Directive it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development individually or cumulatively with other projects. The need for environmental impact assessment was therefore screened out.

- 5.6.6. As part of my assessment, I have carried out a Screening Determination to ascertain whether this sub-threshold development may potentially require EIA, this detailed assessment is attached to this report in Appendix 1. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below under Section 7.9 – Appropriate Assessment - Screening).
- 5.6.7. Having regard to the nature and scale of the proposed development and the absence of significant environmental sensitivity in the vicinity, and on the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an Environmental Impact Assessment is not required (see attached EIA Screening Determination for further details).

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

- 6.1.1. The grounds of appeal can be summarised as follows:

Appeal response to Refusal Reason No.1 -

- Although outside of the defined Wind Energy Strategy Area both Policies EP-05 and EO-01 (referenced in Refusal Reason No.1) allow for exceptions. One of these exceptions relates to a single turbine site close to and specifically related to the operations of a community related premises. The applicant has focussed much of the proposed development on community ownership.
- The applicant considers that the proposal does fulfill the needs of both policy EP-05 and objective EO-01 specifically category A and Section 5.4 (respectively) of this policy and objective, that is part of the Offaly Wind Energy Strategy.
- OCC have adopted a position with regards to the energy objective EO-01 that is wholly subjective and not supported by relevant guidance (WEDG 2006).

- Details of landowner support, local support, community ownership, rationale for the proposed location, Council consultation and design of the project in line with County and National guidelines have been provided in the appendices attached to the appeal.
- The Landscape and Visual Assessment results included highlight the level of detail and assessment undertaken to ensure that the project will not result in significant environmental effects. It is acknowledged that the proposed turbine would appear as a tall and distinctive component of the landscape but same would be a single structure and will not cover an extensive area of land or disrupt the existing rural land uses.
- Visual impacts were assessed from 8 viewpoint locations and impacts ranged from moderate-slight to imperceptible.
- Section A.1 of the appeal describes how the proposed project has secured a grid connection from the ESB, under the enduring connection Policy 2.1 Category (C) community led project. The project will immediately benefit the community and directly support the current national energy supply shortage.
- Details of community benefits are outlined under Appendix B of the appeal.
- The proposed project meets all the Council's requirements and has been designed in accordance with the main criteria from the DoEHLG's Wind Energy Guidelines (2006). The project would also support Ireland's increasing requirement for safe, secure and renewable energy generation capacity and is in line with National, European and International Climate Policy.
- The applicant highlights three separate wind turbine applications granted within areas not deemed to be suitable for wind energy developments in areas c.20km to 28km west of the proposed site.

#### Appeal response to Refusal Reason no.2 –

- With regard to the new access off the N52 this is for the purpose of the project construction and will only be reopened post construction for future delivery of replacement components on a very occasional basis.

- All traffic access to the site will be managed and controlled during the construction phase over one to two months and it can be argued this access does not meet the description of a permanent access “requiring a new direct access or an intensification of any existing access on to national secondary road”. The proposed haul route which provides connection to the M6 motorway via the N52 is the most appropriate route for large construction components and this entrance will have no measurable impact on traffic post construction.
- Permanent access is to be provided off the L6003.
- A Traffic and Transport Statement was submitted with the application, which concludes that the proposed development will create minimal additional traffic onto the L6003, the N80 and the N52 and therefore a TTA is not required.
- A construction traffic management plan is to be agreed in advance with OCC prior to commencement of any construction.
- A Design Stage RSA should be undertaken prior to commencement of construction in respect to the proposed haul route.
- A comprehensive list of traffic management procedures has been incorporated into the Construction and Traffic Management Plan (CTMP) provided in Chapter 8 of the Environmental and Planning Report.
- Mitigation measures are in place for all construction related traffic to limit the use of the main junction for the construction phase and specifically the delivery of the single wind turbine components only.
- The actions from the traffic and transport statement and the CTMP comply with the requirements of Policy STAP-17.
- It should also be noted that TII were notified of the planning application and did not submit an observation. Therefore it would appear TII are satisfied with the proposal.

## **6.2. Planning Authority Response**

6.2.1. The planning authority request that the Board supports its decision.

### 6.3. Observations

6.3.1. None received.

## 7.0 Assessment

7.1. The Board should note that the application was assessed by Offaly County Council in accordance with the policies and objectives of the Offaly County Development Plan (CDP) 2014-2020. The Offaly County Development Plan 2021-2127 was adopted by Offaly County Council on the 10<sup>th</sup> of September 2021 and came into effect on the 20<sup>th</sup> of October 2021. I have assessed the proposal in accordance with the policies and objectives of the operative CDP, namely the Offaly County Development Plan 2021-2027.

7.2. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the key issues that arise for consideration by the Board under this section of the report relate to the following:

- Compliance with National, Regional and Local Policy
- Precedent
- Noise
- Shadow Flicker
- Landscape, Visual Impact and Setback Distances
- Access and Traffic
- Appropriate Assessment

### 7.3. Compliance with National, Regional and Local Policy

7.3.1. There is a positive presumption in favour of renewable energy projects at National, Regional and Local levels. This is reflected in the NPF, the Wind Energy Development Guidelines for Planning Authorities, 2006, the Draft Wind Energy Development Guidelines, 2019, the Eastern and Midland Regional Spatial and

Economic Strategy 2019- 2031 and the Offaly County Development Plan 2021-2027 (Non-exhaustive list).

- 7.3.2. Although wind energy development is generally encouraged in the Offaly County Development Plan 2021-2027 (the operative CDP), Renewable Energy Objective CAEO-03 states that *'it is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner'*. In addition, Section 3.2.6 of the Plan states that 'site suitability' is an important factor in determining the suitability of wind farm /turbine developments, having regard to possible adverse impacts associated with, for example, residential amenities, landscape, including views or prospects, wildlife, habitats, designated sites, protected structures or bird migration paths and compatibility with adjoining land uses. These factors are examined in more detail in the Sections 7.5 to 7.9 of this report below.
- 7.3.3. OCC carried out a comprehensive assessment of the county and landscape during the preparation of the operative CDP (2021-2027) and identified and mapped suitable locations for wind energy development as outlined in the current County Wind Energy Strategy. Table 3 of this Strategy outlines the assessment of wind energy potential areas and identifies Area 3 – South of Tullamore as an area where *'there exists a higher density of housing within the urban fringes of settlements and in the open countryside, and a fragmented pattern of landownership all of which are potential constraints to wind development in these areas'*. This area, which coincides with the subject site location is not deemed suitable for windfarms and this is reflected on Map No.10 of the Strategy.
- 7.3.4. The two substantial areas of the county that have been designated as being 'Areas Suitable for Wind Energy Development' are in the north-eastern part of the county and a larger area in the north west of the county bordering Counties Meath, Kildare and Laois. The subject appeal site is located approx. 16km southeast of the north-western area and 9.5km west of the north-eastern area within an 'Area Not Deemed Suitable for Wind Energy Development' (see Map No.10 of Wind Energy Strategy).
- 7.3.5. The planning history of the adjacent site is also a relevant consideration. The planning authority has already determined that a previous proposal for 1 no. wind

turbine at this location (P.A. Ref. 2146 – April 2021) was unsuitable, with the 2 no. refusal reasons given reflecting that of the decision on the current application.

- 7.3.6. Chapter 8 of the Wind Energy Strategy and Policy CAEO-05 of the operative CDP are clear in the criteria to be examined when assessing proposals for new wind energy developments. Objective CAEO-05 outlines that outside of 'Areas Deemed Open for Consideration for Wind Energy Development', wind energy developments shall not normally be permitted – except as provided for under relevant exemption provisions in the Planning and Development Regulations 2001 (as amended); in the case of the current appeal the proposed development does not fall into this category. In addition, it also outlines that in these areas deemed not suitable for wind energy development that applications for re-powering (by replacing existing wind turbines) and extension of existing and permitted wind farms will be assessed on a case-by-case basis and will be subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Ministerial Wind Energy Development Guidelines. Again, the proposed development as a stand-alone single turbine, with no history of permitted wind turbines on site does not fall into this category. The above stipulations are reiterated in Chapter 8 of the County Wind Energy Strategy.
- 7.3.7. The planning authority's first reason for refusal states that as exemptions do not apply, to permit the development would materially contravene the appropriate policies and objectives of the County Development Plan (2014-2020). The applicant states that while they note that the site is located outside of OCC's Wind Energy Strategy Area, they consider that the proposal in this case should be permitted given that Policy EP-05 and Objective EO-01 apply in relation to community related premises i.e. under *'Category A: Single Turbines that are sited close to and specifically relate to the operations of an industrial/commercial premises or a school, hospital or other community-related premises. Supporting evidence must be provided detailing that the development will only facilitate and is only related to the operation of the business or community facility'*. From an examination of the submitted appeal, while I gather that the proposal is supported by Clonminch Sustainable Energy Community and is a community-led renewable energy project (as defined Renewable Energy Support scheme (RESS) Chapter 7 Community Led),



as outlined in Appendix D of the appeal, it is clear to me that the proposal still does not meet the criteria listed in the above listed policy and objective of the former CDP.

7.3.8. Assessing the proposal under the operative CDP (2021-2027) Policy CAEP-40 states that *'It is Council policy to consider on-site wind energy development by auto producers/micro producers where energy generated is primarily required to meet the needs of the development, community, agricultural or small enterprise'*. While the appellant states that 51% of the current proposal would be owned by the Clonminch SEC and 51% of the profits of same would go to the community, this in my opinion still does not satisfy Policy CAEP-40 as the energy generated does not appear to be primarily required to meet the needs of a specific development, community, agricultural use or small enterprise. I do not consider the wording in the Plan is so vague as to permit the proposed wind energy development in an 'Area Not Deemed Suitable for Wind Energy Development'. Therefore, in my opinion the proposal does not satisfy the criteria of the operative CDP.

7.3.9. Having regard to the foregoing, while national, regional and Council policy is favourable towards the provision of wind energy, the site is outside any 'Area Open for Consideration' for such development in the County Development Plan 2021-2027, and as no exemptions to this apply in the current case, to permit the development would therefore materially contravene the operative CDP.

#### **7.4. Precedent**

7.4.1. I note that the applicant refers to other wind farm developments that have been previously approved within 'Areas Not Deemed Suitable for Wind Energy Development' and argues that the current proposal should also be assessed on its similar merits. While the applicant refers to the location of these previously approved developments in a map attached to the appendix of the appeal (Figure C-1 of Appendix C) no OCC planning reference numbers are given. However from an examination of a planning history of the general area where the points are indicated it would appear that the applicant is in fact referring to P.A. Ref. 10/130 and Ref. 14/95 in the Rin, Ferbane area, for which approval was given in 2010 for the construction of 2 no. turbines. I note also that a previous application was made and permitted in the area for 5 no. turbines (P.A. ref. 02734). In addition, the applicant references an application granted for 9 no. turbines in Cloghan. I note that two

applications were previously made in this area, the first (OCC ref. 12293) which was refused on appeal to the Board (ABP. Ref. 242354) due to visual impact, and another application in 2014 for 9 no. turbines (OCC ref. 14188) which was granted under appeal (ABP Ref. 244053). This aforementioned proposal was considered to be located within an 'Area which is open for consideration for wind energy proposals' under the Offaly CDP 2014-2020 i.e. within Area No 7 "Area south of Cloghan" and indicated on Map 3.2 of Wind Energy Strategy Map of the same CDP.

- 7.4.2. Therefore, based on the information above I am satisfied that no precedent exists involving the applications referenced by the applicant in their appeal.

## **7.5. Noise**

- 7.5.1. A Noise Assessment has been submitted as part of the application (See Appendix 8). The applicant submits that there will be no likely significant effects on the environment as a result of noise. Section 5.6 (Noise) of the Wind Energy Guidelines (2006) is relevant in examining this proposal. The closest noise sensitive locations in the vicinity is the residential property to the south west of the proposed turbine location at c. 600m. The Guidelines recommend that, in low noise environments, the daytime limit of the  $LA_{90, 10 \text{ min}}$  of the wind energy development noise be limited to an absolute level within the range 35-40 dB(A) at nearby noise sensitive locations. External amenity is less important at night and a fixed limit of 43 dB(A) or a maximum increase of 5 dB above background noise will protect sleep inside properties.
- 7.5.2. An assessment of predicted noise levels was carried out at 8 noise sensitive receptors in the vicinity of the proposed turbine. Then two noise impact scenarios were considered as part of the assessment. The first assumed a relatively high level of traffic dominated noise in the environments of the noise sensitive locations. This was considered the most likely scenario given the proximity of the noise sensitive receivers to the N52/N80 roads. The other scenario was for a relatively low level of ambient noise more typical of a rural setting. This was considered as the worst case in terms of sensitivity to the noise impact. The assessment concluded that the proposed wind turbine is unlikely to exceed the limits of 45dB  $LA_{90, 10 \text{ min}}$  limit prescribed for daytime environments and 43dB  $LA_{90, 10 \text{ min}}$  limit for evening or night.

7.5.3. The Guidelines state that, generally, 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, though the Draft Revised Guidelines (2019) state separation distance alone cannot be relied upon as a mechanism to accurately control noise levels. Having regard to the foregoing, and to the distances between noise sensitive locations and the proposed turbine, I do not consider that noise would be a significant concern.

## **7.6. Shadow Flicker**

- 7.6.1. Shadow flicker is addressed in Section 5.12 of the Wind Energy Guidelines (2006). The guidelines state the effect lasts only for a short period and happens only in certain specific combined circumstances. The guidelines recommend that shadow flicker at houses within 500 metres should not exceed 30 hours per year or 30 minutes per day. The guidelines also consider that, at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. A Shadow Flicker Assessment has been submitted with the application and the projections included in same are based on a hub height of 80m and a rotor diameter of 138.3m.
- 7.6.2. The submitted Shadow Flicker Assessment concluded that for worst case 30hours/year or 30minutes/day would be exceeded at 25 shadow receptor points necessitating a shadow shutoff system to be installed.
- 7.6.3. Given that all sensitive residential receptors are over 500 meters from the proposed turbine and also having regard to the proposed shadow shut off system to be activated where thresholds are exceeded this proposed mitigation measure to reduce shadow flicker impact is considered acceptable, subject to an appropriate condition on any grant of permission. While I note that the N52 is located within c.390m north of the proposed turbine location, again given the incorporation of the proposed shadow shut off system I do not consider the location of the proposed turbine an issue in this case.

## **7.7. Landscape, Visual Impact and Setback Distances**

- 7.7.1. The sensitivity of a landscape is the measure of its ability to accommodate change or intervention without suffering unacceptable effects to its character and values. The sensitivity of the landscapes of County Offaly varies and is thereby classified within the following sensitivity classes: Low, Moderate and High Sensitivity. The subject site

is located c. 3km to the south of Tullamore town centre in an area designated as 'Low Landscape Sensitivity', though I note that there is an area of medium landscape sensitivity in the wider study area (c. 1km to the south). Table 4.81 of the operative CDP states that 'Low sensitivity areas are robust landscapes which are tolerant to change, such as the county's main urban and farming areas, which have the ability to accommodate development.' This table then goes on to states that 'These areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures)'. I note that no key scenic views, prospects or key amenity routes are located within the vicinity of the site.

7.7.2. Wind turbines are structures of significant height, and the proposed turbine will reach a tip height of circa.150 metres. Notwithstanding, turbines are a relatively common feature of many areas, including within Co. Offaly, Section 6.18.1 (Appropriate Setback Distance to apply) of the Draft Guidelines (2019) considers that a setback, which is the function of the size of turbine, should be key to setting the appropriate setback and suggests that a setback distance for visual amenity purposes of four times the tip height should apply between a wind turbine and the nearest point of the curtilage of any residential property, subject to a mandatory minimum 500 metres setback. The Draft Guidelines (2019) include this as Specific Planning Policy Requirement (SPPR) 2. The applicant states that they chose the subject site due to its low housing density, as there are less than 60 houses within 1km of the site, and no houses within 500m or 4 times the tip height of the turbine, which they state would ensure that it is compliant with the draft Guidelines. In relation to the current application, the proposed turbine height at circa. 150 metres, would necessitate a separation distance of 600 metres. Although I note that the existing farm complex associated with the nearest farmhouse is within c. 520m of the proposed turbine, the residential element of this i.e. the farmhouse is at a distance of approx. 600m thus achieving the separation distances required under the guidelines. Therefore, the proposed development would be considered acceptable in visual amenity terms under the Draft Guidelines (2019).

7.7.3. A Landscape and Visual Assessment (LVA), including photomontages, has been submitted with the application which includes an assessment of 8 no. viewpoints with stated impacts range from moderate-slight to imperceptible. The applicant states in

the submitted Environmental and Planning Report (July 2021) that the proposed turbine will be prominent in the near surrounds of the site but would not appear out of place in the context of a robust working landscape. I note the prominence of the proposed single turbine is particularly evident when viewed from the N52 to the north of the subject site, as Viewpoint Ref. VP1 illustrates. While this is a concern, I note the results of the shadow flicker analysis (discussed under Section 7.6 above) and also Section 5.8 of the current Guidelines (2006) which states that 'best practice indicates that it is advisable to achieve a safety set back from national and regional roads and railways of a distance equal to the height of the turbine and blade'. I also note Section 4.9.1 of the Guidelines (2019) which states that 'although wind turbines erected in accordance with standard engineering practice are stable structures, best practice indicates that it is advisable to achieve a safety setback from national and regional roads and railways of a distance equal to height of the turbine tip of the blades plus 10%'. Given that the proposed tip height is 150m and the proposed set back from the N52 is c.390m (to site boundary with N52) the minimum recommended standards are to be met and therefore the proposed location is considered acceptable in this regard. With regard to the proposed onsite substation building, I do not consider the location of this structure at a height of c.5m to the southwest of the proposed turbine site will result in any visual impacts on this rural area.

- 7.7.4. Having regard to the separation distance between the proposed turbine and residential properties and the N52, and the photomontages and landscape sensitivity of the general area, I consider that the proposed development would be acceptable in terms of its impact on the landscape and the visual amenity of the area.

## **7.8. Access and Traffic**

- 7.8.1. The planning authority's second reason for refusal relates to the proposed new access, along the northern boundary of the site onto the N52 National Secondary Road. This proposed access was determined to be contrary to Policies STAP-17 and STAP-18 of the former Offaly CDP 2014-2020. I note the submissions received on file from both the Road Design Office and District Engineer, both of which raised concerns regarding the proposed access off the N52 and requested additional information including a Stage 1 & 2 Road Safety Audit (RSA), details of the proposed haul routes and accommodation works including a swept path analysis. In addition,

details of the proposed grid connection cabling route required to the Clonminch 38kV substation were also requested, and in particular a review of this proposed indicative cable route along N52 was requested which in turn should provide proposals for alternative routes. I note from the submitted Environmental and Planning Report that an indicative route for the underground grid connection cable has been submitted (as illustrated on Figure 3.5 of same report). The applicant states that the proposed cable route, the majority of which runs outside of the site boundary, will be subject to a Section 5 application under the Planning and Development Act 2000 (as amended). This cable will travel from the onsite substation building, northwest to the public road (c. 400m), then outside of the site boundary west along the N52 for approx. 950m, and then north for approximately a further 380 meters to the existing ESB Clonminch 38kV substation.

- 7.8.2. In addition to the concerns of the Council's roads departments, concerns were also raised by the TII in their submission at application stage, though I note the applicant appears to be unaware of these comments given that they state in their appeal submission that no submission was received from the TII. The TII in their submission stated that the proposal is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The Authority stated that the proposal, if approved, would create an adverse impact on the National Road where the maximum permitted speed limit (100kph) applies and would therefore be at variance with the foregoing national policy in relation to control of frontage development on national roads. In addition, the Authority stated that the proposal, if approved, would create an adverse impact on the National Road and associated junction and would therefore again be at variance with the foregoing national policy.
- 7.8.3. The applicant in their appeal submission state that the new access off the N52 is for the purpose of project construction and will only be reopened post construction for future delivery of replacement components and maintenance access on a very occasional basis. The site layout plan shows sightlines of 215 metres in both directions. I consider these sightlines can be achieved. Neither the Area Engineer nor the Road Design Section indicated any concern about sightlines.

- 7.8.4. The applicant also stated that all traffic access to the site would be managed and controlled during the construction phase which is to last over 1-2 months. In response to the concerns raised, the applicant states that it can be argued that this does not meet the description of a permanent access. Access to the proposed site is to be provided via two separate entrances, the aforementioned for construction and maintenance and the second, which will be the permanent access for staff working on site, is to be gained via the L6003 to the south west of the site. I would not concur with the applicant's belief that the access off the N52 is temporary in nature, as same access and the internal haul routes are proposed to be retained for future use for maintenance and delivery of larger component parts if needed during the operational period of the wind turbine, which the applicant states is to have a lifespan of 30 years. Over this duration it could be argued that this access may be used on a more frequent basis and over a long period of time.
- 7.8.5. While taking note of the aforementioned, I do acknowledge that the most significant period of activity for this access point off the N52 would be during siteworks construction and commissioning. A Traffic and Transport Statement has been submitted with the application, which the applicant states provides recommendations and mitigation to ensure project related deliveries can be transported safely to site. It is proposed that the dedicated haul route off the N52 be included to facilitate the construction of the facility. The applicant states that the proposed haul route which provides connection to the M6 motorway (and in turn Dublin Port – delivery port for turbine parts) via the N52 is the most appropriate route for the delivery of such large components. It is proposed that this haul route be only used for two one month periods during the construction period. As previously stated however I note that the proposed internal haul route is to be retained to allow for future component replacements. The applicant state's however that any future opening of the N52 access would need to be agreed in advance in writing by OCC and TII.
- 7.8.6. While I note Chapter 8 of the Environmental and Planning Report contains details of Construction Traffic Management and recommends that a Design Stage RSA be undertaken prior to construction, I consider the lack of a RSA Audit Stage 1 or 2 as part of the application or appeal an issue, despite same being raised as a concern by the road's department of OCC (see Section 3.2 above). Policy SMAP-28 of the operative CDP clearly states that developments which have the potential to generate

significant traffic movement should be subject to a Traffic and Transportation Assessment, Quality Audit and Road Safety Audit as appropriate. The access point onto the N52 is proposed at a location where maximum permitted speed limits apply, and I note that Chapter 3 of the Guidelines (2012) states that RSAs should be used in preparing planning applications for major development affecting national roads.

- 7.8.7. Policy SMAP-24 of the operative CDP seeks to implement the 2012 Guidelines and to maintain and protect the safety, strategic transport function, capacity and efficiency of national roads, motorways and associated junctions. Policy SMAP-25 clearly states that it is Council policy that development requiring a new direct access onto a National Secondary road, where a speed limit greater than 60 km/h applies will be avoided in accordance with the provisions of the Guidelines (2012). It goes on to state that 'exceptional circumstances may be considered where the development is of national and regional strategic importance, is plan-led and complies with the criteria set out in the Spatial Planning and National Roads Guidelines'.

Notwithstanding that the proposed access off the N52 is to be for occasional use i.e. construction and maintenance, it is considered that by virtue of the opening of a new access point off this National Secondary Road, at a point where maximum speed limits apply and given the lack of a RSA, that the proposed development would contravene Policies SMAP-24, SMAP-25 and SMAP-28 of the operative CDP and in my opinion as no exceptional circumstances exist (as outlined under Policy SMAP-25) the proposed development should therefore be refused.

## **7.9. Appropriate Assessment – Screening**

### **Compliance with Article 6(3) of the Habitats Directive**

- 7.9.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### **Background to the Application**

- 7.9.2. The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application. The 'Appropriate Assessment Screening Report' prepared by EirEco and dated January 2021 is attached as Appendix 4 of the applicant's Environmental and Planning Report. The stated objective of the report is to determine the potential effects, if any, on the Natura 2000 network as a result of



the proposed development. The submitted report concluded that *'the proposed development presents no risk of giving rise to any significant or other impacts within the Charleville Woods SAC or on any of the Qualifying Interests for the SAC. On the basis of this screening assessment there is considered to be no requirement to proceed to Stage 2 Appropriate Assessment'*.

- 7.9.3. An Ecological Impact Assessment Report (dated January 2021) was also submitted with the application (see Appendix 5 of the applicant's Environmental and Planning Report).
- 7.9.4. A site survey was carried out on the 9<sup>th</sup> December 2020 which entailed mapping of habitats at and in the vicinity of the proposed turbine location, access road and locations of all the associated infrastructure. Evidence of and the suitability for protected species of fauna was assessed based on a combination of field signs, the nature of habitats present and a review of databases including that of the National Biodiversity Data Centre, NPWS, Birdwatch Ireland and Bat Conservation Ireland.
- 7.9.5. The habitats on site and in the vicinity of the proposed wind turbine location consist primarily of fields of improved agricultural grasslands (GA1) and tillage (BC1), subdivided by hedgerows and tree lines (WL1/2). An area of relict cut-over bog (PB1/4) exists to the east of the site and a conifer plantation to the west (WD4). The proposed turbine site is to be located in a field of dry humid acid grassland (GS3) which is routinely grazed by sheep and supports limited species diversity dominated by grasses, creeping thistle and stands of soft rush. No evidence of any breeding or resting refugia for fauna or birds was noted in the location of the proposed turbine or within the vicinity of the site. No potential bat roost sites were noted in the immediate vicinity of the proposed turbine location or access track. It is noted that the onsite field drainage network in the vicinity ultimately links to the Tullamore river c.1.5km to the east.

#### **Screening for Appropriate Assessment- Test of likely significant effects**

- 7.9.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated

Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

#### **Brief description of the development**

- 7.9.7. The subject site has already been described under Section 1 above and a description of the main elements of the proposed development is included under Section 2. Section 2.1 of the AA Screening Report also contains a description of the proposed development.
- 7.9.8. Taking account of the characteristics of the proposed development in terms of its location and scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European Sites:
- Construction related pollution
  - Habitat loss/fragmentation
  - Habitat/species disturbance (during construction and/or operational)

#### **Submissions and Observations**

- 7.9.9. No submissions have been received from prescribed bodies or third parties relevant to this assessment.

#### **European Sites**

- 7.9.10. The development site is not located in or immediately adjacent to a European site. The closest European site is Charleville Woods SAC (site Code: 000571), within c. 2.6km west of the proposed development. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in table 7.1 overleaf. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.				
European Site (site code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
<b>Special Area of Conservation (SAC)</b>				
Charleville Wood SAC (000571)	<ul style="list-style-type: none"> <li>- Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salicion albae</i>) [91E0]</li> <li>- <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</li> </ul>	c. 2.6km (west)	Hydrological connection exists through surface water from the site which discharges to the adjoining drainage channels which ultimately linked to the Tullamore River c. 1.5km to the east. The Tullamore river flows through the northern part of Charleville Woods SAC which is approximately 7 kilometers downstream of the proposed development site.	Y – see further assessment below from Section 7.9.11 onwards.
River Barrow and River Nore SAC (002162)	<ul style="list-style-type: none"> <li>- Estuaries [1130]</li> <li>- Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>- Reefs [1170]</li> <li>- <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>- Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</li> </ul>	c. 8 km (south)	No direct avenues of connectivity.	N (due to separation distance and lack of connectivity)

	<ul style="list-style-type: none"> <li>- Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>- Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</li> <li>- European dry heaths [4030]</li> <li>- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</li> <li>- Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</li> <li>- Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> <li>- Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</li> <li>- <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</li> <li>- <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</li> <li>- <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</li> <li>- <i>Petromyzon marinus</i> (Sea Lamprey) [1095]</li> <li>- <i>Lampetra planeri</i> (Brook Lamprey) [1096]</li> <li>- <i>Lampetra fluviatilis</i> (River Lamprey) [1099]</li> </ul>			
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	<ul style="list-style-type: none"> <li>- <i>Alosa fallax fallax</i> (Twaiite Shad) [1103]</li> <li>- <i>Salmo salar</i> (Salmon) [1106]</li> <li>- <i>Lutra lutra</i> (Otter) [1355]</li> <li>- <i>Trichomanes speciosum</i> (Killarney Fern) [1421]</li> <li>- <i>Margaritifera durrovensis</i> (Nore Pearl Mussel) [1990]</li> </ul>			
Clara Bog SAC (000572)	<ul style="list-style-type: none"> <li>- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>- Active raised bogs [7110]</li> <li>- Degraded raised bogs still capable of natural regeneration [7120]</li> <li>- Depressions on peat substrates of the Rhynchosporion [7150]</li> <li>- Bog woodland [91D0]</li> </ul>	c. 10.5 km (north west)	No direct avenues of connectivity.	N (due to separation distance and lack of connectivity)
Raheenmore Bog SAC (000582)	<ul style="list-style-type: none"> <li>- Active raised bogs [7110]</li> <li>- Degraded raised bogs still capable of natural regeneration [7120]</li> <li>- Depressions on peat substrates of the Rhynchosporion [7150]</li> </ul>	c. 11.3km north east	No direct avenues of connectivity.	N (due to separation distance and lack of connectivity)
<b>Special Protection Area (SPA)</b>				
Slieve Bloom Mountains SPA (004160)	<ul style="list-style-type: none"> <li>- Hen Harrier (<i>Circus cyaneus</i>) [A082]</li> </ul>	c. 12.6 km (south)	No - Due to distance and the lack of any relevant ex-situ factors of significance to these species.	N (due to separation distance and lack of connectivity)

## **Identification of Likely Significant Effects**

### **Construction Phase Impacts**

- 7.9.11. Construction phase activity on the site will include vegetation clearance, soil excavation, construction of the 4.2MW turbine on a hard stand area and associated site works. The habitats within the proposed development site are humid acid grassland in the vicinity of the proposed turbine location, with the access track crossing a mixture of improved agricultural grassland and arable land with dividing hedgerows/treelines and associated ditches. The habitats in the vicinity of the proposed development do not support any qualifying interest habitats for the Charleville SAC. In addition, the habitats at the proposed development site are unsuited to the qualifying interest species for the Charleville Woods SAC, i.e. Desmoulins Whorl Snail.
- 7.9.12. The drains along the hedgerows and tree lines in the vicinity of the site ultimately linked to the Tullamore River circa 1.5 kilometers to the east. The Tullamore River then flows through the northern part of Charleville Woods SAC which is approximately 7 kilometers downstream of the proposed development site. Between the proposed development site and the Tullamore River there is a slack gradient with little flow and thus it is considered that there is a very low risk of any silt or any other pollutions arising during construction making their way to the river. It is not considered that the proposed development works present any greater risk to water quality within surface waters than the existing agricultural activities in the area. In view of the limited nature of the works, the habitats at the proposed development site, slack gradient between the site and the Tullamore River, and the distance between the site and the Charleville Woods SAC, there is considered to be no significant risk to water quality within the SAC.
- 7.9.13. In my opinion the intervening land uses, and the separation distance means that water quality in the European site will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities and if such an event were to occur, due to dilution and settling out over such a distance no significant effects would be likely. Therefore, the construction phase of this development will not result in significant environmental impacts that could affect European Sites within the wider catchment area.

### Operational Phase Impacts

- 7.9.14. Operational phase impacts may include direct emissions to air and water, surface water run off containing sediment and contamination, light disturbance, noise, presence of people, vehicles and other activities on site. However as stated previously given the separation distance involved, it is not expected that the water quality (only link being hydrological) pertinent to the European site will be negatively affected by any possible run off contaminants from the site. In addition, given the separation distance and intervening land uses involved no likely significant effects as a result of disturbance are expected on any qualifying interests of the Charleville Woods SAC.

### In-combination Effects

- 7.9.15. All recent extant and proposed planning applications in the area have been screened for appropriate assessment and where necessary Natura Impact Statements have been submitted and assessed. I note that the surrounding area has a significant number of historical one-off rural dwellings and individual on-site wastewater treatment systems, however having examined the submitted information received with the appeal, I am satisfied that the current proposal will not cause any likely significant effects that would result in any significant in-combination effects.

### Mitigation Measures

- 7.9.16. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

### Screening Determination - Finding of no likely significant effect

- 7.9.17. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Charleville Wood SAC (000571) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

- 7.9.18. This determination is based on the following: Distance of the proposed development from European sites, dilution factor and lack of meaningful ecological connections to those sites.

## **8.0 Recommendation**

- 8.1. I recommend that the planning application be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. Objective CAEO-04 of the Offaly County Development Plan 2021-2027 states that it is an objective of the Council to ensure the security of energy supply by supporting the potential of the wind energy (and other renewable) resources of the County in a manner that is consistent with proper planning and sustainable development of the area. Objective CAEO-05 states that it is an objective of the Council to implement the Council's Wind Energy Strategy. Policy CAEP-38 and Objective CAEO-05 of the Plan outline that applications for wind energy developments outside of the identified wind energy development areas will not normally be permitted except where deemed appropriate under relevant exemption provisions and for those other developments listed. The subject site is not located in an area identified for wind energy development and the exceptions listed do not apply. Therefore, the proposed development would materially contravene Policy CAEP-38 and Objective CAEO-05 of the Offaly County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development by virtue of the creation of a new access onto the N52, a national secondary road, would be contrary to both Policy SMAP-25 as set out in the Offaly County Development Plan 2021-2027 which states that new direct access onto a National Secondary Road where a speed limit greater than 60 km/h applies will be avoided in accordance with the provisions of Spatial



Planning and National Roads Guidelines for Planning Authorities January 2012. In addition, given that no Road Safety Audit was submitted with the application the proposal would also be contrary to policy SMAP-28. The proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national secondary road or other major road by traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Máire Daly  
Planning Inspector

11<sup>th</sup> February 2022

## **Appendix 1 - EIA Screening Determination**

## EIA – SCREENING DETERMINATION

### A. CASE DETAILS

<b>An Bord Pleanála Case Reference</b>		
<b>Development Summary</b>	CONSTRUCTION OF ONE 4.2MW WIND TURBINE WITH AN OVERALL TIP HEIGHT OF UP TO 150M; 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; AND, ALL ASSOCIATED SITE DEVELOPMENT AND ANCILLARY WORKS.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	The area planner's report on file states that in conclusion there is no real likelihood of significant effects on the environment arising from the proposed development individually or cumulatively with other projects and therefore the need for EIA can be screened out.
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	It is considered that sufficient information (in the form of an EIA Screening Report) has been submitted by the applicant to allow for a Screening Determination to be carried out of the proposed development under appeal.
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An AA Screening Report has been submitted as part of the initial application.
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	

## EIA – SCREENING DETERMINATION

<p><b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p><b>Yes</b></p>	<p>The lands on which the proposed site is located have been subject to a SEA and a Wind Energy Strategy under both the previous Offaly CDP 2014-2020 and the current Offaly CDP 2021-2027.</p>
<p><b>B. EXAMINATION</b></p>		
<p><b>Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>		<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>		
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>At c. 150m tip height, the proposed turbine is significantly taller than any other structure in the vicinity and given the flat nature of the land will be visible from distance. A Landscape and Visual Assessment has been submitted as part of the application which states that the proposal is site is located in an area designated as low sensitivity meaning that the landscape can accommodate a wide range of development. Visual impacts were assessed at 8 viewpoint locations and impacts range from moderate slight to imperceptible. Wind turbines are becoming an increasingly more common sight in certain areas of the country and wind energy development is promoted in national policy. There are relatively large areas of County Offaly where the principle of wind turbines is envisaged under the County Development Plan(s) and although not present in the vicinity of the current site I would not consider the difference in character or scale in</p>	<p>No</p>

## EIA – SCREENING DETERMINATION

	relation to the existing environment justification to merit an EIA in this case.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	A hardstanding area of c.5100m <sup>2</sup> will be required located in a cleared area around the proposed turbine. The internal site access road will be c.4.5m wide and will be constructed of permeable material.	No
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Standard construction methods and materials. No significant use of natural resources in operational phase.	No
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No such materials required or produced.	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	No
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No anticipated discharge of pollutants to ground or surface waters.	No
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Given the substantial separation distance between the proposed development and any residential dwellings, with the nearest at a distance of 600m from the proposed wind turbine, no impacts as a result of noise, vibration or release of light, heat, energy or electromagnetic radiation are expected.	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	No	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No risk of major accidents given nature of project.	No

## EIA – SCREENING DETERMINATION

<b>1.10</b> Will the project affect the social environment (population, employment)	The construction phase of the project is expected to take c. 6-8 months. Impacts on traffic are expected as a result of the proposed new entrance to the site however these would not be considered at a level of significance as to require an EIAR. A separate Traffic and Transport Statement was submitted with the application.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No
<b>2. Location of proposed development</b>		
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<p>The proposed site is not located within any Natura 2000 sites. The nearest national and European designated sites are located circa 3 kilometers to the north and west of the site, these are the grand canal proposed Natural Heritage Area (pNHA) and Charleville Woods Special Area of Conservation (SAC) and pNHA.</p> <p>A drainage ditch network on the proposed site links to the Tullamore River circa 1.5 kilometers to the east, this river in turn flows through the northern part of Charleville Woods SAC/pNHA. This site is however c. 7km downstream from the site and the AA screening report submitted with the application concluded that due to the limited nature of works, the slack gradient between the site and the Tullamore river and the distance to the SAC/pNHA there will be no significant risk to the water quality within those designated sites.</p>	No
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The site is located on agricultural lands and the submitted Schedule 7A information found no evidence of sensitive species on the site or in the vicinity likely to be affected.	No

## EIA – SCREENING DETERMINATION

<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No such features on or near the site.	No
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such resources on or near the site.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Site is not located within a flood zone. As discussed previously there are drainage channels on the site which in turn link to the Tullamore River. It is noted that the drainage ditch and the Tullamore River are described as being at risk and the status where the drainage ditch meets the river's concrete on assigned. The Tullamore River upstream of the site is described as poor status (EPA date for 2 <sup>nd</sup> WFD cycle). In terms of water pollution the scale of any impact was concluded to be minor imperceptible. regardless construction mitigation relating to site clearance concrete management, fuel/oil storage and spill clean is to be employed during the construction phase. There will however be no significant impacts on the water environment resulting from the proposed project.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes - during the construction phase the N52 Natonal Secondary Route would be used for large construction traffic (greater than 20 tonnes are oversized vehicles). This access would be limited for use for two one month periods to facilitate the construction of the proposed development. The proposed access will likely be used for decommissioning construction stages such as the removal of large turbine parts. All construction personnel will access the site via the access of the L6003. A TTS has been submitted with the application.	No

## EIA – SCREENING DETERMINATION

	While concerns are in noted regarding the access these alone would not merit an EIAR.	
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The proposed project is within two kilometers of Tullamore town. The nearest dwelling is 600m to the west. There are also residential dwellings located on the local road (L6003) c. 700 meters southwest of the site and on the national road (N80) c. 800 meters west of the proposed site. A shadow flicker assessment has been submitted with the application which concludes that shadow demands for a worst case 30hr/yr or 30min/day Would be exceeded at 25 shadow receptors. On that basis the shadow shutoff system will be installed in the proposed wind turbine. This will remove the risk of shadow flicker on these receptors.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<p>The proposed site is located within an area designated as low sensitivity. The Landscape and Visual Assessment submitted with the file has assessed the impacts of the proposed development both individually and cumulatively. As the development is for a single structure it will not cover an extensive area of land or disrupt the existing rural land uses in the area. Visual impacts were assessed at 8no. viewpoint locations and impacts ranged from moderate to slight to imperceptible. The proposed turbine is prominent in the near surroundings of the site but would not appear out of place in the context of a robust working landscape. No cumulative impacts are expected from the proposed development.</p> <p>An assessment of in-combination impacts has been carried out as part of the AA screening report, no likely significant effects of a cumulative nature are expected.</p>	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No



## EIA – SCREENING DETERMINATION

<b>3.3</b> Are there any other relevant considerations?	<p>Yes – Noise.</p> <p>Noise levels were predicted at 8no. noise sensitive receptors in the vicinity of the proposed turbine. It was concluded that the proposed turbine is unlikely to exceed the limits set out, these are 45dB LA<sub>90 10min</sub> limit for daytime environments greater than 30dB LA<sub>90 10min</sub> and 43dB LA<sub>90 10min</sub> for night time or a maximum increase of 5dB above background noise.</p>	No
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### C. CONCLUSION

No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		

### D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 3 (i) Energy Industry of the Planning and Development Regulations 2001 (as amended),
- (b) The location of the site,
- (c) The location of the proposed development works outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the absence of any relevant connectivity to any sensitive location,
- (d) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and

## EIA – SCREENING DETERMINATION

(g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_