



An
Bord
Pleanála

Inspector's Report

ABP-318944-24

Development

Construction of two wind turbines, control room and an ESB MV station. Relocation of the access road and all associated site works.

Location

Derrane & Roxborough, Roscommon, Co. Roscommon, F42 T274

Planning Authority

Roscommon County Council

Planning Authority Reg. Ref.

2360198

Applicant(s)

Peter Gillooly

Type of Application

Permission

Planning Authority Decision

To Refuse Permission

Type of Appeal

First Party

Appellant(s)

Peter Gillooly

Observer(s)

Mark Mahon

Sandra and Pdraig Shanagher

Liam, Gerard and Muriel Ryan

Catherine Waldron

Pat and Eimear Kelly

Thomas Garvey

David Hickey

Dympna Molloy

Brandon O'Brien on behalf of Derrane
Residents Group

Date of Site Inspection

11th April 2024

Inspector

David Ryan

1.0 Site Location and Description

- 1.1. The site which is stated to measure 4.1 hectares is located in the townlands of Derrane and Roxborough, Co. Roscommon. The site lies c.4.5km north of Roscommon town and 1.4km east of the N61 which connects Roscommon town with Boyle to the north. Access to the site is from the L-1805 to the north of the site and via an agricultural access track.
- 1.2. The area is rural in character with agriculture predominant in gently undulating lands. Residential development includes for rural dwellings with ribbon development along the L-1805 road. The site is currently in agricultural use and comprises a number of farm buildings with a number of family homes located within the landholdings. An anemometer exists within the holdings. The site forms part of a site that was previously granted permission for a two-turbine wind energy development which has not commenced.
- 1.3. The Corbo Bog SAC (Site code 002349) is located c 4.5km to the east. The Derrycann Bog NHA (Site code 000605) is c 2.6km to the north-east. The nearest SPA is Lough Ree SPA (Site code 004064) which is c 7.7km to the south-east of the site. The River Suck Callows SPA (Site code 004097) lies c 9.2km to the south and Lough Ree SAC (Site Code 000440) is 5.6km to the southeast.

2.0 Proposed Development

- 2.1. The proposed development comprises amendments to (i) extant planning permission PD18/313, which amended planning application PD/11/126, (ii) extant planning permission ABP-303677-19, which amended planning permissions PD11/126 and PD18/313 and (iii) extant planning permission ABP-307726-20, which amended planning permission PD18/313. The output from the development will be 4.9MW, similar to the extant planning permissions. The amendments will provide for:
 - 1. Erection of two bespoke Enercon E138 turbines models in lieu of the Vensys 121 turbine models agreed with the Planning Authority, under condition 4 (a) of planning permission ABP-3037726-19. Turbine T1 will have a hub height of 99m, a blade diameter of 138m and a blade tip height of 168m. Turbine T2 will have a hub height of 81m, a blade diameter of 138m

and a blade tip height of 150m. The maximum combined output from the turbines will be 4.9MW.

- 2. Relocation of the access road serving the development, as permitted under planning permissions PD11/126, PD18/313, ABP-303677-19 and ABP-307726-20.
- 3. The relocation of underground electrical cabling to the relocated access road referred to under paragraph 2 above and additional underground electrical cabling to the proposed modular windfarm control room/switch room and ESB modular MV station referred to in paragraph 6 below.
- 4. Increase in the hub height of turbine T1 to 99m, increasing the blade tip height from 150m to 168m and micro-siting of turbine T1 by 12.75m.
- 5. Increase in the area of the hardstands associated with each turbine.
- 6. Amended substation structure to incorporate a proposed modular windfarm control/switch rooms and an ESB modular MV station.
- 7. Revised site boundaries

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse permission for the development for 3 no. reasons which are summarised below:

1. The proposed development due to the significant increase in the hub height and blade tip height of turbine T1 from that previously permitted would be injurious to the visual amenity of the area, unduly interfere with the character of the surrounding rural landscape, be contrary to Policy Objective NH10.25 of the development plan and set a precedent for further inappropriate development of this nature.
2. The environmental impacts of the proposed development have not been sufficiently assessed. Notwithstanding that the proposed Enercon E138

turbine models have been described as 'bespoke', submitted documentation appears to present inconsistent information in respect of (a) the stated output of the proposed turbines versus (b) the standard output of the proposed Enercon E138 turbine models as per manufacturers standard specifications, and where the latter "full operating output" has also been reflected in the submitted Noise Impact Assessment. Potential exists for proposed development to generate output which exceeds the threshold for mandatory EIA, and should this be the case, development proposal would give rise to a requirement for preparation of EIAR in order to properly assess the effects of the development on the environment.

3. Adverse affects on the integrity of Natura 2000 Sites in particular Lough Ree SPA and River Suck Callows SPA cannot be ruled out

4.0 Planning Authority Reports

4.1. Planning Authority Reports

4.1.1. Planning Reports

The Planning Officers report of 2nd January 2024 is summarised as follows:

- 4.1.2. Landscape & Visual amenity – The proposed development is located in a landscape area categorised as 'High Value' in the RCDP 2022-2028 and in a 'less favoured area' for windfarm development. Planning permission was granted for 2 no. turbines in 2011, with amendments sought to this permission in 2018, 2020, 2022. In amendments sought to permission in 2018 the planning authority had concerns regarding the visual impacts of the turbines at a height of 150m compared with permitted height of 126m. These concerns were again reflected in 2022 where a further increase in height of T1 to 164m was sought. The current proposal is to further increase the height of T1 by a further 18m to 168m. Concerns in respect of adverse visual and landscape impacts remain.

Additional proposed height of T1 and limited screening in an open landscape would render the structure excessively prominent in its setting, including from the N61, and would inappropriately visually dominate the immediate and surrounding landscape

Increase in turbine height will physically change nature of development and exacerbate concerns of the planning authority.

- 4.1.3. Residential Amenity - Turbine 1 is proposed to be positioned c.12.75m closer to residences along the L-1805-11 than that permitted under 18/477. Proposed siting of turbines is in excess of 500m minimum setback required in Wind Energy Guidelines. Noise Impact Assessment submitted concludes that “the impact of the proposed Enercon E138 turbines demonstrates compliance with relevant noise limits”.

A Shadow Flicker Analysis has been submitted and it is suggested in Planning Statement that “the applicant would be open to the provision of automated lockdown mechanisms.....to eliminate shadow flicker totally”. A mitigation measure of this nature was alluded to in Inspectors report in appeal of PD/22/363, as an acceptable mitigation measures and one which could be conditioned in event of grant.

While proposed position of turbines is closer to residences to the north than in previous permissions, taking into account the foregoing factors in relation to potential noise and shadow flicker impacts, it is not considered appropriate to sustain planning authority’s previously expressed concerns in respect of potential impacts on residential amenity in the context of the current proposal.

- 4.1.4. Archaeology - The development is partly located within Recorded Monuments. Archaeological test trenching has been undertaken and report submitted. Department of Housing, Local Government and Heritage acknowledges findings of test excavations and raises no further objection, subject to conditions regarding archaeological monitoring in event of the granting of permission.

- 4.1.5. Traffic – It is not considered that the proposed amendments will have a significant impact on traffic at this location, during either the construction or operational stages of the development.

- 4.1.6. Environmental issues - Appropriate Assessment - AA screening has been carried out and concludes that a significant effect on the integrity of European designated sites and their qualifying interests cannot be ruled out and Stage 2 AA is required. This arises due to risk of collision of species of special conservation interest.

- 4.1.7. Environmental Impact Assessment – Paragraph 3 (i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended relates to installations for

the harnessing of wind power for energy production with more than 5 turbines or having a total output greater than 5 megawatts. Where a project meets or exceeds the thresholds, EIA is required.

In 22/263 which included for 2 no. Enercon E138 turbine models, RCC and ABP were not satisfied the actual output capacity of turbine models would not exceed the 5MW thresholds, irrespective of application details that the turbines would operate to have output capacity of 4.95MW. The potential of turbine models to exceed threshold and require EIA constituted refusal reason of ABP.

Development proposes 2 no. 'bespoke' Enercon E138 models and application details state output would be 4.9MW. Details to support contention this will be the maximum output include:

- Letter from Enercon confirming it can supply bespoke version of Enercon E-138 which can be limited to maximum output capacity of 2.45MW by reason of reduced number of inverters fitted and reflect approved grid connection by ESB networks
- Legal opinion from Alan Doyle, Barrister-at-Law where reference is made in opinion to the proposal being to install a bespoke version of Enercon 138 turbine model, with reduced number of inverters fitted, and reference made to output being limited by capacity of grid connection which is limited to 4.95MW.
- Connection offer dated April 2020 addressed to Derm Energy Limited which under heading Principle Components of the Offer, contains details which refer to Roxborough as a 4.95MW wind farm.

Notwithstanding assurances on intended output, technical details and drawings presented of proposed turbine models do not include content demonstrating bespoke nature relative to general Enercon E138 turbine model, which as noted in assessment of 22/363 and manufacturers specifications provided, have minimum output of 3.2MW. Connection agreement to national grid with output limitation of 4.95MW cannot be assumed to represent allowable maximum output in perpetuity, should grid capacity change. Also noted Noise Impact Assessment used output parameters of 3MW and 4.35MW from proposed Enercon E138 models.

On basis of information provided, is not considered it can be definitely concluded proposed development does not have capacity to exceed 5MW threshold and cannot be concluded environment impacts have been satisfactory considered given absence of EIAR. Proposal has not overcome refusal of 22/363.

4.2. Other Technical Reports

The Roads Section outlined no detail has been provided on the site entrance off public road and a number of conditions are recommended in event of permission, including sightline requirements and surface water conditions. Roads Section outline would like to have sight of proposed connection to the grid.

The Planners note in response to Roads Section report outlines the current proposal relates to a range of amendments to previous permissions granted, but does not include any amendments to the access arrangements of the public road as per 11/126, and any access developments undertaken remain governed by that permission. It is outlined RCC determined under a Section 5 application (DED 582) that the associated grid connection constitutes exempted development, as determined in September 2023.

5.0 Prescribed Bodies

5.1. Department of Housing, Local Government and Heritage

Having considered the findings of a report of archaeological test excavations carried out, the Department recommends as follows:

- The access route passes close to Recorded Monument RO 035-092001- (enclosure). No groundworks should take place outside the area of the agreed site layout, as those areas have not been investigated archaeologically.
- Archaeological monitoring should be required as a condition of planning

Archaeological Monitoring:

- In order to ensure that groundworks do not take place outside of the areas where archaeological test excavations took place, no alterations to the agreed site layout should be made.

- The applicant is required to employ a qualified archaeologist to monitor all groundworks associated with this development.
- The archaeologist is required to notify the Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- The report of the archaeological monitoring should include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which photographs were taken should be included in the report. (An annotated site location map will suffice for this purpose).
- Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- The Planning Authority and the Department shall be furnished with a report describing the results of the monitoring.

5.2. Irish Aviation Authority

Outlines applicant should be required to engage with air navigation service providers (ANSP) Air Nav to confirm that proposed wind turbines and associated cranes utilised during construction are reviewed for any potential impact on en-route communication, navigation and surveillance equipment.

In event of planning being granted, conditions be included for applicant to contact IAA to agree an aeronautical obstacle warning light scheme, provide as constructed coordinates in WGS-84 format together with ground and tip height elevations at each wind turbine location and to notify the Authority of intention to commence crane operations.

5.3. Transport Infrastructure Ireland

No observations to make.

6.0 Planning History

6.1.1. Details of the Planning history related to the site are as follows:

1. **11/126** – Planning permission granted for 2 no. turbines of up to 85m hub height and up to 82m rotor diameter and tip height of 126m.
2. **18/313** – Planning permission granted for minor alterations to permission previously granted under Reg Ref 11/126 to provide for relocation and design of substation, internal road access, hardstands and cabling works.
3. **18/447** – Minor amendments to Reg Ref 11/126 & 18/313 to provide for the relocation of the permitted turbines and associated infrastructure, amendments to the turbine dimensions to allow for an overall tip height of up to 150m with maximum total combined output of 4.9MW. The planning authority's decision to refuse permission was overturned at appeal stage (ABP 303677).
4. **20/145** – Amendments to Reg Ref No 18/313 to provide for the relocation of the permitted substation approximately 810m to the north, omission of access track and underground electrical cabling associated with the permitted control substation, installation of approximately 530m of underground electrical cabling to connect the proposed substation to permitted turbine T1 and all associated access and reinstatement works. The decision to grant permission was upheld in a subsequent appeal (307726).
5. **21/3007** - Extension of duration of 11/126 until 2 January 2027
6. **22/363** - Permission sought for: (a) amendments to (i) extent planning permission PD/18/313, which amended planning application PD/11/126 (ii) extent planning permission ABP-303677-19, which amended planning permissions PD/11/126 and PD/18/313 and (iii) extent planning permission ABP-307726-20, which amended planning permission PD/18/313:(b) Permission for a battery storage unit and transformer unit.

Amendments in (a) will provide for:

1. Erection of two Enercon E138 turbine models in lieu of the Vensys 121 turbine models agreed with the Planning Authority, under condition 4 (a) of planning permission ABP-3037726-19. Turbine 1 will have a hub height of 95.53m, a blade

diameter of 138m and a blade tip height of 164.65m. Turbine T2 will have a hub height of 81m and a blade diameter of 138m and a blade tip height of 150m. The combined output from the turbines will be 4.9MW. 2. Relocation of access road serving the development as permitted under 11/126, 18/313, ABP-303677-19 and ABP-307726-20. 3. Relocation of underground cabling to the relocated access road referred to under paragraph 2 and additional underground electrical cabling to serve the proposed modular windfarm control and switch rooms, the ESB modular MV substation and new battery storage and transformer units; 4. Increase in the hub height of turbine T1 to 95.53m, increasing the blade tip height from 150m to 164.65m and micro siting of turbine T1 by 12.75m; 5. Increase in area of hardstands associated with each turbine; 6. Amended substation structure to incorporate proposed modular windfarm control and switch rooms and ESB Modular MV station; 7. Revised site boundaries. Refused by RCC. ABP decided to refuse permission in subsequent appeal for 2 reasons **(314725)**.

Reason 1-The Board was not satisfied that proposed amendments involving a change of turbine model would not result in a combined output exceeding the threshold for mandatory EIA within the scope of Class 3 (i) of Part 2 of the Fifth Schedule of the P&DR 2001, as amended, being an installation for the harnessing of wind power for energy production (wind farm) having a total output greater than five megawatts and was not satisfied the effects of the development on the environment can be properly assessed. The Board took into account the applicants assertion that the combined output of both turbines would be maintained below five megawatts, however given the capacity for the output of each of the proposed turbines ranging from 3.5 megawatts to 4.2 megawatts, the Board considered that such a limit would constitute an unsustainable use of resources and would be contrary to the applicable provisions of the Roscommon County Development plan that support the generation of electricity from renewable sources. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Reason 2- It is considered that the archaeological significance of the site arising from the proposed amendments, including that the base of Turbine T2 occupies a considerable amount of the area where Recorded Monument RO 035-09203 (earthworks) is located and that the newly enlarged access route appears to pass very close to Recorded Monument RO 035-09201 (enclosure), is such that any

development of the site in advance of a comprehensive archaeological assessment, carried out to the requirements of the appropriate authorities, would be premature and would therefore, be contrary to the proper planning and sustainable development of the area.

In the vicinity and of relevance

ABP Ref 243479 – Permission was refused by the Board in June 2015 for 2 no. 2.3MW turbines with hub height of 78.33m and a blade tip height of 119.33 in Rahconnor, Four Mile house, which is c 3km north-west of the subject site. Permission was refused on the ground of insufficient information to assess the impacts on Whopper Swan having regard to the proximity of two Natura 2000 sites (Lough Ree SPA & River Suck SPA) as well as having regard to the ecology of the site and based on information contained in the Screening Report, third party submissions and a submission from the Department of Arts, Heritage and the Gaeltacht.

7.0 Policy Context

7.1. National Level

- 7.1.1. The Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021), commits Ireland to a legally binding 51% reduction in overall greenhouse gas emissions by 2030 and to achieving net zero emissions by 2050. As part of its functions the Board must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.
- 7.1.2. The Climate Action Plan 2024 (CAP 24) follows the commitment in the Climate Act, 2021 and sets out the range of emissions reductions required for each sector to achieve the committed to targets. CAP 24 supports the acceleration of the delivery of renewable energy onto the national grid with a target of achieving 80% of electricity

demand being met from renewable energy by 2030. To this end CAP 24 sets a target of providing 9GW from onshore wind by 2030.

7.1.3. The National Planning Framework (NPF) is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and recognises the need to harness both on-shore and off-shore potential from energy sources including wind and deliver 40% of our electricity needs from renewable sources.

7.1.4. It is a National Policy Objective (NPO 55) 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'.

7.2. National Guidelines

7.2.1. The following guidelines are relevant:

- Wind Energy Guidelines (2006)
- Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)
- Draft Revised Wind Energy Development Guidelines December (2019)

7.3. Northern and Western Regional Assembly Regional Spatial and Economic Strategy RSES 2020-2032

7.3.1. The regional strategy (RSES) for the Northern and Western Region supports harnessing on-shore and off-shore potential from wind, wave and solar and connecting the richest sources of that energy to major sources of demand.

Regional Policy Objective 4.16 outlines the NWRA shall co-ordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and other stakeholders within 3 years of the adoption of the RSES.

Regional Policy Objective 4.17 seeks to position the region to avail of the emerging global market in renewable energy by stimulating the development and deployment of the most advantageous renewable energy systems.

Regional Policy Objective 4.18 seeks to support the development of secure, reliable and safe supplies of renewable energy, to maximise their value, maintain the inward investment, support indigenous industry and create jobs.

7.4. Development Plan

7.4.1. The **Roscommon County Development Plan 2022-2028** is the operative plan. The development plan supports renewable energy development. Chapter 8 (Climate Action, Energy and Environment) sets out the following objectives:

- **CAEE 8.3** Support developments and actions that assist in achieving the national targets for energy from renewable energy, from renewable resources and reducing greenhouse gas emissions associated with energy production.
- **CAEE 8.4** Encourage and facilitate the various forms of renewable energy development detailed in the Renewable Energy Strategy that accompanies this Plan (as well as any other new forms of renewable energy which may be developed during the lifetime of this Plan), subject to satisfying the principles of proper planning and sustainable development.
- **CAEE 8.5** Facilitate wind energy developments primarily in areas designated in the Renewable Energy Strategy as “Most Favoured” and secondarily in areas designated as “Less Favoured” in the Renewable Energy Strategy, subject to normal planning criteria and having regard to the Wind Energy Guidelines (DECLG, 2006) and any update to the Guidelines that may issue during the lifetime of this Plan. This will include consideration of carbon benefit analysis, as appropriate.
- **CAEE 8.7** Ensure that proposals for renewable energy developments are considered in the context of relevant EU and national legislation, including in respect of environmental protection. No renewable energy developments will be considered in designated Natura 2000 sites or their surrounding buffer areas.

7.4.2. The **Renewable Energy Strategy** identifies locations for wind energy development potential, with the site located in a ‘Less Favoured’ area. Section 6.5 outlines in such areas *“Wind farm development will be considered, but the sensitivities revealed in*

these areas would render exploitation more problematic and therefore these areas are less favoured for wind energy development”.

- 7.4.3. In the Landscape Character Assessment, the site is located within the ‘Roscommon Town and Hinterland’ landscape character area, which is identified as a ‘High Value’ landscape. Policy Objective NH10.25 seeks to *“Minimise visual impacts on areas categorised within the County Roscommon Landscape Character Assessment including “moderate value”, “high value”, “very high value” and with special emphasis on areas classified as “exceptional value” and where deemed necessary, require the use of Visual Impact Assessment where proposed development may have significant effect on such designated areas”.*
- 7.4.4. Appendix 1 of the LCA includes a map of scenic routes and scenic views. Scenic views V16, V17, V18 indicated in maps 6 and 10 are towards the general direction of the development. There are no scenic routes in the site vicinity.

7.5. Natural Heritage and European Site Designations

- Corbo Bog SAC (Site code 002349) is located c 4.5km to the east.
- Lough Ree SAC (Site Code 000440) is c.5.6km to the southeast.
- Lough Ree SPA (Site code 004064) is c 7.7km to the south-east.
- River Suck Callows SPA (Site code 004097) is c. 9.2km to the south.
- The Derrycann Bog NHA(Site code 000605) is c 2.6km to the north-east.

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. Harley Planning Consultants Limited on behalf of the applicant has lodged a first party appeal against the decision of the Planning Authority to refuse permission. Details are submitted on the background to development, site location description, description of the development, the planning decision by Roscommon County Council. The grounds of appeal address the Planning Authority’s reasons for refusal

in PD23/60198 and the Boards Refusal on appealed case ABP-314725-22. These are summarised as follows:

- 8.1.2. **Reason no.1** – The site is within designated ‘high value’ landscape and is the second lowest of the landscape designations in the Landscape Character Assessment. The photomontages submitted compare the visual impacts of the permitted turbines under ABP-303677-19 (blade tip height 150m) and proposed turbine T1 (168m) and turbine T2 (150m) and demonstrate there is no discernible difference in their visual impacts. It is outlined the proposed alterations will not significantly adversely impact on the character of the surrounding landscape or unduly interfere with the surrounding rural landscape.
- 8.1.3. **Refusal no.2** – Actual output is below 5MW threshold for EIAR. Evidence of maximum export output is grounded on grid connection agreement between appellant and ESB Networks, which approved a grid connection of 4.95MW and limits output from the wind energy development to a maximum export capacity (MEC) of 4.95MW and cannot be exceeded. Copies of documentation are attached.
- 8.1.4. Confirmation of the grid connection output from the windfarm by Esmoe Limited, a renewable energy and electrical consultancy is attached, confirming the MEC is restricted to 4.95MW and that this limit of output to the national grid cannot be exceeded.
- 8.1.5. Appellant is agreeable to provide detailed output data from commissioned wind farm to planning authority to ensure that the 4.9 KW limit is being adhered to and this can be conditional on grant. As output is below 5MW limit for EIAR as set out in Class 3 (j) of Part 2 of the fifth Schedule of P&DR 2001, an EIAR is not required.
- 8.1.6. Appellant acknowledges in future, should MEC exceed 5MW threshold resulting from upgrades to ESB Network and should proposed Enercon E-138 be retrofitted to increase capacity above 2.45MW per turbine, in order to permit increase a new planning application and EIAR must be carried out. Notes while output proposed is below threshold for EIAR, the application has provided range of environmental assessments to confirm proposal will not threaten environment or residents.
- 8.1.7. Noted that in assessing past applications neither Planning Authority or Board considered that the proposed development was subthreshold EIAR. Appellant

considers this assessment was accurate, but has addressed criteria for determining whether development should be subject to EIAR.

- 8.1.8. The “full operating output” used in Noise Assessment Report refers to Source Noise Levels Information for Enercon E-138 3MW and 4.25 MW turbines, required by acoustic experts to enable an assessment of estimated noise output. Considered disingenuous of planning authority to equate the use of Source Noise Levels Information, which inform noise output, with power output. To ensure clarity between noise output and power output, appellant has commissioned noise assessment report from Irwin Carr acoustic experts, based on Enercon E-138 2.5 MW Source Noise Levels and is attached.
- 8.1.9. Considers the Board has sufficient evidence regarding maximum output, to confirm that it is below 5MW and that the need for an EIAR or sub-threshold EIAR does not arise.
- 8.1.10. **Reason no.3** – Appellant commissioned JKW Environmental to review AA conclusions. JKW Environmental carried out surveys to determine locations of any known feeding or roosting sites used by Whooper Swans and /or Greenland White-fronted Goose in surrounding area. This supplementary report found original conclusions of AA Screening Report that the proposed development is not likely to result in significant effects on qualifying species of Lough Ree SPA and River Suck Callows SPA in view of their consideration objectives, still stands.
- 8.1.11. Further details are outlined in relation to archaeological assessment, choice of turbine model E-138 and other matters.
- 8.1.12. **Archaeological assessment** – An archaeological assessment was submitted and the DAU and planning Authority were satisfied with the findings in the assessment and subject to conditions considered the proposed development posed no threat to archaeological heritage. As such refusal reason 2 on 314725-22 is addressed.
- 8.1.13. **Choice of turbine model E-138**
- 8.1.14. Appellant examined a broad range of wind turbine when it was discovered Vensys 121 turbine model was no longer being manufactured. A critical criteria in turbine choice was the very low windspeeds available on the lands, as confirmed in the

Energy Yield Assessment. The Enercon E-138 wind turbine was by far the most suitable turbine for capturing energy from the low wind speeds.

- 8.1.15. Because of low level of ground at turbine T1 over 15m below that of turbine T2, the Enercon E-138 was one of few turbines offering an increased hub height to enable a maximising of wind potential. Model was optimum model and ensures efficiency.
- 8.1.16. **Other matters** – To address issues raised in 314725-22 appellant commissioned assessments of flood risk and groundwater contamination and these were submitted with the application. No flood risk arises as a result of the development and the presence of regionally karst aquifers beneath the site doesn't preclude development.
- 8.1.17. Appellant requests the Board to overturn the refusal decision and grant planning permission for the project, which has an extant planning permission until 2nd January 2027.
- 8.1.18. The following is attached in Appendices: Appendix A - Planning History; Appendix B – Refusal Decision; Appendix C – Supplementary Information on Whooper Swan and Greenland White Fronted Goose; Appendix D – Grid connection quotation and agreement between Derm Energy Ltd and ESB Networks; Appendix E – Esmoe Limited – renewable energy and electrical consultancy; Appendix F- Noise Assessment Report.

8.2. Observations

- 8.2.1. A total of 9 no. observations on the first party appeal were received by the Board. The issues raised are summarised below:
- 8.2.2. Planning Application
- This is the fifth planning application and proposed development has undergone numerous changes in site location, boundary site lines, landowner consent, design, structure, height and output. Site identified by applicant is incorrect location notwithstanding numerous attempts to make development fit.
 - Confirmed by agents two Enercon E138 wind turbines will be used with technical information submitted to RCC for Vensys 121 and Nordex N117 turbines. Information submitted at appeal stage includes information sheet on

Enercon 138 with no technical information. Limited information outlined on data of the bespoke Enercon 138.

- Diameter of the turbine blades has increased from 121 metres on Vensys 121 to 138 metres on the Enercon 138.
- Outlined the First Party appeal document acknowledges that in the future there may be a time where the turbines produce greater than 5MW and observer outlines this is acknowledgement that development has capacity greater than 5MW. It is outlined appeal documents suggest most appropriate way to deal with greater capacity is by virtue of planning application at that time. Submission outlines the addressing of issues is now.
- The report in relation to connection to electricity distribution system contains several irregularities. The Quotation Letter Revision submitted details a 4.95 MW windfarm with maximum output of 5,210kVA equating to 5.21MW. Derm Energy outline they will not exceed 4.9MW but output capacity in the contract with ESB permits 5.21MW, with the rated power output per turbine unclear and details misleading.
- Attached documentation in relation to ESB is not valid as it is outside the 12 month period of the signed document
- Concerns expressed in relation to increased power output after completion and what assurances would apply that this could not occur
- No information on how development is to connect to the grid which was noted in ABP-314725. Proposed development is in breach of P&D Act 2000 as amended, with development and grid connection not classed as exempted development. Proposed development not in line with High Court judgements O'Grinna & Ors. v An Bord Pleanala and Daly v Kilronan Windfarm Ltd requirements for EIAR and is project splitting.
- Site not suitable for production of wind energy. Siting of wind farm in area of very low wind speeds and categorised as high value landscape represent substandard planning and design. Due to low wind speeds larger turbines being proposed to make project viable without taking risks associated with project into account

- RCC planners report identifies failure of applicant to acknowledge preplanning meeting took place.
- The appeal has introduced supplementary information which did not form part of the planning application.
- Details submitted in application are misleading.

Requirement for EIAR

- Change from Vensys 121 to Enercon E138 is major change in design and output from proposed previous applications. Specifications for E-138 turbine has a rated minimum output of 3.5MW and maximum output of 4.2MW, and turbines have capability of producing capacity of 7MW and up to 8.4MW and effects of project must be considered and EIAR is required. Development is designed not to reach threshold for EIAR at this stage and once developed will have output greater than 5 MW and application is attempt to circumvent requirements for EIAR.
- First party narrative that two large wind turbines with a capability far exceeding 5 MW should be considered as wind farm project that is less than 5MW and won't be utilised to full capacity opens up potential for undermining of legislation.
- Effects on European Sites is required to be addressed in EIAR
- Should EIA be necessary, the environmental impact of the grid connection must be considered. Concerns raised in relation to project spitting

Development Plan

- Proposal lacks rationale with 1 large turbine generating same output as 2 turbines with reduced generators. Enercon 138 has capacity to produce 4.2 MW. Second Enercon 138 turbine being erected to produce 0.7MW would be unsustainable use of resources, contrary to development plan, proper planning and sustainable development of area. Outline agreement with ABP assessment in decision 314725-22 that proposal would constitute unsustainable use of resources and would be contrary to provisions of RCDP that support the generation of electricity from renewable sources.

- Development plan seeks to direct large-scale wind energy projects into suitable locations in the county. Height of proposed development on lands that are least favourable for wind energy in development plan would be contrary to proper planning and sustainable development
- Development is in inappropriate location and materially contravenes proper planning and sustainable development of area.

Archaeology

- The proposal is not in accordance with the provisions of the development plan as it does not preserve all archaeological monuments and sites which are protected under the National Monuments Act 1994 and under the Planning and Development Act, 2000
- Request archaeological Survey and report submitted be deemed null and void with excavation, destruction of monuments and alleged unauthorised development occurring. Outline duty to protect national heritage with undiscovered archaeological site uncovered at Ranalagh within 1km of the site.

Biodiversity

- There is insufficient information provided to assess the impact of the proposed development on bats and roosts, and Whooper Swan. There is a flight path for Whooper Swans from SPA Lough Ree and River Suck Callows to feeding grounds in Rathconor. Attention is required in assessing projects which impact on Whooper Swan habitat. JKW Environmental Report states that no Annex 1 species in area which is incorrect. Their latest report confirms whooper swans in area. Report is subjective and lacking in detail.
- Incorrect information submitted on drainage with site being hydrologically connected to the Emmoo stream by turlough 50m down slope of site.
- Concerns are also raised in relation to impacts on badgers, buzzards, sparrowhawk.

Screening Report

- No substance to supplementary report on Whooper Swan and White fronted Goose with no real evidence in report and site a known flightpath for wild birds.
- Board must be satisfied that beyond reasonable scientific doubt that the proposed development would not adversely affect the integrity of European Sites, in view of the sites conservation objectives and qualifying interests. In absence of information by way of EIAR it is not possible to conclude best scientific knowledge and objective information have been taken into account.

Residential Amenity

- Noise report submitted identifies 3 residential properties within 600m and this does not conform with Wind Energy Guidelines 2006. Roxborough House would be within 600m and the recommended 4 times the tip height set back outlined in the draft revised Wind Energy Development Guidelines.
- Impacts on residential amenity associated with proposed development including proximity and height to scheme, shadow flicker, noise, health risks.

Impact on Protected Structure

- Proposed development would have significant adverse impact on Roxborough House a listed building and prevent its refurbishment into a family home
- The substation is 395m away from Roxborough House and proposed development would present a fire risk to the house

Flooding, Groundwater

- A flood report indicates that the land experiences winter flooding. Site is located where there is Karst aquifer system and development could change course of underground aquifers allowing runoff toward Roscommon town. Thorough water systems evaluation is required to mitigate any damage to watercourse systems.

Precedent

- Reference is made to a refusal by the Board in respect to an application for 2 No. turbines in Co. Offaly on the basis that the proposed development was

not located in an area identified for wind energy development in the development plan (ABP 307647-20). Reference is also made to a refusal by the Board in respect to an application for 9 No. turbines in Co. Westmeath on the basis that the proposed development is similar in design and located in an area not identified for wind energy development in the development plan (ABP 316051-23). Reference is made to development plan precedence over national policy and refers to Brophy v ABP and Murtagh v ABP.

9.0 EIA Screening

- 9.1. This section of the report should be read in conjunction with section 10.3 of the assessment below which addresses the specific grounds of appeal relating to the need for EIA.
- 9.2. As set out at Section 10.3 of this report, limited technical data regarding the proposed bespoke turbine model has been submitted with the application including as to how the output would be limited as proposed by the first party. It is noted that the technical data for the standard E-138 turbine indicates that the maximum export capacity (MEC) of the two turbines would be up to c.8.4MW and would therefore have the capacity to exceed the 5MW threshold set out in the Fifth Schedule of the Planning and Development Regulations 2001 as amended, such that an EIAR would be required. I also consider that the proposed approach would constitute an unsustainable use of resources and, for these reasons, I do not consider that the proposed development has overcome Reason for Refusal No.1 attached to ABP Ref. 314725-22.
- 9.3. In terms of screening for EIA the first question to be determined is whether the screening assessment should be based on the application as submitted, which is for the limitation of output to a maximum of 4.95MW, or to the theoretical maximum output of the proposed turbines which would be c.8.4MW. Given that the applicant has stated that the maximum output of the development would be limited to 4.95MW the approach taken is to screen for EIA on this basis. In the event that the Board do not agree with this approach and consider that it is the maximum theoretical output of the development that should be assessed then the development would exceed the 5MW threshold set out in Class 3 (i) of Schedule 5 Part 2 of the Planning and

Development Regulations 2001 as amended, and the submission of an EIAR would be required.

- 9.4. As per Form 1 attached, the proposed development is considered to be sub threshold / of a class for the purposes of EIA and I have therefore proceeded to undertake a preliminary assessment as set out in Form 2 attached with this report. This preliminary assessment concludes that there is significant and realistic doubt with regard to the likelihood of significant effects on the environment leading to a requirement for the information prescribed in Schedule 7A to be available and a screening assessment undertaken. While elements of the information set out in Schedule 7A are available on the file, this is not in my opinion complete or comprehensive and the information is not clearly presented in a format that makes it clear that it is intended to comprise the Schedule 7A information.
- 9.5. In the particular circumstances of this case, and specifically having regard to the substantive reason for refusal and issues relating to sustainability as set out in 10.3 of this report relating and summarised at 9.2 above, it is not proposed that the Schedule 7A information would be requested from the first party or that a screening assessment be undertaken. The Board may not agree with this approach and consider it appropriate to request the Schedule 7A information and that a screening assessment be undertaken by the inspectorate.

10.0 Assessment

- 10.1. I consider that the key issues in determining this appeal can be addressed under the following headings:

- Principle of the development
- Requirement for EIA
- Cultural heritage
- Residential amenity
- Landscape and Visual amenity
- Biodiversity
- Other matters

- Appropriate Assessment

10.2. Principle of the Development

- 10.2.1. The principle of a wind energy development on the subject site has been accepted under P.A.reg. ref. 11/126. The proposed development differs from that sought in ABP-314725 with T1 including a proposed hub height of 99m and blade tip height of 168m, altered access road layout between T1 and T2, and the battery storage unit and transformer unit being omitted from the scheme (T1 in ABP-314725 included a hub height of 95.53m and blade tip height of 164.65m). The principle of two turbines is accepted in the Planning Officers report, however a number of observations raise concerns in relation to a wind energy development at this location.
- 10.2.2. In line with EU ambition, the Programme for Government, Our Shared Future commits to achieving a 51% reduction in Ireland's overall GHG emissions from 2021 to 2030, and to achieving net-zero emissions no later than 2050. The National Planning Framework National Strategic Outcome (NSO) 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and includes National Policy Objective (NPO 55) 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'.
- 10.2.3. At a regional level, the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region supports the harnessing of the on-shore potential from wind and connecting the richest sources of that energy to major sources of demand. RPO 4.17 and RPO 4.18 seek to position the region to avail of the emerging global market in renewable energy and support the development of secure, reliable and safe supplies of renewable energy.
- 10.2.4. I note the Planning Officer's report which outlines that the proposed development is located in an area designated in the Renewable Energy Strategy as a 'less favoured' location for windfarm development. The Planning Officer noted the history onsite and that the principle of two turbines remains strategically acceptable. While observations reference refusals by the Board in respect of wind energy developments in Counties Offaly and Westmeath on the basis that the proposed developments were not located in an area identified for wind energy development in

the development plan, I note the Renewable Energy Strategy in the Roscommon CDP includes for three categories of wind energy potential - being “Most Favoured”, “Less Favoured” and “Not Favoured”, with wind turbines not precluded in areas which are Less Favoured.

- 10.2.5. I note that there is a live permission for 2 turbines and associated infrastructure on the site, with 11/126 being permitted for a period of 10 years up to 2nd January 2022, and an extension of duration of this planning permission being granted for a further five years which is to expire on 02/01/27.
- 10.2.6. Having regard to the foregoing and the national, regional and local planning policy, I consider the principle of the proposed development is acceptable. Planning and environmental considerations are addressed in the following sections.

10.3. Requirement for EIA

- 10.3.1. Turbines with increased tip heights of 150m and a power output of 4.9MW on the site has been previously accepted by the Board under ABP 303677-19. The installation of Vensys 121 models has been accepted, which according to technical data sheets have a rated power output of 2.5MW, and these two turbines therefore would not exceed an output of 5MW.
- 10.3.2. Proposed amendments to 11/126 in ABP 314725-22 which included the installation of 2 Enercon E138 turbines was refused, with the Board not satisfied that the combined turbine output would not exceed the threshold for mandatory EIA being an installation for the harnessing of wind power for energy production having a total output of greater than 5MW.
- 10.3.3. Article 2 (1) of Directive 2014/52/EU amending Directive 2011/92/EU, on the assessment of the effects of certain public and private projects on the environment, requires Member States to adopt all measures necessary to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment. The Directives are transposed by way of the Planning and Development Regulations 2001, as amended, in Schedule 5 Parts 1 and 2.

Schedule 5 Part 2 outlines projects meeting or exceeding national thresholds set out, require EIA.

- 10.3.4. The current proposal is seeking the erection of what are described by the first party as two bespoke Enercon E138 turbines models in lieu of the Vensys 121 turbine models. I note the correspondence details submitted in the application documentation from Enercon confirming it can supply a bespoke version of the Enercon E-138 which can be limited to a maximum output capacity of 2.45MW by reason of a reduced number of inverters fitted. I also note the legal opinion from Alan Doyle, Barrister at law, who outlines the bespoke version of the Enercon E-138 is limited to a maximum output of 2.45 MW by reason of the reduced number of inverters fitted.
- 10.3.5. In seeking to address the current refusal, the appellant outlines the actual output is below the 5MW threshold for EIAR development, with the maximum export output grounded on the grid connection agreement between the appellant and ESB Networks, which approved a grid connection of 4.95MW and limits output from the wind energy development to a maximum export capacity (MEC) of 4.95MW and cannot be exceeded. I note Appendix D refers to grid connection quotation and agreement between Derm Energy Ltd and ESB Networks. I note this refers to a MEC kVA of 5,210, with documentation submitted also outlining an MEC of 4.95 MW. In addition, Esmoe Limited further confirms the restriction of the MEC to 4.95MW and the output limit to the grid cannot be exceeded. The appellant acknowledges in future, should the MEC exceed the 5MW threshold resulting from upgrades to ESB Network and should the proposed Enercon E-138 be retrofitted to increase capacity above 2.45MW per turbine, in order to permit an increase a new planning application and EIAR must be carried out. The appellant contends that the need for an EIAR in the current proposal does not arise.
- 10.3.6. While the appellants assurances in relation to proposed and future output, figures in relation to the MEC and details on the reduced number of inverters in the bespoke turbine model are noted, I consider that limited technical details have been submitted in relation to the bespoke E-138 turbine model relative to the standard E-138 turbine model. Technical data for the standard E-138 model indicates that the minimum combined output of the models would be in the range of 7MW-8.4MW, and on this basis the project would have a potential to exceed the threshold requiring an EIA,

being a project within Class 3 (i) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended,

(i) 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.

- 10.3.7. On the basis of the information submitted, the proposed development would have a potential capacity to exceed a power output greater than 5MW and would therefore not accord with Article 2 (1) of Directive 2014/52/EU. It is therefore considered the design of the proposal utilising 2 Enercon E-138 turbine models with a stated output capacity of 4.95MW would circumvent the requirement for an EIA, and would not enable the effects of the proposal on the environment to be properly assessed.
- 10.3.8. On the basis of the information submitted, I am not satisfied that sufficient clarity has been presented to prevent an increase in the output capacity from the proposed development, to exceed the EIA threshold of having a total output greater than 5MW. While the restriction in relation to a Maximum Export Capacity of 4.95MW set out is acknowledged, the proposed turbine models have a theoretical output of 8.4 MW. I therefore consider that the proposed development has not overcome refusal reason no.1 set out in ABP 314725-22.
- 10.3.9. Furthermore, and consistent with the Boards previous decision in ABP 314725-22, I consider that the limitation of the capacity of turbines models which have an output capacity ranging from 7MW – 8.4MW would constitute an unsustainable use of resources and would be contrary to the provisions of the Roscommon County Development Plan 2022-2028 which support the generation of electricity from renewable sources.
- 10.3.10. The planners report outlines RCC has determined under a Section 5 application (DED 582) that the associated grid connection constitutes exempted development, as determined in September 2023. Observations on file outline should an EIA be necessary, the environmental impact of the grid connection must be considered. I note that the application /appeal has not included for a grid connection for the proposed development. As the development would be subject to an EIA and having regard to O' Grinna & Ors.V ABP (2014) IEHC 632, it is my opinion that an EIA of the overall project including the wind farm and the grid connection would be required. However, as this would be a new issue, I am not recommending refusal on

these grounds. Were the Board however minded to grant permission for the development, the issue of grid connection would need to be addressed.

10.4. Cultural Heritage

- 10.4.1. An Archaeological Test Trenching Report was prepared by Colm Flynn, Archaeological Consultant. The report outlines that no archaeological features or artefacts were identified at the location of the proposed access tracks, substation, or at the location of Turbine 2. The report outlines at the proposed location of Turbine 1, disturbed building deposits relating to Derrane House, an 18th century country house were identified. Derrane House is not a recorded monument, is not on the NIAH and 25 inch mapping details its above ground removal. It is noted that ABP-314725 was refused on grounds of prematurity, given the presence of recorded monuments within and adjacent the site and in the absence of a comprehensive archaeological assessment being undertaken. Observations have raised concerns in relation to the preservation of archaeological monuments and sites at this site location.
- 10.4.2. The site includes for a Recorded Monument (RO035-092003: Field system) and is within the vicinity of Recorded Monuments RO035-092002: Ringfort – cashel, RO035-092004: House, RO035-092001: Enclosure. The Department of Housing, Local Government and Heritage recommends that as the access route passes close to Recorded Monument RO 035-092001 (enclosure) that no groundworks should take place outside the area of the agreed site layout, as those areas have not been investigated archaeologically. The Department recommends archaeological monitoring should be required as a condition of planning, including that no alterations to the agreed site layout should be made, for the employment of a qualified archaeologist to monitor all groundworks, and the submission of a final monitoring report. The planning authority has not raised any concerns in relation to the scheme from an archaeological perspective.
- 10.4.3. Potential impacts on Roxborough House, a protected structure have been raised in observations. Having regard to the siting of the proposed development relative to the structure, I consider that the proposed amended development including for a relocated turbine and increase in turbine height, would not result in significant effects on the character or setting of the protected structure above the visual impact of the permitted turbines. I also consider that the issue raised that the proposed

development would prevent the protected structures refurbishment into a dwelling is unsupported.

- 10.4.4. An observation outlines the destruction of monuments and unauthorised development has occurred at this location, which relates to excavation works being carried out in 2023. I note that the planning authority report has not raised any concerns in relation to alleged unauthorised development being carried out at this location. In addition, I have not identified any active enforcement case at this site location following a search of the Roscommon County Council Online Planning Search System.
- 10.4.5. Any potential for impacts on unknown archaeological monuments or features would be removed subject to the implementation of mitigation measures. I consider that the proposed development is satisfactory from an archaeological, architectural and cultural heritage perspective and that no significant adverse effects are likely to arise.

10.5. Residential Amenity

- 10.5.1. The observers have raised concerns in relation to residential amenity being impacted by way of noise and shadow flicker and health risks associated with same, visual impacts, impact on property. Impact on property is considered under Cultural Heritage and visual impact is considered in Landscape and Visual below.
- 10.5.2. In relation to noise, the parent permission included a condition to limit noise which is consistent with the wind energy guidelines 2006. These were repeated by the Board in subsequent decisions including 303677 & 307726. A noise assessment report prepared by Irwin Carr Consulting based on the Enercon E-138 2.5MW Source Noise Levels has been submitted. The distance to the nearest dwelling is outlined as 585m. The report outlines the predicted impact from the turbines at the nearest 4 no. residential properties will be below the day-time and night-time noise limits as defined in the Wind Energy Development Guidelines 2006. A screening assessment carried out to consider cumulative impacts out did not identify any existing wind energy developments within 2km of the site. Should the Board be minded to grant permission for the development, I consider that a condition requiring the subject development to be carried out and completed in accordance with the terms and conditions of the parent permission be appended.

10.5.3. A shadow flicker analysis of the proposed development has been submitted. This outlines in the worst case scenario there is a potential for properties to experience shadow flicker in excess of the limits set out in the Wind Energy Development Guidelines 2006. The applicant has committed to the provision of an automated lockdown mechanism to eliminate shadow flicker. Subject to this measure, which can be addressed by way of condition should the Board be minded to grant permission, I consider that no significant effects are likely to arise on residential amenity by way of shadow flicker.

10.5.4. In conclusion, having regard to separation distances between the proposed development site and residential receptors and the assessment of issues, I consider that no significant adverse impacts on residential amenity are likely to arise from the proposed amendments to the permitted development at this location.

10.6. Landscape and Visual amenity

10.6.1. Refusal reason no.1 relates to the proposed developments visual and landscape impacts. It was considered the proposal would be injurious to the visual amenity of the area, would unduly interfere with the character of the surrounding rural landscape, be contrary to Policy Objective NH10.25 of the development plan and set a precedent for further inappropriate development of this nature. Observations have also raised concerns in relation to the siting of wind farm in area categorised as a high value landscape.

10.6.2. In the Roscommon County Development Plan 2022-2028 the site is located within the 'Roscommon Town and Hinterland' landscape character area, which is identified as a 'High Value' landscape, which is the same landscape designation outlined in the previous development plan. Scenic views V16, V17, V18 are towards the general direction of the development and there are no scenic routes in the site vicinity.

10.6.3. Planning permission exists for 2 no. turbines at this location where it was determined that a wind energy scheme was acceptable from a landscape and visual perspective. The principle of the development has therefore been accepted at this location. The question therefore arises as to whether the proposed amendments sought, including an increase in the height of turbine T1 and its relocation, would result in significant visual and landscape effects.

- 10.6.4. The visual aids submitted include for a Zone of Theoretical Visibility (ZTV) detailing a radius of 20 km. This indicates that the theoretical visibility of the proposed development with an increased turbine height and that of the permitted turbines would be very similar, with both being theoretically visible within the immediate and wider study area and with no significant additional theoretical visibility arising from the proposed development. Photomontages have been taken from various viewpoint locations within the study area detailing permitted and proposed wind turbines and wireframes are also outlined. The photomontages indicate the amendments sought would range from barely perceptible to imperceptible.
- 10.6.5. Following an inspection of the site, the surrounding area and an examination of the information submitted including the visual aids, it is acknowledged that the proposed amended scheme would be highly visible from locations within the immediate area. Views of the scheme would also arise in the wider area and on the N61 road network north of Roscommon town and from a scenic view close to this route and from locations within Roscommon town. I have driven the road network in the immediate and wider area and while the scheme will be visible at locations, it is considered that the extensive network of vegetation adjacent the immediate and wider surrounding road network, the presence of buildings, and the intervening undulating topography between the proposed site and the road network will also result in reduced and intermittent views of the scheme arising at the above locations, including from the N61 linking Roscommon town to Tulsk and from the N63 linking Roscommon town to Lanesborough. It is also noted that views from the west and southwest are set against the backdrop of Sliabh Bawn which includes for the presence of wind turbines. Taking into account the above and visual aids submitted, I consider that while the height of the amended scheme would result in an increased visual effect, this increase would not result in significant additional visual effects.
- 10.6.6. As outlined the site is located in the 'Roscommon Town and Hinterland' landscape character area, which is identified as a 'High Value' landscape, which is the second lowest of four landscape designations. Policy Objective NH10.25 seeks to minimise visual impacts on areas categorised within "high value". This same landscape designation applied to previous development plans, and given the consideration that the amended scheme would not result in significant visual effects and having regard to the existing planning history onsite which has established the principle of the

development at this location, I am of the opinion that the proposed amended development would not give rise to significant effects on the landscape character of the area or be contrary to Policy Objective NH10.25

- 10.6.7. Having regard to the scale and nature of the scheme and the site and landscape context, I consider the proposed development would not likely result in a significant visual impact on the area and its amenities and would not give rise to significant effects on the landscape character of the area. I therefore consider that the reason for refusal is not applicable in this case.

10.7. **Biodiversity**

- 10.7.1. Concerns have been raised in the observations in relation to the proposed developments impact on local biodiversity including bats, Whopper Swan, badgers, buzzards, sparrowhawk. Reference is made to a flight path for Whooper Swans from European Sites to feeding grounds in Rathconor and that a turlough adjacent the site is hydrologically connected to the Emmoo stream. In relation to the Whopper Swan, an Appropriate Assessment Screening has been carried out for the scheme in section 11 below.
- 10.7.2. The AA Screening Report submitted dated April 2023 outlines a mammal survey was carried out on 16th September 2022 with no mammal species being recorded onsite. Mapping from the NBDC shows records of Badger within a 1km polygon surrounding the site, with no signs of badger sets or badger activity identified within the site boundary or adjacent areas in the survey. Having regard to the nature of the site and the retention of the linear features onsite for the most part, I consider that impacts on badgers are unlikely, subject to the application of appropriate standard mitigation measures during the construction phase to safeguard badger. Should the Board be minded to grant permission, this issue could be addressed by way of condition.
- 10.7.3. The report outlines foraging by bats is expected to be low to moderate and the farm buildings adjacent to the site have been assessed for bat roost suitability. While the report outlines none of the buildings provide suitable potential roosting features, several mature trees within field boundaries provide potential for bat roosting. While it is not indicated if these trees are intended to be removed as part of the scheme, I consider this issue can be addressed by way of condition should the Board be minded to grant permission.

- 10.7.4. It is stated while the surrounding areas likely support a range of bird fauna, NBDC records within two 1 km polygons of the site do not list any protected or endangered avian species. I consider that impacts on farmland birds are unlikely, subject to the application of appropriate mitigation measures during the construction phase, which relates to any removal of any vegetation taking place outside of the bird breeding season. I consider this issue can be addressed by way of condition should the Board be minded to grant permission.
- 10.7.5. This is a relatively common construction project of relatively limited construction phase duration. Having regard to the existing baseline, the report submitted and the mitigation measures as set out above, I do not consider that the proposed development would have an undue adverse impact on the local biodiversity of the site or area.

10.8. Other matters

10.8.1. Flooding

- 10.8.2. Observations outline the lands experience flooding and the site is located where there is Karst aquifer system with concerns raised in relation to impacts on underground aquifers and runoff. Photographs of flooded areas are outlined with flooding areas identified to the south of the site on mapping.
- 10.8.3. A flood Risk Assessment Report has been prepared by Keohane Geological and Environmental Consultancy. The report outlines the GSI's Maximum Historic Groundwater Flooding shows historic groundwater and groundwater/surface water flooding has occurred at/near the project site and doesn't extend to the proposed wind farm infrastructure. Fieldwork undertaken in March 2023 outlines flooding was observed to the northeast of Turbine T1 and to the south of Turbine T1 as shown on Figure 4. Details outline the proposed development will not impact on flood risk upgradient of the site, with the development not interfering with flows within the watercourses of the Emmoo Stream or Clooneigh River with no instream works proposed. In relation to flooding risk at the site, the survey indicates a hydraulic connection between the two flooded areas is unlikely/weak. It is outlined the proposed infrastructure is outside the flood extents and is on higher ground, with slight modifications to the hardstand of turbine 1 and the alignment of the road made from the previous application in 2022 to avoid flooded areas. Details outline the

foundations of Turbine 1 will need to be designed to counter the effects of buoyancy, which are commonly used where groundwater levels are high. In relation to flooding down gradient of the site, roads and hardstands will be constructed with aggregate with a permeable finish, and with the implementation of surface water management measures, it is outlined the proposed development will not significantly alter the runoff characteristics of the site. The report concludes the proposed development will not impact on the local flood hydrology, will not reduce flood zone capacity so will not displace flood water to downstream locations, and will not impede the retention, storage or drainage of water in a river basin area.

10.8.4. I note the planning authority did not raise any concerns in relation to flooding. I note the principle of the development has been established at this location and the proposed development relates to amendments to an existing permission, with amendments being made to avoid flood extent areas. On the basis of the information submitted, I am satisfied that the proposed development would not alter surface water run off rates from that existing such that it would give rise to a risk of surface flooding or surface water drainage issues in the area. However, while the proposed infrastructure is located above and outside the adjacent flood extents areas, it is a highly vulnerable development. While it is stated the foundations of Turbine T1 will need to be designed to counter the effects of buoyancy, which occurs where groundwater levels are high, details of this risk management measure have not been set out or demonstrated in the report. In addition, the site is underlain by a karst aquifer with an extreme-high vulnerability rating and the potential impacts of the proposal on the underground aquifer system and its run off characteristics have not been outlined. Given the above site characteristics I consider these matters would require further assessment.

10.8.5. **Groundwater Contamination**

10.8.6. Observations outline the site is located where there is Karst aquifer system. A Groundwater Contamination Risk Report has been prepared by Keohane Geological and Environmental Consultancy. This outlines the site is underlain by two limestone formations, which are classified as Regionally Important Aquifer-Karsified, which has an extreme-high vulnerability rating. Site investigations were carried out at the site in 2020 detailing the presence of karsified limestone/shale at 6 metres below T1 location and 2.5-8.0 metres below T2. The report outlines the main sources of

pollution at construction stage include hydrocarbon leakage/spills, management of foul effluent, release of silt. Operation stage sources of pollution include hydrocarbon use in maintenance and the presence of maintenance vehicles. Mitigation measures to manage potential pollutants include general construction measures, fuel storage and refuelling measures, wastewater management, protection of surface waters and pathway control. The report concludes with the implementation of mitigation measures the wind farm can be constructed with negligible risk to the groundwater environment, with the presence of a regionally important karst aquifer beneath the site not excluding the development of a wind farm.

10.8.7. Having regard to the existing baseline, the report submitted and the mitigation measures as set out, which accord with best construction practice, I am satisfied that the mitigation measures are capable of being successfully implemented. This is a relatively common construction project of relatively limited construction phase duration and I do not consider that the proposed development would have an undue adverse impact on the groundwater environment of the site or area by way of contamination. I consider this issue can be addressed by way of condition should the Board be minded to grant permission.

10.8.8. **Wind Speed**

10.8.9. Observations outline the site is not suitable for the production of wind energy given the very low wind speeds. The appellant outlines they examined a broad range of wind turbine when it was discovered the Vensys 121 turbine model was no longer being manufactured, with a critical criteria in turbine choice being the very low windspeeds available on the lands and varying ground levels across the site. The appellant outlines the Enercon E-138 wind turbine was the optimum model for capturing energy from the low wind speeds and ensuring efficiency. The wind speeds available at this location are outlined in the Energy Yield Assessment prepared by Natural Power, dated 28 April 2021, which includes for a project with Vensys 121 and Nordex N117 turbines types. This assessment outlines a wind speed of 7.2 meters per second onsite. The appellant outlines this is the lowest Wind Class III by the International Technical Commission (IEC) and is below the upper limit of 7.5m/s wind average of Class III. I note cut-in wind speed usually occurs at hub height wind speeds of 4-5 metres per second.

11.0 Appropriate Assessment

11.1. Introduction

- 11.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U of the Planning and Development Act 2000, as amended), are considered fully in this section.
- 11.1.2. The Planning Authority carried out Screening for Appropriate Assessment and concluded that as a result of the increase in turbine height, the over reliance placed on the site being outside the 'core foraging' range of key species in the absence of bird surveys, bird flight path analysis and bird collision analysis, significant adverse affects on the integrity of Natura 2000 Sites Lough Ree SPA and River Suck Callows SPA could not be ruled out.
- 11.1.3. The Board determined in previous applications at the site that the proposed developments, individually and in-combination with other plans and projects would not be likely to have significant effects on any European Site.

11.2. Screening for Appropriate Assessment - Test of likely significant effects

- 11.2.1. The proposed development is not directly connected with or necessary to the management of any European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 11.2.2. 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.

11.3. Description of Development

- 11.3.1. The proposed development is described in Section 2 of this report and in Section 2 of the submitted Screening Report for Appropriate Assessment, dated April 2023. The AA screening report submitted appears to be based on the development proposed in reg ref. 22/363 and ABP 314725. It is noted the proposed development subject of the application while similar, differs from that sought in ABP-314725 with T1 including a proposed hub height of 99m and blade tip height of 168m, an altered access road layout between T1 and T2, and the battery storage unit and transformer

unit being omitted from the current scheme (T1 in ABP-314725 included a hub height of 95.53m and blade tip height of 164.65m). The differences in the dimensions of the turbine infrastructure from that sought in 314725 is further addressed in Section 11.9 of this report. The proposed development comprises amendments to (i) extant planning permission PD18/313, which amended planning application PD/11/126, (ii) extant planning permission ABP-303677-19, which amended planning permissions PD11/126 and PD18/313 and (iii) extant planning permission ABP-307726-20, which amended planning permission PD18/313. The output from the development will be 4.9MW, similar to the extant planning permissions. The amendments will provide for:

- 1. Erection of two bespoke Enercon E138 turbines models in lieu of the Vensys 121 turbine models agreed with the Planning Authority, under condition 4 (a) of planning permission ABP-3037726-19. Turbine T1 will have a hub height of 99m, a blade diameter of 138m and a blade tip height of 168m. Turbine T2 will have a hub height of 81m, a blade diameter of 138m and a blade tip height of 150m. The maximum combined output from the turbines will be 4.9MW.
- 2. Relocation of the access road serving the development, as permitted under planning permissions PD11/126, PD18/313, ABP-303677-19 and ABP-307726-20.
- 3. The relocation of underground electrical cabling to the relocated access road referred to under paragraph 2 above and additional underground electrical cabling to the proposed modular windfarm control room/switch room and ESB modular MV station referred to in paragraph 6 below.
- 4. Increase in the hub height of turbine T1 to 99m, increasing the blade tip height from 150m to 168m and micro-siting of turbine T1 by 12.75m.
- 5. Increase in the area of the hardstands associated with each turbine.
- 6. Amended substation structure to incorporate a proposed modular windfarm control/switch rooms and an ESB modular MV station.
- 7. Revised site boundaries

11.3.2. The proposed amendments are seeking an increase in the height of Turbine T1 by 18 metres to 168 metres. The height of Turbine T2 will remain at 150m.

11.3.3. The Screening Report for Appropriate Assessment was prepared by JKW Environmental, dated April 2023 and is based on a proposed turbine T1 height of 164.65m. Habitats on the proposed site include buildings and artificial surfaces, improved agricultural grassland, scrub, dry calcareous and neutral grassland, hedgerows/treelines. The screening report outlines there are no surface water features evident within the proposed site, with the Emmoo Stream running to the south of the site c.413m from the site boundary, eventually flowing to Lough Ree, c.8 km to the east. In support of the appeal supplementary information on Whopper Swan and Greenland White Fronted Goose has been submitted which include for Roaming Surveys and Dawn and Dusk Vantage point surveys.

11.3.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related -uncontrolled surface water/silt/ construction related pollution
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance (construction and or operational)
- In combination effects with other projects

11.4. **Observations**

11.4.1. Observations outline there is insufficient information provided to assess the impact of the proposed development on the Whopper Swan, with a flight path from SPA Lough Ree and River Suck Callows to feeding grounds in Rathconor. It is outlined the latest report from JKW confirms Whooper Swans are in area and attention is required in assessing projects which impact its habitat. It is outlined there is no substance to supplementary report on Whooper Swan and White fronted Goose with no real evidence in the report and the site a known flightpath for wild birds. It is outlined a turlough is adjacent to the site which is hydrologically connected to the Emmoo stream.

11.5. **European Sites**

11.5.1. The development site is not located in or immediately adjacent to a European site. The closest European site is the Corbo Bog SAC, within 4.4km of the proposed

development. The AA screening report submitted considers 10 European Sites within a zone of influence (15km) of the proposed development. Table 5.1 of the report includes for details on the European Sites, their qualifying interests and describes the potential impacts of the development on these sites. I have set out a summary of European Sites that occur within a possible zone of influence of the proposed development which is presented in the table below. The zone of influence is considered proportionate to the scale and nature of the proposed development and its setting. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

11.5.2. Table 1.1. Summary Table of European Sites within a possible zone of influence of the proposed development

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
Lough Ree SAC (000440) 5.6km over land	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Bog woodland [91D0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	To maintain or restore the favourable conservation condition	The Emmoo Stream is located c.413m to the south of the site which connects to the SAC. Lands to the south of the site drain to this watercourse with a flood risk area also located to the south of the site. Given the outlined pathway, separation distance of the proposed development from this site, a limited hydrological connection of over 8.2 km, and the dilution and dispersion action of watercourses and waterbodies, the potential for significant effects on this site to arise from the proposed development is unlikely. See also section 11.5.5.	n

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Lutra lutra (Otter) [1355]			
Corbo Bog SAC (002349) 4.4km	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	To restore the favourable conservation condition of Active raised bogs	No known connection. The SAC is designated for terrestrial habitats.	n
Lisduff Turlough SAC (000609) 12.5 km	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Annaghmore Lough SAC (001626) 12.7km	Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013]	To maintain or restore the favourable conservation condition	No known connection.	n
Ballinturly Turlough SAC (000588) 8.4km	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Aughrim Bog SAC (002200)	Degraded raised bogs still capable of natural regeneration [7120]	To restore the favourable	No known connection.	n

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
14.7km		conservation condition		
Fortwilliam Turlough SAC (000448) 13.4km	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Mullygollan Turlough SAC (000612) 13.4km	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Lough Ree SPA (004064) 7.7km	<p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Coot (Fulica atra) [A125]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory</p>	<p>The Emmoo Stream is located c.413m to the south of the site which connects to the SPA.</p> <p>Lands to the south of the proposed development site drain to this watercourse with a flood risk area also located to the south of the site. Given the outlined pathway, separation distance of the proposed development from this site, a limited hydrological connection of over 10.7 km, and the dilution and dispersion action of watercourses and waterbodies, the potential for significant effects on this site to arise from the proposed development is unlikely. See also section 11.6.4.</p>	y

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Lapwing (<i>Vanellus vanellus</i>) [A142] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]	waterbirds that utilise it.	Potential ornithological connection exists.	
River Suck Callows SPA (004097) 9.2km	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]	To restore and maintain the favourable conservation condition of QI. To maintain the wetland habitats at River Suck Callows SPA as a resource for the regularly occurring migratory waterbirds that utilise these areas.	Potential ornithological connection exists.	y

11.5.3. In establishing the zone of influence, I have had regard to the nature, scale and location of the proposed development, the separation distances to Natura 2000 Sites, the source-pathways-receptor model and likely direct, indirect and in-combination effects. A number of the designated sites as set out in Table 1.1 above

can be screened out from further assessment because of the nature and scale of the proposed works, their separation distances from the proposed development site, the lack of a substantive hydrological linkage between the proposed works and the European sites, and that dilution and dispersion of any potential pollutants in watercourses would occur. It is therefore considered that the potential for significant effects on these sites to arise from the proposed development are unlikely. Having regard to the details set out in table 1.1 and the source-pathway-receptor model, I consider that there are 2 European Sites within the zone of influence which have a potential for ecological linkage to the proposed development. These include European Sites **Lough Ree SPA (Site code 004064)** and **River Suck Callows SPA (site code 004097)**.

- **Other European Sites identified in Table 1.1**

11.5.4. The possibility of significant effects on remaining European Sites listed in table 1.1 has been excluded on the basis of objective information. No direct habitat loss will occur within a European Site given the distance of the site from these sites. Given this separation distances and the lack of hydrological connectivity to European Sites **Corbo Bog SAC (002349)**, **Lisduff Turlough SAC (000609)**, **Annaghmore Lough SAC (001626)**, **Ballinturly Turlough SAC (000588)**, **Aughrim Bog SAC (002200)**, **Fortwilliam Turlough SAC (000448)**, **Mullygollan Turlough SAC (000612)**, the potential for significant effects to arise on these sites can be ruled out.

11.5.5. **Lough Ree SAC (000440)** can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European site. I consider that the hydrological pathway from the source to the SAC which is via land, potential waterbody/flood area, drains, streams at a significant hydrological distance of approx. 8.2km, is weak given the outlined pathway, the separation distance and that dilution and dispersion of any potential pollutants in watercourses would occur. I therefore consider that the proposed development would not be likely to have a significant effect on the SAC. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant

effect on **European Site No. 000440 (Lough Ree SAC)** in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this site.

11.6. Potential Effects on European Sites

11.6.1. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.

11.6.2. The following sections contain my assessment of the likely significant effects of the above identified 2 European Sites in light of their conservation objectives.

- **Lough Ree SPA (Site code 004064) and River Suck Callows SPA (site code 004097).**

11.6.3. Direct Impacts: The AA Screening Report outlines there will be no risk of habitat damage, loss or fragmentation during the construction stage with no land take/works proposed within Natura 2000 sites. Due to the distance from Natura 2000 sites it is outlined there will be no disturbance/displacement of species listed as qualifying interests at the construction stage. Direct impacts on Natura 2000 sites or their qualifying interests at construction phase are ruled out and I concur with the appellant.

11.6.4. Indirect Effects - Hydrological: **Lough Ree SPA (004064)** can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European site. I consider that the hydrological pathway from the source to the SPA which is via land, potential waterbody/flood area, drains, streams at a significant hydrological distance of approx. 10.7km, is weak given the outlined pathway, the separation distance and that dilution and dispersion of any potential pollutants in watercourses would occur. I therefore consider that the proposed development would not be likely to have a significant effect on the **Lough Ree SPA**. There is no surface water pathway between the site and the **River Suck Callows SPA** and therefore I consider that the proposed development would not be likely to have a significant effect on the SPA.

- 11.6.5. Ex-situ disturbance effects: There is a potential for indirect ex-situ disturbance/displacement effects to arise at construction and operational phases by way of loss of foraging habitat for QI species. The AA screening report outlines Scottish Natural Heritage (Assessing Connectivity with Special Protection Areas, 2016) lists the core foraging range for Golden Plover, Whooper Swan, Greenland white-fronted Geese. The report outlines the proposed development is located outside the core foraging range for these species. The report further outlines that the site was surveyed (16th September 2022) and no suitable foraging or breeding habitat was identified for the above species and remaining species of Lough Ree SPA and River Suck Callows SPA. The AA Screening Report states the construction phase will not result in significant disturbance/or development related effects on the QI of the Natura 2000 sites in the vicinity.
- 11.6.6. In response to the refusal of planning, additional investigations were carried out by the appellant to locate Whooper Swan and White fronted-geese feeding and roosting sites within 5km of the consented site and to record the number of birds present, and to determine the flightline connections between feeding and roosting sites and flight connections across the proposed development site.
- 11.6.7. Roaming Surveys and dawn and dusk vantage point surveys were completed on 15th, 22nd, 23rd January 2024. 46 Whooper Swans were observed at a feeding site 3.7km northwest of the proposed site on 22nd January with no flights recorded.
- 11.6.8. 50 Whooper swans were recorded at a turlough 1.3km northwest of the feeding site and 5.1km northwest of the proposed site on 23rd January prior to carrying out a dawn VP survey. On revisiting the site after the dawn survey the majority of the Whooper Swans had left the roosting site at the turlough. A small group (6) of Whooper Swans were recorded taking flight from the turlough flying low to the southeast likely joining the main group at the feeding site.
- 11.6.9. No Greenland white-fronted geese were recorded during the roaming investigations. No Whooper Swan or Greenland white-fronted geese were recorded flying over, adjacent to or in the wider area surrounding the proposed site during the dawn and dusk VP surveys.
- 11.6.10. The report outlines the observations of the whooper swan feeding and roosting demonstrates that the feeding and roosting sites are located at a distance or at least

3.7km from the proposed site, outside of the 600m zone of sensitivity as per McGuinness et al (2015) and that no evidence of whooper swans foraging within or transecting through the proposed site were recorded. The report outlines as it is known that swans typically follow traditional flight paths, to and from roosting sites and foraging grounds and between foraging grounds, it is reasonable to infer from the absence of evidence that this species does not routinely commute through the proposed site during winter. The report considers that the conclusions of the AA Screening report that the proposed development is not likely to result in significant effects on the qualifying species of the Lough Ree SPA and River Suck Callows SPA in view of their conservation objectives, still stands.

11.6.11. I note that an indirect physical pathway exists via mobile SCI species of Lough Ree SPA and River Suck Callows SPA. However, having regard to the details presented in the AA screening report and the supplementary information provided in relation to the SCI, their feeding and roosting sites in the area and their siting relative to the proposed development site, the details of SCI flight patterns, and that no suitable breeding or foraging habitat was identified on/adjacent the proposed development site for SCI species, which are evidenced by surveys, and that any loss of foraging habitat associated with the scheme would be negligible, I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect disturbance effects. I also note the Board in previous determinations of applications on this site accepted that the potential for any significant effects to arise on SCI did not arise.

11.6.12. Collision Risk: The AA screening report identifies bird collision as a potential operation phase effect. The report outlines the majority of SCI species for both the Lough Ree SPA and River Suck Callows SPA are small waterbirds and wintering waders that do not forage over great distances and as such are not considered a concern for collision with wind turbines. It is outlined Whooper Swan and Greenland white-fronted geese are known to forage at distance from their winter roosts. The report outlines Scottish Natural Heritage has set avoidance rates for species such as geese as up to 99.8% while the avoidance rate for all species of swan is 99.5%. The AA screening report outlines the risk of collision of species is extremely low. Furthermore, it is outlined no suitable foraging habitat for these species was recorded within or adjacent the site. Having regard to the information provided in relation to the risk of collision, I consider that the proposed amendments to the

permitted scheme, including for a relocation of turbine T1 and an increase in its height, would not give rise to an additional risk of collision.

11.7. In-Combination Effects

- 11.7.1. The AA screening report which takes into account the Roscommon County Development Plan 2022-2028 does not consider there would be in-combination effects. I have had regard to the Roscommon County Development Plan 2022-2028, the AA Screening Report and supplementary information submitted, Roscommon County Council website and the Department of Housing, Local Government and Heritages EIA map portal. Permission was granted in ABP 302597-18 for refurbishment of existing Cloon to Lanesborough 110kV overhead line, located 1km to the south of the site, which was screened out from the requirement for AA. Having regard to the online resources referred to and the nature and scale of the proposed development, I am satisfied that no plans or projects are likely to give rise to significant effects on any European Sites in combination with the proposed development.

11.8. Mitigation Measures

- 11.8.1. 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.

11.9. AA Screening Omission

- 11.9.1. I note the AA screening report submitted refers to turbine T1 height of 164.65m, with the application seeking an increased in turbine T1 height of 168m. Notwithstanding this, I consider that a robust AA screening can be and has been carried out based on the NPWS data and the information contained within the submitted AA screening report and supplementary report and that this detail would not alter the conclusion presented.

11.10. Conclusion

- 11.10.1. Permission exists for a 2 no. wind turbine development onsite. Surveys carried out demonstrate whooper swan feeding and roosting sites are located at a distance from the proposed development site, with no evidence of whooper swans foraging within or transecting though the proposed site being recorded. No Whooper Swan or Greenland white-fronted geese were recorded flying over, adjacent to or in the wider

area surrounding the proposed site during surveys. No suitable breeding or foraging habitat for the QI of SPA's was identified on/adjacent the proposed development site and any loss of foraging habitat associated with the scheme would be negligible, and therefore I consider the proposed development would not give rise to significant indirect effects on the QI species of **Lough Ree SPA** or the **River Suck Callows SPA**. Having regard to the information submitted in relation to collision risk, I consider there is no real likelihood of significant effects to arise from the proposed development on the QI of **Lough Ree SPA** or the **River Suck Callows SPA**.

11.10.2. Having regard to the foregoing, it is reasonable to conclude, on the basis of the information on file and other sources, which is considered adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on **Lough Ree SPA (site code 004064)**, **River Suck Callows SPA (site code 004097)** or any of the European Sites identified in Table 1.1, in view of the sites conservation objectives and a Stage 2 Appropriate Assessment and the submission of an NIS for the proposed development is therefore not required.

12.0 Conclusion and Recommendation

- 12.1.1. Having regard to the documentation on file and the extant permission on the site, I consider that the principle of the proposed development is acceptable. However, while assurances in relation to a grid connection agreement and proposed and future power output are noted, the proposed development involves a change in turbine model to a bespoke E-138 turbine model for which limited technical data has been outlined. According to technical data the standard E-138 turbine models would have a capacity to exceed a power output greater than 5MW. This power output would exceed the mandatory threshold requiring an EIA. On the basis of the information submitted the proposed development has a potential to exceed this threshold. I therefore consider that the effects of the proposal on the environment cannot be properly assessed and the Board should refuse permission.
- 12.1.2. Furthermore, the limitation of the capacity of two turbines models which have an output capacity ranging from 7MW – 8.4MW would constitute an unsustainable use of resources and would be contrary to the provisions of the Roscommon County

Development Plan 2022-2028 which support the generation of electricity from renewable sources.

- 12.1.3. On the basis of the above, I recommend the Board Refuse to Grant Permission for the proposed development for the Reasons and Considerations set out.

13.0 Reasons and Considerations

1. The Board is not satisfied on the basis of the information submitted in support of the application and the appeal that the proposed amendments to the development under Roscommon County Council Planning Register Reference Number 11/126, involving a change in turbine model, would not result in a potential combined output exceeding the threshold for mandatory Environmental Impact Assessment within the scope of Class 3 (i) of Part 2 of the Fifth Schedule of the Planning and Development Regulations 2001, as amended, being an installation for the harnessing of wind power for energy production (wind farm) having a total output of greater than 5 megawatts. The Board is not therefore satisfied that the effects of the development on the environment can be properly assessed. The Board took into account the applicant's assertion that the combined output of both turbines would be maintained below 5 megawatts to align with the grid connection agreement, however, given the capacity for the output of each of the proposed turbines ranging from 3.5 megawatts to 4.2 megawatts, the Board considered that such a limit would constitute an unsustainable use of resources and would be contrary to the applicable provisions of the Roscommon County Development Plan that support the generation of electricity from renewable sources. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

David Ryan
Planning Inspector

24th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318944-24		
Proposed Development Summary	<p>Proposed development comprises amendments to (i) extant planning permission PD18/313, which amended planning application PD/11/126, (ii) extant planning permission ABP-303677-19, which amended planning permissions PD11/126 and PD18/313 and (iii) extant planning permission ABP-307726-20, which amended planning permission PD18/313. The output from the development will be 4.9MW, similar to the extant planning permissions. The amendments will provide for:</p> <ul style="list-style-type: none"> Erection of two bespoke Enercon E138 turbines models in lieu of the Vensys 121 turbine models agreed with the Planning Authority. The maximum combined output from the turbines will be 4.9MW. Relocation of the access road, underground electrical cabling, additional underground electrical cabling, increase in the hub height of turbine T1 to 99m, increasing the blade tip height from 150m to 168m and micro-siting of turbine T1 by 12.75m, increase in the area of the hardstands associated with each turbine, amended substation structure, revised site boundaries 		
Development Address	Derrane & Roxborough, Roscommon, Co. Roscommon		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	x	
	No		

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	x	<p>The proposal includes for amendments to a permitted wind energy development of two wind turbines. The maximum combined output from the turbines will be limited to 4.9MW.</p> <p>However, given the turbine model infrastructure proposed entailing Enercon E-138 turbines models, there is a potential for the proposed development to have an output capacity of 8.4MW as set out in Section 10.3 of the report.</p>	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	x	<p>Class 3 (i) of Schedule 5 Part 2</p> <p><i>(i) 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.</i></p>	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	No. Information submitted is not clearly identified as Schedule 7A information (certain Schedule 7 information has been submitted, but not all).	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318944-24	
Development Summary	<p>Proposed development comprises amendments to (i) extant planning permission PD18/313, which amended planning application PD/11/126, (ii) extant planning permission ABP-303677-19, which amended planning permissions PD11/126 and PD18/313 and (iii) extant planning permission ABP-307726-20, which amended planning permission PD18/313. The output from the development will be 4.9MW, similar to the extant planning permissions. The amendments will provide for:</p> <ul style="list-style-type: none"> Erection of two bespoke Enercon E138 turbines models in lieu of the Vensys 121 turbine models agreed with the Planning Authority. The maximum combined output from the turbines will be 4.9MW. Relocation of the access road, underground electrical cabling, additional underground electrical cabling, increase in the hub height of turbine T1 to 99m, increasing the blade tip height from 150m to 168m and micro-siting of turbine T1 by 12.75m, increase in the area of the hardstands associated with each turbine, amended substation structure, revised site boundaries <p>At Derrane & Roxborough, Roscommon, Co. Roscommon</p>	
Examination		
		Yes / No / Uncertain
<p>1. Is the size or nature of the proposed development exceptional in the context of the existing environment?</p> <p>Yes. The size and nature of the development is exceptional in the context of the existing environment. The proposed development reaches a height of 168m in a rural area and involves a change from existing agricultural land use to a renewable energy use.</p> <p>In relation to landscape policy, in the Roscommon County Development Plan 2022-2028 the site is located within the 'Roscommon Town and Hinterland' landscape character area, which is identified as a 'High Value' landscape. Policy Objective NH10.25 of the CDP seeks to minimise visual impacts on areas</p>		Yes

categorised within “high value”. Given the policy context, the siting of the proposed development at this location would represent an exceptional visual feature within the existing landscape.		
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location?		No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No
<p>The proposal includes for amendments to a permitted a wind energy development of two wind turbines. The maximum combined output from the turbines will be 4.9MW.</p> <p>However, given the turbine model infrastructure proposed entailing Enercon E-138 turbines models, there is a potential for the proposed development to have an output capacity of 8.4MW as set out in Section 10.3 of the report.</p>		
Conclusion		
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment?		
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	X
	Sch 7A information submitted?	No. Information submitted is not clearly identified as Schedule 7A information (certain Schedule 7 information has been submitted, but not all).

Inspector _____ Date: _____

DP/ADP _____ Date: _____