



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321244-24

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Construction of wind energy converter on a tower and all associated development works. |
| <b>Location</b>                     | Rin, Ferbane, County Offaly  |
| <b>Planning Authority</b>           | Offaly County Council  |
| <b>Planning Authority Reg. Ref.</b> | 2460326  |
| <b>Applicant(s)</b>                 | Lea Mór Renewable Energy<br>Community Limited  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse Permission  |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Lea Mór Renewable Energy<br>Community Limited  |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 24 <sup>th</sup> February 2025   |
| <b>Inspector</b>                    | Aoife McCarthy   |

## **1.0 Site Location and Description**

- 1.1. The site is located to the south of the R357, in the townland of Rin, Ferbane, Co. Offaly.
- 1.2. The site is located c.8km to the east of Cloghan, c.2km to the west of Boora, 8km to the north of Kilcormac. The Lough Boora Discovery Park (an outdoor recreational facility) is located c.2.3km to the southeast of the site.
- 1.3. The site is in agricultural use, with the wider area comprising a mix of forestry, farmland and cut bog. There are a small number of residential dwellings in the wider area. On the day of site visit, the site was in arable use.
- 1.4. The two-turbine Leabeg Windfarm is located to the immediate north of the R357.
- 1.5. The site has a stated area of 4.4 Ha.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
  - 1 no. 4.5MW wind turbine on an 81m tower with an overall tip height of 149.38m;
  - installation of a hardstanding area for the wind energy converter;
  - a substation building (53m<sup>2</sup> Gross Floor Area (GFA)), c. 5m in height;
  - all associated ancillary infrastructure and preparatory works including site entrance,
  - the project will have a 30-year lifespan.
- 2.2. The application is accompanied by an Environmental and Planning Report (E&PR) (dated August 2023).
- 2.3. The E&PR sets out that the tower will be assembled from precast concrete segments and a steel section and will be painted and coated with weather and corrosion protection. The tower sections will be stacked and bolted together on site. The rotor blades will be made from glass-fibre reinforced plastic, balsa wood and foam.
- 2.4. The overall tip height of the turbine will be 149.38m, the rotor blades will be made from glass-fibre reinforced plastic (glass fibre and epoxy resin), balsa wood and foam with a blade diameter of c.138.25m. The nacelle houses the main technical

parts to the turbine, including the generator, motor and the rotor blades are attached to it. The casing of the nacelle consists of glass fibre reinforced plastic. (Section 4.5 of the E&PR refers).

- 2.5. The project will be a 100% community owned and led, project, in line with the Government's Small Scale Renewal Energy Support Scheme (SRESS) May, 2024.
- 2.6. A connection to the national grid does not form part the application.
- 2.7. The Report states that the proposed development has been selected by the ESB, under the community category of the Enduring Connection Process programme, and that the ESB will offer the project a formal grid connection offer, once planning permission is granted for the project. The Report notes that the grid connection has been accounted for in the assessments forming part of the application, and that the connection works will form part of a section 5 application under the Planning and Development Act, 2000 (as amended).
- 2.8. The indicative route includes a 920m cable, from the proposed substation to the substation within the Leabeg Community Wind Project to the north of the site, which connects to the Lumcloon 38KV substation, c.4km to the west by overhead cable. The report confirms that there is sufficient capacity to accommodate the proposed development.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of a Decision to Refuse Permission on the 22<sup>nd</sup> October 2024, for the following reason:

Objective **CAEO-03** of the *Offaly County Development Plan 2021-2027* states that it is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner. Policy **CAEP38(b)** states that the Council shall have regard to 'Areas Open for Consideration for Wind Energy Developments' in the Wind Energy Strategy Designations Map from the County Wind Energy Strategy, and Objective. **CAEO-05 (2)** states that, in all other areas, wind energy developments shall not

normally be permitted – except as provided for under relevant exemption provisions in the Planning and Development Regulations 2001 (as amended). The site is not located in an area identified for wind energy development in the Development Plan. It is considered that the proposed development would materially contravene Policy **CAEP-38** and Objective **CAEO-05** of the *Offaly County Development Plan 2021-2027* and would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report (21<sup>st</sup> October 2024)

- The planning report forms the basis of the planning authority decision.
- The report includes description of the site and proposed development, detailed planning policy assessment.
- The site is located on lands defined as an Area Not Suitable for Wind Energy Developments with the Wind Energy Strategy which accompanies the Development Plan.
- The Strategy seeks to “consider the potential for micro-generation”, that is less than 11kW and for small community based proposals outside the key areas that are Open for Consideration for Wind Energy Developments’.
- Whilst the energy potential of the proposed development would class as a small reviewable energy generation facility, in the context of Development Plan Objective, the proposed turbine, with a turbine height of 150m, is not a small scale turbine.
- The report refers to Decision of An Bord Pleanála to refuse permission, having regard to, *inter alia*, the scale of the turbine (15m overall tip height). **(P.A. Ref.: 21/306; ABP Ref. PL19.311043).**
- The report concludes that the proposed development at 149.58m is not small in scale and refusal is recommended on that basis, and exceeds exemptions under the Planning and Development Regulations 2001, as amended.
- The report confirms that an EIAR is not required for the project.

- The Report states that the proposed development will not have a significant impact on the nearby Natura 2000 sites.

### 3.2.2. Other Technical Report

**Environment and Water Services (22<sup>nd</sup> October 2024):** No objection subject to conditions.

**Area Engineer Report (1st October 2024):** Report received requiring Further Information.

### 3.3. Prescribed Bodies

**Department of Housing, Local Government and Heritage (27<sup>th</sup> September 2024)**

- 3.3.1. The proposed development is located within an area of high archaeological potential. Given the scale, extent and location, the proposed development could impact on subsurface archaeological remains within the site. It is recommended that an archaeological assessment of the site is sought, by way of Further Information.

### 3.4. Third Party Observations

- 3.4.1. No observations were received on the application.

## 4.0 Planning History

### 4.1. Subject Site

- 4.1.1. **P.A. Ref.: 21/306; ABP Ref. PL19.311043** - Permission refused by Offaly County Council and An Bord Pleanála for the construction of one 4.2MW wind turbine with an overall tip height of up to 150m. The same development plan applies to both applications. The application was refused by the Board for grounds as summarised below:

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

Policy **CAEP-38(b)** states that the Council shall have regard to 'Areas Open for Consideration for Wind Energy Developments' in the Wind Energy Strategy Designations Map from the County Wind Energy Strategy, and Objective **CAEO-**

**05(2)** states that, in all other areas, wind energy developments shall not normally be permitted – except as provided for under relevant exemption provisions in the Planning and Development Regulations 2001 (as amended).

The site is not located in an area identified for wind energy development in the Development Plan. It is considered that the proposed development would materially contravene Policy **CAEP-38** and Objective **CAEO-05** of the Development Plan.

#### **4.2. Environs of Site**

4.2.1. The following planning history relates to wind energy developments in the immediate environs of the site, to the north of the R357, and north of the subject site, as follows:

4.2.2. **P.A. Reg. Ref.: 14/95:** Permission granted for an amendment to condition 10 of planning reference PL:10/130 which relates to the operational period of the permitted wind farm. It is proposed to modify the operational period of the wind farm from 20 years from grant of planning permission to 20 years from commissioning date of the wind farm.

4.2.3. **P.A. Reg. Ref: 10/130:** Permission granted for the construction of a windfarm consisting of two wind turbines, electrical substation building, construction, extension and upgrade of internal site tracks and associated works. Condition 2 of the permission states that the hubs shall have a maximum height of 85m and a maximum blade diameter of 84.2m. Notwithstanding, it appears that the planning authority allowed for a hub height of 78m and an increased rotor diameter of 92m, giving an overall tip height of 124m.

### **5.0 Policy and Context**

#### **5.1. The Climate Action and Low Carbon Development Act 2015 (as amended)**

5.1.1. Section 15 of this Act sets out that a relevant body, in carrying out their duties, “*shall perform its functions in a manner that is consistent with the provisions*” with, *inter alia*, the most recent approved climate action plan, which in this instance is the Climate Action Plan 2024. The relevant provisions with respect to the subject application are set out below.

#### **5.2. Climate Action Plan 2024**

- 5.2.1. The Climate Action Plan 2024 provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050.
- 5.2.2. Key objectives in the plan seek to:
- increase the proportion of renewable electricity to up to 80% by 2030.
  - Develop micro- and small-scale generation, as well as community projects, through actions such as grant funding and enabling small-scale production to participate in energy markets.
- 5.3. **National Planning Framework (NPF) – Project Ireland 2040**
- 5.3.1. The NPF identifies that the national energy policy focusses on three pillars; sustainability, security of supply and competitiveness. The NPF states that the Government recognises that Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while at the same time ensuring security of supply of competitive energy sources to our citizens and businesses.
- 5.3.2. The Plan includes a series of shared goals, referred to as National Strategic Outcomes (NSO), **NSO 8**, Transition to a Low Carbon and Climate Resilient Society; achieving a low carbon, carbon resilient and environmentally sustainable economy by 2050. The NPF notes that new energy systems will be necessary for a more distributed, renewables-focused energy generation system.
- 5.3.3. Relevant provisions of the NPF include the following:
- 5.3.4. National Policy Objective **55** seeks to promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.
- 5.4. **Eastern & Midlands Regional Assembly Regional Spatial and Economic (RSES) Strategy 2019-2031**
- 5.4.1. The RSES includes Regional Strategic Outcomes (RSOs) aligned with planning policy, setting framework for development plans. Notably,
- RSO 9:** Support the Transition to Low Carbon and Clean Energy - Pursue climate mitigation in line with global and national targets and harness the potential for a more

distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050.

5.4.2. The RSES also sets out the following:

- **RPO 10.20:** Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.
- **RPO 10.22:** Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.

#### 5.5. **Wind Energy Development Guidelines for Planning Authorities (2006)**

5.5.1. These guidelines provide advice on wind energy development on a range of considerations, including noise, shadow flicker, natural heritage, archaeology, architectural heritage, ground conditions, aircraft safety, visual and landscape impact and windtake. Chapter 6 provides guidance to planning authorities on decision-making in relation to the siting and design of wind energy developments in the landscape. This includes assessment with respect to siting, spatial extent and scale, cumulative effect, spacing, height and layout of turbines.

#### 5.6. **Draft Revised Wind Energy Development Guidelines (2019)**

5.6.1. These guidelines provide an update and review of the 2006 guidelines and to date have not been finalised.

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

#### 5.8. **County Development Plan – Climate Action and Energy**



5.8.1. The Plan includes a range of policies and objectives relating to wind energy developments, including CAEP-25, CAEP-27, CAEP-37, CAEP-38, CAEP-40, CAEO-03, CAEO-04 and CAEO-05; the most relevant of which are included below;

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

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

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

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

1. In 'Areas Deemed Open for Consideration for Wind Energy Development' as identified in Map No. 10 'Wind Energy Strategy Designations', the development of windfarms and smaller wind energy projects will be considered;
2. In all other areas, wind energy developments shall not normally be permitted – except as provided for under relevant exemption provisions in the Planning and Development Regulations 2001 (as amended); and

3. Applications for re-powering (by replacing existing wind turbines) and extension of existing and permitted wind farms will be assessed on a case by case basis and will be subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Ministerial Wind Energy Development Guidelines.

#### 5.8.2. **County Plan – Wind Energy Strategy**

5.8.3. The Wind Energy Strategy (WES) forms part of the county plan and guides wind energy development within the county, building on its predecessor and taking account of new and updated legislation, policy and guidelines at International, European, National and Regional levels. The Strategy identifies areas which Open for Consideration for Wind Energy Developments, having regard to, inter alia, wind speed, access to the national grid.

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

##### 1. Areas Deemed Open for Consideration for Wind Energy Developments

5.8.5. These areas are open for consideration for wind energy development as these areas are characterised by low housing densities, do not conflict with European or National designated sites and have the ability by virtue of their landscape characteristics to absorb wind farm developments. Notwithstanding this designation, wind farm developments in these areas will be evaluated on a case by case basis subject to criteria listed in Development Management Standard 109 contained in Chapter 13 of Volume 1 of this County Development Plan and the Section 28 Wind Energy Development Guidelines.

##### 2. Areas Not Deemed Suitable for Wind Energy Developments

- (a) These areas are generally considered to be unsuitable due to significant environmental, heritage and landscape constraints and housing density.
- (b) In addition, individual small scale turbines will be considered on a case by case basis having regard to relevant exemption provisions in the Planning and Development Regulations 2001, as amended.

- 5.8.6. The site is located within An Area Not Deemed Suitable for Wind Energy Development, within Areas Deemed Open for Consideration for Wind Energy Developments located to the northwest and east of this site (Map 10 of the Wind Energy Strategy refers.)
- 5.8.7. The Strategy also includes the following objectives;
2. Support wind energy as a renewable energy source which can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency and greenhouse gas emissions.
  4. Consider the potential for micro-generation (generation less than 11 kW) wind energy developments and for small community based proposals outside key areas within the county that are 'Open for consideration for Wind Energy Developments (Table 7 Objective 4 refers)

#### 5.9. **County Development Plan – Biodiversity and Landscape**

- 5.9.1. **BLO-28** It is an objective of the Council to work with stakeholders such as Bord Na Móna, Coillte, National Parks and Wildlife Service, Waterways Ireland and Just Transition related groups to examine the feasibility of developing a Wilderness Corridor on rehabilitated peatlands linked to routes identified in Figure 6.13 'Midlands Cycling Destination, Offaly Network Map at;
- (i) Cavemount, Esker, Ballycon, Derrycricket, Clonsast North, Clonsast and Derrycastle Bogs in East Offaly; and
  - (ii) Blackwater, Ballaghurt and Belmont Bogs in West Offaly, from Clonmacnoise in the direction of Belmont village in West Offaly.

#### 5.10. **County Development Plan – Development Management Standard**

**DMS-109 Wind Farms:** When assessing planning applications for wind energy developments the Council will have regard to the Wind Energy Development Guidelines for Planning Authorities, DoEHLG, (2006) the Wind Energy Strategy, visual impact, residential amenity and scale and layout, conservation, ecology, soil, geology, hydrology, groundwater, archaeology, built heritage and public rights of way; traffic and roads, broadcast communications, human health (noise disturbance) shadow flicker and air quality. The Council may consider other requirements on a case by case basis.

## 5.11. Natural Heritage Designations

- 5.11.1. The closest European site to the subject site is the Ferbane Bog SAC (Site Code: 000575) located c.6.8km northwest of the site.
- 5.11.2. The closest site with a natural heritage designation is Lough Boora pNHA (Site Code: 0001365), located c.1km to southeast of site.

## 5.12. EIA Screening

- 5.12.1. The E&PR states that the application is accompanied by an EIA (Environmental Impact Assessment) Screening Report. However, the planning authority has confirmed that this document was not received by the Council as part of the application. It has also not been provided as part of the subject appeal.
- 5.12.2. The Planning Authority has completed an EIA Screening, noting that the assessment has been undertaken in accordance with Schedules 7 and 7A. note that the information provided with respect to Schedule 7A is high level. The report concludes that that there is no real likelihood of significant effects on the environment arising from the proposed development.
- 5.12.3. I note that a similar application and appeal was considered by the Board under **P.A. Ref.: 21/306; ABP Ref. PL19.311043**. The power output was marginally less than the subject proposal at 4.2MW. The report considered that the power output was less critical than the number of turbines (3 no. in total) on a cumulative basis. I agree with his assessment, notwithstanding the marginal increase in power output in the subject application.
- 5.12.4. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, at preliminary examination stage, I also conclude that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or EIA determination, therefore, is not required. (Please refer to Forms 1 and 2, Appendix 1 of this Report refer).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The grounds of the first party appeal may be summarised as follows:

- The site was carefully selected, adjacent to Leabeg Windfarm, identified as having a suitable wind resource, a viable grid connection and within 2km of (Leamore) community hall.
- Leabeg Windfarm has a capacity of 4.7MW was classified as small scale by Offaly Co. Co. in 2010.
- Objective 4 of the Plan supports the provision of community-based proposal, outside identified areas that are 'Open for Consideration for Wind Energy Developments'
- The applicant notes that the project constitutes a 100% community owned wind turbine including 44 no. signatures.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority confirmed that they have no further comment with respect to the subject appeal; and request that the Board uphold their decision to refuse planning permission.

## **6.3. Observations**

- 6.3.1. None received.

## **6.4. Further Responses**

- 6.4.1. None received.

## **7.0 Assessment**

- 7.1.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the main issues in this appeal relates are as follows:

- Compliance with Development Plan – Wind Energy Strategy
- Compliance with Climate Action Plan 2024
- Archaeology
- Landscape and Visual Impact

- Biodiversity
- Residential Amenity

## 7.2. Compliance with Development Plan – Wind Energy Strategy

- 7.2.1. As noted above, Policy Objective **CAEP-38** sets out that in assessing planning applications for wind energy development the Council shall have regard to Areas for Consideration for Wind Energy Developments in the Wind Energy Strategy. Objective **CAEO-05(2)** states that in all other areas, wind energy development shall not normally be permitted, except as exempted development.
- 7.2.2. The Wind Energy Strategy constitutes a plan-led approach to wind energy development in the county. The Strategy identifies Areas which are Open for Consideration and Not Deemed Suitable for Wind Energy Development.
- 7.2.3. The subject site is located within an area in which a wind energy development is not deemed suitable for wind energy developments (Map 10 of the Strategy refers). Leabeg wind farm to the north of the R357 is also located within this designation.
- 7.2.4. I note that Leabeg wind farm (**P.A. 10/130**) was located outside the designated ‘wind strategy area’ of the *2005-2015 Offaly County Development Plan* at the time of granting permission, the Planner’s Report noting that *“due to the small scale nature of the development, the history of power energy development in the area (Ferbane/Lumcloon Power Station) and proximity to the national grid, the proposal is acceptable in principle.”*
- 7.2.5. The first party considers that this permission provides precedence for the establishment of a wind energy project outside this designated area. In my opinion, land relating to Leabeg has remained outside the preferred area for wind energy developments, notwithstanding the decision of the authority to grant permission for this development.
- 7.2.6. In my opinion, the subject development constitutes a stand-alone project, both clearly located within an area not deemed suitable for wind energy development. I also note that the project does not constitute an extension to Leabeg wind farm.
- 7.2.7. In addition, Objective **4** of the Strategy seeks to *“consider the potential for micro-generation (generation less than 11kW) wind energy developments and for small community based proposals outside key areas within the county that are Open for*

*Consideration for Wind Energy Developments*". The relevant CRU (Commission for Regulation of Utilities) definition specifies a power outage greater than or equal to 0.5kW to less or equal to 5kW, and, *inter alia*, that the project is 100% community owned. The proposed turbine in this instance, with an output 4.5MW falls within both standards.

- 7.2.8. In this context, I consider the height of the turbine, at 150m is significant in size. The Strategy, the Wind Energy Development Guidelines 2006 and the Draft Revised Wind Energy Development Guidelines December 2019 do not provide a threshold with respect to the height of a turbine for micro generation purposes.
- 7.2.9. From a review of the application and first party appeal, I am satisfied that the applicant constitutes a 100% community body: established in 2020, and as noted above (with 44 no. members/signatures).
- 7.2.10. Notwithstanding, I do not consider the proposed turbine at 4.5MW to constitute a 'small' development, noting the project has the same capacity as Leabeg wind farm and turbine height of 150m. Leabeg windfarm comprises 2 no. turbines each with a tip height of 124m.
- 7.2.11. As such, whilst the application appears to fulfil the community based aspect, I am not satisfied that proposed turbine with a height of 150m constitutes a 'small' wind energy development, as provided under Objective 4 of the Wind Strategy.
- 7.2.12. Section 8 2(b) of the Strategy sets out that for Areas Not Deemed Suitable for development, that "*Individual small scale turbines will be considered on a case by case basis*". Again, as detailed above, in my view the proposed development does not constitute an area.
- 7.2.13. In summary, in my opinion, the development, is located within an Area Not Deemed Suitable for Wind Energy Developments' which Wind Energy Strategy of the 2021-2027 Offaly County Plan and therefore inconsistent with Objective **CAEO-05** of the Development Plan.
- 7.2.14. The proposed development, is, in my opinion, excessively high to be considered a small wind energy micro generation project albeit noting that there is no height restriction within planning policy guidance to this effect.

- 7.2.15. In this context, I concur with the reasons of refusal of the planning authority; that by reason of the location of the proposed development, outside an area identified for wind energy development; that the development would materially contravene Policy **CAEP-38** and **CAEO-05** of the County Development Plan.
- 7.2.16. The decision of the Council is also consistent with the previous decision of the Board to refuse permission for principally the same development, as referenced above (**P.A.21/306**; **ABP Ref.PL19.311043** refers).
- 7.2.17. In this context, I refer the Board to the following provisions of the Planning and Development Act 2000, as amended,
- “S.37)(2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—*
- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*
- or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*
- (c) Where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the requirements of section 34(10), indicate in its decision the main reasons and considerations for contravening materially the development plan.”*
- 7.2.18. In this context, in my opinion, the Board may grant permission for the proposed development, materially contravening Offaly County Development Plan 2021-2027, having regard to the Climate Action Plan 2024, as provided under (iii) above. As



discussed below, in my opinion, the proposed development has the capacity to provide a renewable source of energy, consistent with meeting the targets of the Climate Action Plan 2024 (CAP24), pursuant to section 15 of the Climate Action and Low Carbon Development Act 2015, as amended.

### 7.3. Compliance with the Climate Action Plan 2024

- 7.3.1. As detailed above, it is an objective of CAP24 to increase the proportion of renewable energy to up to 80% by 2030. Notably, the Plan seeks to target 6GW of onshore wind by 2025 and 9GW by 2030.
- 7.3.2. In addition, CAP24 seeks to *“develop non-utility scale generation and community projects through actions such as grant funding and enabling such projects to participate in energy markets and flexibility schemes.”*
- 7.3.3. In my view, the proposed development is consistent with the onshore wind targets and the non-utility community projective as referenced above.
- 7.3.4. The proposal is supported by Objective 2 of the County Wind Energy Strategy *“supporting wind energy as a wind energy resource, which “can play a vital role in achieving national targets in relation to reductions in fossil fuel dependency and greenhouse gas emissions.”*
- 7.3.5. In this context, it is considered that the proposed development is also consistent with **CAEO-03** of the Plan, *“responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner.”*
- 7.3.6. In addition, it is considered that the proposed development is supported by Objective **4** as a micro-generation wind energy project, located outside the key area for wind energy development; albeit noting that the development is in my view, excessively high to be considered a small turbine.
- 7.3.7. In conclusion, in my opinion, the Board may grant permission for the proposed development, as a material contravention of objective **CAEO-03** of the Offaly County Development Plan 2021-2027, and Objective **2** of the County Wind Strategy, having regard to Objectives of Climate Action Plan 2024, as set out above, pursuant to s.15 of the Climate Action and Low Carbon Development Act 2015 (as amended). I recommend that subject to conditions that the Board grant permission on this basis.

#### **7.4. Archaeology**

- 7.4.1. The application is accompanied by an Archaeological Impact Assessment prepared by Shanarc Archaeology dated March 2024 (Appendix 12 of the E&PR refers).
- 7.4.2. The report notes that the site is located on an island of agricultural land which projects into a large bog, historically making this location an attractive area for settlement. There are no recorded monuments within the site, with 12 no. recorded monuments within 2km of the site. Of these, four enclosures (OF023-001, OF023-002, OF023-003 OF023-004001, OF023-004002) have been identified within Leabeg, the latter relating to an enclosure around a burial ground, all with no visible surface expression. No archaeological remains have been recorded in the townland of Rin.
- 7.4.3. Archaeological impacts at the site relate primarily to potential sub-surface archaeological remains. Based on the known archaeological record in the adjoining townland of Lea Beg, and the location of the site at the boundary between dry and wetlands, the report recommends the completion of the following measures:
1. A geophysical survey of the site.
  2. Targeted archaeological testing informed by the geophysical survey, archaeology, including sub-surface field boundaries.
  3. Archaeological monitoring of groundworks during construction phase.
- 7.4.4. I note that the Department of Housing, Local Government and Heritage, sought further information in this regard.
- 7.4.5. Notwithstanding, in my opinion, the completion of the above measures would enhance the understanding of the archaeological potential of the site. In this context, in the event that the Board decide to Grant Permission, I recommend the inclusion of a condition to this effect.

#### **7.5. Landscape and Visual Impact**

- 7.5.1. The application is accompanied by a Landscape and Visual Assessment (LVIA), dated June 2024, prepared by Macro Works Ltd. (Appendix 6 of the E&PR refers). This includes a booklet of photomontages, dated April 2021, also prepared by Macro Works Ltd.

- 7.5.2. The assessment is based on the Offaly County Development Plan 2021-2027. The Development Plan does not contain a Landscape Character Assessment.
- 7.5.3. The LVIA notes that the Development Plan includes a series of Low Sensitivity, referring, noting that the landscape/biodiversity units with associated sensitivity designations, relating to 'Low sensitivity', 'Moderate sensitivity' and 'High sensitivity'.
- 7.5.4. The subject site is located within an area which is designated with a 'Low Sensitivity', relating to "the county's main urban and farming areas, which have the ability to accommodate development which can accommodate a wide range of development, subject to appropriateness/conditions". However, it is noted that there are lands with a high sensitivity designation to the northeast, east, south, southwest and northwest.
- 7.5.5. The site of Leabeg windfarm, to the north of the R357 is also located within lands with a low sensitivity designation.
- 7.5.6. On balance therefore, whilst the subject site is characterised with this designation, in my opinion, the sensitivity of lands in the immediate environs of the site heightens the overall sensitivity of this site.
- 7.5.7. The LVIA includes reference to Areas of High Amenity, as referenced in the Development Plan. The site is not located within such an area, however, is in close proximity to Site 3, Lough Boora Discovery Park. These areas are identified "*areas worthy of special protection / enhancement due to their uniqueness and scenic / amenity value.*"
- 7.5.8. The LVIA notes that the most notable structures in the site context are the two wind turbines that comprise Leabeg windfarm on the opposite side of the R357 from the subject site.
- 7.5.9. The LVIA identifies the landscape sensitivity within the study area to be Medium – Low, albeit with specific areas of higher sensitivity such as the Lough Boora Discovery Park. The magnitude of landscape impact is also considered to be Medium-Low within the immediate vicinity, reducing to Low and Negligible thereafter. The significance of impact is considered to be Moderate Slight within the central study area, reducing to Slight and Imperceptible at increasing distances from the development.

- 7.5.10. The LVIA includes six verified reference points (VRPs) have been selected, based on a range of criteria, in order to assess the visual impact of the proposed development. The assessment is aided by photomontages for each viewpoint. Each viewpoint is described and considered. The significance of impact (residual impact) varies from Slight (VP1, VP2, VP3) Moderate (VP4 and VP5), Slight-Imperceptible (VP6). The cumulative impact with the two existing turbines is predicted to be low-negligible. The overall significance of impact of the proposed single turbine *“is not considered to give rise to any significant landscape and visual impacts.”*
- 7.5.11. Having regard to the LVIA, as referenced above, I consider that the location of the site immediately adjacent to an Area of High Sensitivity and Area of High Amenity, has to some extent been downplayed. In addition, as noted previously, there is no reference to the difference in blade sizes between the subject application (138.9m and within Leabeg farm.
- 7.5.12. Notwithstanding, in my opinion, the proposed turbine will appear as an extension to this existing turbine infrastructure in the wider environs of the site. In this context, having regard to the presence of these turbines in the immediate site context, I do not consider that permission should be refused on the basis of landscape and visual impact.

## **7.6. Biodiversity**

- 7.6.1. The application was accompanied by an Ecological Impact Assessment (EclA), April 2024, based on site survey dated February 2021, and a Validation Survey, April 2024, prepared by EirEco Environmental Consultants.
- 7.6.2. The application is also accompanied by a Collision Risk Assessment completed by MKO was completed in 2023 from a single vantage point, covering two breeding seasons and two winter seasons.
- 7.6.3. The validation survey states that habitats findings within the initial report remain valid. The EclA was also updated to include the finding of a Collision Risk Assessment, prepared by MKO Consultants.
- 7.6.4. Wintering bird surveys were undertaken at Leabeg windfarm and included the subject site, for periods between 2019 to 2020 and 2020 to 2022.

- 7.6.5. The EclA outlines that having regard the location and lack of potential pathways with designated conservation sites, there are no designated areas considered within a potential zone of influence of the proposed development. The nearest designated conservation area is the Lough Boora Wetlands pNHA (Site ode: 001365) which is just over 1km to the south while the Grand Canal pNHA (Site Code: 002104) is 2.3km to the north of the proposed turbine location at its closes point. These sites are sufficiently remote from the proposed development to be beyond any risk of direct or indirect impact.
- 7.6.6. The access track and excavation for the hard stand for the turbine will result in the loss of a small area of arable land and a section of low trimmed hedgerow. The arable habitat is not rated of ecological value so there will be no discernible impact as a result. The construction activities are considered to constitute no greater risk to surface water quality than that associated with general agricultural activities regularly undertaken at the site.
- 7.6.7. The site does not support any breeding or roosting sites for any mammal species. The access track is set-back 10m from the field boundary avoiding any potential for direct impact on the badger's sett located outside the subject site. The report concludes that, having regard to the short duration and very localised nature of the development would render potential impact as negligible. The open arable lands at the proposed wind turbine location are unsuited for foraging by bats and the proposed turbine location is sufficiently set-back from potential foraging habitat to minimise the risk of collision or barotrauma to bats.
- 7.6.8. The site does not provide suitable foraging habitat for hen harrier, however, foraging by birds is expected, arising from a known winter roost site at Lough Boora to the south of the site and the surrounding habitats. The report notes that the existing two wind turbines immediately north of the site have not had any evident effect on the utilisation of the winter roost and as a result, the addition of an additional single turbine is unlikely to have any significant additional effect. The level of potential impact to hen harrier '*is considered not significant*'. The EclA notes that records of Lapwing having bred in the subject site, however, there are no records from recent years. Whilst not referenced within the AA as submitted with the application, the site is located c13.5km from Slieve Bloom SPA, the closest Designated Site which forms part of the Hen Harrier Protection Programme.

7.6.9. Monitoring of the existing two turbine windfarm immediately north of the proposed site since construction, has not recorded any evidence of bird strike of any species of conservation concern. A “Random” collision risk model has been conducted for birds observed during vantage points surveys at Leamore wind turbine. Use of the surrounding landscape by wintering or breeding birds is not expected to be affected in any significant way by the development of the single turbine due to the unsuitability of the proposed site for breeding or foraging by birds, and the presence of the existing two turbines at Leabeg not having had any perceptible effect on the occurrence or abundance of any bird species in the area. Standard mitigation measures are recommended during the construction phase, in order to protect the closest watercourse, the Boora River. These measures are referenced and expanded within draft CEMP submitted with the application.

7.6.10. The EclA sets out that there will be significant residual impact.

7.6.11. However, there is predicted to be at least one collision over the lifetime of the turbine for kestrel, buzzard, lapwing, black-headed gull and golden plover. This constitutes a less than 1% increase (negligible effect) in the background mortality rate for kestrel, lapwing and golden plover, 1-5% increase (low effect) in the background mortality rate for black-headed gull, and a 5-20% increase (medium effect) in the background mortality rate for buzzard at county level.

7.6.12. Having regard to the EclA, I am satisfied that the proposed development would not be likely to have significant adverse impact on biodiversity on site or in the immediate vicinity. In the event that the Board decide to grant permission, I recommend that the mitigation measures as referenced within the EclA and CEMP, are implemented, by way of condition.

## **7.7. Residential Amenity**

7.8. There is a limited extent of residential properties in the vicinity of the site, matters relating to residential amenity are addressed below:

- **Noise**

7.8.1. The application is accompanied by a ‘Wind Turbine Noise Impact Assessment’ dated June 2024, prepared by Enfonc Ltd. (Appendix 11 of the E&PR refers). The report

outlines that noise limits at NSLs for wind turbine developments should be set relative to existing background noise levels.

- 7.8.2. In this instance, baseline noise levels have not been established by way of on site survey; with a noise limit of 45dB or 5dB above background (whichever is the greater) has been applied to both existing windfarm and proposed turbine. The alternative scenario is a low noise scenario.
- 7.8.3. A series of computer-based prediction models have been prepared to quantify the cumulative noise levels associated with the operational phase of the proposed development together with Leabeg wind farm. The results demonstrate that the existing wind turbines are expected to be operating below the noise criteria limits for each period – daytime (45.0dBA) and night-time (43.0dBA) - at all wind speeds. The worst affected property is NSL 01, with a predicted noise level of 36.dBA at all wind speeds, however falling below the maximum noise limit of 43dB night-time. This property is located c.1.1km to the west of the subject site.
- 7.8.4. The cumulative noise level of Leabeg wind farm and the candidate turbine demonstrate that both developments fall below the noise criteria limit of 45dBA daytime and 43dBA night time at all wind speeds. The worst affected unit remains NSL 01, with a predicted noise level of 37.7dBA.
- 7.8.5. The noise impact assessment notes that, using the scenario as applied in this instance, *“the predicted noise levels for all turbines operating will not exceed the daytime or night-time noise limits at any NSL at any wind speed. There is therefore capacity within the existing noise limit for the candidate turbine to operate without mitigation.”*
- 7.8.6. In the highly unlikely low noise environment scenario, predicted noise levels would exceed 35dBA daytime limit at some wind speeds. In this context, I refer the Board to Section 5.6 of the 2006 Guidelines which notes *that “in low noise environments where background noise is less than 30 dB(A), it is recommended that the daytime level of the LA90, 10min of the wind energy development noise be limited to an absolute level within the range of 35-40 dB(A).”* As noted above, the maximum cumulative level of 37.7dBA is within this range.

7.8.7. Having regard to the above, I am satisfied that the proposed turbine would not result in a significant adverse impact on the residential amenity of properties in the vicinity of the site as a result of noise impact.

- **Shadow Flicker**

7.8.8. The application is accompanied by a Shadow Flicker Assessment, dated April 2024, prepared by Natural Forces Ireland (Appendix 10 of the E&PR refers).

7.8.9. Section 5.12 (Shadow Flicker) of the Wind Energy Development Guidelines (2006) recommends that *“that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day”*.

7.8.10. The assessment sets out that shadow flicker at 4 no. shadow flicker receptors would exceed the 30 minutes/day or 30 hours/year standard. Table 4 indicates that these levels range from 32 to 45 minutes at these receptors (houses), noted to be located to the northeast of the subject turbine. The closest of these properties would experience an additional 31hrs 31mins flicker per year. I note that this assessment is based on a worst case scenario, that is the sun is always shining, and the rotor blades are always turning.

7.8.11. The assessment proposes the installation of a shadow shut off system in the proposed wind turbine notwithstanding that the receptors are located outside the 500m limit, as provided within the Wind Energy Guidelines. In this context, it is recommended, that a shadow shut off system be installed, by condition in the event of a grant of permission.

7.8.12. I note that the assessment does not include in-combination effects of the proposed turbine with existing turbines with respect to shadow flicker.

- **Roads and Traffic**

7.8.13. The application is accompanied by a Preliminary Traffic Management Plan (PTMP) dated June 2024 (Appendix 8 of the E&PR refers). These details are also referenced in the Preliminary Construction Environmental Management Plan (PCEMP), dated April 2024, which also accompanies the application.

7.8.14. The proposed development will be accessed from the R357 to the north of the site during construction, operational and decommissioning phases. This route is relatively straight and sightlines of 160m in both directions is achieved. The entrance



includes a widening of the access to facilitate delivery of the turbine components on site. I note that the Roads Department of the Council recommended has requested a number of items by way of Further Information relating to, *inter alia*, surfacing at the entrance to the site, drainage at the roadway, relocation of the wheel-wash and completion of a Road Safety Audit. I concur with the local authority in this regard and note that these items can be addressed by way of condition.

- 7.8.15. The PTMP notes that the construction phase will extend for a period of 12 months, with a maximum workforce of 25 staff at any one time at the initial stage. The PTMP includes estimated traffic volumes with an average of 10-12 vehicular movements for deliveries to the site. This will peak to 75 no. concrete truck deliveries, during the construction of the turbine base, with the base being poured in a single day. It is proposed to provide a total of temporary on site car park consisting of 15 no. spaces during this phase. In my opinion, this is a sufficient quantum of staff car parking.
- 7.8.16. The report includes details of haul routes for construction materials and components of the turbine, with Galway Port being the most likely arrival point, is detailed via the M6, N4, M6, N52 and the R357. A detailed swept path analysis has confirmed that no road works required to the public road and no oversail to third party lands occur.
- 7.8.17. There will be an average of 10-12 vehicle movements a day for deliveries to the site. The peak number of deliveries per day will occur during the construction of the base with an estimated 75 deliveries.
- 7.8.18. With respect to operational phase the project will require on-site maintenance twice a year, with the proposed turbine otherwise monitored remotely on a day-to-day basis. The PTMP, also allows for a once per year unplanned visit for maintenance purposes. As noted in the report it is considered that the operational phase will therefore have a minimal effect on existing road network.
- 7.8.19. In conclusion, I do not consider that proposed development can achieve appropriate sightlines, and I am therefore satisfied that, that, subject to condition as noted above, the proposed development will not result in undue adverse impacts on the local road network during the construction and operational phases.

## 8.0 AA Screening

- 8.1. The application is accompanied by an EIA Screening Report, dated May 2024, prepared by EirEco Environmental Consultants (Appendix 4 of the E&PR refers).
- 8.2. The report includes a description of development, and existing environment, identifies Natura 2000 sites, an assessment of potential impacts on the Natura 2000 sites and a screening determination. Associated relevant reports submitted with the application include the Ecological Impact Assessment and Bird Strike Assessment Report. The report concludes *“that the proposed development presents no risk of giving rise to any significant or other impacts within any Natura 2000 site.”*
- 8.3. Having reviewed the documentation, I am satisfied that the information allows for a complete examination and identification of any potential significant effects, alone or in combination with, other plans and projects on European sites.
- 8.4. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.5. The proposed development comprises the construction of a single 4.5MW wind turbine with associated access track from the R357, hard stand and sub-station grid connection and all associated works.
- 8.6. The project is not directly connected with or necessary to the management of a European site.
- 8.7. The closest European site to the subject site is the Ferbane Bog SAC, located 6.8km to the northwest of the site.
- 8.8. No nature conservation concerns were raised in the planning appeal.
- 8.9. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion relates to:
  - The limited scope of works associated with the project.
  - The distance between the Project and closest European Site and the lack of any hydrological connections.
  - The screening determination of the local authority.

- 8.10. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.11. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

- 9.1. I recommend that planning permission should be granted, for the reasons and considerations set out below, and subject to the attached conditions.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Climate Action and Low Carbon Development Plan 2015 (as amended) and the requirement under the Climate Action Plan 2024 to achieve net zero by 2030, and in the absence of significant adverse impacts on the environment, the amenities and property in the vicinity, it is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

The Board noted that the proposal is located outside an 'Area Open for Consideration for Wind Energy Development', under Objective CAEO-05 in the current County Development Plan.

The Board noted that the Planning Authority considered the proposed development a material contravention of the Development Plan. However, under section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended), the Board may grant permission for development which materially contravenes the Development Plan.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28<sup>th</sup> August 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Ecological Impact Assessment and AA Screening Report shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted framework CEMP shall be implemented.

**Reason:** To protect the environment

4. The period during which the development hereby permitted may be carried out shall be 30 years from the date of the first commissioning of the wind energy development.

**Reason:** To enable the Planning Authority to review its operation in light of the circumstances at then prevailing.

5. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

**Reason:** In the interest of clarity.

6. The proposed development shall be amended as follows:
- (a) Tarmacadam surface to be installed from the edge of the public road as far as the new entrance gates.
  - (b) The proposed 1.5m wide ridge along the edge of the public road to be removed, so that surface water from the public road can flow in an unrestricted manner into the new entrance way.
  - (c) Update the drawings to ensure that the proposed piping of the open drain along the public road shall be in accordance with Transport Infrastructure Ireland's Road Construction Detail RCD/500/20 Filter Drains Trench and Bedding Details.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of protection of public health and traffic safety.

7. The following design requirements shall be complied with:
- a) The wind turbine shall be geared to ensure that the blades rotate in the same direction.
  - b) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission.

**Reason:** In the interest of visual and residential amenity.

8. In the event that the wind energy development causes interference with telecommunications signals, effective measures shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the Planning Authority prior to commissioning of the turbine and following consultation with the relevant authorities.

**Reason:** In the interest of protecting telecommunications signals and residential amenity.

9. Prior to commissioning of the turbine, the developer shall inform the Planning Authority and the Irish Aviation Authority of the 'as constructed' tip heights and co-ordinates of the turbine.

**Reason:** In the interest of air traffic safety.

- 10 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, and not at all on Saturdays, Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances.

**Reason:** To protect the amenities of nearby residential properties.

11. The applicant is requested to provide a Road Safety Audit for the proposed new entrance to the development.

**Reason:** In the interest of traffic safety and orderly development.

12. a). The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by this office.
- b). The archaeologist shall carry out any relevant documentary research and inspect the development site. As part of the assessment a geophysical survey should be carried out to be followed by a programme of inventive test excavations to be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and this Department.
- c). Having completed the work, the archaeologist shall submit a written report stating their recommendations to the Planning Authority and to this Department. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- a) Notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development;
  - b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works; and
  - c) Provide arrangements, acceptable to the Planning Authority and the Department of Housing, Local Government and Heritage, for the recording and for the removal of any archaeological material which the Authority and / or the Department considers appropriate to remove.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interests of reducing waste and encouraging recycling.

15. On full or partial decommissioning of development, or if the wind energy development ceases operation for a period of more than one year, the

turbine concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation, all to be completed to the written satisfaction of the planning authority within three months of decommissioning or cessation of operation.

**Reason:** In the interest of landscape restoration upon cessation of the project.

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.

---

Aoife McCarthy  
Planning Inspector

3<sup>rd</sup> April 2025



# Form 1

## EIA Pre-Screening

|  |   |   |   |
|--|---|---|---|
| <b>An Bord Pleanála</b>  | 321244-24   |   |   |
| <b>Case Reference</b>  |   |   |   |
| <b>Proposed Development Summary</b>  | Construction of wind energy converter on a tower and all associated development works |   |   |
| <b>Development Address</b>   | Rin, Ferbane, Co. Offaly  |   |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |   | <b>Yes</b>  | X   |
|  |   | <b>No</b>   |   |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |   |   |   |
| <b>Yes</b>   | X   | Schedule 5, Part 2 (3) (Energy Industry)<br>(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'. | Proceed to Q3.                                  |
| <b>No</b>  |   |   | Tick if relevant.<br>No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>  |   |   |   |
| <b>Yes</b>   |   | Schedule 5, Part 2 (3) (Energy Industry)<br>(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'. | EIA Mandatory<br>EIAR required                  |
| <b>No</b>  | X   | Wind farms with more than 5 turbines or having a total output greater than 5 megawatts.   | Proceed to Q4                                   |

| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b> |   |  |   |
|--|---|--|---|
| <b>Yes</b>   | X | The proposed development consists of 1 turbine with output of 4.3 megawatts. | Preliminary examination required (Form 2) |

| <b>5. Has Schedule 7A information been submitted?</b> |                          |   |
|---|--------------------------|---|
| <b>No</b>   | X (Not by the Applicant) | <b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b> |
| <b>Yes</b>  |                          | <b>Screening Determination required</b>                                   |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

|   |   |
|---|---|
| <b>An Bord Pleanála Case Reference</b>  | <b>ABP- 321244-24</b>   |
| <b>Proposed Development Summary</b>   | Construction of wind energy converter on a tower and all associated development works   |
| <b>Development Address</b>  | Rin, Ferbane, Co. Offaly  |
| <p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |   |
| <p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>  | <p>A Section 5 Declaration will be made with respect to future ESB connection works This include an overhead cable (4km) in length.</p> <p>Cumulative noise levels will be below prescribed levels within the 2006 Wind Energy Guidelines.</p> <p>A Shadow Flicker Assessment concludes that for worst case 30hours/year or 30 minutes/day would be exceeded at 4 no. shadow receptors necessitating a shadow shut-off system to be installed.</p> <p>The existing turbines at Leabeg provide a visual context for the subject development.</p> |
| <p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,</p>  | <p>Ferbane Bog SAC is located c.7.8km northwest of the proposed turbine location.</p>   |

|  |  |                  |
|--|--|------------------|
| abundance/capacity of natural resources,<br>absorption capacity of natural environment e.g.<br>wetland, coastal zones, nature reserves, European<br>sites, densely populated areas, landscapes, sites of<br>historic, cultural or archaeological significance).                        | An AA Screening Report<br>concludes that the proposed<br>development would not have a<br>significant effect individually, or<br>in-combination with other plans<br>and projects, on the Natura 2000<br>network.<br><br>The nearest residential receptor<br>is located c. 610m from the<br>proposed turbine location.   |                  |
| <b>Types and characteristics of potential impacts</b><br>(Likely significant effects on environmental<br>parameters, magnitude and spatial extent, nature of<br>impact, transboundary, intensity and complexity,<br>duration, cumulative effects and opportunities for<br>mitigation). | Limited impact on natural<br>resources, limited scale of<br>development.<br><br>The proposed, has local,<br>regional and national planning<br>policy support, facilitating the<br>delivery of renewable energy<br>into the national electricity grid.<br>This is considered a positive and<br>long-term benefit.<br><br>There may be some potential<br>short-term negative impacts<br>associated with the construction<br>phase.<br><br>However, it is considered that<br>with the implementation of<br>mitigation measures and<br>construction best practise, these<br>can be effectively avoided and<br>are therefore not significant. |                  |
| <b>Conclusion</b>  |  |                  |
| <b>Likelihood of Significant<br/>Effects</b>   | <b>Conclusion in respect of EIA</b>  | <b>Yes or No</b> |
| There is no real likelihood of<br>significant effects on the<br>environment.   | EIA is not required.   | <b>Yes</b>       |
| There is significant and<br>realistic doubt regarding the<br>likelihood of significant effects<br>on the environment.  |  | <b>No</b>        |
| There is a real likelihood of<br>significant effects on the<br>environment.  |  | <b>No</b>        |

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)