An Coimisiún Pleanála

Inspector's Report

ABP-322604-25

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	Peter Gillooly
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Peter Gillooly
Observer(s)	See Appendix A, Appendix B
Date of Site Inspection	11th April 2024, 4th December 2025
Inspector	David Ryan

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1.0 Introduction

1.1 The Commission previously made a decision on this appeal by order dated 16th of July 2024, under appeal reference number ABP-318944-24. I refer to correspondence on file dated 26th of May 2025 which confirms that this decision was quashed by Order of the High Court and the case was remitted by that Court back to the Commission for a fresh determination. A new file no. ABP-322604-25 has been assigned.

1.2 I note the Order of the High Court on this file. Therein it is stated:

'that subject to the applicant's expeditious response to a request for further information that the board intends to make, it is the boards intention to progress the matter in as expeditious a manner as is permissible…And it is ordered that the matter be remitted to the Respondent for further consideration and determination in accordance with law'.

1.3 Having regard to the High Court Order in this case, the quashing of the previous Commission decision and the passage of time, the Commission considered that it was appropriate in the interests of justice to request relevant parties under Section 131 of the Planning and Development Act 2000, as amended, to make any further general submissions/observations in relation to the planning application the subject of the appeal.

1.4 The Memo from the Director of Planning, dated 30th May 2025, required the following steps be taken in relation to the remitted appeal:-

1. *Under S.131 please notify all parties of the quash and remittal and invite all participants to the appeal to make any further submissions/observations on the remitted case. Please include a copy of the High Court Order. Allow four weeks for response.*
2. *Under S.132 request the developer:*
    a. *To submit further information to address any deficiencies in information provided including seeking Schedule 7A information as outlined in the Planning and Development Regulations 2001 as amended, or an EIAR.*
    b. *To submit a revised Appropriate Assessment Screening which is informed by appropriate bird surveys. The bird surveys are to be undertaken in*

accordance with best practice guidance.

Upon receipt of this information revised notices may be required. Please allow three months for response.

c. *A copy of this request for further information should be circulated to all participants for information purposes.*

This report considers the submissions made on foot of the above mentioned request. This report should be read in conjunction with my original assessment set out within the Inspector's Report dated the 24th of May 2024 in respect of ABP Ref: 318944-24.

2.0 Response to Commission's Correspondence - Submissions/Observations, and Appellant

2.1 On foot of the above, correspondence dated 30th May, 2025, invited parties under section 131 of the Planning and Development Act 2000 (as amended) to make any further submissions/observations with a response deadline of 26th June 2025.

10 no. responses were received within the time frame, the names of the respondents' are set out in Appendix A.

2.2 On foot of the above, correspondence dated 30th May, 2025, also required the appellant under section 132 of the Planning and Development Act 2000 (as amended) to submit on or before the 29th August 2025, the following:

1. Further information to address any deficiencies in information provided including seeking Schedule 7A information as outlined in the Planning and Development Regulations 2001, as amended, or an Environmental Impact Assessment Report (EIAR).
2. A Revised Appropriate Assessment Screening which is informed by appropriate bird surveys. The bird surveys are to be undertaken in accordance with best practice guidance.

A response was received from the appellant within the time frame.

2.3 Third Party Submissions/Observations

2.3.1 10 no. submissions were received from third parties, the submissions may be synopsised under the relevant common headings as follows:

Planning Application

- ABP-314725 noted no reference to a grid connection or planning for same as required under legislation and High Court decisions O'Grinna & Ors. v An Bord Pleanala and Daly v Kilronan Windfarm Ltd. Proposal is project splitting and requires an EIAR
- Proposal lacks rationale with 1 large turbine generating the same output as 2 turbines with reduced generators
- Site not suitable for a wind farm. Concerns on viability, with wind farm in area of very low wind speeds and categorised as high value landscape representing substandard planning and design.
- Diameter of wind turbine blades has increased from 121 metres on Vensys 121 to 138 metres on the Enercon 138. Change of turbines from Vensys 121 to Enercon 138 is major change in design and output from previous applications
- Application is new development requiring community engagement and EIS and report as required under the WEDG 2019.
- Relocation of substation 710m north of permitted location
- Limited information on data of the bespoke Enercon 138, which has a capacity to produce up to 4.2 Mw.
- Contract for standard connection agreement states data assumes 5236 Mva which is equivalent to 5.2 Mw
- Attached documentation in relation to ESB is not valid as it is outside the 12 month period of the signed document
- The report in relation to connection to electricity distribution system contains several irregularities. Agreement is out of date
- Shadow Flicker report is not relevant to turbines specified in application, with 35% increase in height from turbines in original permission

Development Plan

- 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
- Proposal with 2 turbines and its production of 4.9 MW is unsustainable use of resources contrary to provisions of CDP
- 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.

European Sites

- Concerns in relation to Whooper Swan, Lough Ree SPA, adjoining SPA, and Board must be satisfied 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 a EIAR it is not possible to conclude best scientific knowledge and objective information have been taken into account.
- Given bird flight paths, migration, an Appropriate Assessment is required, with the habitats directive protecting conservation interests
- No substance to Appendix C Supplementary information on Whooper Swan and Greenland White Fronted Goose
- Screening report would need to apply over a number of winters
- Screening inconsistent with principles in People Over Wind v Coillte Teoranta CJEU C-323/17

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

Archaeology

- The proposal is not in accordance with the provisions of the development plan as it does not safeguard all archaeological monuments and sites as recorded, which are protected under the National Monuments Act 1994 and under the Planning and Development Act, 2000

Requirement for EIAR

- Project being over 5MW, and would include grid connection, which require an EIAR
- Turbines have capability of producing capacity of 7MW and up to 8.4MW and effects must be considered and EIAR is required.
- Potential for output of 8.4MW, as set out in Inspector report 318944
- Retrofitting of E-138s in future to increase capacity above 2.45MW per turbine, and requirement for a new planning application and EIAR, is too late, as turbines would already be in situ
- Proposal just below 5MW for which EIS must be undertaken, as per Schedule 5 of P&DR 2001
- As EIAR is now requested suggest whole new planning application be made, otherwise application is project splitting

Environmental Impact Screening Report/EIAR

- Failed to take into account turlough approx. 300m from T2, a limestone quarry and underground water system, with site located on area classified as extreme vulnerability on the National Groundwater Vulnerability map. The site is above a regionally important karstified aquifer.
- Request to appellant for EIAR by 29th August 2025 will not take into consideration Whooper Swan an Annex 1 species, as they are migratory species. Survey should also include Greenland white-fronted geese,

corncrake, hen harrier, Short eared owl, merlin, long eared owl, species in SAC, Lough Ree, Derrycann Bog, Corobo Bog, River Suck Callows

- Photographic evidence of Whooper Swans in proximity to a residence is submitted

Residential Amenity

- Impacts on residential amenity associated with proposed development including proximity, height to scheme, shadow flicker, noise, health risks.
- Shadow flicker and noise can no longer be ignored as a result of High Court settlement by Green Energy Supply in 2020

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 made to 316051, and to development plan precedence over national policy and refers to Brophy v ABP and Murtagh v ABP.
- Similar development refused in ABP 243479, with decision outlining concerns for Whooper Swan and Natura Sites. Similar circumstances also considered in PL.20.244346 (20.239759)

Procedure

- Observers notes correspondence dated 30th May 2025 to consultant, with requirement for additional information no later than 29th August, 2025. Request additional time be afforded to observers to review this information and have opportunity to submit further observations.

2.4 Appellant

2.4.1 A response has been received from Harley Planning Consultants dated 19th August 2025. The following provides a summary of the response:

Submissions are set out under:

1.Refusal reason 1 on decision ABP-318944-24

2.Screening sub-threshold development for Environmental Impact Assessment (EIA)

3. Role of the Commission for Regulation of Utilities - Installed Capacity Cap

4.Unsustainable use of Enercon E138 turbines

5. Contrary to the Roscommon County Development Plan 2022-2028

6.Refusal reason 2 on decision ABP-318944-24

Appendices include:

- Appendix A – Original & amended grid connection agreement between Derm Energy Ltd and ESB Networks
- Appendix B – Confirmation of the grid connection output from the windfarm by Esmoe Limited
- Appendix C – Sub-threshold development screening for Environmental Impact Assessment
- Appendix D – Commission for Regulation of Utilities (CRU) - Installed Capacity Cap Report
- Appendix E – Amended copy of the AA screening Report
- Appendix F - AA screening Report on grid connection route
- Appendix G – Section 5 declaration by Planning Authority

1.Refusal reason 1 on decision ABP-318944-24

- Application relates to two turbine wind farm, with maximum export capacity (MEC) of 4.95Mw, and potential capacity of turbines (up to 8.4Mw) in reason 1 of Boards decision ABP-318944 has no foundation, as criterion set out in 3(i) in Part 2 of Schedule 5 to P&DR 2001 as amended, is output and not potential capacity.
- A grid connection agreement was signed in 2020 by ESB Networks and Derm Energy Ltd, which was amended in 2024. These are attached in Appendix A. These approve a grid connection of 4.95mW, which limits the output and this

cannot be exceeded. Confirmation of grid connection output from the windfarm by Esmoe Limited, is attached in Appendix B.

- Output can only be exceeded by making application to ESB Networks, however to do that it must first be demonstrated to ESBN that client holds a valid planning permission setting out the output approved. Assessment must be made on actual output.
- Board was aware of maximum export output based on grid connection agreement, output limit, and was also aware that output of turbine can be restricted to 2.45Mw, despite its potential capacity output of 3.5Mw to 4.2Mw.
- In the event a planning application for increased output exceeded 5Mw, a mandatory EIAR would be required. The proposal does not exceed 5Mw and mandatory EIA, under the P&DR does not apply.

2.Screening sub-threshold development for Environmental Impact Assessment (EIA)

- Reason 1 included a statement that the Board wasn't satisfied that the effects of the development on the environment can be properly assessed in the absence of a comprehensive response to Schedule 7A requirements.
- A comprehensive report for the purposes of screening sub-threshold development for EIA is presented in Appendix C. Information is presented in a format that makes it clear that it is intended to comprise Schedule 7A information. The report concludes that the proposed development is not sub-threshold development for an EIAR. It is noted that the Board or PA did not seek a sub-threshold EIAR in previous applications, which were favourably considered.

3. Commission for Regulation of Utilities - Installed Capacity Cap

- Technical data in relation to the standard E-138 is not a planning consideration, and the Board appeared to be anticipating a breach of conditions. Alternatively the Board doubted that it was not possible to comply with the proposed development in terms of output. Rules around generation and supply of electricity falls within the jurisdiction of the CRU. CRU decided in paper Installed Capacity Cap Report 2024, attached in Appendix D, to remove a generation capacity cap (to install a maximum of 120% of

contracted maximum export capacity (MEC)), and allow generators to over install to any degree, without breaching the contracted MEC. This allows generators to expand output, if and when MEC is increased, without the need to entirely replace existing wind turbines.

4.Unsustainable use of Enercon E138 turbines

- The Board in refusal reason 1 considered the limiting of output to 4.9mW and below the potential turbine capacity would constitute an unsustainable use of resources. The Board has presented no evidence of this.
- As the Vensys 121 turbine model, agreed with the PA under condition 4 of 303677, is no longer produced, the appellant examined a range of wind turbines to meet the suitability criteria for the site, including wind speed. The Enercon E-138 was the most suitable turbine for capturing energy from low wind speeds.
- It is output which is assessed for EIAR and sub-threshold EIAR purposes.
- If the MEC is ever increased in the future, planning permission confirming the increase (with an EIAR, should the increase extend to over 5MW) must be presented to ESBN. The fact the Enercon E138 has the potential to meet an increased MEC from 3.5 MW to 4.2 MW, means the turbine would not need to be removed and replaced, whereas the use of turbines limited to MEC of 4.95 Mw would need to be removed and replaced. This would be much less sustainable than recalibrating the output from the Enercon E-138 turbines.
- The approach to over installing by the CRU does not impact on allowed MEC, and in terms of sustainability, allows generators expand output, if and when MEC is increased, without the need to replace turbines. The use of restricted Enercon E-138 wind turbines is fully sustainable.

5. Contrary to the Roscommon County Development Plan 2022-2028

- Refusal reason 1 states the installation of wind turbines with excess output potential is contrary to the provisions of the RCDP that support the generation of electricity from renewable sources. None of the policies in the Plan refer to technical matters relating to turbine output. However RES AIM 4 in the Renewable Energy Strategy encourages efficient designs and integration of renewable energy components into new and existing developments. The use

of restricted output wind turbines, which have greater potential output capacity, fulfils the thrust of RES AIM4 and is compliant with the CDP.

6.Refusal reason 2 on decision ABP-318944-24

- Reason 2 related to the limited bird survey work undertaken to inform the appropriate assessment screening. The Board also noted the appropriate assessment screening did not encompass the grid connection associated with the proposal. The Board was not satisfied that the proposal, would not be likely to have a significant effect on European Sites.
- Acknowledged that the AA Screening report contained a number of information errors, relating to (i) blade-tip height of T1, stated as 164.65m instead of 168m, (ii) site area as 3.8ha instead of 4.1ha, and (iii) planning application provided for the introduction of a transformer unit and battery storage unit whereas these items were omitted. An amended copy of the AA Screening Report is attached in Appendix E.
- The Board did not accept its Inspectors conclusion that the proposal would not be likely to have a significant effect on European Sites. The Board disagreed with its Inspectors assessment and shared the view of the PA there was insufficient information available to make a determination.
- The Board in 314725, which related to the site of the appeal and was generally similar to the current appeal, determined that the proposal would not be likely to have significant effects on European Sites. Accordingly, the Board has demonstrated inconsistency in its acceptance of AA screening assessments.
- Appears reason 2 included on basis that the proposal was EIAR development as cited in reason 1. As such the failure to screen out the grid connection from the AA screening report, was considered to be project splitting in line with High Court judgement O'Grinna & Ors v ABP.
- Applicants position with respect to absence of screening out of grid connection was based on belief development was not EIAR/sub-threshold EIAR development, project split did not arise, and PA Section 5 Declaration (in Appendix G) had determined the grid connection exempt, with Board aware of the Section 5.

- Applicant has commissioned an additional AA Screening Report for the grid connection, attached in Appendix F. It concludes that the proposed grid connection is not likely to have a significant effect on any European Site.
- It is submitted that the competent authority has sufficient information to determine that the proposal will not adversely affect the integrity of any European Site.

Conclusion

- The Board has evidence to determine that the proposal is not mandatory or sub-threshold development for EIAR. The Board did not consider 303677 and 314725 with outputs of 4.9mW to be sub-threshold EIAR development. The proposal will not adversely affect the integrity of any European Site.

2.5 Circulation

2.5.1 On foot of the appellants response, correspondence dated 1st October, 2025, invited parties under section 131 of the Planning and Development Act 2000 (as amended) to make any further submissions/observations with a response deadline of 21st October, 2025.

2.6 Third Party Submissions/Observations

2.6.1 9 no. submissions were received from third parties with the names of the respondents' set out in Appendix B. The submissions may be synopsised under the relevant common headings as follows:

Planning Application

- Planning consultants have not submitted Schedule 7A information/EIAR, or appropriate bird survey
- Project breaches correct planning by over development on the site and project splitting in order to prevent the need for EIA
- Application requires community engagement and EIS and report as required under WEDG 2019
- Diameter of the wind turbine blades have increased in application from 121 metres on the Vensys 121 to 138 metres on the Enercon 138

- Turbine output misleading, with output 4.9-4.95 MW, and contract with ESB having 5.21 MW output
- Esmoe Ltd report outlines proposed development output to be 4.95MW, outside of the application 4.9MW now before the Board
- Proposal where there are low wind speeds available is unsustainable
- Limiting output would represent unsustainable use of resources, and is contrary to proper planning and sustainable development
- Correct planning is to use resources, to maximum, with limited impact on the environment. Very low wind speeds at the location is indication planning authorities are correct in refused application. Turbine requires 33% increase in height, and proposal is not suitable/at the wrong location due to wind speed. Developer seeking to increase height to obtain output greater than 5MW
- Lack of technical information is critical fault of application
- Concerns on argument that installing large turbines at this stage is a more sustainable approach because if in future it is decided to increase output there would be no need to change the turbines, with EIA undertaken at that future stage. Concerns on the acknowledgement that for the wind turbine development to continue to be viable into the future it is envisaged that such an increase in output may be sought. Concerns also on approach of putting the cart before the horse in terms of EIA.
- Concerns on 10kV grid connection to Roscommon Substation (38kV substation) and electricity output, and more turbines
- Reference to ESB upgrading the grid is not relevant to this application
- There is not a 38kv substation in Roxborough townland
- Submission made by HPCL is that ACP should not concern itself as to total size and output of two large wind turbines. It is proper that ACP exercise rigour in assessing suitability of such a development

<u>Ownership</u>

- Grid connection lacks legal easements on property rights of private individuals, crosses third party lands and relevant wayleaves are absent
- Grid connection is not a feasible route as it crosses terrain on folio no. 45244F. There is a registered charge on this property that refers to covenant

on instrument no. D2021LR085398X which restricts crossing of any power lines for grid connections purpose for a period of 10 years from 25th June 2025. There are no permissions attached from any of the landowners over which the 10 kv grid line travels.

Development Plan

- CDP has carried out investigations into the most suitable locations for wind energy and location is not suitable, with low wind speeds. Decision to refuse planning are evidence based and in line with CDP 2021-2027 Renewable Energy Strategy
- One turbine could produce up to 4.2 MW, therefore makes uneconomic sense to place a second Enercon 138 to produce 0.7 MW to keep the project under the threshold of 4.9 MW. This is unsustainable use of resources and contrary to provisions of CDP and proper planning and sustainable development
- CDP Renewable Energy Strategy maps identify important areas of consideration with respect to windfarm development. Figure 2 shows landscape character values, with proposal in area characterised as high value. Figure 7 identifies areas suitable for wind development. Proposal is in area described as less favoured (mapping attached). Proposal is not in compliance with the CDP and Renewable Energy Strategy and is contrary to proper planning and orderly development

Requirement for EIAR

- Grid connection does not form part of application to date. Project avoids EIA requirements, and is project splitting. Planning and Development Regulations apply. Development would require EIA in compliance with Directive 2011/92/EU as amended by 2014/52/EU
- HPCL arguing to install two large turbines with a capacity of 8.4 MW and then limiting turbines to 5 MW meaning they should be considered as a sub 5MW installation for purposes of EIA threshold is a flawed argument. Number of turbines and/or size of turbines are cornerstone consideration of such developments from environmental impact point of view. Production of 8.4 MW is 168% of the 5 MW threshold

- HPC submission acknowledges the combined output may be increased over time
- Older Enercon E138/3500 has a rated power of 3.5 MW. Newer E-138 EP3 has output of 4.2 MW. Output of 7MW, 8.4 MW is greater than 5MW
- As the specific model variant for the Enercon E138 has not been provided, it is not possible to determine the exact proposed turbine output
- Manufacturing guidelines are not presented for a lower turbine output
- Developer has failed to comply with Schedule 7(a) of the P&DR 2001
- O'Grinna and others v ABP IEHC 248 and Daly v Kilronan Windfarm Ltd IEHC 308 illustrate the challenges in planning environmental law (EIA/AA obligations) with the scope of judicial review in planning decisions. Cases also draw attention to proper treatment of grid connection works in applications for large projects, highlighting importance of not allowing project splitting
- Once integrity of a European Site is mentioned in planning procedure an EIA is required
- Attached Screening Report is lacking in quantitative data and site specific environmental sensitivity, developer has failed to demonstrate that an EIA is redundant
- Screening for sub threshold development is not relevant, proposal is not sub threshold

Commission for Regulation of Utilities

- Application breaches Commission for Regulation of Utilities decision paper and WEDG 2006 paragraph 4.7 Sub EIA threshold. Guidelines are subject to review due to developments in technology
- CRU decision paper is to ensure main output from any development, and questions on why build 2 turbines to obtain same output from 1 turbine, and why not complete EIA to allow proper planning and sustainable development of the area
- CRU has an allowance for generators to install a maximum of 120% of its contracted export capacity. Proposal is over the 120% maximum export capacity due to the output of Enercon E138 turbines, and significantly exceeds allowance

European Sites

- 2 AA screening reports submitted do not contain details of bird survey work as requested and no effort is made to address the absence of bird survey work raised as a concern by ABP in its decision. Reports lack relevant information
- Screening report is a desktop exercise. Report mentions the Whooper Swan being 3.5km from the site, with species feeding less than 1km from the proposal site
- Annex 1 species Whooper Swans recorded at Rathconor feeding ground, approximately 12 km from Loughree SAC, proposal will interfere with species flight path. Turlough is beside proposal site. AA Screening is incorrect in relation to impact on Loughree SAC SPA
- JKW AA Screening Report represented with incorrect details, illegible map legend, incorrect map siting. States no surface water pathway to Loughree SAC, but says Emmoo stream is connected to the SAC. Turlough beside proposed site is connected to Emmoo Stream
- Page 4 of report does acknowledge the presence of surface water features that could function as pathways between the project site and European Sites, but denies the immediate area around the site becomes a turlough. Photographs are attached.
- JKW incorrect in stating “no pathway for effect identified for Whooper Swans. The site is not within the likely zone of influence”, because have not done a proper bird survey/EIAR
- JKW Environmental Screening Report for AA and AA Screening report dated 25/8/25, was done on 16/9/2022
- Photographs are attached from a number of observers of: Whooper Swans in front of and flying over an observers home at Derrane Road; of Whooper Swans feeding within 900m of the development, also in flight over development location, and of Whooper Swans at Derrane Road.
- Conservation interests protected by the Habitats Directive, and imperative Appropriate Assessment is carried out which must include detailed physical observations of bird movements during Autumn, Spring and migratory periods
- Similar development refused in ABP 20.243479, cited concerns for protected bird species Whooper Swan and nearby Natura 2000 sites as basis for

refusal. Similar circumstances also considered in 10/541 ABP 20.244346 (20.239759)

Impact on Cultural Heritage

- 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
- Impacts on ringfort

Residential Amenity

- Impacts on residential amenity associated with proposed development including shadow flicker, noise, visual impacts

Population and health

- Ultrasound impacts

Biodiversity

- Impacts on kestrels, sparrowhawks, owls, chough, peregrines, bats

Land

- Impacts on land

Water

- Impacts on aquifers, turlough, water drainage
- Flood report for Derrane Group dated 19th November 2020 submitted

3.0 Planning Policy Context

3.1 National

3.1.1 Climate Action Plan (CAP) 2025

Climate Action Plan 2025 builds upon the Climate Action Plan 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with **Climate Action Plan 2024.**

The Climate Action Plan 2025 (CAP25) is the latest annual update to Ireland's Climate Action Plan. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050 (as committed to in the Climate Action and Low Carbon Development Act 2015, as amended), the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Central to achieving these goals is the strategic increase in the share of renewable electricity to 80% by 2030. To reach 80% of electricity demand from renewable sources by 2030 it outlines:

- Accelerate the delivery of utility-scale onshore wind, offshore wind, and solar projects through a competitive framework;
- Target 6 GW of onshore wind and up to 5 GW of solar by 2025;
- Target 9 GW of onshore wind, 8 GW of solar, and at least 5 GW of offshore wind by 2030;

Deliver a streamlined electricity generation grid connection policy and process, and remove barriers, where possible, for the installation of renewables and flexible technologies reducing the need to build new grid, including hybrid (wind/solar/ storage) connections.

CAP 2025 details the significant changes to enhance the electricity grid's capacity and flexibility. This will accommodate the significant upsurge in renewable energy while ensuring the system's reliability and efficiency. Additionally, managing electricity demand through innovative policies and technologies is crucial for aligning energy consumption with cleaner production.

3.1.2 The Revised National Planning Framework - Project Ireland 2040 (February 2025) was approved in April 2025.

National Strategic Outcome 8 seeks to transition Ireland to a carbon neutral and climate Resilient Society. Objective 69 seeks to reduce our carbon footprint by

integrating climate action into the planning system. Objective 70 seeks to promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.

Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, while ensuring security of supply of competitive energy sources. The transition to a low carbon energy future requires a shift to predominantly renewable energy.

3.2 Local Planning Policy Context

The following should be noted: the first party appeal ABP Ref. 318944-24 was lodged with the Commission in January 2024. The Commission's decision was dated July 2024. The current Roscommon County Development Plan 2022-2028 is the operative plan, coming into effect as and from 19th April 2022.

4.0 Assessment

4.1 Introduction

4.1.1 I note the Order of the High Court and the remittal of the case to the Commission for a fresh determination. It is considered appropriate to remit this case back to the point in time, following the completion of the Inspectors Report ABP-318944-24. In order to inform my assessment, I also note my original Inspector's Report on Appeal Ref. ABP-318944-24 and the information contained in same. The comments and information contained within those further submissions received on foot of requests under section 131 of the Planning and Development Act 2000, as amended, from the relevant parties, and the response received from the appellant, have also been considered as part of this assessment.

4.1.2 The Commission should note that upon review of the submissions received I noted repetition of many concerns and matters which have in my opinion been previously adequately addressed within my original Inspector's Report and therefore it is not my intention to revisit these concerns. In addition, I note that the Commission cannot consider comments that are outside the scope of the matters in question. Where

pertinent concerns are raised which specifically relate to the provisions of the order, which relates to the applicant's response to a request for further information that the board intends to make, and the matter being remitted to the Respondent for further consideration and determination in accordance with law, or any other relevant provisions, these will be considered and addressed as appropriate.

4.1.3 This assessment is structured under the following headings presented below to address the request for further information, the response to same, salient points raised within submissions, and the proposed development in the context of the relevant provisions of the Planning and Development Act 2000 as amended, the Planning and Development Regulations 2001 as amended, and any other provisions considered relevant and prudent to examine. An EIA Screening Determination exercise is undertaken in Appendix C. An Appropriate Assessment Screening exercise is undertaken in Section 5.0.

4.1.4 As detailed in Section 2.0 of this report, a response has been received from the appellant to the S.132 further information request. It is also noted that circulation to observers under S.131 has occurred at 2 no. stages. Having regard to the nature of the application, and its circulation, I consider that a re-advertisement of public notices is not required in this case.

4.2 **Item 1 - Further information to address any deficiencies in information provided including seeking Schedule 7A information as outlined in the Planning and Development Regulations 2001, as amended, or an Environmental Impact Assessment Report (EIAR).**

4.2.1 In terms of the background to the current case, as highlighted in section 1.1 of this report, the Commission previously made a decision on this appeal by order dated 16th of July 2024, under appeal reference number ABP-318944-24. This decision was quashed by Order of the High Court and the case was remitted by that Court back to the Commission for a fresh determination. To enable consideration of the existing case, ACP has requested the developer to 1) submit further information to address any deficiencies in information provided including seeking Schedule 7A information as outlined in the Planning and Development Regulations 2001, as amended, or an EIAR. This information request stems from the refusal reason no. 1 as set out in ABP-318944-24.

4.2.2 It is noted that the Commissions refusal reason no.1, as set out in their order in 318944-24 was generally consistent with the recommendation set out in the Inspector Report dated 24th May 2024. In addressing the proposed developments legislative and planning requirements, this assessment report will:

- Firstly, consider the proposed development requirements having regard to Schedule 7A of the P&DR 2001, as amended, by way of an EIA Screening Determination exercise, and

- Secondly, consider the proposed developments requirements having regard to proper planning and sustainable development.

4.3 Proposals requirements with regard to Schedule 7A of the P&DR 2001, as amended

4.3.1 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 amendments will provide for the erection of two bespoke Enercon E138 turbines models. The proposal also includes the construction of a control room and an ESB MV station, the relocation of the access road and all associated site works. The maximum combined output from the turbines will be 4.9MW. The project is therefore 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.

4.3.2 The appellant was requested to submit further information to address deficiencies in information provided including Schedule 7A information as outlined in the Planning and Development Regulations 2001 as amended, **or** an Environmental Impact Assessment Report (EIAR). The response to further information includes for information for the purposes of screening sub-threshold development for EIA, and is presented in Appendix C of the submission. As outlined by the appellant, the

information is presented in a format that makes it clear that it is intended to comprise Schedule 7A information. The information submitted outlines no aspects of the environment are likely to be significantly affected, and the appellant submits the proposed development is not sub-threshold development for an EIAR.

4.3.3 I am of the view it is clear that the information submitted relates to the provisions set out in Schedule 7A, and therefore a screening determination is required (Form 3), and has been completed, which is attached in Appendix C of this report.

4.3.4 I note the Schedule 7A information submitted outlines the proposal will have a maximum combined output of 4.9MW, with the response to further information also outlining the proposal will have a maximum export capacity (MEC) of 4.95MW. While I note no technical data has been outlined in relation to the proposed Enercon E-138 turbine model or the proposals MEC in the Schedule 7A information submitted, on the basis of the Schedule 7A information submitted, the proposed development would have an output not greater than 5 megawatts. As the maximum combined output from the proposed turbines will be 4.9MW, and just below the relevant EIA threshold of 5 MW set out in Class 3 (i), a key issue in the context of the possible need for a sub-threshold development EIA in the screening determination exercise undertaken, is whether or not the proposed development is likely to have significant effects on the environment.

4.3.5 Having regard to my EIA screening determination exercise carried out, it is considered that the proposal consisting of a wind energy development with a maximum export capacity (MEC) of 4.9 MW, would not be likely to have significant effects on the environment, and in that case, that a sub-threshold environmental impact assessment report is not required. This determination is set out in Form 3, Appendix 3, and the requirement for an EIAR is further considered and addressed in section 4.4 of this report.

4.4 EIA Screening Determination

4.4.1 As the appellant has stated that the maximum output of the development would be limited to 4.9MW, the approach is firstly taken to screen for EIA on this basis. The appellant has set out Schedule 7A information for the proposal, and has also included Schedule 7 information details. The appellant has outlined no aspects of the environment are likely to be significantly affected, and that the proposed

development is not sub-threshold development for an EIAR. Details outlined by the appellant in relation to Schedule 7A criteria are considered in my EIA Determination report (Form 3).

4.4.2 I consider the proposed development falls within a number of classes set out in Schedule 5, Part 2 of the Planning and Development Regulations 2001, as amended. Classes of development which would be potentially applicable to the proposed development are the following as outlined in Part 2 of Schedule 5 of the P&DR 2001, as amended:

- Class 3 *(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.*
- Class 10 *(dd), All private roads which would exceed 2000 metres in length,*
- Class 1 *(a), Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.*

4.4.3 With a maximum combined output of 4.9MW, the proposal falls just below the relevant EIA threshold of 5 MW set out in Class 3 (i).

4.4.4 In relation to Class 10 (dd), the proposal includes for a relocated access road of c. 830 metres which will serve the development. I consider that the proposed access road is not a 'private road' by virtue of it being used as an internal access road which will serve the scheme only and terminate onsite. In addition, the access road will consist of aggregate, with a permeable finish / running surface. It is therefore my opinion that the access road is not a 'private road' for the purposes of EIA screening.

4.4.5 In relation to Class 1 (a), the proposed development includes for the removal of field boundaries to facilitate the scheme. While the extent of this removal is not set out in the Schedule 7A information submitted, from a review of the site layout plan this removal (c.250m) is well below the threshold of 4 km as set out in the P&DR. The

removal does not relate to the enlargement of fields. Therefore, while the proposed development is of a Class listed in Part 2, it is considered to be sub-threshold for a mandatory EIA for development.

4.4.6 As outlined, Form 3 includes for an EIA Screening Determination. This has concluded that the proposed development would not be likely to have significant effects on the environment. In this case, it is considered a sub-threshold environmental impact assessment report is not required. See attached Form 3 in Appendix C.

4.5 Proper Planning and Sustainable Development

4.5.1 Notwithstanding the Schedule 7A information submitted and the EIA Screening Determination exercise carried out, having regard to the details submitted by the appellant, and the nature and scale of the proposal, consideration in this case is also given to the proposed development in terms of the proper planning and sustainable development of the area.

4.5.2 In terms of the background to the current case, ACP in its refusal reason 1 in ABP-318944-24, were not satisfied that the proposed amendments to the development originally permitted, involving a change in turbine model, would not result in an output exceeding the threshold for mandatory EIA within the scope of Class 3(i) of Part 2 of the Schedule 5 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 five megawatts. The Commission was not satisfied that the effects of the development on the environment could be properly assessed, in the absence of a comprehensive response to the requirements of Schedule 7A of the Planning and Development Regulations 2001. The Commission had regard to the applicant's assertion that mitigation measures would be employed so that the combined output of both turbines would be maintained below five megawatts, and to the documentation in respect of the grid connection provided; however, given the capacity for the output of each of the proposed turbines ranging from 3.5 megawatts to 4.2 megawatts, the Commission 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 2022-2028 that support the generation of electricity from renewable sources. The Commission outlined the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.5.3 As outlined, the Commission's decision was quashed by Order of the High Court and the case was remitted by that Court back to the Commission for a fresh determination. The appellant as part of their submission in the response to the further information request, has set out a response to refusal reason 1 which includes for measures to be employed to ensure the MEC (Maximum Export Capacity) from the windfarm would be maintained below five megawatts to 4.95 MW. The appellant has outlined the grid connection agreement signed in 2020 by ESB Networks and Derm Energy Ltd, which was amended in 2024, approves a grid connection of 4.95 Mw, which limits the output and this cannot be exceeded. Confirmation of grid connection output from the windfarm by Esmoe Limited, is attached in Appendix B. Details submitted also outline the Board was aware of a letter from Enercon, the supplier of the wind turbines, confirming that the output of the turbine can be comfortably restricted to 2.45Mw, despite its potential capacity output of 3.5Mw to 4.2Mw. The appellant has set out their interpretation of EIA development thresholds, citing quarry development thresholds, the area of extraction, and output. The appellant has also detailed the sustainability of the proposal, including its sustainability within the context of the Commission of Regulation of Utilities approach to over installation for generators and the expansion of output. Furthermore, the appellant has outlined the proposal is in compliance with the Roscommon CDP 2022-2028.

4.5.4 I note that the details including for grid connection agreement details submitted by the appellant reflect details outlined and submitted in ABP 318944-24, with the connection agreement amended in 2024, with such measures to be employed by the appellant so that the turbines output would be restricted to below 5 MW.

4.5.5 In relation to the matter of sustainability, the submission outlines as the Vensys 121 turbine models agreed with the PA under condition 4 (a) of ABP-303677-19, is no longer produced, the appellant examined a board range of wind turbines, which

would meet the suitability criteria for the site. The submission outlines the critical criteria in the choice of turbine, was the very low wind speeds available on the lands, as confirmed in the Energy Yield Assessment, which confirms that the two turbines are in an area of 7.2m/s wind speed, and this is the lowest Wind Class III by the International Electrotechnical Commission (IEC) and well below the upper limit of 7.5 m/s wind average of Class III. Details submitted outline the Enercon E-138 was the most suitable turbine for capturing energy from such low wind speeds, and its selection ensures more efficiency in the wind energy scheme, than would be provided by other wind turbine models.

4.5.6 The appellant further acknowledges that if the MEC is ever increased in the future, planning permission confirming the increase (with an EIAR, should the increase extend to over 5Mw) must be presented to ESB Networks. It is outlined the fact the Enercon E138 wind turbine has the potential to meet an increased MEC from 3.5 MW to 4.2 MW, means the turbines would not need to be removed and replaced, whereas the use of wind turbines, limited to MEC of 4.95 Mw would need to be removed and replaced, and it is considered that this would be much less sustainable than recalibrating the output from the Enercon E-138 turbines.

4.5.7 The submission also outlines this sustainable approach to wind energy output is acknowledged by the CRU. It is outlined rules around generation and supply of electricity falls within the jurisdiction of the CRU, who until recently allowed generators to install a maximum of 120% of its contracted maximum export capacity (MEC). It is outlined this meant that a project with, for example, an MEC of 100 Mw was allowed to install a generation capacity of up to 120 Mw, or in the case where the 120 Mw threshold was not reached then this capacity was permitted to increase to the capacity of an additional wind turbine. It is outlined however, export from the site would remain limited to the MEC i.e 100 Mw. The submission outlines the CRU decided in its paper on the Installed Capacity Cap Report 2024 (attached in Appendix D), to remove the cap and allow generators to over install to any degree, without breaching the contracted MEC. It is stated this approach allows generators to expand output, if and when MEC is increased, without the need to entirely replace existing wind turbines.

4.5.8 The submission outlines this approach to over installing is reasonable, does not impact on the allowed MEC and in terms of sustainability, it allows generators to expand output, if and when MEC is increased, without the need to replace existing turbines. It is outlined on the basis of the information presented, it is considered that the use of restricted Enercon E-138 wind turbines is sustainable.

4.5.9 The approaches set out by the appellant, entailing the capturing of energy from low wind speeds by the selected model, the recalibration of a turbine model rather than their replacement, and an over installation to enable for an expanded output and in turn saving the requirement to replace existing turbines, are acknowledged in relation to the sustainability argument. I note these methods, where such options exist, would enable for improved efficiency, would be more sustainable than replacing and removing an existing turbine, and enable for the future proofing of a wind energy scheme.

4.5.10 Notwithstanding these approaches, given the potential capacity of the wind turbine model, which would have a combined output of up to 8.4MW, there are concerns in relation to the proper planning and sustainable development of the area. While the approaches set out in relation to wind energy output are outlined by the appellant to be acceptable to the CRU, in my view the submission has not addressed outstanding issues in relation to output and sustainability.

Proper Planning and Output

4.5.11 In relation to proper planning and issues of output, I note the appellant in their approach is seeking to limit the proposals output to an MEC of 4.95MW, and I further note should the MEC be sought to be increased in the future, a recalibration of the turbine model would result in the turbine model having a potential output ranging from 3.5MW to 4.2 MW. While the appellant outlines planning permission with an EIAR must be sought in the future should the MEC increase to over 5MW, I note that such a recalibration approach for the selected turbine model would give rise to a combined output of up to 8.4MW, which in turn would result in an increased generating capacity output of 69% over and above the output sought in the current application. In addition, I also note that the outlined CRU approach to over-installing,

which allows generators to over install to any degree, without breaching the contracted MEC, would support the recalibration approach.

4.5.12 On the basis of the information submitted, and having regard to the size, scale and output capacity of the turbine model, I am not satisfied that the sustainability approaches (wind energy capture, recalibration of turbine model, over-installing to expand output) set out by the appellant would enable for the sustainable use of resources and optimal turbine operational efficiency in the current proposal. The sustainability approach entailing the recalibration of the turbine model relates to the future operation of the turbines. The current proposal seeks to restrict the development to an operational output of 4.95MW. The appellants citing of future outlined approaches, demonstrates the schemes capacity for increased operational efficiency and output generation, over and above the current MEC and operation now being sought.

4.5.13 Furthermore, it is noted that on the one hand the wind turbine model selected by the appellant is seeking to maximise the energy yield from a location where there is a low wind speed, while on the other hand the appellant is seeking to restrict the output of the chosen models to 4.95 MW, when they have a combined potential capability and capacity to generate an output of up to 8.4 MW. Given that the proposed operational approaches in terms of maximising operational efficiency do not align, I consider such approaches do not demonstrate a sustainable approach in terms of output and renewable energy generation.

Planning Policy and Sustainable Development

4.5.14 In terms of planning policy and sustainable development, the appellant is seeking to limit the usage and output of the combined turbines models to 4.95 MW given the proposals MEC, while it is noted the turbine models have a potential generating capacity output of up to 8.4 MW. In relation to the RCDP, the appellant outlines that RES AIM 4 in the Renewable Energy Strategy, which is part of the RCDP 2022-28, encourages efficient designs and integration of renewable energy components into new and existing developments, and it is considered that the use of restricted output wind turbines, which have greater potential output capacity, fulfils the thrust of RES AIM4 and is compliant with the CDP.

4.5.15 While the sustainable approaches set out in relation to the proposed development are acknowledged, and it is noted that the outlined approach to over-installation is acceptable to the CRU, it is considered that restricting the use and output of the two turbine models to 4.95 MW, and which have a significantly higher potential capacity output ranging up to 8.4 MW, is an inefficient use and 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. In this case I note Strategic Aim RES AIM 2 of the Renewable Energy Strategy of the CDP, which is incorporated as policy objective CAEE 8.3 in the CDP, which seeks to: "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". As outlined in 4.5.13, the proposed approaches outlined in relation to maximising operational efficiency are not considered to align. I therefore consider the issue of the unsustainable use of resources and the rationale as set out in the refusal reason attached to my original report in 318944 still holds.

Grid Connection

4.5.16 In relation to the grid connection, the appellant has submitted details of the Planning Authority's Section 5 Declaration for the grid connection, Reference Number DED 582, dated 26th June 2023, which determined that the grid connection was exempted development. I note the RCC planners report in 2360198 outlines RCC has determined under a Section 5 application (DED 582) that the associated grid connection constitutes exempted development, as determined in September 2023. Observers have raised concerns that the grid connection does not form part of the application and that the proposal is project splitting and requires an EIAR. As highlighted in 318944, I note that the application/appeal has not included for a grid connection for the proposed development. As the issue of grid connection and its requirements would be a new issue, I am not recommending refusal on these grounds. Were the Commission however minded to grant permission for the development, the issue of grid connection would need to be addressed.

4.6 Item 2 - A Revised Appropriate Assessment Screening which is informed by appropriate bird surveys. The bird surveys are to be undertaken in accordance with best practice guidance.

4.6.1 In terms of the background to the current case, as highlighted in section 1.1 of this report, the Commission previously made a decision on this appeal by order dated 16th of July 2024, under appeal reference number ABP-318944-24. This decision was quashed by Order of the High Court and the case was remitted by that Court back to the Commission for a fresh determination. To enable consideration of the existing case, ACP has requested the developer 2) to submit a revised Appropriate Assessment Screening which is informed by appropriate bird surveys. This information request stems from the refusal reason no. 2 as set out in ABP-318944-24.

4.6.2 In refusal reason 2, the Commission noted the limited bird survey work undertaken to inform the AA screening, as submitted with the application and appeal. The Commission also noted that the AA screening undertaken did not encompass consideration of the grid connection associated with the proposal. The Commission was therefore, not satisfied, on the basis of the submissions made in connection with the application and appeal, that the development as proposed, either individually or in combination with other plans and projects, would not be likely to have a significant effect on European sites and in such circumstances was precluded from granting permission.

4.6.3 It is noted that in setting out their refusal reason no.2, relating to Appropriate Assessment Screening, the Commission were not in agreement with the Inspectors AA Screening carried out, which had determined that the proposed development, would not be likely to have a significant effect on European Sites. The Commission were of the view the information submitted did not demonstrate that significant effects would not arise in respect of European Sites and there was insufficient information available to make a determination.

4.6.4 The appellants response includes for an amended copy of the AA screening report for the two turbine development (Appendix E), and an AA screening report on the

grid line connection (Appendix F). It is submitted in terms of biodiversity, the Board has been presented with detailed Appropriate Assessment screening reports, confirming the proposal, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

4.6.5 I note that the amended AA screening report submitted addresses a number of information errors, which relates to blade-tip height of T1, the site area, and the omission of certain proposed infrastructure. I further note the content of the AA screening report on the grid connection, and its siting relative to European Sites, which concludes that the proposed development is not likely to have a significant effect on any European Site.

4.6.6 I also note that a Revised Appropriate Assessment Screening, informed by appropriate bird surveys, to be undertaken in accordance with best practice guidance, has not been submitted, and which has been highlighted by observers. This revised AA screening, was sought from the appellant to enable for an Appropriate Assessment screening exercise for the proposed development, and to allow for a determination on whether significant effects would arise in respect of the relevant European Sites, in light of their conservation objectives.

4.6.7 In 318944-24 it was established that there are 2 European Sites within the zone of influence which have a potential for ecological linkage to the proposed wind farm development. These include European Sites **Lough Ree SPA (Site code 004064)** and **River Suck Callows SPA (site code 004097).** I note the publication of the new Conservation Objective Documentation for the Lough Ree SPA (Site code 004064) on the NPWS website, dated 04 April 2025. I also note the AA screening report undertaken for the grid connection associated with the wind farm proposal, considers the potential for ecological linkage to European Sites.

4.6.8 The second item in the request for further information sought to obtain relevant information for the purposes of addressing refusal reason 2 and to carry out an AA screening exercise. While a Revised Appropriate Assessment Screening informed by appropriate bird surveys has not been submitted, I note an amended AA screening report for the proposal has been submitted, and that an AA screening report has been undertaken and submitted for the grid connection associated with the wind farm proposal. On the basis of the requested further information and the information submitted in response to same, I have undertaken an updated AA Screening

exercise of the proposed wind farm development and its associated grid connection as set out in Section 5.

4.6.9 It should be noted that in the AA Screening exercise undertaken, I have concluded that the proposed wind farm and its associated grid connection development would not be likely to give rise to significant effects on European Sites. Section 5.0 sets out my basis for this viewpoint. It should also be noted that this viewpoint does not align with the viewpoint of the Commission as set out in refusal reason no. 2 in ABP-318944, with the Commission not satisfied that the development as proposed, would not be likely to have a significant effect on European sites.

5.0 Appropriate Assessment Screening

5.1 Introduction

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

5.1.2 The Planning Authority, RCC 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.

5.1.3 The Commission 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.

5.2 Screening for Appropriate Assessment - Test of likely significant effects

5.2.1 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).

5.2.2 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.

5.3 Description of Development

5.3.1 2 no. Appropriate Assessment Screening reports have been submitted for the proposal. This includes an AA screening report for the proposed wind turbine development, and an AA Screening report for the proposals associated grid connection. A description of the proposed developments are set out as follows:

1-Screening Report for Appropriate Assessment – Proposed Amendments to Permitted Two Turbine Development, dated August 2025

5.3.2 The proposed development is described in Section 2 of the submitted Screening Report for Appropriate Assessment – Proposed Amendments to Permitted Two Turbine Development, dated August 2025. It is outlined the proposal consists of:

Amendments to the development permitted under RCC Planning Register References PD11/126 and PD18/447

1. Relocation of the service track to avoid unnecessary gradients and the need for the importation of excessive levels of fill material

2. The relocation of underground electrical cabling to the relocated service track

3. The use of the Enercon 138 turbines and the micro siting of turbine T1 by 12.75 metres to avoid oversail on adjoining third party property

4. Increase in the hub height of turbine 1, increasing the blade tip height from 150 m to 168 m.

5. Amendments to the handstands associated with each turbine, to provide sufficient area for the storage and erection of the turbines

6. Amendments to permitted substation with associated underground electrical cabling

7. Revised site boundaries

5.3.3 The proposed development as outlined in notices 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

5.3.4 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.

5.3.5 The Screening Report for Appropriate Assessment – Proposed Amendments to Permitted Two Turbine Development, was prepared by JKW Environmental, and is based on a proposed turbine T1 height of 168m. 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 Whooper Swan and Greenland White Fronted Goose dated 24th January 2024 has been submitted which include for Roaming Surveys and Dawn and Dusk Vantage point surveys.

2-Appropriate Assessment Screening Report - Derm Wind Farm 10kV Gridline Connection, dated August 2025

5.3.6 The proposed grid connection development is described in Section 1.2 of the submitted Appropriate Assessment Screening Report - Derm Wind Farm 10kV Gridline Connection, dated August 2025. It is outlined the proposal is in the townlands of Roxborough, Derrane, Cloonybeirne and Killarney, Co. Roscommon, and includes for a proposed 10kV grid connection extending from the existing Roscommon 38kV substation to the Derm wind farm site. It is outlined the connection route spans approx. 4.3 km though predominantly an agricultural landscape characterized by improved grassland and scattered rural dwellings, and traverses the urban setting of Roscommon town.

It is outlined the grid connection comprises two distinct sections:

The underground cable section extends 3.3km from the existing Roscommon 38kV substation northwards through rural agricultural lands, following existing road networks and field boundaries, and includes:

- Installation of 10kV underground electrical cables within existing road corridors

- Eight joint bay locations positioned along the 3.3km route for cable connections and maintenance access
- Underground ducting through national road infrastructure where required
- Cable route designed to follow existing public roads to minimize environmental impact

The overhead line section extends 1.0km from the northern termination point of the underground cable to the wind farm site, consisting of a single circuit 10kV line supported by wooden poles. The overhead infrastructure includes:

- Thirteen intermediate poles (IMP) providing standard line support along straight sections
- Two end poles (EP) for line termination points
- Five map poles (MAP) providing angular and tension support where required
- Single circuit conductor installation connecting underground cable to wind farm infrastructure

5.3.7 It is outlined the route selection prioritises the use of existing linear features such as roads and field boundaries to reduce habitat fragmentation and maintain connectivity with existing electrical infrastructure. Associated infrastructure includes for cable jointing chambers at designated joint bay locations, pole foundations and guy wires where required for overhead line stability, and temporary construction compounds and access routes during the installation phase.

5.3.8 Details submitted outline the development area is within the Upper Shannon Water Framework Directive catchment, within the Clooneigh sub-catchment (SC_010) and the Hind sub-catchment (SC_010), and is within the Funshinagh and Curraghroe groundwater bodies which maintains ‘good’ WFD status for the period 2016-2021. GSI groundwater vulnerability mapping classifies the area as having extreme to high vulnerability. The nearest watercourse are the Emmoo stream (EPA Code: 26E03), which the OHL will pass over and the Creevyquin stream (EPA Code: 26C45) which will be crossed by the UGC within the road along the L1807. The Emmoo stream is classified as having ‘good’ water quality as per the WFD status for the period 2016-

2021, with the Creevyquin stream classified as having ‘poor’ water quality as per the WFD status for the same period.

5.3.9 Taking account of the characteristics of the proposed developments (proposed wind farm development and its associated grid connection) in terms of their 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

5.4 Observations

5.4.1 Observations have outlined the following:

- Concerns in relation to Whooper Swan, Lough Ree SPA, adjoining SPA, and Board must be satisfied 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.
- Given bird flight paths, migration, an Appropriate Assessment is required to include detailed physical observations of bird movements during Autumn, Spring and migratory periods, with the habitats directive protecting conservation interests
- 2 AA screening reports submitted do not contain details of bird survey work as requested. Screening report would need to apply over a number of winters. No substance to Appendix C Supplementary information on Whooper Swan and Greenland White Fronted Goose.
- JKW incorrect in stating “no pathway for effect identified for Whooper Swans. The site is not within the likely zone of influence”, because proper bird survey/EIAR not done

- Screening report is a desktop exercise. Report mentions the Whooper Swan being 3.5km from the site, with species feeding less than 1km from the proposal site
- Annex 1 species Whooper Swans recorded at Rathconor feeding ground, approximately 12 km from Loughree SAC, proposal will interfere with species flight path. AA Screening is incorrect in relation to impact on Loughree SAC SPA
- Request to appellant 29th August 2025 will not take into consideration Whooper Swan an Annex 1 species, as they are migratory species. Survey should also include Greenland white-fronted geese, species in SAC, Lough Ree, River Suck Callows
- JKW AA Screening Report represented with incorrect details, illegible map legend, incorrect map siting. States no surface water pathway to Loughree SAC, but says Emmoo stream is connected to the SAC. Turlough beside proposed site is connected to Emmoo Stream. Photographs are attached.
- JKW Environmental Screening Report for AA and AA Screening report dated 25/8/25, was done on 16/9/2022
- Photographs are attached from a number of observers of: Whooper Swans in front of and flying over an observers home at Derrane Road; of Whooper Swans feeding within 900m of the development, also in flight over development location, and of Whooper Swans at Derrane Road.
- Similar development refused in ABP 20.243479, cited concerns for protected bird species Whooper Swan and nearby Natura 2000 sites as basis for refusal. Similar circumstances also considered in 10/541 ABP 20.244346 (20.239759)
- Screening inconsistent with principles in People Over Wind v Coillte Teoranta CJEU C-323/17

5.5 European Sites

5.5.1 The proposed wind farm 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 Screening Report for Appropriate Assessment – Proposed Amendments to Permitted Two Turbine Development 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.

5.5.2 The proposed grid line connection development is not located in or immediately adjacent to a European site. The closest European site is Lough Ree SAC, within 2.6km of the proposed development. The Appropriate Assessment Screening Report - Derm Wind Farm 10kV Gridline Connection submitted considers 13 European Sites within a zone of influence (with the sites detailed within less than 15km) of the proposed development. Table 5.1 of the report includes for details on the European Sites, their qualifying interests, conservation objectives, pathways, describes the potential impacts of the proposed development on these sites, and the potential pathways for further assessment. I have set out a summary of European Sites that are considered relevant to include for the purposes of initial screening. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

5.5.3 Table 1.1. Summary Table of European Sites within a possible zone of influence of the proposed wind farm development, and of the proposed grid line 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)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	To maintain or restore the favourable	The Emmoo Stream is located c.413m to the south of the wind farm site which connects to the SAC. Lands to the south of the site	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
5.6km over land to the wind farm site 2.6km overland to the grid development site	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Alkaline fens [7230] Limestone pavements [8240] Bog woodland [91D0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lutra lutra (Otter) [1355] 91A0 Old sessile oak woods with Ilex and and Blechnum in the British Isles	conservation condition	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 wind farm development is unlikely. In relation to the grid connection route, the OHL route of the proposed grid line traverses the Emmoo Stream c. 7km and c.8km (hydrological connections) from the SAC. The proposal involves construction works consisting of an overhead line pole installation at this location. The underground cable route traverses the Creevyquin stream located c.11.5km and c. 13.5km (hydrological connections) from the SAC. The proposal involves construction works consisting of an underground cable installation within the existing road corridor at this location. There is a potential hydrological connection from the grid connection site to the SAC site, and a potential ex-situ connection, by way of mobile species (otter).	
Corbo Bog SAC (002349) 4.4km over land to the wind farm site 4.8km overland to the grid development site	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 to the wind farm site. The SAC is designated for terrestrial habitats. No known pathway to the grid connection site. The SAC is designated for terrestrial habitats.	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
Lisduff Turlough SAC (000609) 12.5 km over land to the wind farm site 10.4km to the grid development site	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Annaghmore Lough SAC (001626) 12.7km over land to the wind farm site 14km to the grid development site	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 over land to the wind farm site 6.5km to the grid development site	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Aughrim Bog SAC (002200) 14.7km over land to the wind farm site	Degraded raised bogs still capable of natural regeneration [7120]	To restore the favourable conservation condition	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
13.5km to the grid development site				
Fortwilliam Turlough SAC (000448) 13.4km over land to the wind farm site 11.8km to the grid development site	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Mullygollan Turlough SAC (000612) 13.4km over land to the wind farm site 14km to the grid development site	Turloughs [3180]	To maintain the favourable conservation condition	No known connection.	n
Four Roads Turlough SAC (001637) 16km over land to the wind farm site 14.4km to the grid development site	3180 Turloughs	To restore the favourable conservation condition	No known connection.	n
Four Roads Turlough SPA (004140) 16km over land to the wind farm site 14 km to the grid development site	A140 Golden Plover A395 Greenland White-fronted Goose A999 Wetlands	To maintain or restore the favourable conservation condition	No known connection/pathway identified.	n
Lough Funshinagh SAC (000611)	3180 Turloughs 3270 Rivers with muddy banks with Chenopodion	To maintain the favourable conservation condition	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
15.5km over land to the wind farm site 13km to the grid development site	rubri p.p. and Bidention p.p. vegetation			
Lough Ree SPA (004064) 7.7km over land to the wind farm site 6km to the grid development site	A004 Little Grebe Tachybaptus ruficollis A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas penelope A052 Teal Anas crecca A053 Mallard Anas platyrhynchos A056 Shoveler Anas clypeata A061 Tufted Duck Aythya fuligula A065 Common Scoter Melanitta nigra A067 Goldeneye Bucephala clangula A125 Coot Fulica atra A140 Golden Plover Pluvialis apricaria A142 Lapwing Vanellus vanellus A193 Common Tern Sterna hirundo A999 Wetlands S.I. No. 456/2012 - European Communities (Conservation of Wild Birds (Lough Ree Special Protection Area 004064)) Regulations	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. To maintain the Favourable conservation condition of Wetland habitats in Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	The Emmoo Stream is located c.413m to the south of the wind farm site which connects to the SPA. 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 wind farm development is unlikely. Potential ornithological connection exists between the proposed wind farm site and the SPA. In relation to the grid connection route, the OHL route of the proposed grid line traverses the Emmoo Stream c. 9km (hydrological connection) from the SPA. The proposal involves construction works consisting of an overhead line pole installation at this location. The OHL route of the proposed grid line is located c.7km (over land) from the SPA. The underground cable route traverses the Creevyquin stream located c. 15km (hydrological	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
	2012, include Wetland and Waterbirds as an SCI.		connection) from the SPA. The proposal involves construction works consisting of an underground cable installation within the existing road corridor at this location. There is a potential hydrological connection from the grid connection site to the SPA site, and also a potential ex-situ ornithological connection to the SPA site.	
River Suck Callows SPA (004097) 9.2km over land to the wind farm site 8.2km to the grid development site	A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas penelope A140 Golden Plover Pluvialis apricaria A142 Lapwing Vanellus vanellus A395 Greenland White-fronted Goose Anser albifrons flavirostris Wetlands [A999] S.I. No. 397/2012 - European Communities (Conservation of Wild Birds (River Suck Callows Special Protection Area 004097)) Regulations 2012, include Wetland and Waterbirds as an SCI.	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 between the proposed wind farm site and the SPA. The OHL route of the proposed grid line is located c.8.7km from the SPA. Potential ornithological connection exists between the proposed grid connection site and the SPA.	y

5.5.4 In establishing the zone of influence, I have had regard to the nature, scale and location of the proposed wind farm development, and the nature, scale and location

of the grid connection 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 sites, the lack of a substantive hydrological or ecological 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 developments are unlikely. Having regard to the details set out in Table 1.1 and the source-pathway-receptor model, I consider that there are 3 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), River Suck Callows SPA (site code 004097), and Lough Ree SAC (Site code 000440).

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

5.5.5 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 proposed development sites from these sites. Given this separation distances and the lack of hydrological or ecological 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), Four Roads Turlough SAC (001637), Four Roads Turlough SPA (004140), Lough Funshinagh SAC (000611), the potential for significant effects to arise on these sites can be ruled out.

5.6 Potential Effects on European Sites

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

5.6.2 The following sections contain my assessment of the likely significant effects of the above identified 3 European Sites in light of their conservation objectives.

- **Lough Ree SAC (000440)**
- **Lough Ree SPA (Site code 004064)**
- **River Suck Callows SPA (site code 004097)**

An assessment of the proposed wind farm development and its associated grid connection development is undertaken for the relevant European Sites.

Site 1 - Lough Ree SAC (000440)

Proposed Wind Farm Development

5.6.3 In relation to the proposed wind farm development, 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 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 wind farm development would not be likely to have a significant effect on the SAC.

Proposed Grid Connection Development

5.6.4 In relation to the proposed grid connection development, the AA Screening report mapping on Figure 1.2 *Site Layout* indicates that the overhead line route of the proposed grid line traverses the Emmoo Stream c.7km and c.8km (potential hydrological connections) from the SAC. This element of the proposal involves construction works consisting of an overhead line pole installation adjacent to the watercourse at this location. The proposed underground cable route traverses the Creevyquin stream located c.11.5km and c.13.5km (potential hydrological connections) from the SAC, and the AA Screening Report outlines this element of the proposal involves construction works consisting of an underground cable

installation within the existing L1807 road corridor at this location. Both of the watercourses at these locations connect to the downstream SAC.

5.6.5 *Direct Impacts:* The AA Screening Report outlines there is no potential for direct impacts on the SAC as the proposed development is located outside of the SAC boundary at a distance of 2.6km. Due to the distance from the proposed development site to the SAC site, I concur with this view.

5.6.6 *Indirect Effects - Hydrological:* I consider that the potential hydrological pathway from the source to the SAC which is via streams at significant distances of approx. 7km, 8km, 11.5km and 13.5km, is weak, given the limited nature and scale of works with no instream works proposed, the temporary nature of the works, the separation distances from the proposal site and the SAC, and that dilution and dispersion of any potential pollutants in watercourses would occur. On the basis of the nature of the works, and the proposed developments sites separation distance from the SAC, I also consider the potential for impacts on the SAC from groundwater pollution unlikely. I therefore consider that the proposed development would not be likely to have a significant effect on the QI habitats of the SAC.

5.6.7 *Ex-situ disturbance effects:* There is a potential hydrological connection from the grid connection site to the SAC site, and a potential ex-situ connection, by way of the SACs QI species Lutra lutra (Otter) [1355]. While surveys for the species have not been detailed for the grid connection route, the AA Screening report outlines National Biodiversity Data Centre (NBDC) records of 10km polygon M86 were reviewed and shows that Otter (Lutra Lutra) species were recorded in areas surrounding the site.

5.6.8 Having regard to the nature of the works and their siting, and in particular where the underground cable route traverses the Creevyquin stream, there is a potential for ex-situ disturbance and displacement effects to Otter, by way of increased noise, and increased human activity at the construction phase. There is also a potential for indirect effects to the habitats of the qualifying interest species dependent on water quality, at the construction stage, by way of the release of construction related pollution including hydrocarbons to surface waters.

5.6.9 However, given the location and limited nature and scale of works, the temporary nature of the works, and the siting of the cable installation within the existing public road corridor where it traverses the Creevyquin stream, with stone walls sited on both sides of the road spanning the watercourse, and with no instream works proposed, I consider the potential for significant effects to arise on Otter species by way of noise disturbance/increased human activity at the construction phase unlikely. In addition, given the location and limited nature and scale of works, I consider the potential for significant effects to arise on Otter species at the construction stage, by way of effects to water quality and their habitat, unlikely. Having regard to the limited and temporary nature of the works at a field site adjacent to the Emmoo Stream, which includes for the installation of an overhead line pole to provide standard line support, I consider that the potential for significant effects to arise on Otter species by way of disturbance, and effects to water quality and their habitat at this location, unlikely.

5.6.10 It is therefore considered, the potential for significant effects to arise on the SACs QI species Lutra lutra (Otter) [1355], by way of ex-situ impacts, can be ruled out.

In-Combination Effects

5.6.11 The AA screening reports which take into account the Roscommon County Development Plan 2022-2028 do not consider there would be in-combination /significant in-combination effects. I have had regard to the Roscommon County Development Plan 2022-2028, the information submitted, the AA Screening Reports 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, which traverses the path of the proposed underground grid connection route, and 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 developments (proposed wind farm and associated grid connection), 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 developments.

Mitigation Measures

5.6.12 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.

Observations

5.6.13 Observations have outlined concerns in relation to the following: the information in the AA Screening Reports, their legibility, mapping and incorrect details within; the proposals surface water connection to Lough Ree SAC; Turlough beside proposed site is connected to Emmoo Stream; the requirement for Appropriate Assessment; QI species of Lough Ree SPA, River Suck Callows SPA; Greenland white-fronted geese; Whooper Swan; flight paths; pathway for effects; bird survey work not submitted as requested; Screening report would need to apply over a number of winters; AA Screening report dates; Precedent cases, Case law.

5.6.14 I consider that the details presented within the AA Screening Reports are adequate to enable for the undertaking of an AA Screening exercise of the proposed developments in relation to Lough Ree SAC (000440).

Conclusion - Site 1 - Lough Ree SAC (000440)

5.6.15 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 wind farm development and associated grid connection development, either 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) 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.

Site 2 - Lough Ree SPA (Site code 004064)

Site 3 - River Suck Callows SPA (site code 004097)

Proposed Wind Farm Development

5.6.16 *Direct Impacts:* The AA Screening Report for the wind farm development 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 this viewpoint.

5.6.17 *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, 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.

5.6.18 *Ex-situ disturbance effects:* I note observations have outlined concerns in relation to: the proposed development effects on QI species of Lough Ree SPA and River Suck Callows SPA, including Greenland white-fronted geese, Whooper Swan; effects on flight paths, pathway for effects; the siting of a turlough beside the site; with photos

submitted of Whooper Swan activity in the site area and in flight over the development location.

5.6.19 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 SCI 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 report outlines particular attention was given in the survey to the presence of surface water features at the project site that could function as pathways between the project site and European Sites in the wider surrounding area. 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.

5.6.20 In response to the refusal of planning by Roscommon County Council, additional investigations (as set out in *Supplementary Information on Whooper Swan and Greenland White fronted-Goose*, dated 24/01/2024) 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.

5.6.21 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.

5.6.22 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. Approx. 50 Whooper Swans were recorded at the feeding site on 23rd January.

5.6.23 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.

5.6.24 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 all (2015) and that no evidence of whooper swans foraging within or transecting though 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.

5.6.25 I note SNH *Assessing Connectivity with Special Protection Areas (SPAs) Guidance* (2016) sets out the foraging range from nest site during breeding season, and that Golden Plover has a core range of 3km. The guidelines further outline for foraging range from night roost during winter season, Whooper swan has a core range of less than 5km, with Greenland white-fronted goose having a core range of 5-8km. While I note the details submitted in relation to feeding and roosting sites to the northwest of the proposal site, I further note that the proposed development site is located outside the core foraging range for the species associated with the 2 no. SPA's, located to the southeast and southwest of the proposal site.

5.6.26 I further note that an indirect physical pathway exists via mobile SCI species of Lough Ree SPA and River Suck Callows SPA. However, having regard the details

presented in the AA screening report including details of SCI core foraging ranges and the proposed development sites separation distances to the SPAs, and the supplementary information provided in relation to Whooper Swan and Greenland White fronted-Goose, their feeding and roosting sites in the area and their siting relative to the proposed development site, the details of the species 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 Commission in previous determinations of applications on this site accepted that the potential for any significant effects to arise on SCI did not arise.

5.6.27 *Collision Risk:* I note observations have outlined concerns in relation to the proposed developments effects on QI species of Lough Ree SPA and River Suck Callows SPA, and effects on species flight paths. 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 however, Whooper Swan and Greenland white-fronted goose are known to forage at distance from their winter roosts. Details outline the proposed amendments to the permitted development are outside the core foraging range of both Whooper swan and Greenland white-fronted goose. It is also stated evidence supports the view that collision events between a range of bird species and wind turbines are uncommon or rare (Still *et al* 1996; Langston & Pullman 2003; Drewitt & Langston 2006). 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 for the proposal the risk of collision of species with turbines is extremely low. It is outlined the proposed amendments will not result in any increased risk of collision for these species as the amendments do not impact upon the core foraging ranges or avoidance of turbine rate. 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.

Further comment on Ex-situ effects, Bird Surveys:

5.6.28 It is noted that in setting out their refusal reason no.2 in ABP-318944-24, relating to Appropriate Assessment Screening, the Commission were of the view the information submitted did not demonstrate that significant effects would not arise in respect of European Sites and there was insufficient information available to make a determination. I further note a Revised Appropriate Assessment Screening, informed by appropriate bird surveys, to be undertaken in accordance with best practice guidance, as requested, has not been submitted by the appellant for the current case. This revised AA screening, was sought from the appellant to enable for an Appropriate Assessment screening exercise for the proposed development, and to allow for a determination on whether significant effects would arise in respect of the relevant European Sites, in light of their conservation objectives.

5.6.29 While the requested Revised Appropriate Assessment Screening, informed by appropriate bird surveys, has not been submitted, as highlighted, in screening out the likelihood of any significant effects to arise on SCI, I have had regard to the details submitted and relevant guidelines, including SNH *Assessing Connectivity with Special Protection Areas (SPAs) Guidance* (2016), which sets out the core foraging ranges of SCI species. As outlined, the proposed development site is located outside the core foraging range as outlined in the guidance for SCI species Golden Plover, Whooper swan, and Greenland white-fronted goose, SCI species associated with the relevant SPA sites. I also note NatureScot Guidelines on *Recommended bird survey methods to inform impact assessment of onshore windfarms* (2025). While I note the investigations carried out include vantage point surveys, of note is the guidance set out for Distribution and Abundance Surveys (Section 3.7), and for Wintering and migratory waterfowl, especially geese and swans (Section 3.7.8). The guidance outlines for Whooper Swan, Greenland white-fronted geese, feeding distribution surveys should be undertaken in areas of suitable habitat when the survey area lies within the core foraging distance of SPAs for these species or other major roosts. As

detailed the proposal site is located outside the core foraging range of the relevant SCI species. In addition, the survey submitted details that a Whooper Swan roosting site is located 5.1km to the northwest of the proposal site. It is noted that this roosting site is located c.12.8 km northwest of Lough Ree SPA, and c.10.2 km north of River Suck Callows SPA, and outside the core foraging range of the relevant SCI species. Having regard to the foregoing, the details submitted, the proposed development sites separation distance to the SPAs, and its location outside of core foraging ranges for the relevant SCI species, I consider there is no real likelihood of any significant effects to arise on SCI by way of ex-situ effects, and that the proposed amendments would not give rise to an additional risk of collision.

Site 2 - Lough Ree SPA (Site code 004064)

Site 3 - River Suck Callows SPA (site code 004097)

Proposed Grid Connection Development

5.6.30 *Direct Impacts:* The AA Screening Report outlines there is no potential for direct impacts on Lough Ree SPA or on River Suck Callows SPA as the proposed development is located outside the SPAs at a distance of c.6km and c.8.2km respectively, and I concur with this viewpoint.

5.6.31 *Indirect Effects - Hydrological:* I consider that the potential hydrological pathway from the source to Lough Ree SPA (004064) which is via streams at significant distances of approx. 9km and 15km, is weak, given the limited nature and scale of works with no instream works proposed, the temporary nature of the works, the separation distance from the proposal site and the SPA, and that dilution and dispersion of any potential pollutants in watercourses would occur. On the basis of the nature of the works, and the proposed developments sites separation distance from the SPA, I also consider the potential for impacts on the SPA from groundwater pollution unlikely. I therefore consider that the proposed development would not be likely to have a significant effect on the SCI habitat of Lough Ree SPA.

5.6.32 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.

5.6.33 *Ex-situ disturbance effects:* The AA Screening Report outlines the proposed development is located outside the core foraging ranges for Golden Plover and Whooper Swan, QI of Lough Ree SPA, and given the limited scale and temporary nature of construction works, the short length and low voltage nature of the overhead line, distances from core foraging ranges for most species, and lack of suitable habitat, no significant effects on SCI species or their supporting habitat are predicted. Given the nature and scale of the proposed development, including an overhead line with a separation distance of c.7km to the SPA, the temporary nature of works, and its location outside the core foraging ranges for SCI species, I concur with this view.

5.6.34 The AA Screening Report outlines the proposed development is located outside the core foraging ranges for Golden Plover, Whooper Swan and Greenland White-fronted Goose, QI of the River Suck Callows SPA. It is outlined given the limited scale and temporary nature of construction works, distances from core foraging ranges for most species, and lack of suitable habitat, no significant effects on SCI species are predicted. Given the nature and scale of the proposed development, including an overhead line with a separation distance of c.8.7km to the SPA, the temporary nature of works, and its location outside the core foraging ranges for SCI species, I concur with this view.

5.6.35 *Collision Risk:* The AA Screening Report outlines a potential pathway exists via collision risk with overhead lines for the Lough Ree SPA. It is outlined the proposal involves an underground cable installation in existing roads and a 1km overhead line section, and given the distances from core foraging ranges for most species, and lack of suitable habitat, no significant effects on SCI species of the Lough Ree SPA or River Suck Callows SPA are predicted. Given the nature and scale of the proposed development, including an overhead line with a separation distance of c.7km and 8.7km to Lough Ree SPA and River Suck Callows SPA respectively, and the proposals overhead line location outside the core foraging ranges for SCI

species, I consider that significant effects on SCI species by way of collision risk unlikely.

In-Combination Effects

5.6.36 The AA screening reports which take into account the Roscommon County Development Plan 2022-2028 do not consider there would be in-combination effects/significant in-combination effects. I have had regard to the Roscommon County Development Plan 2022-2028, the AA Screening Reports 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, which traverses the path of the proposed underground grid connection route, and 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 developments (proposed wind farm and associated grid connection), 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 developments.

Mitigation Measures

5.6.37 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.

Observations

5.6.38 Observations have outlined concerns in relation to the following: the information in the AA Screening Reports, their legibility, mapping and incorrect details within; the proposals surface water connection to Lough Ree SAC; Turlough beside proposed site is connected to Emmoo Stream; the requirement for Appropriate Assessment; QI species of Lough Ree SPA, River Suck Callows SPA; Greenland white-fronted geese; Whooper Swan; flight paths; pathway for effects; bird survey work not submitted as requested; Screening report would need to apply over a number of winters; AA Screening report dates; Precedent cases, Case law.

5.6.39 I consider that the details presented within the AA Screening Reports are adequate to enable for the undertaking of an AA Screening exercise of the proposed developments in relation to Lough Ree SPA (Site code 004064), River Suck Callows SPA (site code 004097).

Conclusion on Lough Ree SPA (Site code 004064), River Suck Callows SPA (site code 004097)

5.6.40 Permission exists for a 2 no. wind turbine development at the site of the proposed wind farm development location. The proposed wind farm development is located outside the core foraging range for SCI species Golden Plover, Whooper Swan, Greenland white-fronted Geese, of Lough Ree SPA / River Suck Callows SPA. 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 goose 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 SCI 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 wind farm development would not give rise to significant indirect effects on the SCI 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 wind farm development on the SCI of Lough Ree SPA or the River Suck Callows SPA.

5.6.41 Having regard to the nature, scale and location of the proposed grid connection development, and its separation distance to European Sites, I also consider there is no real likelihood of significant effects to arise from this proposed development on the SCI of Lough Ree SPA or the River Suck Callows SPA, by way of indirect effects, ex-situ disturbance effects, collision risk.

5.7 AA Screening Conclusion

5.7.1 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 wind farm development and its associated grid connection 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.

5.8 Screening Determination

Significant effects can be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed wind farm and its associated grid connection development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites **Lough Ree SAC (000440), Lough Ree SPA (Site code 004064), River Suck Callows SPA (site code 004097)** in view of the sites conservation objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The nature and scale of the proposed developments
- Distance from and weak indirect connections to the European sites
- No real likelihood of significant effects to arise from the proposed developments on the SCI of **Lough Ree SPA** or the **River Suck Callows SPA,** or on the **QI of Lough Ree SAC**
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for **Lough Ree SPA,** the **River Suck Callows SPA,** or **Lough Ree SAC,** and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those QI/SCI features of unfavourable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

6.0 Conclusion and Recommendation

6.1 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. Following the undertaking of an EIA screening determination, there are no issues from a Schedule 7A viewpoint in relation to the proposed development. However, it is considered the limitation of the output capacity of two turbines models which have an output capacity ranging from 7 MW to 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.

6.2 In relation to Appropriate Assessment Screening, taking into account the further information submitted for item 2, on the basis of the information submitted, I am satisfied, that the proposed wind farm development, and its associated grid connection development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on European Sites.

6.3 Taking into account my assessment as set out in this report, in conjunction with my original assessment of Inspector's Report ABP Ref: 318944-24 dated 24th May, 2024, my recommendation to the Commission regarding the appeal before it now is partly similar to the recommendation previously provided. In this case, the refusal reason relates to the unsustainable use of resources and proper planning and sustainable development. As outlined, there are no issues from a Schedule 7A viewpoint.

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

7.0 Reasons and Considerations

1.The Commission is not satisfied, on the basis of the submissions made in connection with the application and the appeal, that the proposed amendments to the development originally permitted for two turbines and associated development under Roscommon County Council planning register reference number PD/11/126, involving a change in turbine model, would constitute a sustainable use of resources. The Commission had regard to measures being employed so that the combined output of both turbines would be maintained below five megawatts, and to the documentation in respect of the grid connection provided; and also had regard to the details and documentation in respect of the approaches to wind energy output provided; however, given the capacity for the output of each of the proposed turbines ranging from 3.5 megawatts to 4.2 megawatts, the Commission 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 2022-2028 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

Senior Planning Inspector

22nd December 2025

Appendix A – List of Participants invited under section 131 of the Planning & Development Act 2000 as amended, dated 30th May 2025, who made further submissions

1. Eimear Kelly
2. Liam, Gerard and Muriel Ryan
3. Sandra and Padraig Shanagher
4. Catherine Waldron
5. Pat and Eimear Kelly
6. Derrane Residents Group
7. Thomas Garvey
8. David Hickey
9. Mark Mahon
10. Dympna Molloy

Appendix B – List of Participants invited under section 131 of the Planning & Development Act 2000 as amended, dated 1st October 2025, who made further submissions

1. Dympna Molloy
2. Mark Mahon
3. Pat and Eimear Kelly
4. Catherine Waldron
5. David Hickey
6. Derrane Residents Group
7. Padraig and Sandra Shanagher
8. Thomas Garvey
9. Gerard, Muriel and Liam Ryan

Appendix C – Form 3: EIA Screening Determination

A. CASE DETAILS	
An Bord Pleanála Case Reference	**322604-25**
Development Summary	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	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	**No**	In EIA section of PA planning report, it was considered the proposed development required an EIAR.
2. Has Schedule 7A information been submitted?	**Yes**	Yes
3. Has an AA screening report or NIS been submitted?	**Yes**	An amended copy of the AA screening report has been submitted. An AA screening report on the grid connection route has been submitted.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	**No**	n/a
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	**Yes**	SEA and AA were undertaken in respect of the Roscommon County Development Plan 2022-2028 Noise Assessment Report Energy Yield Assessment Archaeological Test Trenching Report Flood Risk Assessment Report Groundwater Contamination Risk Report Visual Assessment Shadow Flicker analysis

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith **NOTE: Schedule 7A information submitted by the appellant is highlighted in red. The Inspector Comments, where relevant, are highlighted in black.**			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the scale of the development is acceptable within the scale of the surrounding landscape and can be integrated. The development footprint is 2.5 ha. The proposed development is located c.4.5km north of Roscommon Town and c.1.4km to the east of the N61. Inspectors Comments I consider the scale and nature of the development is exceptional in the context of the existing environment, but is not exceptional in relation to wind energy development. The proposed	**Yes**

		development reaches a height of 168m in a rural area and involves a change from existing agricultural land use to a renewable energy use. The proposed development includes for amendments to a permitted wind energy development of two wind turbines. 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. Effects would exist throughout the operational stage, being reversible post decommissioning.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the proposed access road will be c.3,000 sq m, which will be relocated to secure improved gradients, with reduced levels of excavations. Each turbine hardstand will be increased in area to 5,300 m2. Turbine bases will be underground. It is outlined there will be no physical changes to topography, the scale of the development is acceptable within the scale of the surrounding landscape and can be integrated, and no water bodies are affected. No demolition works are proposed. Inspectors Comments I note there will be physical changes to the topography of the site during the construction phase of the project. Lands consist of dry	**Yes**

		grassland with undulating ground levels. The western area of the site details an AOD of c.65m with the eastern area rising to c.80m AOD. I note the proposed development has been designed to address the alterations in topography on site. The project will change the land use at the site, which consists of existing agricultural lands. The proposal will introduce a new land use and energy infrastructure to this rural area, giving rise to interventions in the physical environment. Effects would exist throughout the operational stage, being reversible post decommissioning.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	**No**	Schedule 7A information The submitted Schedule 7A information outlines the proposal will use wind, with none of the materials required for construction in short supply. Excavated soils will be used onsite, with excess material removed to a licensed recovery facility. Inspectors Comments I note the use of natural resources will include land, wind, construction materials. All roads and hardstands will be constructed with aggregate, with a permeable finish. The extent of land use is limited in the context of the rural area.	**No**

1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the proposal will not result in use of substances which would be harmful, with best construction practices implemented during construction. Inspectors Comments I note construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of standard construction practice measures, including for a Construction Environmental Management Plan (CEMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	**No**
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the proposal will not give rise to significant emissions. Emissions arising at construction phase will be minimised by best practices. As there are no residues, emissions and /or the production of waste, there are no adverse effects on the environment. Inspectors Comments	**No**

		I consider construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely and there is a potential for water pollution. Such construction impacts would be local and temporary in nature, and with the implementation of general construction measures, the project would satisfactorily mitigate the potential impacts. Operational impacts are not anticipated to be significant.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines construction best practices with control of run off will be used to minimise impact and prevent pollution. No significant effects on the water environment are anticipated. The submitted Schedule 7A information outlines a Groundwater Contamination Risk Report concluded that source control of potential groundwater pollutants, in accordance with best practice construction will be employed during construction to manage risk. A flooding assessment carried out concluded that no significant	**No**

		environmental effects would arise. Inspectors Comments The flood risk assessment submitted outlined historic groundwater and groundwater/surface water flooding has occurred at/near the project site and doesn't extend to the proposed wind farm infrastructure. I note lands to the south of the site drain to the Emmoo Stream which is located c.413m to the south of the site. The site is also underlain by a karst aquifer with an extreme vulnerability. I consider the operation of standard construction measures, including for a CEMP would satisfactorily mitigate potential impacts arising from emissions from spillages during construction and operation.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the area surrounding the project has a low population density, that noise and shadow flicker impacts from the turbines have been assessed and do not exceed acceptable thresholds and no significant effects will arise. A Traffic Management Plan will be implemented for the construction phase. Inspectors Comments Residential development within the site vicinity includes for rural dwellings with ribbon development along the L-1805 road to the north of the site. I consider that there is potential for construction activity to give rise to noise and vibration emissions.	**No**

		Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the implementation of best practice construction measures, and the implementation of a CEMP and Traffic Management Plan. Subject to the application of standard controls and conditions relating to noise and shadow flicker, I consider significant effects by way of noise and shadow flicker are unlikely to arise during the operational phase.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines residential amenity, visual impact, noise and shadow flicker, flooding and groundwater contamination assessments carried out concluded that no significant environmental effects would arise. Inspectors Comments Construction activity is likely to give rise to air, dust, noise emissions, water contamination. I consider such construction impacts would be temporary and localised in nature and the application of standard construction control measures in a Construction Environmental Management Plan would satisfactorily address and minimise potential risks on human health. No	**No**

		significant operational impacts are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the proposed construction works will employ best practice methodologies subject to rigorous health and safety regulations and inspections. Inspectors Comments Having regard to the nature and scale of the proposal, there is a risk of a major accident occurring at operational stage which could affect human health/environment. A site operational management plan, and site emergency response plan, which are standard for developments of this type, would set out management measures in relation to such events.	**No**
1.10 Will the project affect the social environment (population, employment)	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the project will generate energy from wind, which will help to achieve a Government alternative to energy targets. Inspectors Comments I consider development of this site at construction stage would have a potential to increase employment. There would be limited employee attendance to occur onsite over the lifetime of the development.	**No**

1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	**No**	Schedule 7A information The submitted Schedule 7A information outlines the proposal will not result in any consequential development in the locality. Inspectors Comments I note the submitted 7A information outlines the PA declared the grid connection for the proposal to be exempted development, and an AA Screening report for the grid connection route has been submitted. The grid connection route could give rise to potential cumulative effects on cultural heritage. See 3.1.	**No**
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines the AA Screening undertaken concluded that no significant negative impacts will occur on the two closest designated sites, Lough Ree SPA (Site code 004064) and the River Suck Callows SPA (Side Code 004097). It is outlined no suitable foraging habitat for qualifying interests were recorded within or adjacent the site. The submitted 7A information outlines the AA Screening concluded that the risk of collision of species with turbines at operation phase, including Whooper Swan and Greenland	**Uncertain**

		white fronted goose, is extremely low, as the proposed amendments to the height and minor relocation of T1, do not impact on the core foraging ranges or avoidance of turbine rate. Inspectors Comments I note Lough Ree SPA and River Suck Callows SPA are located within the zone of influence of the proposed development. Having regard to the nature, scale and location of the scheme, and its proximity to European Sites, I consider the proposal has a potential to impact on European Sites by way of potential ex-situ impacts on SCI. Any such potential effects could exist throughout the operational stage, being reversible post decommissioning. Issues in relation to European Sites would be addressed under AA Screening.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	**Yes**	Schedule 7A information The submitted Schedule 7A information outlines a site survey and AA screening were carried out. Habitats impacted were of low value and no sensitive species of flora or fauna were identified. Inspectors Comments I consider the proposal has a potential to impact on sensitive species of bird fauna, associated with European Sites, which may utilise the site. Any such potential effects could exist throughout the operational stage, being reversible post decommissioning. This issue would be	**Uncertain**

		addressed under AA Screening. The site includes for mature hedgerows and treelines. Having regard to the nature, scale and location of the proposed development, and ecological network in the vicinity of the site, I consider the proposal has a potential to give rise to effects on fauna at a localised level. Such effects would exist throughout the operational stage, being reversible post decommissioning.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	**Yes**	Landscape Schedule 7A information The submitted Schedule 7A information outlines the site is located with 'Roscommon Town and Hinterland' landscape character area and designated "high value" , the second lowest of four scenic landscape designations in the CDP. ABP concurred with the Inspectors report in 318944 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 in the CDP. The submitted 7A information outlines a visual impact assessment carried out concluded that no significant environmental effects would arise. Inspectors Comments In relation to landscape policy, I note in the Roscommon County Development Plan 2022-2028 the site is located	**No**

		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 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. However, while I consider that the height of the amended scheme would result in an increased visual effect, this increase would not result in significant additional visual effects. Such effects would exist throughout the operational stage, being reversible post decommissioning. <u>Archaeology, Culture</u> <u>Schedule 7A information</u> The submitted Schedule 7A information outlines the archaeology assessment carried out concluded that no features were identified at locations onsite and the proposal does not risk impacts on known archaeological sites. <u>Inspectors Comments</u> I note there are records of archaeological artefacts on the site. I note the site includes for a Recorded Monument (RO035-092003: Field system) and is within the immediate vicinity of Recorded Monuments RO035-092002: Ringfort – cashel, RO035-092004: House, RO035-092001: Ringfort-cashel. I consider that the	

		proposed amended development would not result in significant effects on the setting of monuments above the visual impact of the permitted turbines. In addition, I consider that any potential for impacts on unknown archaeological monuments or features would be removed subject to the implementation of standard mitigation measures. I also consider that the proposed amended development would not result in significant effects on the character or setting of the protected structure, Roxborough House, above the visual impact of the permitted turbines.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	**No**	Schedule 7A information The submitted Schedule 7A information outlines there are no areas on/around the location which contain important, high quality or scarce resources. Inspectors Comments I note the proposed development will include the use of agricultural lands. The extent of land use is limited in the context of the rural area.	**No**
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	**Yes**	Schedule 7A information The submitted 7A information outlines a Groundwater Contamination Risk Report concluded that source control of potential groundwater pollutants, in accordance with best	**No**

		practice construction will be employed during construction to manage risk. A flooding assessment carried out concluded that no significant environmental effects would arise. Inspectors Comments The flood assessment submitted outlined historic groundwater and groundwater/surface water flooding has occurred at/near the project site and doesn't extend to the proposed wind farm infrastructure. I note lands to the south of the site drain to the Emmoo Stream which is located c.413m to the south of the site. The site is also underlain by a karst aquifer with an extreme vulnerability. Subject to best practice construction measures being implemented by way of a CEMP, I consider significant effects on water resources are unlikely to arise during the construction/operational phase.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	**No**	Schedule 7A information The submitted Schedule 7A information outlines the project is not susceptible to these conditions. There will be some excavations of rock and limited excavation of soil. Inspectors Comments Subject to best practice construction measures being implemented by way of a CEMP, I consider significant effects are unlikely to arise.	**No**

2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	**No**	Schedule 7A information The submitted Schedule 7A information outlines the local county road L1805 may be subject to temporary delays during turbine delivery, and having regard to the level of vehicle traffic and alternative assess to the N63 via the L1806, congestion is not anticipated. Inspectors Comments I note the site is served by local and national roads. No significant contribution to traffic congestion is anticipated to arise from the proposed development, subject to the application of standard traffic and mitigation measures.	**No**
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	**No**	Schedule 7A information The submitted Schedule 7A information outlines no sensitive land uses could be affected. Inspectors Comments I consider no negative impact is anticipated to any facilities in the area as a result of the proposal.	**No**
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	**No**	Schedule 7A information The submitted Schedule 7A information outlines the project is not likely to result in significant cumulative effects. Inspectors Comments I note the submitted 7A information outlines the PA declared the grid connection for the	**No**

		proposal to be exempted development. I also note the submitted 7A information outlines an AA Screening report for the grid connection (10kV) route has been submitted. With archaeological heritage in close proximity to the path of the grid line route which is c.4.3 in length (3.3km underground, 1km overhead line), and which also traverses watercourses, I consider the proposed wind energy development, together with the grid connection development, has a potential to give rise to cumulative effects on ecological, cultural heritage. However, given the scale, nature and siting of the grid connection, I consider significant cumulative effects are unlikely.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	**No**	Schedule 7A information The submitted Schedule 7A information outlines no significant transboundary effects will arise. Inspectors Comments I consider no significant transboundary effects will arise.	**No**
3.3 Are there any other relevant considerations?	**Yes**	Inspectors Comments The proposed development includes for a wind energy development consisting of two largescale wind turbines. Having regard to the characteristics, scale and location of the proposal, I consider the proposal would be exceptional in the context of the existing environment, but is not exceptional in relation to wind energy development. The proposed development reaches a height of 168m in a rural area and	**No**

		involves a change from existing agricultural land use to a renewable energy use. However, while I consider that the height of the amended scheme would result in an increased visual effect from that permitted, this increase would not result in significant additional visual effects. I consider that the proposed amended development would not result in significant effects on the setting of monuments above the visual impact of the permitted turbines. In addition, I consider that any potential for impacts on unknown archaeological monuments or features would be removed subject to the implementation of standard mitigation measures. I also consider that the proposed amended development would not result in significant effects on the character or setting of a protected structure, above the visual impact of the permitted turbines. While the proposal has a potential to give rise to effects on fauna at a localised level, I do not consider such effects would be significant. There is a potential for connectivity to sensitive ecological locations, the European Sites Lough Ree SPA and River Suck Callows SPA, and a potential for ex-situ effects on SCI. This issue would be addressed under AA Screening. I consider the proposed development, together with the grid connection development, has a potential to give rise to cumulative effects on ecological, cultural	

		heritage. However, having regard to the nature and scale of the proposed development and grid line, I consider significant cumulative effects are unlikely.	
C. CONCLUSION			
No real likelihood of significant effects on the environment.	**x**	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to: -

1. the criteria set out in Schedule 7, in particular
   (a) the nature and scale of the proposed wind energy development, in a rural area served by public infrastructure,
   (b) the location of the proposed development relative to recorded monuments, and
   (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including AA screening reports,

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____