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An Bord Pleanála
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AN BORD PLEANÁLA	
LDG-	073837-2
ABP-	
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By:	Hand

Observation on Section 5 Referral

Re: Referral for review the Declaration under Section 5 of the Planning and Development Act 2000 (as amended) to grant exempted development to lighting development consisting of 12 external lights, in Tarmon National School Ballinphuill, Castlerea, Co. Roscommon.
Date 6th Aug 2024

Roscommon Co. Co. Ref: DED 724

Development Address: Tarmon National School, Ballinphuill Td & Termon Beg Td, Castlerea, F45K298.

Please find below an observation from the Dark Sky Roscommon group regarding appeal of the decision in DED 724
Submission Fee: enclosed

Yours Faithfully,

C. Larkin

C. Larkin

The Dark Sky Roscommon group aims to raise awareness of light pollution in Ireland and promote the use of responsible lighting through education and the development of a national policy and strategy.

Dark Sky Roscommon submits the following observation regarding the development detailed above.

1. It is submitted that, given the rural surrounds, the Planning Authority has not adequately assessed the potential negative impact of the lighting development on

the residential amenity of surrounding dwellings or on nocturnal species via an Ecological Impact Assessment

The light pollution map indicates that a very large area from the north to the north east which has little or no light pollution and therefore a clear view of the night sky. The development, consisting of 12 bulkhead fittings 3.7 metres from the ground level surrounding the building and six metre higher than the immediate landscape. The elevated location combined with the lack of natural shielding means that the lighting installation may be visible from a significant distance.

Due to the current lack of artificial light, the area has become a thriving habitat for nocturnal species. The habitat value is evident in the National Biodiversity Data centre species list and map for the area and the Bat and Bird survey submitted by the appellant, which detailed four species of bats.

2. Artificial light at night is a driver of biodiversity decline.

The effect of artificial light, particularly blue-rich LED lighting, on nocturnal species and their insect prey has been acknowledged as a significant contributor to biodiversity decline¹.

This decline in biodiversity and insect populations has been acknowledged in government policy. The National Biodiversity Action Plan creates a legal onus on public bodies to have regard to policies, guidelines, and objectives to conserve and restore biodiversity and halt the degradation of ecosystems in Ireland. These aims are supported in the Roscommon Local Development Strategy for the County of Roscommon Sub-Regional Area²

The strategy identifies the promotion of best practice in biodiversity conservation and management as a key action for the protection and enhancement of biodiversity. The Co. Roscommon Heritage plan, incorporating the County Roscommon Biodiversity Plan³ also recognises the social, cultural and economic value of biodiversity and 'the benefits or "ecosystem services" it provides to society. For example pollinators are estimated to contribute €53 million annually to the Irish economy'⁴.

It should be noted that the site of the proposed development is within the 'Tulsk & Rathcroghan Plateau' designated an area of Exceptional Value from a landscape perspective in the Roscommon County Development Plan 2014-2020.

3. The Planner has not followed the correct procedure in relation to appropriate assessment screening of Natura 2000 sites within 15km radius of the proposed development

The planners report has observed that Bellanagare Bog designated as both SAC and SPA under the Habitats and Birds Directives respectively is located approximately 3km north west of the proposed development site. The Qualifying Interest of the Bellanagare SPA is the Annex I (Birds Directive) is the winter migratory bird Greenland White Fronted Goose. The Greenland White

¹ [Light pollution is a driver of insect declines - ScienceDirect](#)

² Roscommon Local Development Strategy for the County of Roscommon Sub-Regional Area [leader-new-coroscommon-local-dev-strategy-217.pdf \(rosleaderpartnership.ie\)](#)

³ Co. Roscommon Heritage Plan, Incorporating County Roscommon Biodiversity Plan 2017-2021 [Page 1 \(roscommoncoco.ie\)](#)

⁴ Co. Roscommon Heritage Plan, Incorporating County Roscommon Biodiversity Plan 2017-2021 [Page 1 \(roscommoncoco.ie\)](#)

Fronted Goose will fly between locations to forage during the winter months. Birds that migrate or hunt at night navigate by moonlight and starlight. Artificial light can cause them to wander off ~~course~~. Migratory birds depend on cues from properly timed seasonal schedules. Artificial lights can cause them to migrate too early or too late and miss ideal climate conditions for resting, foraging and other behaviours.

4. **It is submitted that the lighting fixed to the walls of the school building is of substandard design and a source of light pollution.**

Without adequate planning or design public lighting can be a blight on the environment and irrevocably damage wildlife habitat. The lighting development referenced in this appeal by the applicant has been assessed by Redmond Analytical and has been found to be substandard and inadequate. The lighting specialist states that

the luminaire installed on the exterior walls of Tarmon National School are bulkhead fittings designed to be mounted horizontally. The nature of luminaires of this type is to produce higher intensity light in the horizontal plane, specifically the plane parallel with the wall on which they are mounted. They are designed this way to deliberately maximise light distribution away from the wall. This means that they are visible at nighttime from a considerable distance. It is our professional opinion that lighting produced by luminaires of this nature is not appropriate in a location such as Tarmon, as it will have a considerable negative impact on the environment, over a considerable distance, due to the amount of light pollution they produce. .Redmond Analytical lighting impact assessment

5. **The government "Rural Development Policy 2021-2025" included a Dark Skies commitment referenced in support of sustainable employment and tourism throughout the document. gov.ie - Our Rural Future - Rural Development Policy 2021-2025 (www.gov.ie)**

"A Dark Skies Strategy, which will be developed over the course of this policy, will place a particular focus on the opportunities for rural communities, including employment creation
"The policy aims to: "Develop a Dark Skies Strategy for Ireland, with a focus on the opportunities, it can create for rural communities and employment creation."

Dark sky Roscommon requests that the social, economic and environmental value of the dark sky environment of locality surrounding the proposed development is considered in the planning assessment of this development.

We respectfully request that AN Bord Pleanála consider the Best Practice Public Lighting guidelines compiled by Prof. Brian Espey and published by Dark Sky Ireland.

6. **High Court Case: Dark Sky Roscommon v An Bord Pleanála**
The planners decision does not reflect the recent High Court case: **Dark Sky Roscommon v An Bord Pleanála** where the primary issue under consideration was the potential impact of a proposed lighting development at the school site on the Greenland white-fronted goose, a

qualifying interest of the Special Protection Area (SPA) Bellanagare Bog (Planning Ref 21/131, ABP Ref 310323-21).

After thorough consideration, the High Court quashed the planning permission for the lighting development in July 2024. This decision underscores the importance of environmental considerations in planning and development processes, particularly when protected species and habitats are involved.

Planners' assessment in DED 724

The planner's determination to grant exempted development is based on reasoning that has been rejected by the High Court. The judgement in the *Dark Sky Roscommon v An Bord Pleanála* clarifies that the 'low frequency of use' and 'possible abandonment' of the SPA detailed by the Planner, does not remove the obligation of the local authority to take measures to achieve the conservation objective of the SPA to 'restore the favourable conservation condition of the bird species.

Disregarding this obligation undermines conservation efforts and amounts to an inappropriate use of the exempted development permission.

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Claire Larkin,
Ardass,
Castlerea,
Co. Roscommon.
F45 TP93.

Reference Number: DED 724
Application Received: 17th June 2024
Name of Applicants: Claire Larkin
Agent: N/A

WHEREAS a question has arisen as to whether 12 external lights installed at Tarmon National School, Ballinphuill, Castlerea, Co. Roscommon, F45 K298, is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended.
- (c) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The installation of external light installations as described in this case is exempted development.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the **12 external lights installed at Tarmon National School, Ballinphuill, Castlerea, Co. Roscommon, F45 K298, is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:



Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 12th July 2024

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.