

An
Bord
Pleanála

Board Order
ABP-316051-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Westmeath County Council

Application for ten-year planning permission under section 51Z of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 10th day of March, 2023 by Umma More Limited care of MKO, Planning & Environmental Consultants, Tuam Road, Galway.

Proposed Development: The proposed development comprises of the following:

- Nine number wind turbines with an overall ground-to-blade tip height of 185 metres; a rotor blade diameter of 162 metres; and hub height of 104 metres, and associated foundations and hard-standing areas;
- a thirty-year operational life from the date of full commissioning of the wind farm and subsequent decommissioning;
- a meteorological mast with a height of 30 metres, and associated foundation and hard-standing area;
- junction accommodation works and temporary access roads to facilitate turbine delivery to an existing entrance on the L5363;
- upgrade of existing entrance on L5363 for provision of site entrance;
- upgrade of existing tracks/roads and provision of new site access roads, junctions and hardstand areas;

- underground electrical cabling (33kV) and communications cabling;
- a temporary construction compound;
- spoil management;
- site drainage;
- tree felling;
- operational stage site signage; and
- all ancillary works and apparatus

All within the townlands of Ballynafearagh, Raheen, Baskin High, Baskin Low, Lissanode, Umma Beg or Moneynamanagh, Umma More, County Westmeath.

Decision

REFUSE permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

1. The proposed development by reason of its height (185 metres ground-to-blade tip height), scale (nine turbines) and output (55.8 MW overall generating capacity) when taken in conjunction with the location on lands outside of cutover cutaway peatlands, would be contrary to Policy Objective CPO 10.14b of the Westmeath County Development Plan 2021- 2027, that seeks to strictly direct large-scale energy production projects in the form of wind farms onto cutover cutaway peatlands in the county. In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:

Projects that meet or exceed any of the following criteria:

- Height: Over 100 metres to blade tip, or
- Scale: More than five turbines, or
- Output: Having a total output of greater than 5 megawatts.

Accordingly, the Board was not satisfied that, notwithstanding the benefits of renewable energy proposals and the policy support otherwise, that the proposed development would in this instance be plan led as it would not be in accordance with the stated policy objective of the statutory development plan for the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Board was not satisfied that the methodology applied to the collision risk of birds with turbines, that led to the screening out by the applicant of the Black-headed Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)) from the need for Stage 2 Appropriate Assessment, was scientifically robust for the reasons set out in Section 13.5 of the Inspectors report and which the Board agreed with. Accordingly, the Board did not consider that the screening out of these

P.C.

two SCIs from the need for Stage 2 Appropriate Assessment can be relied on with scientific certainty. Accordingly, the Board cannot be satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of Lough Ree Special Protection Area (Site Code: 004064) and Middle Shannon Callows Special Protection Area (Site Code: 004096) alone or in combination with other plans and projects. Consequently, on the basis of the information provided with the application, including the Natura Impact Statement and submissions received, and in light of the Inspector's assessment, which the Board agreed with, the Board was not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the above-mentioned sites, in view of these sites' conservation objectives with respect to the Black-headed Gull (Special Conservation Interest Middle Shannon Callows Special Protection Area (Site Code: 004096)) and Lapwing (Special Conservation Interest Lough Ree Special Protection Area (Site Code: 004064)).

DECISION QUASHED

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Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is €39,388.00.

A breakdown of the Board's costs is set out in the attached Appendix 1.



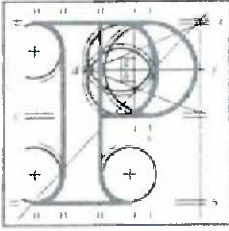
Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 15 day of February 2024

DECISION QUASHED



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Board Order –
Appendix 1

ABP-316051-23

Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-316051-23

Proposed Development: Renewable energy development comprising 9 no. wind turbines and associated infrastructure. Umma More and adjacent townlands, Co. Westmeath.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €3,920 Inspector 2 (application) €60,392.50	€64,312.50
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€64,312.50
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	€2,700
	Costs to be paid to the Planning Authority	NIL
	Total	€103,700
	Net amount due to be refunded to applicant	€39,388.00

Patricia Calleary

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Member of An Bord Pleanála

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the seal of the Board.

Dated this 15 day of February 2024