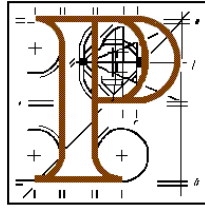


## An Bord Pleanála



### Inspector's Report

**Reference:** PL92.245544

**P.A. Reference:** 15/600566

**Title:** Amendments and additions to an electrical substation associated with a previously permitted 5 no. turbine wind farm (ref: 12/51/0385).

**Location:** Knockcurraghbola Commons, Shevry, Co. Tipperary

**Applicant:** Edel & Paul Grace and James & Tanya Embleton and Peter Sweetman & Associates

**Appellants:** ABO Wind Ireland Limited

**Observers:** None

**PA:** Tipperary County Council

**Type of Appeal:** Third party against grant of permission

**Decision:** Permission granted

**Date of Site Visit:** 27<sup>th</sup> January 2016

**Inspector:** Philip Davis

## 1. Introduction

This appeal is by local residents and others against the decision of the planning authority to grant permission for alterations to an electrical substation associated with a 5 no. turbine windfarm in the Silvermines Mountains in County Tipperary. An EIS was submitted with the application. The grounds of appeal relate mostly to legal issues relating to the EIA and Habitats Directives.

I note that there is a concurrent appeal for a two-turbine windfarm by the same applicant on adjoining lands – appeal reference **PL92.243611**.

## 2. Site Description

Photographs of the site and environs are attached in the appendix to this report.

### **Knockcurraghbola Commons, Shevry, County Tipperary**

Knockcurraghbola Commons and Graniera are townlands located in the heart of the Silvermines Mountains between Thurles and Limerick City. The area is characterised by eroded hills up to around 350 metres, with valley bases around 150 metres AOD, with fluvioglacial features in the valleys and lower-lying areas. The area is sparsely populated, with a scattering of farms and occasional dwellings – the nearby tiny village of Milestone has a closed post office with just a small handful of houses. In the wider area, the villages of Kilcommon, Slevy and Upperchurch are within 5-10 km by road. The nearest large town is Thurles, 10 km to the east. The base and sides of the valleys are mostly reasonable quality grazing land, with extensive areas of conifer plantation and upland bog on higher ground. The local regional road network mostly follows the lower river valleys – the R503 runs east to west through the area, with the R497 running north to south. Both roads share a section through a valley running north to south through the area, just north of Milestone.

### **The site and environs**

The appeal site is located on the west facing slope at the side of a valley running north to south. It consists of a long, irregular strip of land, essentially the area needed for a five turbine windfarm with access roads extending on eastern side of the valley up from the adjoining R497. It is part of a larger landholding including four other wind turbine clusters in the area. The site area is given as 24.07 hectares, although the area subject to the appeal is a much smaller subsection of this. The site extends across mixed farmland including marsh, improved grasslands, and conifer plantation, and up a steep slope to the east and northeast. Close to the road it runs south of a small empty (for sale) cottage, with a larger farmhouse with extensive

stables next to it (part of the blue-lined area). The actual location for the proposed alteration to the electrical substation is on grassed land just north of a horse gallops, east-south-east of the larger house and stables.

### **3. Proposal**

The proposed development is described on the site notice as follows:

*ABO Wind Ireland Ltd. intends to apply for a ten year permission for development at a site of 24.07 hectares, approximately, situated in the townlands of Knockcurraghbola Commons, Knockcurraghbola Crownlands, Graniera and Shevry, County Tipperary. The proposed development will consist of amendments and additions to an electrical substation associated with a previously permitted, five-turbine, wind farm development (Tipperary County Council Register Reference 12/51/0385). The electrical substation is situated in the townland of Graniera, County Tipperary.*

*The proposed amendments and additions include: a change from the permitted 20kV to a 38 kV electrical substation; changes to the electrical substation control building including an increase in the area from approximately 66 m<sup>2</sup> to approximately 70m<sup>2</sup>, (the building will measure approximately 11.4m by 6.1m), an increase in the maximum height from approximately 4.6m to 5.95m, and internal reorganisation of the layout; the inclusion of an adjoining switchgear compound (approximately 688m<sup>2</sup> in area), enclosed by a palisade security fence and vehicular access gates and the construction of a crane hardstanding adjacent to the compound, measuring approximately 12m by 12m in area. The proposed development also includes for landscaping and all associated ancillary site development works above and below ground.*

### **4. Technical Reports and other planning file correspondence**

#### Planning application

The planning application, with supporting documentation including an EIS (an EIS update report on the original project EIS), an AA Screening Report with supporting letters, along with plans and specifications was submitted to the planning authority on the 10<sup>th</sup> July 2015.

#### Internal and External reports and correspondence.

A number of letters of objection from local residents are on file.

**Department of Arts, Heritage and the Gaeltacht:** It is noted that the alterations require significant earthworks. Archaeological testing and mitigation is recommended.

**Tipperary CC Planners Report:** It is noted that the site has a 10 year planning permission for five wind turbines each up to a maximum tip height of 126 metres, along with associated infrastructure. There is also a nearby permission (appealed and granted by the Board (**PL22.243040**)) for 22 no. wind turbines. The EIS is assessed, with the conclusion that the direct and indirect effects on the environment have been identified and described and that the potential impacts can be adequately mitigated. It is considered to be in accordance with the policies and objectives of the 2010 Development Plan in respect of the development of renewable energy and climate change. It is noted that the proposed windfarm is to be connected to the national grid via a 22.3 km underground connection to Seskin. The AA is considered acceptable and no NIS is required. A grant of permission was recommended.

## 5. Decision

The planning authority decided to grant permission, subject to a single condition.

## 6. Planning Context

### Planning permissions – appeal site

In November 2013 the planning authority decided to grant a 10 year permission for five no. turbines with associated infrastructure on the site (**12/51/0385**). Permission was subject to 18 no. conditions, none of which substantively changed the submitted design. C.5 set a requirement for archaeological monitoring. C.6 set a requirement for water quality monitoring. C.7 set a requirement for monitoring of hen harriers. C.9 set out details of a mitigation area of 10.8 hectares in accordance with the NIS. This decision was appealed to the Board (**PL22.242852**), but the appeal was subsequently withdrawn.

### Planning permissions – adjoining areas

An appeal is currently with the Board (**PL92.243611**) for 2 turbines extending west from the R497 (directly opposite the entrance to the current appeal site). The applicants are the same as for this appeal.

In August 2014 the Board, on appeal, upheld the decision of the planning authority (**13/510003**) to grant permission for a 22 turbine windfarm in four clusters east and north of the appeal site. The decision was subject to 25, largely standard, conditions (**PL22.243040**).

### Development Plan

The site is in open countryside without a specific zoning designation. The North Tipperary County Development Plan has a variety of policies relating to wind energy and related infrastructure and landscape protection. In addition, there is an additional planning strategy document relating to wind energy potential and landscape potential

Relevant extracts from the 2010-2016 North Tipperary Development Plan and related documents are attached in the appendix to this report.

## **7. Grounds of Appeal**

- Condition no. 8 is noted with regards to bird surveys – it is argued that this is a *de facto* acknowledgement that there is an impact on Natura 2000 habitats, so an NIA is required.
- Condition no.9(a) is argued to be a provision of compensatory habitat that can only be conditioned under Article 6.4 of the Habitats Directive (notes current judicial review – Grace & Sweetman v. An Bord Pleanála 2014-533).
- It is argued that an EIA is required but was not carried out.
- It is argued that no AA as per the CJEU Judgement in C 258/11 was carried out on the parent condition (12/510385).
- It is argued that the submission did not adequately address the impact of the additional two turbines considered under PL92.243611.

## **8. Planning Authority's Comments**

The planning authority is satisfied that the issues raised were fully considered and responded to in the planners report.

## **9. Appellants response**

- It is denied that it represents an 'extension' of the windfarm – it is argued that it is a minor amendment.
- It is submitted that the references to conditions 9 and 9(a) relate to the parent permission and are irrelevant to the appeal at hand.
- It is noted that the planning report considered the NIS to be appropriate and that the NPWS had not raised any concerns.
- It is submitted that the arguments with regard to the Habitats Directive are attempting to revisit issues decided at the parent permission stage.

- It is denied that case C-258/11 is relevant to this planning permission as the parent permission was subject to an AA and an NIS was prepared – the mitigation measure in the NIS were fully considered and included by way of condition.
- It is argued that a full EIA was carried out for the parent permission and the EIS update report for the current application was submitted to aid the planning authority with their decision and to carry out a full assessment.
- It is acknowledged that the grid connection was not part of the original application, but the amendment application includes a cumulative assessment of all potential impacts associated with the proposed 38kV substation.

## 10. Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following headings:

- **Preliminary issues**
- **Principle of development**
- **EIS**
  - *Flora and fauna*
  - *Geology, slope stability, Hydrogeology & water quality*
  - *Air quality, noise and vibration*
  - *Human environment*
  - *Cultural heritage*
  - *Landscape*
  - *Direct, indirect, and cumulative impacts*
- **Appropriate Assessment**
- **Other issues**

### Preliminary issues

The primary grounds of appeal relate to legal issues, in particular with regard to whether the overall development (including the parent condition) is in accordance with the statutory requirements under the EIA and Habitats Directives. The key issues raised by the appellant relate mostly to the parent permission (i.e. the extant permission for the five turbine windfarm). I note in this regard the following facts as I understand them:

- The five turbine windfarm (Milestone Windfarm) has an extant planning permission, albeit one granted before the O’Gríanna decision. It would seem that the EIS for that proposal was assessed without regard to the necessary connection to the national grid. I would note that this permission is now three years old.

- The five turbine windfarm application was submitted with an NIS. This NIS included a number of mitigation measures, which were confirmed by condition. I note that the NPWS was apparently in agreement with the recommendations within the NIS. I concur in this regard with the applicant that the conditions set by the planning authority with regards to hen harrier and other species were strictly in accordance with the design and mitigation details submitted with the application and NIS and so are in accordance with statutory requirements.
- The concurrent appeal for two turbines (PL92.243611) includes an EIS, which incorporates a cumulative impact assessment of that development, the five turbine windfarm, and the proposed link to the national grid. I shall have full regard to this proposal in my assessment of the EIS below.
- The current appeal includes an EIS of the proposed development with an in-combination and cumulative impact assessment of the permitted development, other permitted and proposed developments in the vicinity, and the underground national grid connection. This EIS provides detailed information on the grid connection, including mitigation measures for works, but this is not part of this application before the Board. In effect, the applicant is seeking to have the grid connection provided with an 'assessment' within the context of the EIA Directive and associated regulations, notwithstanding that it appears to be exempted development.

As the Board will be aware, there is an ambiguity within the planning acts and regulations as to the status of an application for an amendment or addition to a permitted (but not finished) development. There is no direct provision within the relevant statutes to allow an existing permission to be altered, even if it is frequently the case as a matter of common practice that such alterations are permitted. In this appeal, I will address the proposed development as a 'stand-alone' development, albeit one which would be conditioned (if granted permission) to be carried out only in tandem with the permitted five turbine development, and subject to the same conditions. In this regard, I would note that the existing permission is for a ten year permission so if the Board is minded to grant permission I would recommend a condition such that the condition expires on the same date as the parent condition.

I further note that in relation to the national grid connection, any assessment of its indirect, in-combination or cumulative impacts with regard to the proposed development is without prejudice to any future decision made by the planning authority or the Board as to whether or not it is exempted development, or any other regulatory authorisation or permission that such works would require.

In the light of the above, I conclude on the basis of the information available on file that there are no legal impediments to the Board in granting permission for an amendment/addition to the permitted development, subject to a satisfactory assessment of the impact of the proposed development, in addition to an assessment of the in-combination, indirect and cumulative impacts of all relevant permitted and proposed developments in the area, in addition to necessary facilitating infrastructure associated with these windfarms, existing, permitted and proposed.

### **Principle of Development**

The appeal site is in an area of unzoned countryside although it is considered to be a 'vulnerable' landscape. The Development Plan sets out a number of policies relating to wind energy and renewables, which are generally to be considered favourably in unzoned and undesignated areas subject to normal planning requirements. The site, and adjoining lands in the wider area, has a number of active permissions granted by the planning authority and the Board for windfarms. I note that there is an existing permission for a somewhat smaller substation on this site, so I could consider that the overall planning principle of a development such as this has been established on this site.

### **EIA**

The application was submitted with an EIS. The applicants stated in their letter to the planning authority that while the proposed development is sub-threshold, having regard to the proposed changes and the detail that now exists in relation to the connection of the wind farm to the National grid, it is considered prudent that it is covered by the EIA process. I note that the EIA includes substantial information, and assessment, of the proposed underground grid connection. I assume that one of the intentions of the applicant is to address possible inadequacies of the original EIA process which was carried out prior to the O'Grianna decision. In this regard, I note that there are a number of similar applications currently with the Board in which this approach has been used by windfarm developers (i.e requesting an assessment of underground cabling as part of alterations or additions to permitted windfarms. As of the date of writing this report, the Board has not decided on any of these cases.

I would question whether such a small amendment/alteration really does require EIA – in my opinion it does not fall within any of the relevant development categories set out in the Regulations. However, having regard to the provisions of Article 102 of the 2001 Regulations, as amended, and Section 171(1) of the 2000 Act, as amended, I will assess the EIS as submitted. The submitted documentation includes significant additional information on the proposed grid connection (in some parts of the EIS this is the primary focus of the Statement) – while this is not part of the application, as it is an inescapable



component of a windfarm I consider it reasonable to assess it as part of the proposed works, especially in the context of this having not been done as part of the original application and EIA. However, I would state that my assessment of this element is only in relation to the in-combination and cumulative effects as they are relevant to the proposed development now before the Board. I note in this regard that I have not walked the indicated alignment of the proposed underground link in the absence of a planning application or appeal for this development as I would not have the rights of access set out in the Act.

### Flora and Fauna

The site is not within a Natura 2000 habitat or an NHA or other designated site. It is, however, quite close to an SPA, designated specifically for its importance to the hen harrier and its prey species, and as part of the extended uplands it is reasonable to assume that this Annex I species may forage or nest in the area. Other Annex I species recorded historically in the area includes the peregrine falcon, merlin and kingfisher. The original EIS noted that both hen harriers and peregrine falcon were observed on the site during surveys. Surveys carried out as part of the original application identified some bat activity in the area, but no roosting site.

The permitted wind farm covers a variety of habitats, including marshy fields at the base and heath and forestry above, but the appeal site is improved grassland with no significant wildlife value (although open land would be part of the habitat mosaic required by hen harriers and other raptors). The loss of habitat resulting from the proposed alteration would however be very minor and not, I would conclude, significant in the context of the overall project.

The uprating of the transformer could potentially be interpreted as facilitating other aspects of development on the site, including the proposed two turbines to the west, and the grid connection. The former is primarily on improved grassland (albeit on lands closer to the designated SPA). The grid connection involves trenching along the road network and farmland and structural works to bridges over a number of watercourses which feed to the Lower River Suir cSAC. While the overall in-combination and cumulative impacts would be significantly greater than any direct impact, I do not consider that it would be particularly damaging, and would not require additional conditions over and above those that already apply to the permitted Milestone windfarm.

### Geology, slope stability, hydrogeology, water quality

The site overlies a 'poor' aquifer on an area with a 'moderate' to 'high' vulnerability. There are 15 known private wells within 2 km of the site, although the original EIS stated that the adjoining two dwellings (one a substantive farmholding with stables) apparently do not have their own wells. The appeal site (and the overall permitted windfarm) does not

include any peat – the immediate lands for the proposed alterations are well drained mineralised till (sandstone and shale) soils over bedrock of the Hollyford Formation (a mixed formation of greywacke (a type of hard sandstone), siltstone and grit). There are no watercourses on the site of the substation – the nearest is a marshy area draining to roadside drains next to the main road and a stream to the north. The site is on a significant west facing slope, but there is no peat in the vicinity and all the available information suggests that there should be no potential problem with slope stability.

The proposed alterations to the substation involve shallow excavations, so the direct impact on geology and hydrogeology would be insignificant and I do not consider it would have any significant increase in water run-off.

The in-combination and cumulative impacts include substantial trenching and excavation of mostly till material and made ground for the grid connection, and this includes river crossings over existing bridges. It is not indicated in the EIS whether there will be a surplus of excavated material which would be required for disposal – most likely any such material could be used within the overall project. On the assumption that trenching works will be carried out according to best practice and all roadside and other drains interfered with are restored as they were, I do not consider that there would be a cumulative or indirect impact on water quality or water flow.

I would conclude that the impacts on soil/geology and slope stability would be very minor, and the cumulative and indirect impacts would not be significant and would not require any conditions over and above those in the existing permission.

#### *Air quality, climate, noise and vibration*

The overall impact of the proposed alteration to the windfarm on air quality, noise and vibration is negligible. The EIS focuses on the impacts of underground cabling – which will involve significant construction works along a road with a number of dwellings. The direct and cumulative impact of these works on local receptors to noise and vibration would be relatively significant during the construction period, but not afterwards (except for occasional maintenance). It is not open to the Board to attach conditions to the cabling works as it appears to be exempted development (Schedule 2, part 1, Class 26). I do not consider that there is any need to attach additional conditions relating to the proposed alterations to the substation.

#### *Human environment and material assets*

The closest dwelling to the appeal site is a large period farmhouse north-west of the site, which is part of the overall landholding. There is a small cottage at the roadside which seems to have been vacant for some time and has a 'for sale' sign outside. There is a scattering of

dwelling further north, and the tiny village of Milestone is to the south. The proposed underground cable connection will run through the village.

The area is generally sparsely populated – even the village of Milestone has just a handful of dwellings, some empty (including the former post office). The proposed alteration would not seem to have any significant socio-economic impact, but the overall development, including the cabling, would provide significant job opportunities during construction, although realistically most of those jobs will go to workers from outside the immediate area. Local landowners would, presumably, benefit from rents associated with additional turbines. The construction of the windfarms in the area will undoubtedly strain local road infrastructure, but this issue was addressed in the conditions for the parent application and would be subject to appropriate development contributions. I would consider the road traffic impacts of the increased scale of the substation to be negligible in the context of the overall development.

I note that while the area is not a major tourism location, there are a significant number of waymarked walks in the vicinity, several of which will be in sight of the turbines. One walk indicated on OS maps runs east from Milestone village, and the electrical substation may be partially visible from sections of this walk. However, I do not consider the direct impacts of this would be significant.

I do not consider that the socio-economic impacts of the proposed works would be significant, although the in-combination and cumulative impacts of the other elements would be slightly negative, although not sufficient to justify a refusal or additional conditions.

#### Cultural heritage

The appeal site is close to an attractive farmhouse, probably late 19<sup>th</sup> Century in date, in addition to a cluster of recorded ancient monuments (mostly megalithic remains) to the north. The house is not on the NIAH. One building within Milestone is listed on the NIAH.

The original planning permission included proposals within the EIS and conditions for full archaeological investigations during earthworks. The increased area to be excavated as part of the proposed amendment is quite minor, and in the overall context of the permitted works, not particularly significant.

The excavation works for the connection to the national grid are likely to be much more significant in terms of extent and scope as they involve the excavation of apparently undisturbed farmlands. While the route goes close to a number of recorded ancient monuments and possible archaeological remains, it does not directly impact upon any designated recorded or national monuments. The EIS sets out a number of mitigation measures which if implemented should

satisfactorily ensure that any impacts are minimal. As it is not part of the application, I do not consider that the Board can attached archaeological conditions to the underground cabling works, however, I would consider that any mitigation measures set out within the EIS is essentially part of the application.

I would conclude that the proposed development as submitted would not have any significant direct impacts on cultural heritage.

### Landscape

The proposed development lies within an attractive landscape of hills in the heart of the Silvermines Mountains. It is a typical upland landscape of small fields in pasture with extensive areas of conifer plantation and overgrown hedges obscuring views, with more open heath and peat areas on some upland areas above 200 metres AOD. The area is not a major tourism area and there are no specific protective designations on the local landscapes, although there are a number of waymarked walks in the general area.

Taken as a stand-alone project, the sub-station is rather unfortunately located on quite a visually prominent slope within a large and open field at the side of the busiest section of road in the area (where two regional roads briefly merge, bringing all east-west and north-south traffic together). The site is currently obscured by heavy roadside vegetation, but opening up the hedges for access to the permitted windfarm will increase the sites visibility. Were this substation to be considered *de novo* and in isolation from other developments in the area, I would have strong reservations about its siting and location. However, having regard to the existing permission and the overall context, in addition to the proposals for landscaping to soften and reduce the impact, I would consider it acceptable, and the overall impact of increasing the size and scale to be a relatively minor negative impact.

In-combination and cumulatively, I would consider that it is a minor, if generally negative contribution to the overall quite dramatic impact that the permitted and proposed windfarms with associated infrastructure will have on the area, although the proposal to underground the required grid infrastructure is a positive and welcome aspect.

### Direct, indirect, in combination and cumulative impacts

I would conclude that the overall impact of the proposed development, having particular regard to the existing permitted substation and windfarm and other permitted and proposed works (including the grid connection) to be quite minor as a stand-alone project, and negligible in the overall context of wind related infrastructure in the area.

## **Appropriate Assessment**

The site is in open improved grassland, about 1-km east of the Slievefeilim to Silvermines SPA (004165), an extensive area of uplands designated specifically for the protection of the hen harrier *circus cyreus*. The EIS attached to the overall development noted that hen harriers were observed in the area, in addition to other annex I species such as the peregrine falcon. The parent permission was subject to an NIS and AA, and it was concluded that it could be carried out without adverse impact on the designated habitat, subject to a number of mitigatory design and monitoring proposals, some of which were confirmed by way of condition. The primary concern is avian mortality through blade strike, which is not directly relevant to the current proposed development. The main impact that the substation could have would be disturbance of nesting or roosting birds (either protected species or their prey) during construction, and mitigation measures set out in the NIS addressed this.

The site is within the catchment of the Lower Suir SAC site code 002137, the nearest part of which is some 7 km to the east, via a number of tributaries of the river. As the increase in the footprint of the proposed development is very small in the overall context, I do not consider that there is any possibility of an adverse impact on this designated habitat, or others in the wider area.

While the proposed national grid connection would involve river crossings over tributaries of the Lower Suir SAC, I would consider that with standard construction management practices there should be no possibility of an adverse impact. I would consider that undergrounding of the cables to be a significant improvement over overhead cables due to the possibility of bird mortality from excessive numbers of overhead lines.

I therefore concur with the conclusion of the planning authority that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004165, or any other European site, in view of the sites conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **Other issues**

The site is not indicated on any available source to be prone to flooding. There are no immediately adjoining buildings or nearby dwellings so I do not consider that there are any issues with regard to residential amenity. While the slightly larger scale of the substation would theoretically increase traffic onto a generally narrow R road network, I would consider that having regard to the scale of the parent condition that it would not have a significant impact on traffic safety or

congestion. The proposed development is not subject to a change in the development contribution for the overall development.

## 11. Conclusions and Recommendations

I conclude that the proposed development represents a minor alteration to an existing permitted windfarm complex, and having regard to the existing permission, the EIA, and the NIS carried out for the parent permission, I conclude that the proposed development is in accordance with national and local policy and would otherwise be in accordance with the proper planning and sustainable development of the area.

I recommend therefore that planning permission for the proposed amendments and additions to an electrical substation associated with a previously permitted 5 no. turbine wind farm (ref: 12/51/0385) be granted, subject to the conditions below, for the following the reasons and considerations.

### REASONS AND CONSIDERATIONS

Having regard to the existing permission for a five turbine windfarm with associated infrastructure on the site (planning reference 12/51/0385), it is considered that the proposed alterations and additions to the electrical substation within the site represents a generally minor alteration to the permitted development and would not significantly impact upon the amenities or environmental qualities of the area. The proposed development would, therefore, subject to the conditions set out below, not seriously injure the residential amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the appeal, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall only be constructed as ancillary infrastructure to the Milestone Windfarm as permitted in planning reference number 12/51/0385 and shall only be constructed as an alternative to the substation permitted under that permission.

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

3. This permission shall expire with the 10 year parent permission reference number 12/51/0385 and shall not be considered a time extension of that permission.

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

4. The proposed development shall be subject to all conditions set out in planning reference number 12/51/0385 and be subject to all relevant mitigation measures set out in the EIS and NIS/AA for that windfarm with ancillary infrastructure.

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

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**Philip Davis,  
Inspectorate.  
4<sup>th</sup> February 2016**