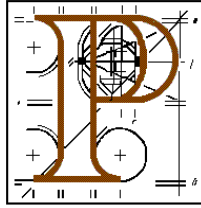


An Bord Pleanála



Inspector's Report

PL02.245548

DEVELOPMENT:

Permission for a single storey control and monitoring building, hardstanding area and all associated site development works. Access is to be provided via laneway approved through permission Reg. Ref. 11/312 at Greaghcrotta, Cootehill, County Cavan.

PLANNING APPLICATION

Planning Authority: Cavan County Council
Planning Authority Reg. No.: 15/172
Applicants: Matthew and Margaret McPhilips
Application Type: Permission
Planning Authority Decision: **GRANT PERMISSION**
subject to 2 Conditions

APPEAL

Appellant: Paul Smith
Type of Appeal: **THIRD PARTY**
Observer: None
Date of Site Inspection: 4th December 2015
INSPECTOR: Dermot Kelly

1. SITE LOCATION

The subject site is located at Greaghcrotta, Cootehill, County Cavan, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

2.1 The subject site lands at Greaghcrotta, Cootehill, County Cavan are approximately 0.04 hectares in area and are located in a rural agricultural area on the eastern side of Local Road L-6068 and adjacent and to the north of Carrickallen which is approximately 9 kilometres south of Cootehill in County Cavan. There are a number of constructed wind turbines in the vicinity of the subject site.

2.2 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

The proposed development comprises as specified in the Public Notices: Permission for a single storey control and monitoring building, hardstanding area and all associated site development works. Access is to be provided via laneway approved through permission Reg. Ref. 11/312 at Greaghcrotta, Cootehill, County Cavan.

The proposed building set back from the public road has a floor area of 58 square metres. The proposed building includes artificial roof slates and rendered walls as indicated on the submitted detailed drawings.

3.2 Further Information Request

The Planning Authority by letter dated 7th July 2015 sought Further Information as follows: '1. Submit justification for proposed control room – its purpose, location etc. 2. Provide full details of the processes and operations that occur in the proposed development and its technical linkage to the previously approved wind turbine.

3. Clarify that this control room is for the wind turbine approved under 11/312 and has no linkage or use with any other approved or proposed turbine.

4. Submit reasons why this building/control room was not applied for under previous application for turbine – reg. no. 11/312.
5. Clarify if there is any alteration to grid connection of proposed turbine approved under 11/312 arising from the proposed development.'

3.3 Further Information Submission

Further Information which was received on 11th August 2015 under Items 1 to 5 above included stating under Item 3 and Item 5 as follows: 'The proposed control (building) is specifically designed to monitor and control the operations of the turbine which has been approved through 11/312', and 'We wish to highlight that application 11/312 did not apply for permission to connect the proposed turbine to the Transmission Grid Network. No reference was made to Grid connection in the description of that application or by the planning drawings which accompanied it. Whilst a preference was indicated to connect the turbine to the Grid via Rathrussan substation, the timing, method and position of any Grid connection are matters to be decided by ESB Networks.'

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Third Party Submission on Planning Application

The Submission received from the present Third Party Appellant is noted and included stating as follows:

'The applicant stated in their previous planning application 11/312 that the proposed turbine would connect to the existing Rathrussan substation without requiring any further infrastructure to be constructed. I object to the proposal of a new control & monitoring building on this site on the grounds that no further infrastructure is necessary as outlined above'.

Details of the impact on the local environment and landscape of the proposed new building were not submitted as stated.

4.2 Planning Report for Planning Authority

The Planning Report, dated 6th July 2015, included noting the Planning History of the subject site/area and the Third Party Submission. It was recommended that Further Information be requested noting as follows:

‘Whilst the control room is unlikely to result in a different connection to the national grid, this question has been raised by the objector. There is also very little, if any, details on the reason for the control room which I feel should be on the public file, in order to aid understanding of the application. I have no concerns in relation to the visual impact of the proposed development and do not consider that a photomontage is required.’

4.3 Third Party Submission on Further Information Submission

No Submission was received.

4.4 Final Planning Report for Planning Authority

- This report dated 3rd September 2015 included noting the Further Information Submission (Items 1 to 5) as summarised. It was considered that the proposed development ‘does not give concern in relation to potential environmental and human impacts’.
- Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

4.5 Notification of Decision of Planning Authority

The Planning Authority, Cavan County Council issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 2 standard-type Conditions.

5. APPEAL GROUNDS

Third Party Appeal

The Third Party Appeal Grounds included as follows:

- ‘1. The proposed turbine is to connect to the existing Rathrussan substation without the need for any further infrastructure as per previously approved planning application Reg. No. 11/312.
2. The proposed control and monitoring building will be capable of providing a facility to other existing/approved turbines which were not part of the previously approved planning application Reg. No. 11/312.
3. The applicant failed to submit details as to why the proposed control room was not applied for under the previous approved

application Reg. No. 11/312 as requested by the Planning Authority at further information stage.

4. The applicant failed to clarify if there is any alteration to the grid connection of the previously approved turbine granted under Reg. No. 11/312 arising from the proposed control and monitoring building as requested by the Planning Authority at further information stage.
5. The proposed control and monitoring building could potentially lead to future expansion of the existing wind farm due to the fact that it will be capable of providing control & monitoring facilities to other turbines other than the single turbine previously approved under Reg. No. 11/312.'

- Further submissions reiterated the above concerns including:
'The proposed control and monitoring building is an unnecessary element of infrastructure which is not required for a single turbine with an existing substation connection already available for use, the proposed development would provide a control and monitoring facility for other turbines which are not covered under the scope of the relevant previously approved application or this current application, and the applicant failed to provide important information and clarify important issues when requested to do so by the Planning Authority'.

6. APPEAL RESPONSES

6.1 Applicant's Appeal Response

This Appeal Response received 9th November 2015 included:

'As stated in the further information response (dated 30th July 2015) which was submitted by the applicant to Cavan County Council in relation to the subject application, the proposed development is to facilitate ESB metering, monitoring and staff safety/welfare. The proposed development does not relate to the grid connection of the permitted turbine', and

'As also explained in the further information response, the proposed control and monitoring building will be indirectly connected to other turbines in the area because all turbines will eventually be connected to the same transmission grid. In terms of other 'linkages' the proposed building may be visually linked to other developments in the vicinity and will also be physically linked by the existing public road network and wind farm tracks.

Essentially, the control building is proposed to monitor the performance and operation of the wind turbine which has been permitted through 11/312'.

'It is not the applicants' intention to connect the proposed development to any other existing/approved wind turbine. The applicant has, however, readily acknowledged that the proposed control and monitoring building may indirectly connect to other turbines (as all turbines will ultimately connect to the same transmission grid network). Again, this issue has already been clarified to the satisfaction of Cavan County Council'.....

'The proposed development utilises existing natural features and will appear integrated in the landscape. The visual impact of the proposed development will be similar to that of a domestic garage and is not considered to be significant. The proposed development will not result in any emissions such as noise, waste water discharge, dust or odour. Very minor environmental impacts may occur during the construction of the building but these will be temporary in duration and are not considered to be significant.'

6.2 Appeal Observation

No Appeal Observation was received.

6.3 Planning Authority Appeal Response

This Appeal Response received 16th October 2015 made no further comments.

7. PLANNING HISTORY

The Planning Report for the Planning Authority documented the Planning History of the subject site/area as follows:

'Reg. No. 11/312 – permission granted for the erection of a single wind turbine with a hub height of 71.5m and rotor diameter of 77m, overall tip height not exceeding 110m, crane hardstanding area and site access road, and all associated site development works. Applicants were Mathew and Margaret McPhilips.

Site location map and site layout indicate the location of the turbine that was granted under planning reference number 11/312. This turbine is located north east of the proposed development.'

A Third Party Appeal Ref. PL02.240449 was withdrawn.

8. DEVELOPMENT PLAN

The provisions of the 2014-2020 Cavan County Development Plan have been noted.

9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

Proposed Development and Third Party Appeal Grounds

- The subject site lands at Greaghcrotta, Cootehill, County Cavan are approximately 0.04 hectares in area and are located in a rural agricultural area on the eastern side of Local Road L-6068 and adjacent and to the north of Carrickallen which is approximately 9 kilometres south of Cootehill in County Cavan. There are a number of constructed wind turbines in the vicinity of the subject site.
- The proposed development comprises as specified in the Public Notices as follows: Permission for a single storey control and monitoring building, hardstanding area and all associated site development works. Access is to be provided via laneway approved through permission Reg. Ref. 11/312 at Greaghcrotta, Cootehill, County Cavan.
The proposed building set back from the public road has a floor area of 58 square metres. The proposed building includes artificial roof slates and rendered walls as indicated on the submitted detailed drawings.
- The Further Information Request of the Planning Authority requested details in regard to the proposed development including:
‘3. Clarify that this control room is for the wind turbine approved under 11/312 and has no linkage or use with any other approved or proposed turbine.
4. Submit reasons why this building/control room was not applied for under previous application for turbine – reg. no. 11/312.
5. Clarify if there is any alteration to grid connection of proposed turbine approved under 11/312 arising from the proposed development.’

- The Further Information Submission included stating as follows:
‘The proposed control (building) is *specifically designed to monitor and control the operations of the turbine which has been approved through 11/312*’, and ‘We wish to highlight that application 11/312 did not apply for permission to connect the proposed turbine to the Transmission Grid Network. No reference was made to Grid connection in the description of that application or by the planning drawings which accompanied it. Whilst a preference was indicated to connect the turbine to the Grid via Rathrussan substation, the timing, method and position of any Grid connection are matters to be decided by ESB Networks.’
- The Final Planning Report for the Planning Authority included that there were no concerns in regard to the visual impact of the proposed development or in regard to potential environmental and human impacts. The Planning Authority, Cavan County Council issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 2 standard-type Conditions.
- I note the Planning History of the subject site/area as set out in the Planning Report for the Planning Authority:
‘Reg. No. 11/312 – permission granted for the erection of a single wind turbine with a hub height of 71.5 metres and rotor diameter of 77 metres, overall tip height not exceeding 110 metres, crane hardstanding area and site access road, and all associated site development works. Applicants were Mathew and Margaret McPhilips.
Site location map and site layout indicate the location of the turbine that was granted under planning reference number 11/312. This turbine is located north east of the proposed development.’
A Third Party Appeal Ref. PL02.240449 was withdrawn.
- The submitted *Third Party Appeal Grounds* raised issues of concern including as follows:
‘The proposed control and monitoring building is an unnecessary element of infrastructure which is not required for a single turbine with an existing substation connection already available for use, the proposed development would provide a control and monitoring facility for other turbines which are not covered under the scope of the relevant previously approved application or this current application, and the applicant failed to provide important information and clarify important issues when requested to do so by the Planning Authority’.

- Having reviewed all the submissions on file including the above submissions, I concur with the Planning Authority and the Applicants that the proposed development does not relate to ‘any alteration to the grid connection of the previously approved wind turbine granted under (Reg. No. 11/312)’ contrary to as submitted in the Third Party Appeal Grounds.
- I note where submitted that *‘the proposed development is to facilitate ESB metering, monitoring and staff safety/welfare’* and that as also submitted in the Applicants Appeal Response:-
‘Essentially, the control building is proposed to monitor the performance and operation of the wind turbine which has been permitted through 11/312.....’, and
‘It is not the applicants’ intention to connect the proposed development to any other existing/approved wind turbine....’, and
‘The visual impact of the proposed development will be similar to that of a domestic garage and is not considered to be significant. The proposed development will not result in any emissions such as noise, wastewater discharge, dust or odour’.
- I concur with the Planning Authority that by reason of the limited scale and location of the proposed single storey control and monitoring building which is proposed to serve the permitted single wind turbine development (Ref. No. 11/312) which is located adjacent and to the north-east of the proposed control and monitoring building, and where access to the proposed building is via the permitted access track to the single wind turbine development (Ref. No. 11/312), that there would be no undue visual or environmental effects resultant from the proposed development.
- It is recommended that a Condition be included in any decision to grant permission for the proposed development specifying that the proposed control and monitoring building should be used to monitor the performance and operation of the single wind turbine the subject of the previous permission Ref. No. 11/312 as submitted.

Appropriate Assessment

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area having regard to the relevant provisions of the 2014-2020 Cavan County Development Plan which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

DECISION

GRANT permission for the proposed development in accordance with the said plans and particulars based on the Reasons and Considerations hereunder and subject to the Conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area, and having regard in particular to the limited scale and location of the proposed single-storey control and monitoring building adjacent to the previously permitted single wind turbine development (Ref. No. 11/312) and access track thereto, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be undertaken and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 11th day of August, 2015 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed control and monitoring building shall be used for the purposes as specified i.e. to monitor the performance and operation of the single wind turbine permitted development (Ref. No. 11/312) which is located adjacent and to the north-east of the building.

Reason: In the interest of clarity and orderly development.

3. The colour of the proposed artificial roof slates on the building shall be blue/black or black and the external rendered walls shall be finished in a neutral colour such as grey or off-white.

Reason: In the interest of visual amenity.

4. Surface water from the site shall not be permitted to drain onto the adjacent public road.

Reason: In the interest of traffic safety.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

13th January, 2016.

sg

APPENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)