



An  
Bord  
Pleanála

## Inspector's Report ABP 303313-18

### Development

Request to make alterations to previously permitted windfarm to lengthen the blade of the turbines while remaining within the previously permitted tip height of 170 metres (application reference number 19.PA0047)

### Location

Cloncreen, Co. Offaly

### Planning Authority

Offaly County Council

### Applicant

Bord na Mona Powergen Ltd.

### Type of Application

Section 146B - Request to alter previously approved Strategic Infrastructure Project

### Inspector

Pauline Fitzpatrick

## 1.0 Introduction

The project which the Board granted permission subject to 17 conditions on the 3rd of May 2017 (ref. no. PA0047) under the Strategic Infrastructure Development provisions comprises of: -

- 21 no. wind turbines with an overall blade tip height of up to 170 metres.
- 1 no. borrow pit located in the northern section of the site.
- 1 no. 120 metre high permanent anemometry mast.
- 21.5 km of new site access tracks and associated drainage.
- 1 no. 110kV substation at one of two possible locations
- Associated underground electrical and communications cabling connecting the turbines to the proposed substation at either Ballykilleen or Cloncreen.
- 2 no. temporary construction compounds.
- Demolition of canteen building and removal of 40 metre high telecommunications mast and 100 metre high meteorological mast.
- New access junctions, improvements and temporary modifications of existing road infrastructure.

## 2.0 Legislative Basis

Section 146B. — (1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2)(a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if,

in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

(3)( a ) If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall —

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II) , unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to —

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(3A) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i) , that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of the effects on the environment

carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(3B) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i) , that information may be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration.

(4) Before making a determination under subsection (3)(b)(iii), the Board shall determine whether the extent and character of —

(a) the alteration requested under subsection (1), and

(b) any alternative alteration it is considering under subsection (3)(b)(ii)(II)

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

### 3.0 **Proposal**

The proposal is seeking to make amendments to the development granted permission under file ref. PA0047. The alterations to the approved scheme comprise the lengthening of the blade length of the turbines while remaining within the previously permitted tip height of 170 metres.

A variety of blade lengths and hub heights were considered in the various assessments in the EIS accompanying the application. The longest blade length considered was 65.5 metres which gave an overall blade diameter of 131 metres. The subject alteration is seeking the provision of a blade with a maximum length of 70 metres giving an overall diameter of 140 metres, at a corresponding hub height of 100 metres that would ensure the maximum permitted tip height of 170 metres will not be exceeded. The increased blade length represents an increase of approx. 7% from that reviewed in the EIS. It will not require alterations to the overall site layout, turbine locations or associated infrastructure as approved.

The applicant considers that the alteration sought does not constitute the making of a material alteration of the permitted development and would not give rise to significant environmental effects.

The request is accompanied by:

- Planning Report
- Environmental Report
- Collision Risk Assessment
- Photomontages
- Appropriate Assessment Screening Report
- Swept Path Analysis at junctions along construction route

#### *Planning Report*

- The development description within the permission was not prescriptive in terms of the length of the blades or hub height of the turbines and there were no specific conditions attached to the permission in relation to either hub height or blade length.
- A variety of blade lengths and hub heights were considered throughout the various assessments.
- Developments in turbine technology since the preparation of the EIS has meant that longer blades of up to 70 metres would potentially represent the most efficient for use on the site, subject to the outcome of the competitive tender process. The use of the most efficient turbines is intended to maximise the electricity generated from the wind resource. Maximising the renewable energy generated in this manner can be achieved without altering the findings and determinations reached in the EIS or the EIA carried out by the Board.
- The proposed alteration can be implemented while still ensuring that the overall terms and conditions of the permitted wind farm development can continue to be met. The overall development description of the permitted scheme will not be altered, it will continue to constitute a wind farm development of 21 turbines with an overall tip height of up to 170 metres.

- The increase in blade length of 7% without any exceedance of the permitted tip height is very minor in nature particularly in the context of the character of the permitted development.
- The Environmental Report prepared concludes that the potential impacts arising as a result of the proposed increase are nil.
- Precedent has been set by the Board's decision on file ref. RP2104
- It is considered that should the Board not concur that the proposed alteration is not material, the necessary detail as required in Schedule 7A of the Planning and Development Regulations 2001, as amended, has been provided with the request.

#### *Environmental Report*

- The altered blade length will not give rise to any additional material impacts in relation to shadow flicker. The mitigation measures originally proposed remain valid.
- As the alteration does not affect the footprint, location or layout of the turbines there would be no additional impact on on-site habitats
- In relation to birds the collision risk monitoring has been re-run. The results demonstrate that the conclusions of the original EIS continue to be applicable and that the mitigation proposed in the EIS along with the requirements of condition 6 address and set controls and checks on the operation of the wind farm.
- In relation to bats the longer blade length does not alter the assessment of the original EIS and, therefore, there will be no additional impacts.
- As the alteration does not affect the footprint, location or the layout of the turbines there would be no additional impact on soils and geology and water.
- The alteration will result in a relatively minor positive change in terms of air quality through increased farm productivity/efficiency. There would be no change in impact on climate to that of the original EIS.

- With respect to noise the alteration will not alter the outcomes of the previous EIA process nor will it alter the mitigation measures set out or necessitate any alteration to the specifics of condition 8.
- In terms of landscape and visual the extent of the Zone of Theoretical Visibility would be slightly reduced from the original due to the lower hub heights and longer blade length. This would be largely imperceptible in the viewing scale. The alternations of views of the site arising from a potential larger blade would be imperceptible from both distance and proximate views.
- As the alteration does not affect the turbine footprint, location or layout of the turbines there would be no additional impact on archaeology and cultural heritage.
- As no significant additional works would be required to transport the longer blades the overall construction traffic projections set out in the EIS remain unaltered.
- There would be no effects on the operation of communications and telecommunications systems. The increase in blade length will not alter the requirements of conditions 10 and 11.
- The proposed alteration is not anticipated to change the interaction of impacts as identified in the EIS.

#### *Appropriate Assessment Screening Report*

Given the nature of the proposed works, distance from any European Sites and the nature of the conservation objectives for these sites, no complete impact source-pathway-receptor chain was identified and there is no potential for significant effects on any European Sites.

There are no SPAs within 15km of the proposed works. The nearest SPAs are Lough Ennell SPA c. 23.4km to the north-west and Slieve Bloom Mountains SPA c. 23.7km to the south west. None of the SCI for Lough Ennell SPA were recorded within the application site. Hen Harrier which is the SCI for the Slieve Bloom Mountains SPA was only observed on 4 occasions within the study area. There are no winter roosts or breeding territories within or surrounding the study area. The

area is also outside the core (2km) and maximum (10km) foraging range of this species during the breeding season as per Scottish Natural Heritage (2013).

The development cannot contribute to any cumulative effect on any European sites.

#### **4.0 Board Correspondence**

The Board informed Offaly County Council on 4<sup>th</sup> January 2019 of the request received and enclosed a copy of the request which, it was advised, may be made available for public inspection.

The planning authority was not invited to make any submission at this stage.

#### **5.0 Assessment**

##### *Consideration of Materiality*

The first consideration in relation to this request to alter the terms of PA0047 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the windfarm development as granted.

The development as granted under ref. PA0047 comprises 21 no. turbines with an overall blade tip height of 170 metres. Condition 1 attached to the decision required the development to be carried out in accordance with the plans and particulars lodged with the application subject to any requirements necessary to comply with the other 16 conditions. The permission granted did not specify blade length or hub height.

I consider that the substantive issue is whether the proposed turbine configuration is materially different compared with that subject of the previous assessment.

The EIS that accompanied the application noted that within the 170 metre size envelope various configurations of hub height, rotor diameter and ground to blade tip height may be used. The assessments undertaken and presented in the EIS were based on the maximum ground to blade tip height of 170 metres with rotor diameters of between 126 and 131 metres entailing blade lengths of between 63 and 65.5 metres used. The range of maximum turbine hub heights ranged from 104.5 to 107 metres.



The alterations now proposed would result in the turbines having a lower hub height and longer blade length than the indicative turbine type presented at the time of application. As the longest blade length considered was 65.5 metres, giving an overall blade diameter of 131 metres, the increased blade length to 70 metres and overall diameter of 140 metres represents an increase of approx. 7% from that reviewed in the EIS. The hub height is to be reduced from that assessed to 100 metres. The overall maximum height of 170 will not be exceeded. The proposed alterations will not require alterations to the overall site layout, approved turbine locations or associated infrastructure.

As acknowledged in the EIS the turbine design parameters do have a bearing on the assessment of shadow flicker, noise, visual impact, traffic and transport and ecology (birds) in particular. In this regard the Environment Report accompanying the request assesses the impact of the proposed alteration relative to the impacts as identified in the EIS.

#### *Shadow Flicker*

In my opinion no new considerations arise in terms of shadow flicker. The use of the preferred turbine/blade configuration does not alter the outcome of the EIA process and the development will remain subject to the requirements of conditions 9(a), (b) and (c) attached to the permission as well as the mitigation measures set out in the EIS.

#### *Noise*

In relation to noise strict parameters controlling noise are included in the permission that has been granted, specifically condition 8. The operating noise levels of the preferred turbine configuration must therefore comply with the provisions of the condition. I therefore accept the conclusion that the configuration will not alter the findings of the EIA.

#### *Visual Impact*

The applicant notes that the Zone of Theoretical Visibility would be slightly reduced from the original due to the lower hub heights and longer blade length. This would be largely imperceptible in the viewing scale. This is not considered material.

I agree that in the context of the overall project that the alternations of views of the site arising from a potential larger blade would be imperceptible from both distance and proximate views including views from sensitive receptors and along public roads. The increased blade length will marginally increase the horizontal extent of the impact. I do not consider that the change to be substantial to conclude that it is of a different nature or has significantly increased visual impact.

I do not consider that the visual impact would warrant revised conditions if the case incorporating the modified turbines came before the Board. I refer the Board to the photomontages submitted and, in particular, the wireframe which indicates both the original and alternative configuration. I agree with the applicant's submission that the larger blades do not alter the conclusions set out in the EIS. I do not consider that there is a material change in terms of visual impact.

### *Ecology*

The increase in blade length does not require any additional ground works to facilitate the erection of the turbines over that as assessed in the EIS. I therefore accept that the proposed alterations will not alter the drainage network or mitigation measures that have been specified.

In relation to the possible increased risk of collisions by birds and bats the applicant notes that the EIS provided significant bird survey data and concluded that the extent of risk arising from collision with rotor blades would be negligible – low risk. The collision risk height band that was used for the collision risk assessment was between 25 metres and 175 metres from ground level. The swept path of the proposed blade configuration would remain within these parameters. It is noted that the configuration has a slightly lower swept path of 30 metres to ground than that assessed in the EIS of 33.5 metres. It remains above the minimum 25m collision height used in the EIS. A revised collision risk model was carried out with the results accompanying the request. The findings demonstrate that the results of the EIS continue to be applicable. The stated mitigation measures and requirements of condition 6 address and set controls.

I therefore accept the conclusions that the increase in blade length does not alter the assessment in the EIS and that there would be no significant ecological impacts

other than those already considered by the Board and addressed by mitigation and condition.

#### *Access and Traffic*

The largest component of the turbines to be delivered will be the turbine blade. The EIS provided a preliminary route assessment study and autotrack analysis based on a 65.5 metre turbine blade length. A new abnormal load swept analysis for the increased blade size accompanies the request which concludes that the turbine configuration can be accommodated within the parameter's set out in the EIS and no additional works are required. Condition 12 attached to the decision refers to the traffic and transport arrangements for the construction phase.

As the position of the turbines on site is unaffected by the turbine type selected there is no change in the assessment of a range of impacts including soils and geology, archaeology and cultural heritage.

#### *Conclusion*

I submit that no new considerations arise in relation to impacts on the environment which were not considered in the assessment of impacts for PA0047. Any impact on landscape and visual, as referred to above, would be marginal.

I am of the opinion, having fully considered the proposed alterations and the development as granted under PA0047, that the Board would not have determined the proposal differently had the turbine configuration and blade length now proposed in the alteration formed part of the said application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as granted under PA0047.

I have considered the provisions of s.146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development granted under PA0047 I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter.

Should the Board not concur with my recommendation and determines that the making of the alteration is material I note that the requester considers that documentation accompanying the request complies with the requirements of section 146B(3)(b)(i) of the Planning and Development Act, 2000, as amended.

### ***Appropriate Assessment***

Under PA0047 the Board completed an Appropriate Assessment Screening exercise in relation to 5 Natura 2000 sites within a 15 km radius of the application site. In addition, using the precautionary principle, European Sites located outside the 15km buffer zone were also taken into account. 4 no. of the sites were screened out. The Board then undertook an Appropriate Assessment in relation to the effects of the development proposed under PA0047 on the 1 site that was not screened out, namely River Barrow and River Nore SAC (site code 002162). The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of this European Sites in view of the site's conservation objectives.

A NIS was prepared and submitted as part of the application in relation to PA0047. The requester has submitted an 'AA Screening Report' in relation to the alterations that are the subject of this s.146B request. The 5 sites that were subject of the AA Screening in PA0047 are again considered in the context of the alterations subject of this section 146B request. The AA Screening report on file holds that, in relation to the 1 Natura 2000 site that was subject of the Appropriate Assessment in PA0047, given the nature of the proposed works, the distance of the proposed works from the European Site and the nature of the conservation objectives for this site, no complete impact source-pathway-receptor chain was identified and there is no potential for significant effects on the European Site.

Having considered the Board's determination on Appropriate Assessment on PA004, section 11.3 of the Inspector's Report on PA0047, the nature, scale and extent of the alteration relative to the development subject of and approved under PA0047, and the information on file which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives.

## 6.0 Recommendation

I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as granted permission under 19.PA0047.

### DRAFT ORDER

**REQUEST** received by An Bord Pleanála on the 21<sup>st</sup> day of December 2018 from Bord na Mona Powergen Ltd. c/o McCarthy Keville O'Sullivan, Block 1, G.F.S.C., Moneenageisha Road, Galway under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Cloncreen Wind Farm strategic infrastructure development the subject of a permission under An Bord Pleanála reference number 19.PA0047

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 3<sup>rd</sup> day of May 2017,

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the permission,

**AND WHEREAS** the proposed alteration is described as follows:

Lengthen the blade of the turbines while remaining within the previously permitted tip height of 170 metres

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the abovementioned decision so that the permitted development shall be altered in accordance with the plans and particulars

### **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the wind farm development permitted under An Bord Pleanála Reference Number 19.PA0047 for this site, which includes 21 turbines with an overall tip height of 170 metres,
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the limited nature and scale of the alterations when considered in relation to the overall permitted tip height of 170 metres
- (iv) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**January 2019**