



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307046-20

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<b>Development</b>	Retention and completion of a meteorological mast and associated works.
<b>Location</b>	Raragh Wind Farm, Corrinshigo, Kingscourt, Co Cavan
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	2018
<b>Applicant(s)</b>	Raragh Development Ltd
<b>Type of Application</b>	Permission and permission for retention
<b>Planning Authority Decision</b>	To grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Val Martin/Michael Muldoon.
<b>Observer(s)</b>	John Gargan.
<b>Date of Site Inspection</b>	10 <sup>th</sup> September 2020
<b>Inspector</b>	Deirdre MacGabhann

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	6
3.4. Third Party Observations .....	6
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. National Policies.....	9
5.2. Development Plan.....	9
5.3. Natural Heritage Designations .....	9
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.2. Applicant Response .....	11
6.3. Planning Authority Response .....	11
6.4. Observations .....	12
6.5. Further Responses.....	12
7.0 Planning Assessment .....	12
7.3. Validity of the planning application.....	13
7.5. Land ownership.....	15
7.6. Alternatives .....	16
7.7. Impact on amenity.....	16

8.0 Environmental Impact Assessment..... 18

9.0 Appropriate Assessment..... 19

10.0 Recommendation ..... 19

11.0 Reasons and Considerations ..... 19

12.0 Conditions ..... 20

## 1.0 Site Location and Description

- 1.1. The 0.3251ha appeal site is situated in the townland of Corrinshigo, c.2.5km north west of Kingscourt in County Cavan. It lies within the Raragh windfarm site, permitted under PA ref. 09/270 and PL02.236608. The appeal site forms part of a larger agricultural field and sited between turbines 4 and 5 of the permitted development. At the time of site inspection the site comprised an access track, off the main access road to turbine 5, and a hardstanding for the proposed meteorological mast. Access to the wind farm site is from the R162 to the north east of the appeal site.
- 1.2. Corrinshigo Lane runs in an east-west orientation to the north of the appeal site. The access road to turbines 4 and 5 bisects the lane. It has also been constructed at a lower elevation than Corrinshigo Lane, leaving steep inclines to join the lane (see photographs). For most of its length Corrinshigo Lane has poor width, alignment and make up. To the west of the wind farm access road it provides access to agricultural land and buildings along the lane which are either derelict or used for farming. Residential dwellings on the eastern side of Corrinshigo Lane also gain access directly from the R162.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the retention and completion of a 85m high free standing, permanent meteorological mast and associated works comprising hardstanding (10m x 10m in plan and 1.5m in depth), access tracks (45m) and site works. The development replaces a 85m high meteorological mast permitted c.377.5m north east of the appeal site on land to the south east of the permitted substation under PA ref. 09/270 and PL02.236608 (see Drawing nos. RAR d043.4, 43.7.1 and 43.7.7 in attached history file).
- 2.2. Access to the site is proposed from the R162 via along the permitted Raragh wind farm access route. At the time of application (and currently) the access track and foundation for the mast have been built and retention is sought for these elements of the development. Permission is sought for the completion of the development i.e. the erection of the mast structure.

- 2.3. It is stated that the development will monitor wind speed and direction and is an EirGrid requirement for all wind farms generating in excess of 10MW. The mast will supply forecasting information to assist EirGrid in the maintenances of system security. Measuring equipment will be installed on the central column of the lattice structure at different heights. Equipment includes data logger, pressure sensors, thermometers, wind vanes, anemometers and sonic anemometer. The data that will be collected comprises wind speed, direction, atmospheric pressure and temperature measurements.
- 2.4. The decision to relocate the development was based on engineering concerns arising during detailed topographical survey which identified excessive excavation to achieve the consented ground level for the permitted mast, proximity of high voltage power lines and the need to relocate these. The revised location comprises a more practical location, with more straight forward access.
- 2.5. Construction phase of the development is stated to be one month. The mast would be delivered to site in segments which would not comprise an abnormal load. Operation would extend for the life of the wind farm (25 years). Details of construction methodologies are set out in section 4 of the applicant's Planning and Environment Report. These include measures to prevent pollution of surface water.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On the 16<sup>th</sup> of March 2020, the planning authority decided to grant permission for the development subject to 5 no. conditions including a 25 year duration of permission (C2), details of surface water drainage to be agreed in writing (C4) and mast to be painted in a neutral colour and maintained in good order (C5).

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- 13<sup>th</sup> March 2020 – Refers to the location of the proposed meteorological mast under PL09/270 (PL02.236608) and its proposed repositioning c.377.5m to the west-southwest. The report screens the development for environmental

impact assessment and concludes that, on the grounds that significant effects are unlikely, environmental impact assessment is not required. It considers that the visual effects of the development would generally be less visually obtrusive than the previous location. The report addresses the matters raised by third parties and considers that these were dealt with under the assessments carried out in respect of the parent development, PL09/270 (PL02.236608), lie outside of the planning system or can be investigated separately as matters of compliance. Given the distance of the development from European sites and the characteristics of the proposed development, it is considered that appropriate assessment is not required. The report recommends granting permission subject to conditions.

#### 3.2.2. Other Technical Reports

- Roads (18<sup>th</sup> February 2020) – No objections.
- Environment (28<sup>th</sup> February 2020) – Recommends further information in respect of surface water drainage system and further details on proposed toilet facilities.

#### 3.3. Prescribed Bodies

- None.

#### 3.4. Third Party Observations

##### 3.4.1. There are two third party observations on file raising the following issues:

- Validity of planning application. Irregular application/difficult to understand development/what is being retained. Correct applicant is EirGrid. Correspondence removed from history file PA ref. 19/416. Full files for PA ref. 09/270 are not available. The location of the original meteorological mast under PA ref. 09/270 was not shown in plans for the development. The proposed mast will be 377.5m to the south west of the mast permitted under PA ref. 11/55 (since taken down). The proposed development must therefore be subject to a full planning process. Site map does not show how site will be accessed.

- Notices. Do not state the use of the proposed structure. Lack of clarity regarding who the applicant is.
- Need for mast. The meteorological mast granted under PA ref. 11/55 provided wind data for the site and would demonstrate if the wind farm is viable (to potential purchaser). No need for a second mast. Not installed at other windfarms.
- Landownership. The application fails to identify all landowners and/or consent from all (including use of wayleaves over access tracks). Important for any future enforcement. Liability of future owners of windfarm regarding complaints in respect of noise from turbines.
- Spacing of existing turbines. Existing turbines are too close together. Economic viability of windfarm. Meteorological readings will be affected by turbines on either side of the mast (T4 and T5).
- Alternative locations. Participating land owners own land elsewhere and the mast could be installed there.
- Impact of existing turbines and cumulative effects. The wind farm is in the middle of 38 family homes. Impact of noise and vibration from turbines, particularly at night. Noise from mast permitted under PA ref. 11/55, disturbed cattle/farm based livelihood and residential amenity. No further structures should be permitted in the area. Cumulative effects of proposed development and existing turbines. Inability to build on land due to environmental effects of wind farm/proposed mast. If the development had been included in PA ref. 09/270 or in amendments to it, cumulative effects would have resulted in the development being refused.
- Separation distances. Turbines are located less than the distance from dwellings set out in the 2006 Wind Energy Guidelines. Development would compound wrongful grant of permission. Meteorological mast should be subject to same separation distance requirements (>500m).
- Unauthorised works – Section 160 of the Planning and Development Act 2000 (as amended) applies to unauthorised development. Use of access tracks

and underground cabling for the meteorological mast were not authorised by the previous grants of permission.

- Corrinshigo Lane. This public right of way has been closed since February 2019. The applicant did not apply for a road opening licence. No consent by landowners to close lane or from those who have a right to use it. If permission is granted, the Board should include a condition requiring a road opening licence procedure. Difference in levels between Corrinshigo Lane and new access road and lack of clarity regarding how the difference in levels will be resolved.
- Consideration of alternatives is required (need for mast and location).
- Project splitting (wind farm, cables and mast).

#### 4.0 Planning History

- PA ref. 09/270 (PL02.236608) – Permission granted by the Board for the construction and operation of 5 no. wind turbines, with a hub height of 85m, meteorological mast, electrical substation, associated access tracks, underground cabling and ancillary works. Under PA ref. 15/164 the permission granted to extend the duration of the development until 14<sup>th</sup> November 2020.
- PA 11/55 – Permission granted for the erection of a temporary 80m meteorological mast for the measurement of the site's wind regime. The site for the development is situated c.280m to the north east of the proposed development.
- PA ref. 16/566 and PL02.248394 – Permission granted to lay underground cable to connect Raragh wind farm to national grid via the Kingscourt sub-station.
- PA ref. 19/416 – Planning application to relocate a meteorological mast, constituting a modification to PA ref. 09/720. Application invalidated following inspection of the site (works carried out).



## **5.0 Policy Context**

### **5.1. National Policies**

- 5.1.1. The Government's White Paper 'Ireland's Transition to a Low Carbon Energy Future 2015 – 2030' sets out a framework to guide policy and the actions of Government in order to transition to a low carbon energy system. It sets out targets to reduce greenhouse gas emissions and targets for renewable energy, including to achieve 40% of electricity supply from renewables by 2020.
- 5.1.2. Guidelines for wind energy development is set out in the publications 'Wind Energy Development Guidelines' 2006 and draft Guidelines 2019. The guidelines refer to typical wind energy developments and state that these would include a wind monitoring mast.

### **5.2. Development Plan**

- 5.2.1. Policies in respect of wind farm developments and meteorological masts are set out in section 4.7.3, Renewable Energy, of the Cavan County Development Plan 2014 to 2020. It is stated that an objective of the planning authority is to encourage and facilitate renewable forms of energy production. The plan acknowledges the importance of wind energy as a renewable resource and the potential for its development in the County. Policies provide a favourable approach to wind energy development subject to environmental considerations (Policy objectives PIO115 to PIO117).

### **5.3. Natural Heritage Designations**

- 5.3.1. The appeal site is removed from any sites of natural heritage interest, with the nearest proposed national sites, c.7.5km to the south west and south east of the site respectively, comprising Breaky Loughs proposed Natural Heritage Area (pNHA) and Ballyhoe Lough pNHA (see attachments). The nearest European site lies c.16km to the south west of the site and comprises Killyconny Bog (Cloghbally) Special Area of Conservation (site code 000006). It is also a proposed Natural Heritage Area.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. There is a joint third party appeal in respect of the proposed development. Matters raised repeat those set out in observations, summarised above. Additional matters are:

- Notices. Should refer to works carried out without permission (access road, cabling and hardstanding), proposed use of the structure and need for the project, to comply with the Planning and Development Regulations 2001. No advertisement of the development in an appropriate local newspaper. Inadequate site notices on public roads in the area (see maps attached to appeal).
- Previous applications. Absence of references to cabling/access tracks for mast under PA ref. 09/270 and 16/566. A meteorological mast was called an anemometer was included in PA ref. 09/270 without a location.
- Ownership of land. Not in accordance with the land registry folio and no evidence of ownership provided. No consent from landowners for use of access route to mast. No information on how the mast will be brought into the site from the R162 or permanent route to service the mast.
- Consideration of reasonable alternatives and alternative locations. Consideration of reasonable alternatives and alternative locations is a legal requirement. Mast could be placed on lands of participating landowners to the north east of the site with access road (at Tullybrick and Drums Kerry) where they would not be affected by existing turbines or affect non-participating third parties.
- No report by planning authority on site visit. Conflicts with Planning Regulations.
- EIA. All of the components of the wind farm should have been applied for in one application, PA ref. 09/270. EIA was carried out for wind farm (PA ref. 09/270 and PL02.236608) and cabling. The permission granted for the development indicate that the planning authority and developer consider the

development to be part of the wind farm. The proposed development requires EIA. Retention permission cannot be granted for a development requiring EIA, determination in respect of EIA or AA. No screening for EIA carried out. The development is not exempted under Class 20A of the 2001 Regulations.

- Validity. The absence of an EIAR and failure of the planning authority to carry out an EIA and AA renders the application invalid. The unauthorised development should be removed.
- Previous data from meteorological mast previously erected should be made public. Would indicate whether the proposed mast is needed.

## **6.2. Applicant Response**

- 6.2.1. The applicant responds to the appeal. In the interest of brevity I refer to the matters raised in my assessment below.

## **6.3. Planning Authority Response**

- 6.3.1. The planning authority make the following comments on the appeal:

- Development description. PA ref. 09/270 included an 85m high meteorological mast, which was not built (location shown in Drawing No. RARA d043.7.1 Rev A 'Site Layout Key Map' and Drawing No. RARA d0437.7 Rev A 'Site Layout Substation Compound'). The file can be viewed at the planning authority's offices/online. PA ref. 11/55 for a 80m high mast is immaterial to the current application (now dismantled).
- Statutory notices. Newspaper notice was placed in a valid newspaper which circulates in the border area. Site notice was placed at the main entrance to the land concerned with the development/windfarm and at only location where the windfarm adjoins the public road. Corrinshigo Lane is not a public road or used for accessing the windfarm. It is not passable due in part to the windfarm development. Other public roads referred to are more remote from the application site/not used to access it. The notices describe the use of the development as a meteorological mast. The application documents indicate how the development would operate and how information gathered and used.

The rationale for the development is clear (summarised in planning report). The development was commenced as Class 20A Exempted Development (80m mast).

- Project splitting and EIA. Notes the court rulings, O’Grianna & Ors v An Bord Pleanála and Daly v Kilronan. Development differs as the mast was included under PA ref. 20/18 and not an additional element that has been excluded from the EIA process. No change to turbine number, location or configuration to require screening for EIA. Condition no. 2 ties mast into the duration of the windfarm, as was the mast permitted under PA ref. 09/720. Site is outside the buffer zone of European sites. Stage 1 screening was carried out.
- Third party consents. State that these matters were addressed in planner’s report.
- Visual impacts. Consider that visual impacts are localised and not considered to be significant.
- Noise impact. Noise from the wind farm was assessed under PA ref. 09/270. The meteorological mast was not considered as a noise source. Complaints received have only been in respect of turbines and is a matter for compliance.

#### **6.4. Observations**

- 6.4.1. There is one observation on file from John Gargan who lives and works in the area. He raises concerns in respect of site and newspaper notices, noise from existing turbines, visual impact with proposed development, absence of environmental impact assessment and appropriate assessment and alternative location for mast.

#### **6.5. Further Responses**

- 6.5.1. None.

### **7.0 Planning Assessment**

- 7.1. Having examined the application details and all other documentation on file and inspected the site, and having regard to relevant planning policies and guidance, I consider the issues in this appeal comprise:

- Validity of the planning application.
- Land ownership.
- Alternatives.
- Impact on amenity (visual impact, noise and distance from dwellings).

7.2. The issue of environmental impact assessment is dealt with in the following section of this report. The appellants also refer to the following matters which I comment on briefly below:

- Distance of the existing turbines from residential dwellings, spacing of the wind turbines themselves, the viability of the permitted wind farm and obligations placed on future owners of the wind farm in respect of noise complaints. All of these matters concern the operation of the permitted windfarm and lie outside the scope of this appeal.
- Access to Corrinshigo Lane. The proposed development seeks to relocate the meteorological mast for the permitted Raragh wind farm development. It makes use of the existing access to the wind farm site from the R162 to provide access to the site. This wind farm access road truncates Corrinshigo Lane. Further, the access road has been laid at a lower elevation than the lane and there are steep inclines from the access road to join the lane. These issues are matters which also fall outside of the scope of this appeal and are properly dealt with under the parent permission.
- Efficacy of mast. The proposed mast is located between two existing wind turbines and the appellant's question its effectiveness. This is a technical matter, to meet the requirements of EirGrid, and one which again lies outside the scope of this appeal.

### 7.3. **Validity of the planning application.**

7.3.1. The appellant raises concerns regarding the validity of the planning application, including inadequate newspaper and site notices, description of the development, use and works carried out without permission.

7.3.2. The Planning and Development Regulations 2001 (as amended) set out requirements in respects of site and newspaper notices and the contents of a

planning application, with the planning authority responsible for the process of validation. The purpose of the statutory notices is to inform the public of the proposed development and to alert them to the nature and extent of it, with the notices drafted to give a brief indication of the nature and extent of the development.

- 7.3.3. The proposed development was advertised in a newspaper that is stated to be acceptable for planning applications made in the area (Northern Standard) and the location of the site notice has deemed to be compliant with the requirements of the Regulations (at the main entrance to the site from the public road). The statutory notices provide a short and reasonable description of the development, as one which comprises both the retention and completion of a 85m high meteorological mast and associated hard standing, access tracks and site works. It is also stated that the development is a relocation of a previously permitted mast (under PA ref. 09/270 and PL02.236608) and the plans for the previous development indicated the location of the then proposed meteorological mast in Drawing No. RARA d043.7.1 Rev A 'Site Layout Key Map' and Drawing No. RARA d0437.7 Rev A 'Site Layout Substation Compound' (see attached history file).
- 7.3.4. Having regard to the foregoing, and the submissions on file and appeal made, I am satisfied that the statutory notices adequately describe the development and the purpose of notice has been served.
- 7.3.5. With regard to the details of the planning application, the completed planning application clearly identifies the applicant, the use and need for the proposed structure and arrangements for access to it and arrangements for power and communications. In this regard I draw the Board's attention to the following:
- Section 22 of the planning application form (applicant) and section 1.2 and 1.2.3 of the Planning and Environmental Report which state that the meteorological mast will supply meteorological data (wind speed and direction) and is a required by EirGrid for wind farms generating in excess of 10MW for forecasting and maintenance of EirGrid's system security (see Appendix A for EirGrid requirements).
  - Section 2.1.3 of the P&E Report and the response to the appeal which state that the original location of the mast under PA ref. 09/720 would have required

significant excavation to achieve the required ground level and was located in proximity to overhead high voltage power lines.

- Section 2.2.2 of the P&E Report which states that access to the site will be via the consented Raragh Wind Farm access route, and Section 3.2 that energy required for the development would be provided by power sourced from the nearest turbine (T4), via underground cable, with communications through the pre-existing wind farm fibre network.

7.4. Having regard to the foregoing, I consider that the applicant has provided an adequate description of the development, including sufficient details on need and use.

#### 7.5. **Land ownership.**

7.5.1. The appellant's argue that the applicant has not provided sufficient information on legal title to the appeal site, or consent from landowners for use of the access to the site.

7.5.2. Section 9 of the planning application indicates that the appeal site, Folio CN17532, is in the ownership of third parties, Mr Joseph McCaul and Ms Marie McCaul, and that the applicant has entered into option and lease agreements with the landowners. A letter from the landowners is included with the planning application documents. Folio information provided by the appellant indicates that the appeals site is registered with Thomas McCaul, who the appellant states is a relative and deceased. Information by the Property Registration Authority (landdirect.ie) indicates that applications are pending on the folio, suggesting that ownership details may be being updated. Having regard to this, I would consider that (a) the applicant has provided sufficient evidence of their legal interest in the appeal site for the purpose of planning application and decision, and (b) notwithstanding this, a person is not entitled solely by reason of permission to carry out any development (section 34(13) Planning and Development Act, 2000 as amended).

## 7.6. Alternatives

- 7.6.1. The appellants argue that alternative sites should be considered for the proposed development. They refer in particular to lands at Drums Kerry and Tullybrick to the north west of the appeal site.
- 7.6.2. It is evident from the planning application that the proposed development comes forward as a requirement of EirGrid in order to monitor wind speed and direction on the subject site, with a view to informing network planning/security. It would seem reasonable, therefore, that any meteorological mast associated with the development be located in close proximity to it. In this regard I note that the location referred to by the appellant's is removed from the Raragh windfarm site and may be technically inappropriate.
- 7.6.3. In addition, the proposed development is a replacement for the meteorological mast already permitted on the site under PA ref. 09/270 (to the rear of the permitted substation, c. 377.5m to the E-NE of the proposed development). Therefore it is appropriate that a replacement be sited within confines of the wind farm site itself. The applicant has not provided an assessment of alternative sites within the wind farm site, however, for the reasons stated below I do not consider the proposed site to be unreasonable or likely to give rise to significant impacts on the amenity of the area.

## 7.7. Impact on amenity

- 7.7.1. Visual impact. Under PA ref. 09/270 and PL02.236608 permission was granted for a 85m lattice tower, meteorological mast, with monitoring equipment as part of the Raragh wind farm development. As stated the mast was originally situated to the south east of the substation compound and is shown in the following drawings in the attached history file:
- Drawing no. RARA d043.4 85m Met Mast Elevation.
  - Drawing no. RARA d043.7.1 Site Layout Key Map.
  - Drawing no. RARA d043.7.7 Site Layout Sub-Station Compound.
- 7.7.2. The proposed development is similar structure to the permitted development, but is situated c.377.5m south west of the original site and at a lower elevation (FFL



125AOD compared to 140mAOD). It is located further from the nearest dwelling to the south east (c.425m) and closer than the previous development to dwellings to the south west (>500m), but still at distance from both properties. (The buildings to the north of the appeal site are either unoccupied or used as agricultural sheds).

- 7.7.3. The appellants argue that the proposed mast should be subject to the same minimum setback from individual properties as set out in the Wind Energy Guidelines for wind turbines (i.e. 500m). The separation distances in the Guidelines are based on the scale of wind turbines and visual disturbance and are not specifically applicable to masts which have a narrow, lattice structure and no moving parts. They are, therefore, visually more benign.
- 7.7.4. In order to assess the visual impact of the development the applicant has provided wire frame visualisations from the surrounding road network (agreed with the planning authority). I have reviewed each of these, and the existing wind farm site from the public road network in the area and Corrinshigo Lane (see photographs). From this inspection, I would accept that the visualisations provide accurate images of the existing turbines as viewed within the landscape, and by inference therefore, of the likely visibility and visual effects of the proposed mast. The mast will appear as a minor slender structure within the landscape and within the context of the larger structures of the permitted wind farm. Notably, the proposed mast will not overly complicate the collective structures nor extend the visual envelope of the development. Consequently, I consider that the mast, whilst visible, will not be unduly so or detract from the visual amenity of the area.
- 7.7.5. Noise. Under PA ref. 09/270 and PL02.236608 a noise impact assessment was carried out and whilst it was acknowledged that the development would be likely to alter the noise environment around the site, noise levels would not exceed the levels recommended in the DoEHLG Guidelines on Wind Energy. The assessment identified the proposed turbines as potential noise sources. The meteorological mast was not identified as a source of noise. This approach would be consistent with the Wind Energy Guidelines (draft, 2019) which primarily focus on the noise generated by turbines. Whilst the Guidelines acknowledge that electrical equipment such as transformers and other ancillary equipment may contribute to noise emissions there is no specific mention in the guidelines of masts as a significant noise source. In addition, there have been no complaints made in respect of noise arising from the

meteorological masts in the area of the site (see planning report dated 13<sup>th</sup> March 2020).

- 7.7.6. Notwithstanding the foregoing, I would accept that under windy conditions metallic structures (e.g. gates) can give rise to a whistling sound. In this instance it is proposed to relocate the mast to the south west, removing it from the nearest residential property which lies to the to the south east of the sub-station (the buildings to the north and north west of the site are derelict/not occupied), reducing the likelihood of any direct or cumulative impacts on residential amenity as a consequence of noise over and above the permitted development. With regard to stock, my understanding would be that they would typically habituate to noise sources in the environment. Therefore, whilst I would accept there may be short term effects, I would not expect effects to be significant or long term.
- 7.7.7. Having regard to the foregoing, I do not consider that the proposed development would seriously injure the amenities of the area or the amenity of property in the vicinity of the site.

## **8.0 Environmental Impact Assessment**

- 8.1.1. The proposed development comprises part of a permitted wind farm development. Schedule 5 of the Planning and Development Regulations 2001 (as amended) sets out classes of development in Part 1 and Part 2 for which environmental impact assessment is mandatory. These include, in Part 2, development under the following classes:
- Class 3(i). Energy Industry. A requirement for EIA of installations for the harnessing of wind power for energy production with more than 5 turbines or having a total power output greater than 5MW.
  - Class 13(a). Changes, extensions, development and testing. A requirement for EIA for any change or extension of development already authorised, executed or in the process of being executed which would result in the development being of a Class listed in Part 2 and result in an increase in size greater than 25% or an amount equal to 50% of the appropriate threshold, whichever is greater.

- 8.1.2. The planning permission granted for Raragh wind farm, under PA ref. 09/270 and PL02.236608, was subject to environmental impact assessment. The proposed development, which modifies the development by relocating the permitted meteorological mast, provides no increase in wind energy production or any increase in size of the development. Consequently, there is no statutory requirement for environmental impact assessment. The development is also proposed on agricultural land, removed from any sensitive receptors and construction and operation are unlikely to give rise to significant environmental impacts.
- 8.1.3. It is therefore evident from the characteristics, location and potential impact of the development that it would not be likely to have significant effects on the environment, so a sub-threshold environmental impact assessment would not be warranted under the criteria set out in Schedule 7 to the planning regulations.

## **9.0 Appropriate Assessment**

- 9.1. The proposed development forms part of a larger permitted wind farm development which was granted permission. In coming to their decision on the merits of the development the Board considered the issue of ecology and concluded that the development would not seriously injure the ecological heritage of the area.
- 9.2. Further, the proposed development itself comprises a modest alteration to the existing permitted wind farm and it is proposed on agricultural land at a location which is substantially removed from any European site (>16km). Consequently, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **10.0 Recommendation**

- 10.1. I recommend that permission for the development be granted subject to conditions.

## **11.0 Reasons and Considerations**

Having regard to the meteorological mast provided for in the parent permission, planning register reference no. 09/270 and PL02.236608, the location and elevation

of the proposed development relative to the permitted meteorological mast, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or the amenities of property in the vicinity and would be acceptable in terms of its visual impact. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The permission shall be for a period of 25 years from the date of the commissioning of the wind turbines permitted under planning register reference 09/270 and PL02.236608. The meteorological mast and all ancillary development including foundations, hardstanding and access track, shall then be decommissioned and removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period. On full or partial decommissioning of the wind farm or if the wind farm ceases operation for a period of more than one year, the mast and all associated development including its foundation and access track shall be removed within three months of decommissioning.</p> <p><b>Reason:</b> To ensure satisfactory reinstatement of the site upon cessation of the project.</p>

3.	<p>Prior to the commencement of development, details of the proposed surface water drainage system shall be agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of public health, traffic safety and biodiversity.</p>
4.	<p>The mast shall be painted in a neutral colour and maintained in good condition.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

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Deirdre MacGabhann  
Planning Inspector

28<sup>th</sup> September 2020