



An
Bord
Pleanála

Inspector's Report ABP-307335-20

Development	Wind turbine test site comprising: 1 12m high turbine tower with adjacent 12m high wind measuring mast and 1 20m high turbine tower with adjacent 20m high wind measurement mast.
Location	Moor, Athenry, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20101
Applicant(s)	C & F Tooling Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brendan Dowling
Observer(s)	None
Date of Site Inspection	09/09/2020
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The Moor area is approx. 1.2km north of the M6. The site is situated approximately 7km to the west of Athenry, 6km northeast of Oranmore and 14km north east of Galway City. The subject site is located in the south-eastern corner of a large agricultural field, to the south-east of a narrow country road (L31026) off the R339.
- 1.1.2. The immediate area of the subject site comprises a number of agricultural fields, slightly elevated above the surrounding rural roads and lanes. There are a large number of one-off rural houses in the immediate area, a factory (C&F Tooling) associated with the subject site approx. 1km to the west. Approx. 1.5km to the west is a large 220kV Electricity substation, Cashla Substation. The substation is within a surfaced compound of over 4ha into which 7 No HV electricity lines (five 110kV and two 220kV) connect. Further west is a large disused quarry with concrete batching plant approx. 1.5km to the west and a battery storage facility (ABP-304922-19).

2.0 Proposed Development

- 2.1.1. On the 30th January 2020, planning permission was sought for the construction of a wind turbine test site, comprising 1 no. 12m high turbine, 1 no. 12m high wind measuring mast, 1 no. 20m high turbine tower, 1 no. 20m high wind measuring mast, all on a site of 0.765ha.
- 2.1.2. The application was accompanied by an Acoustic Report and a design statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 8th June 2022, the Planning Authority issued a notification of their intention to GRANT permission subject to 7 no. conditions. Condition no. 3 states that the permission is for a period of 5 no. years only. Condition no. 4 states that if the turbines cease operation for a period of more than one year they shall be removed. Condition no. 5 requires the developer to advise the Irish Aviation Authority of the location of the turbines. Condition no. 6 requires archaeological monitoring of the development and condition no. 7 requires the retention of the in-situ of stone field boundaries.

3.2. **Planning Authority Reports**

- 3.2.1. **First Planning Report:** Applicant should be required to justify site selection having regard to the distance from the existing business compound. Further information required regarding boundary treatments. Implications of construction off access track on recorded monuments required.
- 3.2.2. **Further Information** was requested on the 29th March 2020. The applicant submitted a response on the 21st of May 2020, comprising a site selection response, an Archaeological Assessment, revised site layout for the access track, and details of site finishes.
- 3.2.3. **Second Planning Report:** Applicants response to the site selection query is acceptable. All other matters addressed. Recommendation to grant subject to conditions.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

- 3.4.1. One objection to the proposed development raised the validity of the planning application stating that a number of procedures were not followed, that the subject area is agricultural in nature and that there is an existing wind turbine test site at the applicants premises.

4.0 **Planning History**

- 4.1.1. None on the subject site. Some planning history on the associated industrial compound site. PL07. 243026

5.0 **Policy Context**

5.1. **National Planning Framework 2018**

The National Planning Framework (NPF) 2018, is the overarching national planning policy document for Ireland. It is a high-level strategic plan that sets out a vision for Ireland to 2040, expressed through ten National Strategic Outcomes (NSO). One of the key goals of the NPF (National Strategic Outcome 8) is that of Transition to a Low Carbon and Climate Resilient Society. It acknowledged that Ireland's energy policy is focussed on the pillars of sustainability, security of supply and

competitiveness. It states: “In the energy sector, transition to a low carbon economy from renewable sources of energy is an integral part of Ireland’s climate change strategy and renewable energies are a means of reducing our reliance on fossil fuels.”

5.1.1. It is an objective that: “40% of our electricity needs will be delivered from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond.”

5.1.2. **National Policy Objective 55** states: “Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”

5.2. **Wind Energy Development Guidelines for Planning Authorities 2006**

5.2.1. The guidelines provide advice on wind energy development in terms of the Development Plan and development management processes. Guidance is given on matters such as noise, shadow flicker, natural heritage, archaeology, architectural heritage, ground conditions, aircraft safety and windtake. Whilst a setback distance is not established, it is stated that noise is unlikely to be a significant problem where the distance to the residential property is more than 500m. In respect of noise, the recommended standard is a lower fixed limit of 45dBA or a maximum increase of 5dBA above background noise and nearby noise sensitive locations, apart from very quiet areas where the daytime level is limited to 35-40dB(A). A night time limit of 43 dB(A) is recommended.

5.2.2. Chapter 6 provides guidance on siting and design of wind energy development in the landscape. This includes advice on siting, spatial extent and scale, cumulative effect, spacing of turbines, layout of turbines and height of turbines. Advice is also given regarding landscape character types as a basis for the application of the guidance on siting and design.

5.3. **Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy, and Climate Change (2017)**

5.3.1. These guidelines were issued under Section 28 of the Act. They focus on administrative procedures and do not replace or amend the existing WEDG 2006, which remain in place pending the completion of ongoing review. Section 28 of the Act requires both Planning Authorities and An Bord Pleanála to have regard to these

interim guidelines and apply any specific planning policy requirements of the interim Guidelines in the performance of their functions.

- 5.3.2. The Guidelines provide specific guidance on making, reviewing, varying or amending a Development Plan, or a Local Area Plan, with policies or objectives that relate to wind energy developments. A Planning Authority shall acknowledge and document specific national strategy relating to energy policy, indicate how the implementation of the Development Plan or Local Area Plan over its effective period would contribute to realising overall national targets on renewable energy and climate change mitigation. Furthermore, the Planning Authority are required to demonstrate detailed compliance with the above in any proposal to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use in a Development Plan or Local Area Plan. This is reaffirmed in Departmental Circular PL5/2017.

5.4. **Galway County Development Plan**

- 5.4.1. The relevant Development Plan is the Galway County Development Plan 2015-2021. Of relevance to the subject proposal are:
- 5.4.2. **Section 7.4 Renewable Energy**, Policy ER 1 – Sustainable Energy Policy and Targets. Promote the implementation of the Government’s White Paper Delivering a Sustainable Energy Future for Ireland, Energy Policy Framework 2007-2020 (or any updated or superseding document) over the lifetime of the Galway County Development Plan 2015-2021 to assist in ensuring that the energy efficiency target is realised by 2020 from renewable sources.
- 5.4.3. **Policy ER 2 – Development of Renewable Energy**. The Council shall support proposals for renewable energy developments at appropriate scales (including, ocean energy/wave and tidal technologies and ancillary facilities including associated grid connection) at appropriate locations within the County having regard to residential amenities, biodiversity and landscape sensitivities, where such proposals are in compliance with the County Development Plan 2015 - 2021 and the principles of proper planning and sustainable development. Where possible the Council will develop its own micro generation projects to facilitate its own energy requirements.

5.4.4. **Policy ER 3 – Security of Supply** Facilitate the strategic goal of effective balanced regional development through the implementation of policies that will deliver reliable and effective energy networks and electricity grid for the West Region including County Galway, minimising environmental impact by: a) Promoting and supporting the provision of secure and efficient energy supply and storage including electricity, gas, and renewable energy including wind, wave/tidal, solar, bio-energy and heat energy distribution; b) Supporting infrastructural renewal, strengthening and development of strategic electricity networks within the County, as provided for under Eirgrid’s Grid25 Strategy, including Eirgrid’s Grid West project; c) Facilitating the extension of a natural gas distribution network to serve both the County and West Region.

5.5. **Natural Heritage Designations**

5.5.1. The subject site is located 6.2km from the Galway Bay Complex SAC (000268) and 4.9km from the Lough Corrib SAC (000297).

5.6. **EIA Screening**

5.6.1. Under Item 3 (i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, wind farms, which have more than 5 turbines or which have an electricity generating capacity of more than 5MW, are required to be the subject of a mandatory EIA. The subject proposal has 4 no. turbines and no electricity generating capacity. I am satisfied therefore the proposed development does not fall into a class of development which requires EIA.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A third-party appeal of the decision of the Planning Authority to grant permission has been submitted by a resident of the area. The grounds of the appeal are as follows:

- Family home is on the road leading to C&F Tooling limited.
- Proper procedures were not followed in the application process, denying the public their rights. The decision of the Planning Authority is ultra vires.
- A site notice was not erected at the site boundary.

- The application was not accompanied by a plan showing the location of the site notice.
- As there is a wind turbine test at the existing compound, the proposed development is over development.
- The subject site is zoned for agricultural use, not industrial.

6.2. Applicant Response

6.2.1. None on file

6.3. Planning Authority Response

6.3.1. None on file

6.4. Observations

6.4.1. None on file

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the single issue raised is that of the principle of the proposed development.

7.2. Principle of Proposed Development

7.2.1. The appellant submits that proper procedures have not been followed in the application process. These concerns have been noted. I refer to Section 37(1)(b) of the Planning and Development Act 2000, as amended which provides that the Board shall determine the application as if it had been made to the Board in the first instance and the decision of the Board shall operate to annul the decision of the planning authority as from the time when it was given. The application is being considered de-novo by the Board. Further, I note the judgement of Justice McGuinness in *Hynes v An Bord Pleánala* which states that defects which occurred at the Planning Authority stage will not affect the jurisdiction of An Bord Pleánala

7.2.2. On the question of the zoning of the subject site, I note the County Development Plan at Chapter 7 outlines the importance of supporting development of renewable

energy sources in the interest of delivering on the National Climate Change Strategy and in providing security of energy supply throughout the County and region. Policy ER 3 Security of Supply seeks to facilitate the strategic goal of effective balanced regional development through the implementation of policies that will deliver reliable and effective energy networks and electricity grid for the West Region including County Galway, minimising environmental impact by: a) Promoting and supporting the provision of secure and efficient energy supply and storage including electricity, gas, and renewable energy including wind, wave/tidal, solar, bio-energy and heat energy distribution. While the proposed development does not provide an energy source, it is nonetheless a part of the wide development of wind energy. I am satisfied that the proposed development complies with the development plan and is acceptable in principle,

7.2.3. The appellant states that the proposed development constitutes over development as there is an existing turbine at the C&F Tooling site (Planning Authority reg. ref. 11/3354 refers), In their submission to the Planning Authority following a request for further information, the applicant state that the 4 no. structures were required to a distance from the existing factory to allow “a much cleaner wind” for “power performance testing purposes”. In addition, background noise at the existing factory is such that acoustic noise recording cannot be carried out. The certification testing required to sell turbines cannot be carried out on the factory site. the applicant states that the existing turbine at the factory is used to test software and machine performance.

7.3. **Zoning**

7.3.1. The appellant submits that the subject site is zoned for agricultural rather than industrial use. I note DM Standard 12 of the development plan regarding rural enterprise. It states that the Council will consider rural enterprises, and resource development and renewable energy resources (such as wind/ocean energy) in rural and coastal areas within the County subject to considerations of proper planning and sustainable development. As discussed above, the proposed development is considered to be in keeping with the proper planning and sustainable development of the area.

7.3.2. The access track, in the newly proposed location will have less of a visual impact and will read largely as an agricultural track. The elevated tree copse / tree lines in the immediate area will provide some screening but the proposed 4 no. structures will be visible from a localised area, due to the open nature of the immediate surrounds. On balance, given the overall height of 20m of two of the proposed structures and that only 4 no. structures are proposed at a significant distance from the surrounding dwellings and agricultural buildings, it is considered that the proposed development is acceptable.

8.0 Recommendation

8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

9.0 Reasons and Considerations

9.1.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or any property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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>Reason: In the interest of clarity</p>
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2.	<p>The following design requirements shall be complied with:</p> <ul style="list-style-type: none"> (a) The turbine towers and wind measuring masts, shall be finished externally in a colour to be agreed in writing with the planning authority prior to commencement of development. (b) Cables within the site shall be laid underground. (a) The wind turbines shall be geared to ensure that the blades rotate in the same direction. (d) No advertising material shall be placed on or otherwise be affixed to any structure on the site without a prior grant of planning permission. <p>Reason: In the interest of visual amenity</p>
3.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> (i) notify the relevant planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (ii) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: <ul style="list-style-type: none"> (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details</p>

	<p>regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
4.	<p>Details of aeronautical requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Prior to commissioning of the turbines, the developer shall inform the planning authority and the Irish Aviation Authority of the 'as constructed' tip heights and co-ordinates of the turbines and wind monitoring masts.</p> <p>Reason: In the interest of air traffic safety.</p>
5.	<p>On full or partial decommissioning of the operations, or if the operations cease operation for a period of more than one year, the turbines concerned and all decommissioned structures shall be removed, and foundations covered with soil to facilitate re-vegetation. These reinstatement works shall be completed to the written satisfaction of the relevant planning authority within three months of decommissioning or cessation of operation.</p> <p>Reason: To ensure satisfactory reinstatement of the site upon cessation of the project.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>

	<p>prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Gillian Kane
Senior Planning Inspector

18 September 2020