



An
Bord
Pleanála

Inspector's Report

ABP-307357-20

Description

Section 146B request for an alteration to a planning permission granted for 29 no. turbines with a maximum blade tip height of between 156 - 166 metres and all associated infrastructure, for case reference number PL19.PA0032.

Location

Yellow Wind Farm, North of Rhode, County Offaly.

Planning Authority

Offaly County Council

Requester

Green Wind Energy (Wexford) Ltd. c/o
AOS Planning

Type of Application

Section 146B request

Inspector

Patricia Calleary

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1.0 Introduction

- 1.1. This case relates to a request by Green Wind Energy (Wexford) Ltd. to alter the terms of a development previously granted permission by An Bord Pleanála under ABP Ref: 19.PA0032 for a 29-turbine windfarm with ancillary development and associated site works, known as Yellow River Wind Farm, north of Rhode in County Offaly.
- 1.2. The request has been submitted to An Bord Pleanála, pursuant to section 146B of the Planning and Development Act 2000, as amended, hereinafter referred to as 'The Act'. The proposed alterations primarily comprise increasing the blade lengths from 113m to 126m, reducing the hub height accordingly and retaining the permitted layout and tip height of 156m (11 turbines) and 166 metres (18 turbines).

2.0 Legislative Basis

- 2.1. Section 146B(1) of the Act provides that on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, An Bord Pleanála can alter the terms of the development, the subject of a planning permission, approval or other such consent granted under the Act.
- 2.2. Section 146B(2)(a) requires the Board to decide whether the making of the alteration to which the request relates would constitute a material alteration of the terms of the development concerned. The Board may invite submissions prior to making this decision under Section 146(B)(2)(b).
- 2.3. Under Section 146B(3)(a), if the Board decides that the making of the alteration would not constitute the making of a material alteration, then it must alter the approval accordingly. If it determines under Section 146B(3)(b) that it would constitute the making of a material alteration, it shall (i) require the requester to submit information specified in Schedule 7A to the Planning and Development Regulations 2001-2020, unless the requester has already provided such information or an Environmental Impact Assessment Report (EIAR). Under 146B(3)(b) (ii) the Board shall determine whether to (I) make the alteration, (II) make an alteration that would be different from that to which the request relates (but not one which is 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.

- 2.4. Sections 146B(3A) and (3B) of the Act outline the requirements for the information to be submitted by the requester under Section 146B(3)(b)(i). Section 146B(4) requires that before making a determination under subsection (3)(b), the Board must determine whether the extent and character of the alteration requested or any alternative alteration it is considering would be likely to have significant effects on the environment. Section 146B(4A) requires that on receipt of the information referred to in subsection (3)(b)(i), the Board would make its determination within 8 weeks unless exceptional circumstances prevail. Section 146B(5) requires that where the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii) is **not likely** to have significant effects on the environment, it shall proceed to make a determination or where it is determined the alterations **are likely** to have such effects, the provisions of section 146C (preparation of an EIAR).
- 2.5. Section 146B(6) of the Act requires that if in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly. Section 146B(7) requires the Board to have regard to criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176. Section 146B(7A) provides that where the determination of the Board is that the alteration under consideration would not be likely to have significant effects on the environment and the applicant has provided a description of the features of the alteration concerned and the measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration concerned, the Board shall specify such features, if any, and such measures, if any, in the determination. Section 146B(8) relates to making information available for inspection and for inviting submissions or observations.

3.0 Planning History

3.1. Permission granted on site

- **ABP Ref. 19.PA0032:** In June 2014 An Bord Pleanála granted permission for a windfarm development comprising 29 turbines (reduced from 32 turbines during the planning application) with a hub height of up to 110 metres and a rotor diameter of up to 113 metres and an overall height of up to 166 metres together with a 110kV substation and other associated development.

3.2. Similar and relevant case types

- **ABP 303313-18:** In April 2019, An Bord Pleanála decided that the making of the alterations (lengthening of blades while remaining within the permitted tip height of 170m) did not constitute the making of a material alteration of the terms of the development as granted permission under ABP Ref. 19.PA0047.
- **ABP 303729-19:** In June 2019, An Bord Pleanála decided that the making of the alterations (lengthening of blades, while remaining within the permitted tip height of 156.5m) did not constitute the making of a material alteration of the terms of the development as granted permission under ABP-300460-17.
- **PL04.RP2104:** Point of dispute under section 34(5) in relation to compliance with condition 6(a) of a permitted windfarm, which required turbine details to be agreed with the planning authority. An Bord Pleanála determined that alternative turbine types fell within the terms and conditions of permission granted on appeal under Ref: PL04.240281.

4.0 Proposal

- 4.1. The proposal now before the Board is seeking to make alterations to the development granted permission under file 19.PA0032, which is a permitted windfarm comprising 29 turbines. The alterations to the approved scheme comprise lengthening of blades so as to increase the rotor diameter from 113m (permitted) to 126m, whilst retaining the permitted layout and tip height of 156m (11 turbines) and 166 metres (18 turbines) and remaining within the maximum tip height of between

156 and up to 166 metres. In effect, the rotor diameter would increase by 13m and the hub height would be reduced by 7m.

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

4.3. The request is accompanied by the following:

- Cover Letter
- Planning Report
- Environmental Report
- Appropriate Assessment Screening Report
- Two Drawings (with details of turbines and turbine location)
- Landscape and Visual Assessment booklet

The main points set out in the three reports are summarised below.

Planning Report

- proposal is that of increasing rotor blade and the permitted tip height would not be exceeded;
- no specific conditions attached to the permission in relation to either the hub height or blade length;
- condition 1(b) which limits the tip height of the turbines would be satisfied;
- increased blade length represents an increase of approximately 3% from that reviewed in the original EIS (Inspector note: This figure appears to be inaccurate and has been addressed in the assessment stage of this report);
- proposal would be in line with wind turbine industry development and would allow the windfarm to generate an additional 8% energy output;
- proposal would meet with national policy and wind energy guidelines by increasing the provision of renewable energy;
- proposal is supported by regional and local planning policy;

- no additional negative environmental impacts would arise as a result of the proposal and the proposed alteration would not affect or alter any conditions attached to the permission granted;
- 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 2001-2020, has been provided with the request.

Environmental Report

- **Human Beings:** Apart from predicted slight positive impact on health associated with increased generator potential, residual impacts are assessed as being the same as those submitted in the original EIS.
- **Biodiversity:** Lowering of ground clearance would increase potential for collision risk for low flying bat species and also Whooper Swan in their observed location at Derryarkin. The significance of these effects is rated as slight and can be minimised with the proposed mitigation set out in the original EIS.
- **Soils and Geology:** The residual impacts have been assessed as being largely the same as those predicted in the original EIAR. Additional subsoils excavated would be re-used on site.
- **Water:** The residual impacts have been assessed as being largely the same as those predicted in the original EIS. Additional dewatering would be addressed through environmental mitigation.
- **Air Quality:** The residual impacts have been assessed as being slightly positive in terms of emission savings and air quality.
- **Noise:** The residual impacts have been assessed as being the same as those predicted in the original EIS and are rated as: Construction – not significant and Operational – within guideline limits and not significant.
- **Shadow Flicker:** The residual impacts have been assessed as being the same as those predicted in the original EIS. No house is predicted to

experience greater than 30 hours of shadow flicker per year, which is the same as for the consented turbine envelope.

- **Landscape:** No mitigation or monitoring was deemed to be required for the original proposed turbines. The residual impacts have been assessed as being the same as those predicted in the original EIS.
- **Material Assets:** Mitigation measures would be in accordance with those proposed for the original EIS.
- **Cultural Heritage:** The residual impacts have been assessed as being the same as those predicted in the original EIS.
- **Interactions:** The residual impacts have been assessed as being the same as those predicted in the original EIS.

Appropriate Assessment (AA) Screening Report

- the relevant European sites, eight in total, together with the reasons for designations and data for screening are set out in Table 1 of the AA Screening Report submitted.
- given the nature of the proposed works, distance from European Sites and the nature of the conservation objectives for these sites, no complete impact source-pathway-receptor chain was identified in respect of five of the sites and there is no potential for significant effects on any of these European Sites. The remaining three sites include the River Boyne and Blackwater SAC, the River Boyne and Blackwater SPA and Lough Ennell SPA.
- the assessment of impacts on birds, identified Whooper Swan as the most sensitive species in the project area. The proposed alteration in the rotor diameter would not have any potential impacts relating to disturbance during construction, loss of habitat, displacement from feeding areas and/or roost sites or barrier effects. The proposed alteration in blade length would result in lowering the available ground clearance from 54m to 40m for the seven relevant turbines at Derryarkin. However, Whooper Swans are expected to fly below 40m when commuting and mitigation, as already recommended, would minimise any risk. It is considered that the Annex I species, Whooper Swan (as well as other bird species), can be screened out on the basis that the

proposal would not materially alter the conclusions of the NIS submitted as part of the original application.

- In-combination effects on the conservation objectives of any European sites or an Annexed species would not result.

5.0 Correspondence

- 5.1. The Board informed Offaly County Council on the 24th day of June, 2020, of the request received and enclosed a copy of the request which, it was advised, may be made available for public inspection at the offices of the local authority. The planning authority was not invited to make any submission at this stage.

6.0 Assessment

6.1. Introduction

- 6.1.1. As noted in Section 2 above, Section 146B of the Act is a two-stage process. The first stage is for the Board to consider whether or not the proposed alterations would constitute ‘the making of a material alteration of the terms of the development concerned’ under Section 146B(2)(a). If the decision is that the making of the alteration would not constitute the making of a material alteration, then the Board must alter the planning permission under Section 146B(3)(a).
- 6.1.2. The second stage only arises if the Board decides that the proposed alterations would constitute such a material alteration under Section 146B(3)(b). Clearly, if the outcome of stage one is a decision that the proposed alteration would not constitute a material alteration, then there is no basis for addressing the matters referred to in stage two.
- 6.1.3. In deciding in the first instance on this issue of materiality, the Board has the discretion to invite submissions from any person or class of persons as the Board considers appropriate.

6.2. Stage one - Consideration of Materiality

- 6.2.1. The first consideration in relation to this request to alter the terms of ABP Ref: 19.PA0032 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 main issue that requires assessment is whether the proposed turbine configuration is materially different compared with that which was the subject matter of the Board's previous assessment.

- 6.2.2. The development as granted under ref. 19.PA0032 comprises 29 no. turbines (reduced from 32 turbines through the planning process) with a hub height of up to 110 metres and a rotor diameter of up to 113 metres and an overall tip height of 156 metres (11 turbines) and 166 metres (18 turbines).
- 6.2.3. The permission issued based on the drawings and documents submitted during the course of the application and subject to 24 conditions.
- 6.2.4. Condition 1(a) attached to the decision required the development to be carried out in accordance with the plans and particulars lodged with the application and further information subject to any requirements necessary to comply with the other conditions. The permission granted did not specify blade length or hub height. Condition 1(b) set out that the permission relates to 29 number wind turbines as follows:

Turbines	Max Tip Height
T1 to T12 (inclusive)	166 metres
T13 to T25 (exclusive of T20 and T23)	156 metres
T26 to T32 (exclusive of T28)	166 metres

- 6.2.5. Based on the information on file and for reasons of clarity, a table setting out the comparisons between the permitted development and the current proposal which is the subject of this request made under Section 146B, is set out below.

Turbine No.s	Rotor Diameter Permitted (m)	Rotor Diameter Proposed (m)	Hub Height Permitted	Hub Height Proposed (m)	Tip Height Permitted and Proposed (m)
T1 to T12 (12 No. Turbines)	113	126	110	103	166
T13 to T25 (exclusive of omitted turbines T20 and T23)	113	126	100	93	156
T26 to T32 (exclusive of omitted turbines T28)	113	126	110	103	166

- 6.2.6. A comparison between the permitted turbines and those which are now proposed under the Section 146B request is also represented on drawing No. 4909-410-146B (Revision 02) submitted with the request. The drawing shows the proposed altered rotor diameter as 126m and the permitted as 112m (slightly below the 113m set out in the submitted reports). The site layout would be unaltered and is presented as drawing no. 4909-TL-0 also submitted.
- 6.2.7. The proposed alterations would result in the turbines having a lower hub height, longer blade length and wider rotor diameter than the indicative turbine type reviewed at the time of application. As set out in Section 4 of the requesters planning report, the rotor blade diameter would be increased by 13m from the permitted diameter of 113m to the increased diameter of 126m. (Note: This is at variance with the information in the same section in which it is stated that the turbine blade length would alter from the permitted 61m to 63m).
- 6.2.8. The alteration would clearly represent an increase of 11.5% in rotor blade diameter $[(126\text{m}(\text{proposed})-113\text{m}(\text{permitted}))/113\text{m}(\text{permitted})] \times 100\%$ from that reviewed in the EIS submitted with the original application. (Note: The requester inaccurately asserts that the nature of the proposed alteration would represent an increase in blade length of 3%). The hub height would be reduced such that the overall

maximum permitted height in respect of the permitted turbines (ranging from 156m to 166m) would not be exceeded.

- 6.2.9. I am satisfied that the alteration, which would result in generation of increased electricity output from a renewable source on a previously permitted site would not constitute the making of a material alteration in consideration of planning policy on renewable energy.
- 6.2.10. The Environmental Report accompanying the current request assesses the impact of the proposed alteration relative to the impacts identified in the original EIS. It is necessary to consider the relevant impacts and my assessment on each of the impacts is set out below. At the outset, there would be no alterations to the location and overall height of the turbines.
- **Human Beings (Population and Human Health):** The increase in blade swept area is stated to likely give rise to an increase in electricity production of 8% from a renewable source with consequent savings in greenhouse gas emissions. It is submitted that this would lead to a slight positive change to the health of the population. The increase in the length of the blade could marginally increase the safety risk associated with lifting the blades resulting in a slight negative risk to safety. I would conclude that the predicted impacts associated with transport and construction activities would remain unchanged or any change would be marginal. The development would continue to be subject to the relevant EIS mitigation measures set out and the relevant planning conditions attached to the Board's decision under Ref:19.PA0032. Overall, I am satisfied that there would be no additional significant impacts on population and human health.
 - **Biodiversity:** For the turbines featuring a maximum tip height of 166m, it is stated that the rotor sweep ground clearance would be reduced from the permitted 54m to 40m. For the turbines with a maximum tip height of 156m, it is stated that the rotor sweep ground clearance would be reduced from the permitted 44m to 30m. Habitats on the project site are mostly rated as of local importance (higher value). Habitats of interest include raised bog and a bog woodland. It is submitted that the proposal would not have any impacts on local habitats or flora beyond that addressed in the original EIA. The bird

survey carried out in winter 2012-2013 highlighted the presence of Whooper Swan and Golden Plover in Derryarkin (T1-T7 area). Both of these species are listed on Annex I of the EU Birds Directive. It is noted that in the intervening period since permission was granted, three pasture fields shown in the original EIS and which were used by the Whooper Swans for feeding have since been developed as functioning ponds serving Kilmurray quarry. It is submitted that the Whooper Swans may also use the recently created ponds, though they may be refilled once the quarrying operations have ceased and the Swans may use the area once again for feeding.

No changes would arise from disturbance during the construction phase or loss of habitat or displacement of feeding areas and roost sites. Collision with the turbines by the Whooper Swans has been identified as a potential impact as a result of the current proposal. It is submitted that scientific evidence has concluded that swans have good eyesight and therefore high levels of avoidance can be expected. It is also stated that Whooper Swans typically exhibit very low-altitude flights between roosting and foraging sites. It is further stated that as part of the assessment of birds, most local flights were at an altitude of less than 30m height. It was concluded that at Derryarkin, some risk of collision with turbines T1 – T7 would arise. Mitigation set out in the original EIA includes the use of hazard warning lights on the relevant turbines to reduce risk of collision by the Whooper Swan.

At Derryarkin, the alteration would cause a lowering of ground clearance from 54m to 40m for seven turbines (T1-T7). The significance of the impact of collision is rated as 'slight' as the majority of swans are expected to fly below the lower tip height (40m). Mitigation set out in the EIS would be sufficient to minimise the risk.

The original EIS has not considered collision risk as a significant issue for other bird species recorded, including Golden Plover, Lapwing and Hen Harrier (being an occasional winter visitor). In this regard, the proposed alteration would not alter the impact assessment for other bird species.

The bat study which formed part of the original EIS noted that the majority of bat species were low fliers, i.e. flying below 10m above ground level and, as

such, they are at a low risk from turbine collision impact. An exception, Leisler's bat, is a high-flying species and is potentially at risk of mortality from revolving blades. However, as there is no change proposed to the maximum tip height, there is no added risk to high-flying bats, such as Leisler's. Given the normal flight height for the remaining identified bats being below 10m, the reduced ground clearance would result in an impact of no greater than slight significance and which it is stated would be addressed by way of the mitigation proposed for the permitted development. Mitigation proposed, as set out in the original EIS, would be implemented. Of most relevant to the current proposal, bats would be discouraged from flying near the turbines by creating vegetation free zones.

I am satisfied overall that the significance of these effects is rated as slight and can be minimised with the proposed mitigation set out in the original EIS.

- **Soils and Geology:** The predicted impacts on soil and geology (including peat stability) would largely remain unchanged save additional excavation of 92 cubic metres of subsoil per turbine which would result in a slight negative change to the project. The development would continue to be subject to the relevant environmental mitigation measures and planning conditions set out in the Board's decision under Ref:19.PA0032. Additional mitigation is also proposed including the reuse of the additional excavated subsoil as ballast and within the hardstand areas. Post mitigation, I am therefore satisfied that there would be no additional significant impacts on soils and geology.
- **Water:** In terms of water, the likely significant effects are the same as those predicted in the original EIS, apart from potentially increased volumes of dewatering during the construction of larger turbine bases. This could result in a slight negative impact. The development would continue to be subject to the relevant environmental mitigation measures and planning conditions of the Board's decision on Ref:19.PA0032. I am therefore satisfied that there would be no additional significant impacts on water.
- **Air Quality:** There would be no alterations to the site layout or the location and height of the turbines. There could be a minor positive impact on air quality and climate as a result of the predicted 8% increased energy

generating capacity of the turbines from a renewable source, because of the larger rotor blade diameter. This would lead to a corresponding reduction in fossil fuel energy production and associated emissions savings to those predicted with the original EIS. I am therefore satisfied that there would be no additional significant impacts on air and climate.

- **Noise and Vibration:** There would be no alterations to the site layout or the location and height of the turbines. The noise limits set out in Condition No.10 of Board's decision on Ref:19.PA0032 specify noise limits of 43dB(A)_{L₉₀, 10 min} or 5dB(A) above background levels. It is submitted that the operation noise would fall within limits set out in the permitted development. I am therefore satisfied that there would be no additional significant impacts as a result of noise. Having regard to the nature of the development, I am also satisfied that the proposal would be unlikely to generate additional vibration impacts. As stated in the inspector's report with the original application (Section 13.16.14), there is no evidence that wind turbines transmit vibration which could damage houses. The set-back of at least 500m would be more than sufficient to ensure that there would be no damage to houses arising from vibration.
- **Shadow Flicker:** The original shadow flicker assessment for the permitted development assessed houses within 10 rotor diameters (1,130m) of a turbine which amounted to 194 houses. With the longer blade now proposed, the study area was updated to 1,260m resulting in 300 houses being included in the updated assessment. Through assessment it has been determined that 70 of the 300 houses could experience greater than 30 hours of shadow flicker per year. This compares to 63 for the consented development. However, when the reduction factors are added, the residual impacts have been assessed as being the same as those predicted in the original EIS. No house is predicted to experience greater than 30 hours of shadow flicker per year, which is the same as for the consented turbine envelope. Previous mitigation measures committed would continue to be required to be implemented.
- **Landscape and Visual:** The alteration of the dimensions of the turbine would not cause any change to the previously permitted landscape impacts or result in any increased impacts on the landscape character. The Environment

Report submitted with the Section 146B request included an additional visual impact assessment, which included updated photomontages that superimpose the preferred turbine configuration on to the previously permitted images. For the majority of the viewpoints, there is no discernible difference in the proportions of the proposed turbines relative to those permitted. Where there are open views, the altered turbine design could appear to be ‘top heavy’ as a result of the longer blades and lower hub, however, it would not be overly so and would not be disproportionate. No mitigation or monitoring was deemed to be required for the original proposed turbines. I am satisfied that there would be no additional significant impacts on the landscape or visual amenity.

- **Material Assets:** There would be no alterations to the site layout or turbine locations and the predicted impacts on agriculture, forestry, the road network, ESB Network, telecommunications, air navigation and properties would remain unchanged subject to compliance with the relevant mitigation measures and planning conditions of the Board’s decision. There would be no alterations to the traffic and transport arrangements. The Environment Report assessed impacts arising from the transport of longer rotor blades and it concluded that by carrying out minor adjustments to the road network, over sail can be maintained within the envelopes predicted in the original EIS. Overall, I am satisfied that there would be no additional significant impacts on material assets.
- **Cultural Heritage:** There would be no alterations to the site layout, the location of the turbines or infrastructure arrangements. Thus, the predicted impacts on archaeology and cultural heritage would largely remain unchanged. However, potential for increased area of ground disturbance would result in a slight negative change to the project. The development would continue to be subject to the relevant environmental mitigation measures set out and the relevant planning conditions attached to the Board’s decision under Ref:19.PA0032. Overall, I am satisfied that there would be no additional significant impacts on cultural heritage.

- **Interactions:** Having regard to the foregoing, I am satisfied that there would be no significant additional interactions as a result of the alterations.
- **Cumulative Impacts:** Having regard to the foregoing, and to the additional visual impact studies that accompanied this submission, I am satisfied that there would be no significant additional cumulative impacts.

Concluding Comments on Materiality

6.2.11. I am of the opinion, having fully considered the proposed alterations and the development as granted under 19.PA0032, 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 that 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 permission under 19.PA0032.

6.3. Public Consultation

6.3.1. I have considered the provisions of Section 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 19.PA0032, 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.

6.4. Should the Board not concur with my recommendation and determine that the making of the proposed alterations are material, the 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 Screening

6.4.1. The relevant European sites, eight in total, together with the reasons for designations, their distances relative to the windfarm site and summary of linkages (pathways) are set out in Table 1 of the Appropriate Assessment Screening report, which accompanied the Section 146(B) request. Given the nature of the proposed works, distance from any European Site and the nature of the conservation

objectives for these sites, no complete impact source-pathway-receptor chain was identified in respect of five of the sites and there is no potential for significant effects on any of these five listed European Sites. I am also satisfied that the remaining three sites are those which are relevant and include the River Boyne and Blackwater SAC (site code 00685), the River Boyne and Blackwater SPA (site code 002299) and Lough Ennell SPA (site code 004040).

6.4.2. Given the separation distance between the project site and the aforementioned three European sites, to the sites' conservation objectives and that no additional project mitigation measures are required to maintain local water quality, I am satisfied that these sites can be screened out.

6.4.3. A population of Whooper Swan, an Annex I listed species is known to winter in the windfarm site area at Derryarkin. I note that Whooper Swan is not a species which is part of the qualifying interests of either Lough Ennell SPA or the River Boyne and Blackwater SPA and I refer the Board therefore to my assessment on this species set out above under the broader heading of Biodiversity. I have concluded that the significance of the impact of collision of the Whooper Swan is rated as 'slight' as the majority of swans are expected to fly below the lower tip height (40m). Mitigation set out in the EIS would be sufficient to minimise the risk.

Conclusion on Appropriate Assessment (Stage 1- Screening)

6.4.4. Having considered the Board's determination on Appropriate Assessment on ABP-19.PA0032, section 13.15 of the Inspector's Report on 19.PA0032, the nature, scale and extent of the alterations relative to the development subject of 19.PA0032 and the information on file, which I consider adequate to carry out Screening for Appropriate Assessment, 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 any European sites in view of the conservation objectives for those sites.

7.0 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.PA0032.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 15th June 2020 from Green Wind Energy (Wexford) Ltd. c/o AOS Planning of 1st Floor 24-26 Ormond Quay Upper, Dublin 7 for alterations under Section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as the Yellow River Wind Farm comprising 29 turbines and all associated works.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 3rd day of June, 2014.

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:

Increase the blade length to the permitted turbines while remaining within the previously permitted maximum tip height of between 156 and up to 166 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 above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 15th day of June 2020 for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the wind farm development permitted under An Bord Pleanála Reference Number 19.PA0032 for this site, which permitted 29 turbines with an overall tip height of between 156 - 166 metres, the examination of the environmental impact, including in relation to European designated sites, carried out in the course of that application,
- (ii) the limited nature and scale of the alterations when considered in relation to the overall permitted tip height of height of between 156 - 166 metres
- (iii) the absence of any significant new or additional environmental concerns (including in relation to European designated sites) arising as a result of the proposed alterations, and
- (iv) 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 2000, as amended, the Board hereby makes the said alterations



Patricia Calleary
Regional Planning Inspector

uly 2020