



An
Bord
Pleanála

Inspector's Report ABP-307726-20

Development	Amendments to provide for repositioning of an electrical substation building and a revised layout for access tracks and services
Location	Derrane and Roxborough townlands, Roscommon, County Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	PD/20/145
Applicant(s)	Peter Gillooly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	1. Sarah Jane McNaboe; 2. Local Residents' Group c/o Mark Mahon
Observer(s)	Kevin Waldron
Date of Site Inspection	30 th October 2020
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area approximately 2.5km north of Roscommon town in county Roscommon. The site is accessed via an agricultural track off the L1805 local road, which in turn connects with the N61 national road approximately 1.8km to the northwest of the appeal site. The immediate area is characterised by gently undulating agricultural fields primarily enclosed by stone walls that are supplemented by mature trees and shrubs, and interspersed with farmyards and houses fronting onto local roads.
- 1.2. The site is stated to measure 1.66ha and forms part of a site that was previously granted planning permission for a two-turbine wind energy development that does not appear to have commenced to date. An anemometer is situated centrally within the appeal site and there are agricultural sheds adjoining the track serving the site. Ground levels in the area drop steadily in a southeast direction.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - amendments to previous planning permission register reference (reg. ref.) PD/18/313 to provide for the relocation of the electrical controls room and substation building, alterations to the layout of the access tracks, including the underground electrical cabling serving the wind energy development, and associated site development and reinstatement works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission for the proposed development subject to two conditions of a standard nature, comprising the following:
 - Condition 1 – compliance with conditions of the previous permissions;
 - Condition 2 – details of the treatment for the adjacent roadside boundary.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer (June 2020) recommended a grant of planning permission for the proposed development and noted the following:

- the principle of the development has already been established through the previous permission, which remains valid until 2022;
- having regard to the previous Board decision relating to the site (ABP ref. 303677-19), the principle of allowing the development to proceed on revised site boundaries would be acceptable;
- the substation building would not have a negative visual impact on the area;
- the proposed development would not present flood risk concerns and traffic safety implications do not arise;
- site entrance details would remain as previously permitted, however, as a new entrance would be created from the agricultural cul de sac and the site layout submitted shows the entire front boundary would be left open, an appropriate front boundary treatment is required;
- Environmental Impact Assessment (EIA) can be excluded at preliminary examination stage and there would be no significant impacts on European sites arising from the proposed development.

3.2.2. Other Technical Reports

- None requested.

3.3. Prescribed Bodies

- None requested.

3.4. Third-Party Observations

- 3.4.1. During consideration of the planning application by the planning authority, 12 observations objecting to the proposed development were received from neighbouring residents of Derrane townland and Derrane Road (L1805). The issues

raised in these observations are similar to those raised in the grounds of appeal and they are collectively summarised under the heading 'Grounds of Appeal' below.

4.0 Planning History

4.1. Appeal Site

4.1.1. The following planning applications relate to the appeal site:

- reg. ref. PD/11/126 – a ten-year planning permission was granted by the planning authority in January 2012 for a wind farm comprising two wind turbines each with 126m tip heights and with an energy output of 2.3 megawatts (MW);
- reg. ref. PD/18/313 – planning permission was granted by the planning authority in September 2018 for amendments to the parent permission (reg. ref. PD/11/126), to provide for the relocation and redesign of an electrical substation, the realignment of internal roads, the redesign of hardstands and minor upgrade works to the site entrance;
- ABP ref. 303677-19 (reg. ref. PD/18/447) – permission was granted by the Board in June 2019 for amendments to the parent and previous permissions (reg. refs. PD/11/126 & PD/18/313 respectively), to provide for revised turbine locations, increased turbine tip heights of 150m and a total energy output of 4.9MW.

4.2. Surrounding Sites

4.2.1. Recent planning applications in the surrounding area primarily relate to proposals for additional houses.

5.0 Policy & Context

5.1. Roscommon County Development Plan 2014-2020

5.1.1. Chapter 3 of the Development Plan addresses economic development in the county, with section 3.4.3 specifically referring to 'Wind & Other Natural Resource Energy

Technologies’. Section 4.6.2 of the Development Plan highlights the various matters to be considered when assessing proposals for wind energy development, including the county Landscape Character Assessment. Development management standards for renewable energy are addressed in section 9.30 of the Development Plan, including reference to the county Renewable Energy Strategy.

5.2. National Guidelines

5.2.1. The following Guidelines are relevant:

- Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017);
- Development Management Guidelines for Planning Authorities (2007);
- Wind Energy Development Guidelines (2006).

5.3. Natural Heritage Designations

5.3.1. The nearest designated European sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in the table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
002349	Corbo Bog SAC	4.8km	east
000440	Lough Ree SAC	5.7km	southeast
004064	Lough Ree SPA	8.1km	southeast
004097	River Suck Callows SPA	9.4km	southwest
000588	Ballinturly Turlough SAC	8.8km	southwest
000609	Lisduff Turlough SAC	12.9km	south
001626	Annaghmore Lough (Roscommon) SAC	13.1km	north
000612	Mullygollan Turlough SAC	13.4km	northwest
000448	Fortwilliam Turlough SAC	13.7km	southeast

5.4. Environmental Impact Assessment - Preliminary Examination

- 5.4.1. Having regard to the limited nature and scale of the proposed development comprising amendments to the ancillary infrastructure for a previously permitted wind energy development, the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal was received from a local resident of the Derrane area, and a separate third-party appeal was received and is stated to be on behalf of a group of local residents. In conjunction with matters raised within the third-party observations, the grounds of appeal can be collectively summarised as follows:

Principle

- the development permitted under the parent and amendment permissions has not yet commenced and queries remain over the proposed overall turbine heights;
- the development is not of minor scale and is being planned in a fragmented manner with no consultation with local residents;
- rationale for relocating the substation has not been fully substantiated and other locations would be more suitable given the value of the landscape;
- repositioning of the substation closer to houses would have implications for local residents arising from the associated noise emissions, low frequency sound and electro-magnetic emissions;
- details of the illumination to the substation building and the impacts on telecommunications signals, the environment, groundwater, water supplies and the health of the local community are omitted from the application.

Further consideration of shadow flicker and the principle of allowing the turbines is required;

- land ownership and the site boundaries delineated have been inconsistent in the various planning applications submitted;

Traffic

- the agricultural track serving the site is merely a right of way owned by a neighbouring resident and the applicant does not have legal consent to use all of the site as part of this project;
- the agricultural track serving the site is incapable of accommodating the project traffic and the local road serving the site has a three-tonne weight restriction;
- the route for the turbine deliveries is unknown and should be provided, particularly given the potential implications for tree removal;
- cable route details and visibility sightlines at the entrance are required;

Environmental

- a screening report for appropriate assessment should be sought with potential impacts for migratory birds arising and as the appeal site sits on a regionally-important aquifer;
- information assessing the impacts of electromagnetic fields on ecology has not been submitted;
- project splitting arises given that details of the proposed connection to the national grid over third-party lands have not been provided and as the project energy output would ultimately exceed 5MW;
- potential impacts on known and unknown archaeological sites and finds, as well as architectural heritage sites in the area have not been fully addressed as part of the proposals, including the location of the proposed works within the notification zone for national monuments and the high incidence of recent finds.

6.2. Applicant's Responses

6.2.1. The applicant's responses to the grounds of appeal can be collectively summarised as follows:

- many of the issues raised are not of relevance to this proposed development and the Board should refer to the previous Inspector's report (under ABP ref. 303677-19) when assessing matters pertaining to the site history, site boundaries, project splitting, landscape impacts, biodiversity, shadow flicker and telecommunications interference;
- proposals would be supportive of National renewable energy targets;
- the proposed development would operate in compliance with the International Commission on Non-ionizing Radiation Protection (ICNIRP) guidelines for electro-magnetic fields and extremely low frequency sound;
- electrical lines to be used as part of the project would be underground and they do not pose a risk to human health;
- the final turbine specification would be subject of a competitive tendering process and the final wind energy output would not exceed 4.9MW;
- impacts on bird species from the construction of a 5.2m-high substation building would not arise and the proposed development would not affect neighbouring European sites;
- the proposed development would be positioned further from known archaeological sites than the previous proposals and does not encroach on archaeological sites. Notwithstanding this, archaeological monitoring would take place in line with a condition of a previous permission;
- the proposed development does not encroach on third-party lands and the relevant consents to submit the planning application have been provided;
- the planning application has been subject to validations checks by the planning authority.

6.3. Observations

- 6.3.1. One observation was received from a neighbouring resident of Derrane townland, supporting the grounds of appeal and including correspondence referring to the psychological impacts of wind energy developments and a report titled 'Infrasound – Brief Review of Toxicological Literature' (November 2001).

6.4. Planning Authority Response

- 6.4.1. The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1. Introduction

- 7.1.1. While I am aware that four planning applications have been made in respect of this wind energy development, this is not uncommon and is very much reflective of advancements in technology and the detailed technical requirements of the various parties involved in the harnessing of wind energy. Within this context, the history of applications relating to the subject development and the applicant's justification for the proposed development are not unreasonable. Various matters have been previously considered by the Board in respect of the permitted wind turbines on the appeal site (ABP ref. 303677-19), which do not require revisiting in assessing the subject proposals, including the potential noise and shadow flicker impacts of the turbines, and their potential impacts on human health, property values, the landscape, biodiversity and cultural heritage. Furthermore, procedural considerations with respect to site boundaries, grid connection details and possible project splitting have been addressed as part of the previous application and appeal. It is also worth noting that the Board's decision (under ABP ref. 303677-19), included a condition (no.3) specifically stating that the permission should not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.
- 7.1.2. The proposed development comprises minor modifications to the ancillary elements of the permitted wind energy development. The proposed development would not alter the permitted turbines, including their locations, nor would it effect the total

energy output or the entrance arrangements off the local road. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Impacts on Local Amenities;
- Land Ownership;
- Access;
- Cultural Heritage.

7.2. Impacts on Local Amenities

- 7.2.1. Within the initial parent planning permission (reg. ref. PD/11/126) for the wind farm development on this site dating from January 2012, the proposed substation building to serve the development was permitted in a location approximately 60m to the northwest of the current permitted location for turbine no.2. In September 2018, the position of the substation building was subsequently permitted to be repositioned approximately 250m to the south of its previously permitted location, to the southern end of the wind farm service access track (reg. ref. PD/18/313). Permission was granted in June 2019 primarily for alterations to the two wind turbines, but this did not alter the location of the permitted substation building (ABP ref. 303677-19 / reg. ref. PD/18/447). It is now proposed to reposition the substation building a stated 810m further to the north of the site along the initial stretch of the service access track intended to serve the permitted wind farm and approximately 170m to the south of the local road (L1805) serving the site.
- 7.2.2. The proposed substation building is the same design and scale as that which was granted planning permission under reg. ref. PD/18/313. It would be positioned 35m north of two agricultural sheds and would be approximately 125m from the curtilage of the nearest house outside the application subject landholding, based on the site location plan submitted. Given the nature of the proposed underground cabling and surface-level works, the remainder of the proposed works would have largely imperceptible visual impacts, particularly when considered in the context of the associated permitted 150m-high wind turbines. The appeal site is within the 'Roscommon town and hinterland' landscape character area, based on the

Landscape Character Assessment of County Roscommon and falls within the 'dry farmland' landscape character type with a recto-linear field pattern. This is an area of 'High Value' from a landscape perspective because of the cultural heritage features in the town environs. I am satisfied that the development would not interfere with the setting of these landscape features.

- 7.2.3. Views of the proposed substation building from the neighbouring roadside areas and the neighbouring housing would be largely screened by mature trees and hedgerows, including those along the local road serving the site. Where visible, the proposed substation building would have the appearance of an agricultural shed typical for this area. Accordingly, the proposed development would not be incongruous or out-of-character with the surrounding rural and agricultural area, and would not detrimentally impact on the visual amenities of the area.
- 7.2.4. The grounds of appeal assert that the proposed development would affect the health and well-being of neighbouring residents via disturbance and psychological impacts, and I note the correspondence and report included with an observation to the grounds of appeal, which focus on the general topic of infrasound, as well as noise, shadow flicker, acoustic energy and conditions associated with wind turbines. I am satisfied that the potential for noise impacts, including increased cumulative effects, on neighbouring residents from the proposed repositioning of the substation building would not arise, given the nature and scale of the building, the terms of the previous permissions and the substantive separation distances from the proposed substation building to the nearest neighbouring houses.
- 7.2.5. In conclusion, the development would not have an unreasonable impact on the visual amenities of the area or the residential amenities of property in the vicinity. Accordingly, permission for the proposed development should not be refused for reasons relating to impacts on local amenities.

7.3. Land Ownership

- 7.3.1. The grounds of appeal assert that the applicant does not own or have legal entitlement to use part of the site or to connect to or to serve the site via third-party lands. In response to the grounds of appeal the applicant asserts that they would not be encroaching onto third-party lands. Section 10 of the planning application

form and correspondence submitted details that the applicant and a brother of the applicant own the appeal site. In addressing 'issues relating to title to land', Section 5.13 of the Development Management Guidelines (2007) outlines that the planning system is not designed to resolve disputes about title to land. Any grant of permission is subject to the terms of Section 34(13) of the Planning and Development Act 2000, as amended, which states that 'a person shall not be entitled solely by reason of permission under this section to carry out any development'.

- 7.3.2. In light of the above assessment, I am satisfied that it would not be reasonable to withhold planning permission in this case for reasons relating to the legal interest of the applicant in the site. Should the Board decide to grant planning permission, the onus is on the applicant to ensure that they have adequate legal interest to carry out the proposed development.

7.4. Access

- 7.4.1. The grounds of appeal also raise concerns regarding the access arrangements for the proposed wind farm, asserting that the agricultural track serving the site is incapable of accommodating the project traffic. Concerns are also raised by the neighbouring appellants with respect to access arrangements along the local road (L1805) to serve the wind farm.
- 7.4.2. The entrance access arrangements, the upgrade of the agricultural track and the additional service access tracks for the wind farm were previously assessed and permitted as part of the parent permission (reg. ref. PD/11/126) and an amendment permission (reg. ref. PD/18/313), which identified that this service track would be a minimum width of 5m and would be formed by well-compacted stone. The substation would be set back 170m from the local road and would be directly accessible along the upgraded agricultural track. As part of the subject proposals approximately 225m of the previously permitted access track at the southern end of the site would be omitted. I am satisfied that appropriate arrangements for internal access to serve the proposed substation have been provided for and a reduction in the development footprint is to be welcomed.
- 7.4.3. Following consideration of sight visibility, the entrance arrangements to the site off the local road were permitted under reg. ref. PD/11/126. Minor upgrade works to the

site entrance area were subsequently permitted under reg. ref. PD/18/313, featuring the clearance of a triangular-shaped splayed area on the southeast side of the entrance. This would be revegetated following the construction phase of the development and condition no.3 was attached to this amendment permission to further ensure that maximum achievable sightlines would be permanently available. While the subject proposals would not alter this entrance and would not be likely to increase traffic movements at this entrance, the planning authority attached a condition to their decision requiring the submission of details for the treatment of the adjacent roadside boundaries. This would appear reasonable given that this area is within the control of the applicant according to the details submitted and in order to ensure a suitable and safe finish to this entrance area.

- 7.4.4. In conclusion, I am satisfied that the proposed development would not endanger public safety by reason of traffic hazard and planning permission should not be withheld for this reason.

7.5. Cultural Heritage

- 7.5.1. The grounds of appeal assert that the proposals would impact on archaeology based on the locations of the notification zones for national monuments and the high incidence of recent finds associated with a neighbouring road infrastructure project. As noted previously by the Inspector when assessing proposals for the revised wind turbines under ABP ref. 303677-19, the turbine locations had previously been moved to address concerns of the Department of Environment, Heritage and Local Government with respect to archaeological heritage, and in response to consultation on the previous planning application the Department of Culture, Heritage and the Gaeltacht made a submission stating that they did not have concerns with the proposed amendments. The proposed location for the substation is not within the notification zones for national monuments and the proposals would omit part of the service access tracks and the footprint for the previously permitted substation building from the notification zones of national monument references RO035-092004- (house) and RO035-092004- (ringfort-cashel). By not impacting further on these national monument locations and given that the Board's decision under ABP ref. 303677-19 requires preservation, recording and protection of architectural

materials or features that may exist within the site, I am satisfied that the proposed development would not be likely to impact on the cultural heritage of the area.

8.0 Appropriate Assessment

8.1. Having regard to the minor nature of the proposed development, primarily involving re-siting of a substation building, and the separation distance to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to the conditions, as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the nature, scale and design of the proposed development, to the planning history and characteristics of the site and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detrimentally impact on traffic safety and would not adversely affect the cultural heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 3rd day of January, 2012, under planning register reference number PD/11/126, the permission granted on the 28th day of September, 2018, under planning register reference number PD/18/313 and the permission granted on the 12th day of July, 2019, under An Bord Pleanála reference ABP-303677-19 (planning register reference number PD/18/447) and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. Prior to the commencement of development, a revised site layout plan shall be submitted for the written agreement of the Planning Authority, which, in addition to including details of the access off the public road (as detailed on the submitted site location map), shall include details of the proposed treatment of the adjacent roadside boundary area.

Reason: In the interest of the proper planning and development of the area and in the interests of orderly development.

Colm McLoughlin
Planning Inspector

30th October 2020