



An
Bord
Pleanála

Inspector's Report

ABP-308302-20

Development

Section 146B application for alterations to An Bord Pleanála reference ABP-303086-18 in the townlands of Ardderroo, Letter, Finnaun, County Galway

Location

Townlands of Ardderroo, Letter, Finnaun, County Galway

Planning Authority

Galway County Council

Requester

Ardderroo Wind Farm Limited

Type of Application

Application under section 146B of the Planning & Development Act 2000 as amended.

Inspector

Una Crosse

1.0 Introduction

- 1.1. The requester was granted permission in July 2019, under Ref. ABP-303086-18, for a windfarm development with up to 25 wind turbines, meteorological mast, substation and site development works in the townlands of Ardderroo, Letter and Finnaun, County Galway on the eastern slopes of the east Connemara Mountains. The site of the proposed windfarm measures c1,493 hectares and is accessed via the L53453 Doon Road. The area is served by a network of local roads and forestry roads. The site is adjacent to an area known as the Galway Wind Park.
- 1.2. The requester has submitted this request to An Bord Pleanála, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for alterations to the terms of that permission. The requester is of the opinion that the alteration does not constitute the making of a material alteration of the terms of the permitted development and would not give rise to environmental effects.
- 1.3. The request submission includes the following:
- Planning Report
 - Environmental Report
 - Appropriate Assessment Screening Report
 - Drawings

2.0 Planning History/Permitted Development

2.1. Ref. ABP-303086-19

An Bord Pleanála granted a 10-year planning permission, subject to 25 conditions, for the development a windfarm with up to 25 wind turbines, meteorological mast, substation and site development works in the townlands of Ardderroo, Letter and Finnaun, County Galway.

The development comprised the following elements:

- (i) Construction of up to 25 wind turbines with a maximum overall blade tip height of up to 178.5 metres.
- (ii) One permanent meteorological mast with a maximum height of up to 112 metres.

- (iii) One 110kV electrical substation with two number control buildings with welfare facilities, six number battery containers, all associated electrical plant and equipment, all associated underground cabling, waste water holding tank and all ancillary works.
- (iv) Underground cabling connecting the turbines to the proposed substation and connection from the proposed substation to the national grid at the existing Eirgrid substation in the townland of Letter.
- (v) Upgrade of existing tracks, roads and provision of new site access roads and hardstand areas.
- (vi) Three borrow pits.
- (vii) Two temporary construction compounds.
- (viii) Recreation and amenity works, including marked trails, conversion of one temporary construction compound into a permanent amenity car park, provision of a toilet/shelter building and associated waste water holding tank and associated recreation and amenity signage.
- (ix) Site drainage.
- (x) Forestry felling.
- (xi) Permanent signage.
- (xii) All associated site development works.

3.0 **S.146B Alterations – Precedents Referenced**

- 3.1. **Oweninney Windfarm** permitted in June 2016 under Ref. PA0029 was altered by the Board under Ref. ABP-307261-20. The alterations included the construction of radial underground cables. The Inspector concluded that no new considerations arise in relation to the impact on the environment which were not considered in the assessment of impacts for the parent permission and that the alterations do not constitute the making of a material alteration of the development. The Board concluded the proposed alterations were not material and altered the permitted development to take account of the proposed alterations.
- 3.2. **Cloncreen Windfarm** was permitted under Ref. PA0047. A section 146B alteration was made under Ref. ABP-307401. The alterations included amendments to the design of the 110kV substation to ensure compliance with EirGrid's functional specifications resulting in a larger substation compound (121% over that permitted)

and amended control building (150% from that permitted). Other alterations included amendment of the route of the consented underground grid connection including the permitted access road and siting of site services. The Inspector concluded that no new considerations arose in relation to the impact on the environment which were not considered in the assessment of impacts for the parent permission and the proposal would not constitute the making of a material alteration of the parent permission. The Board concurred with the Inspectors findings and found the alterations proposed were not material.

4.0 Proposed Changes

The changes proposed as part of the subject request are as follows:

- Amendments to the route of the internal electrical cabling
- Amendments to the internal roads network
- Amendments to the electricity substation
- Ancillary works

It is stated that the primary driver behind the proposed alterations relate to the need to amend/consolidate the internal cabling/circuits within the permitted development to allow for the optimal functionality of the overall development and to facilitate updated EirGrid requirements which were not in place when the original application was made.

A more detailed account of the proposed changes is provided as follows:

4.1. Amendments to the route of the internal electrical cabling

- 4.1.1. The requesters Environmental Report (s.2.3.3) states that each turbine will be connected to the on-site electricity substation via an underground 33kV electricity cable with fibre optic cables also connecting each turbine to the wind farm control building in the substation compound. The cables run from the turbines to the substation compound in cable ducts c.1.3m below ground along the side of the roadways with the route following the access track to each site location. Alterations to the permitted layout has been brought about by the need to amend the internal electrical cabling routes within the site. Cables are laid both within the road network or off road and the alterations to both are addressed separately as follows:
- 4.1.2. **On-road cabling** – Cabling along a road south from T7 to serve T13 and the south western cluster of turbines – T12, T16, T20, T21, T23, T24 and T25 which measures

approximately 1,130m (my measurement). A cabling route is also proposed between T9 and T10 which measures approximately 560m (my measurement). These are shown in green on the drawings.

- 4.1.3. **Off-road Cabling** - As part of the proposed alterations, it is proposed to provide two sections of off-road cabling. These are: - the cabling link between T10 & T11 (680m) and a direct cabling route between the northern cluster of turbines - T1, T2, T3, T5 and T6 (350m) - to the permitted substation. These are shown as a grey hatched line on the drawings.

4.2. **Amendments to internal road network**

- 4.2.1. The requesters Environmental Report (s.2.3.2) states that the permitted windfarm makes use of approximately 16.8km of existing roads and tracks of which approx. 11.3km of which will require upgrading. In addition it is proposed to construct approx. 12.2km of new site roads as part of the permitted scheme.
- 4.2.2. Alterations are required to the road network as a result of the proposed amendments to the internal cabling routes which are outlined above. A new access road is proposed south from T7 to serve T13 and the south western cluster of turbines – T12, T16, T20, T21, T23, T24 and T25 approximately 1,130m in length (my measurement). A revised access road is also proposed between T9 and T10 which is approximately 560m in length (my measurement). The alterations also include the realignment of the hardstand of T13. The previously permitted spur road to T13 and a link road to the south-western cluster to the south of T17 are no longer proposed as a result of the alterations.
- 4.2.3. It is stated that the length of existing roads requiring upgrades will decrease by c.500m to 10.8km with the length of new site roads increasing by c.700m to 13km.

4.3. **Amendments to the electricity substation**

- 4.3.1. It is outlined that the footprint of the previously permitted onsite substation compound measures approx. 6,360 sq.m and includes 2 wind farm control buildings, 6 battery storage containers and electrical components necessary to consolidate the electrical energy generated by each turbine.
- 4.3.2. It is proposed to alter the substation in order to comply with updated requirements from EirGrid, a key requirement of which is that it is readily expandable in the future. The footprint of the compound is proposed to be altered from the permitted 6,360 sq.m to provide an additional area of 3,670 sq.m and allow for a future expansion

area of 3,470 sq.m. The nature and extent of the alterations are outlined in drawings submitted. As outlined in the Environmental Report (s.2.3.1) the alterations do not increase the height or character of the permitted transmission infrastructure on site and while the spatial footprint has increased the quantity of plant and equipment within the compound has generally remained the same but is arranged over a wider area.

4.4. Ancillary works

- 4.4.1. As a result of the proposed alterations a number of other works ancillary to the alterations are required including altered drainage layouts, peat and soil excavation and forestry felling.

5.0 Requester's Submission

The requester's submission includes an account of the proposed development, the alterations and the process which are outlined elsewhere in this report and therefore do not need to be repeated. The other matters raised in the reports submitted to the Board can be summarised as follows:

5.1. Planning Report

- Windfarm has secured an offer to connect to the national grid at the existing Knockranny substation (within the site) with tender process commenced;
- Development description within the permission was not prescriptive in terms of the elements that are sought to be amended in this request.
- Proposed alterations designed to facilitate optimising the electrical design of the wind farm whilst maintaining design process outlined in EIAR;
- Proposed windfarm and alteration to same in line with policies in current Galway County Development Plan.
- ABP conclusions on EIA outlined.
- Primary aim of submission is to obtain confirmation from ABP that proposed alterations do not constitute the making of a material alteration of the permission;
- Requester considers proposal is not material taking cognizance of EIAR submitted, EIA process undertaken, permission granted, planning policy context and nature of permitted development;

- Proposed alteration can be implemented while ensuring that overall terms and conditions of permission can continue to be met with no alteration to overall development description of the scheme.
- Nature of alteration considered minor and non-material in relation to overall consented windfarm;
- Environmental report prepared which demonstrates minimal changes of proposed alteration to both development and environmental impacts.
- No additional impacts arise from proposed alterations in context of those previously considered acceptable in EIAR process nor is it necessary to alter any conditions of the permission or affect implementation of mitigation.
- Oweninny Wind Farm altered by Section 146B (ABP-307261-20) with similar matters arising in respect of underground cables (see above) with Cloncreen Windfarm altered with alterations to the substation (see above).
- Proposed alterations do not give rise to a material change or any increase in potential environmental impact over and above those considered acceptable in permitted development. Nature of alterations could not be construed as material and alterations does not contradict/contravene findings of EIAR or results of EIA.
- Conclusions of environmental report are summarised (see section 5.2);
- AA screening report concludes that proposed project will not have a significant effect on any European site (see section 5.3);

5.2. Environmental Report

In addition to providing a more detailed account of the proposed alterations the following is provided under the headings of environmental factors:

Population and Human Health

- No alterations to the siting of any of the turbines or its operational profile.
- No additional impacts in relation to shadow flicker occur from what has already been assessed. Nor will the proposed alterations affect the residential amenity of dwellings in the vicinity of the site.
- Mitigation measures proposed in EIAR Chapter 5 remain with no significant negative effect on population and human health due to proposed alterations.

Biodiversity

- Consideration of Biodiversity in EIAR Chapter 6 of outlined. Noted that permitted development designed so that all large scale infrastructure located over 50m from any watercourses.
- Multi-disciplinary walkover survey undertaken on 7 August 2020 with majority of proposed alteration locations within conifer plantations.
- New watercourse crossing east of T9 and relocation of the permitted watercourse crossing south of T17 to a revised location on same watercourse south of T13 with nature of crossing location consistent with descriptions in EIAR Chapter 4 and crossing methodology is as previously proposed.
- New watercourse crossing location subject to a dedicated Otter survey with no evidence of Otter recorded which is consistent with previous surveys. No invasive species were recorded at the proposed alteration locations.
- Findings of EIAR or NIS for the project not affected with no requirement for additional mitigation and no potential for proposed alterations to result in any significant effect on biodiversity.

Ornithology

- Impacts on ornithological receptors in EIAR Chapter 7 including surveys undertaken outlined with no significant effects identified.
- Majority of proposed alteration locations within conifer plantation with no potential for significant habitat loss or displacement of any ornithological receptors.
- Concluded that proposed minor alterations do not affect the findings of the EIAR or NIS for the project and no additional mitigation have been identified with no potential for the proposed alterations to result in any significant effect.

Land, Soil and Geology

- Geology of the site outlined with peat depths on site detailed and noted that proposal will require the removal of peat, soil and rock.
- A peat stability assessment undertaken as part of the EIAR with further assessment undertaken for the proposed revisions included in this alteration request and is included as Appendix 1 of the report.

- Direct impacts arising from proposed alterations will not result in any additional impacts and the measures outlined in the EIAR and mitigation proposed will be implemented and are satisfactory.

Water

- Water environment of the site is outlined with EIAR submitted for the permitted development concluded that there will be no impact on private wells and with the drainage mitigation outlined in the EIAR and CEMP no impacts are anticipated on water quality during construction or operational phases.
- Technical note provided at Appendix 2 in respect of hydrology and hydrogeology and concludes that the findings of the proposed alterations remain the same as the original EIAR assessment with no significant impacts on the hydrological/hydrogeological environment.
- No additional mitigation measures other than those in the EIAR are required. It is also noted that the preliminary drainage plan that was prepared for the permitted wind farm has been updated for the proposed alterations.

Air and Climate

- Consideration of air and climate in EIAR Chapter 10 summarised.
- Noted that a carbon balance analysis of the proposal was undertaken with the proposed development offset within 14.6 months of operation which will not change due to the alterations.
- Construction phase impacts on air quality not significant with dust emissions short terms with slight negative impact. The operational phase will have long term significant impacts on air quality.
- No additional impacts on air quality above and beyond those addressed in EIAR with mitigation measures remaining the same.
- In relation to climate, the proposal will be a significant renewable energy asset within the country and operation of proposal will result in long term significant positive effects.

Noise and Vibration

- Consideration of noise and vibration in the EIAR summarised which concluded that during operation period, predicted cumulative noise levels within nearby wind farms are within relevant best practice guidance in the main.

- Proposed alterations do not constitute changes to the turbines with the noise environment remaining the same.
- No expected sources of vibration were predicted in the EIA.
- Condition 12 of the permission addresses noise and is outlined with proposal regardless of alterations complying the condition.

Cultural Heritage and Archaeology

- Previous assessment in the EIA detailed.
- Desk based review of proposed alterations undertaken using a range of resources and no new heritage assets recorded with field walking surveys not encountering any new archaeological sites.
- One recorded monument within the development site is 260m from location of proposed alterations (slight decrease on previous 300m) with no impact and 30m buffer proposed around same

Landscape and Visual

- Previous assessment in the EIA is detailed and stated that as the proposed alterations comprise underground cabling, revision of short sections of internal roads and the expansion of the permitted on-site substation additional landscape and visual impacts are not anticipated beyond what has already been considered in the previous permission.

Material Assets – Roads and Traffic

- Proposed alterations would not materially alter the traffic volumes associated with the construction phase nor does it require any additional works for equipment delivery or abnormal loads all of which were considered in the EIA undertaken.
- Condition 16 of the permission relates to traffic and transport arrangements and the implementation of the transport Management Plan required by same will consider the proposed alterations in respect of safety of road users.

Material Assets – Telecommunications and Aviation

- Previous EIA concluded that there would be not significant effects on telecommunications and aviation.
- Noted that permission granted included specific conditions (14 & 15) dealing specifically with telecommunications and aviation.

- Stated that proposed implementation of mitigation measures outlined in the EIAR and the conditions attached to the permission provides that the proposed alterations will have no significant effect.

Interactions

- As outlined in the previous sections (above) proposed alterations to the wind farm development will not materially alter the findings of the EIAR with no change predicted to the interaction of effects presented in Chapter 15 of the EIAR.

5.3. **AA Screening Report**

- Assessment based on a desk study and field surveys undertaken in August 2020 specifically assessing the potential for the proposed alterations to result in significant effects on European sites in the absence of any best practice, mitigation or preventative measures.
- Report concludes that the proposed alterations do not give rise to the need for any additional mitigation or best practice measures to be incorporated into the revised proposal. No potential pathway for alterations to result in any direct or indirect impacts on designated sites.
- Concludes that there is no pathway for the proposal to result in any significant effect on any European site when considered on its own and no potential for it to contribute such effects when considered cumulatively with other developments.
- Report states that it can be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed project individually or in combination with other plans and projects, will not have a significant effect on any European site.

6.0 **Legislative Provisions**

- 6.1. Section 146B of the Act provides for the alteration by the Board of a strategic infrastructure development in response to a request made of it. The Board should note that since the previous request for alterations under Section 146B on this SID permission that the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) has provided for a number of amendments to Section 146B of the Act and these amendments are reflected in the following outline of the legislative provisions.

- 6.2. Initially under the terms of section 146B(2)(a) the Board must decide as soon as practicable after the making of such a request, whether or not the making of a proposed alteration would constitute “the making of a material alteration of the terms of the development concerned”. Section 146B(2)(b) provides that “before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation”.
- 6.3. Alteration not a material alteration - Section 146B(3)(a) states that “if the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration”.
- 6.4. Alteration is a material alteration - Section 146B(3)(b) provides that if the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall - “(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and
- (ii) following the receipt of such information or report, as the case may be, determine whether to —
 - (I) make the alteration,
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration”.

- 6.5. In respect of Section 146B(3)(b)(i), the Act states at subsection 3(A), (as amended by European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)), that “*where the requester is submitting to the Board the information referred to in subsection (3)(b)(i) , that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account*”. Subsection (3B) as amended by same, states that “*where the requester is submitting to the Board the information referred to in subsection (3)(b)(i) , that information may be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration*”.
- 6.6. Section 146B(4) provides that before making a determination under subsection (3)(b)(ii), the Board shall determine whether (a) the extent and character of the alteration requested under subsection (1), and (b) any alternative alteration under subsection (3)(b)(ii)(II), are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).
- 6.7. Section 146B(4A) states as follows:
- (a) Subject to paragraph (b), within 8 weeks of receipt of the information referred to in subsection (3)(b)(i), the Board shall make its determination under subsection (4) .
 - (b) Subject to paragraph (c), the Board shall not be required to comply with paragraph (a) within the period referred to in paragraph (a) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the alteration under consideration (including in relation to the nature, complexity, location or size of such alteration) to do so.
 - (c) Where paragraph (b) applies, the Board shall, by notice in writing served on the requester before the expiration of the period referred to in paragraph (a), inform him or her of the reasons why it would not be possible or appropriate to comply with paragraph (a) within that period and shall specify the date before which the Board intends that the determination concerned shall be made

6.8. Section 146B(5) states that “if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii) —

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or

(b) is likely to have such effects, the provisions of section 146C shall apply”.

7.0 **Assessment**

7.1. **Consideration of Materiality**

7.1.1. As indicated in the preceding section, the first consideration in relation to this request to alter the terms of ABP-303086-18 is to determine if the making of the alteration would constitute the making of a material alteration to the terms of the windfarm development as granted. The requester has set out the proposed alterations under a series of headings and for ease of reference I intend to use these headings to consider the materiality and then address the overall proposal.

7.2. **Amendments to the route of the internal electrical cabling**

7.2.1. The requesters Environmental Report (s.2.3.3) states that each turbine will be connected to the on-site electricity substation via an underground 33kV electricity cable with fibre optic cables also connecting each turbine to the wind farm control building in the substation compound. The cables run from the turbines to the substation compound in cable ducts c.1.3m below ground along the side of the roadways with the route following the access track to each site location. Alterations to the permitted layout has been brought about by the need to amend the internal electrical cabling routes within the site. Cables are laid both within the road network or off road and the alterations to both are addressed separately as follows:

On-road cabling – Cabling along a road south from T7 to serve T13 and south western cluster of turbines – T12, T16, T20, T21, T23, T24 and T25. A cabling route is also proposed between T9 and T10. These are shown in green on the drawings.

Off-road Cabling - As part of the proposed alterations, it is proposed to provide two sections of off-road cabling. These are: - the cabling link between T10 & T11 (680m) and a direct cabling route between the northern cluster of turbines - T1, T2, T3, T5 and T6 (350m) - to the permitted substation. These are shown as a grey hatched line on the drawings.

7.2.2. As detailed above, the amended cable route is located in the amended road network, which is addressed separately in the next section, and in two off-road locations within cable ducts c.1.3m below ground. I consider that the alterations both within the road and off-road have an imperceptible impact on the local environment. The cable will not be visible and has minimal impact on the habitat, within which it is proposed, which is principally conifer plantation with no potential for significant habitat loss or displacement of any ornithological receptors. As outlined in the documentation submitted the alterations result in a new watercourse crossing east of T9 and the relocation of the permitted watercourse crossing south of T17 to a revised location on the same watercourse south of T13. The applicants contend that the nature of the crossing location are consistent with that described in Chapter 4 of the EIAR and the crossing methodology is as previously proposed. I consider that this is reasonable and I do not consider that such alterations could be construed as being material. I also note that an otter survey was undertaken of the new watercourse location which did not present any evidence of otter activity. I also note the inclusion of a peat stability assessment to address the location of the proposed alterations. This confirms that there is an acceptable margin of safety with a low risk of peat failure/slide.

7.2.3. I am of the opinion, having considered the alterations to the route of the internal electrical cabling and having considered the proposal as granted under ABP-303086-18, that the Board would not have determined ABP-303086-18 differently had the layout plans as now proposed in the alterations formed part of ABP-303086-18 at that application stage. Therefore, I consider it reasonable to conclude that the proposed alterations to the route of the internal electrical cabling subject of this request do not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.3. **Amendments to the internal road network**

7.3.1. It is stated that alterations are required to the road network as a result of the proposed amendments to the internal cabling routes which are outlined above. A new access road is proposed south from T7 to serve T13 and the south western cluster of turbines – T12, T16, T20, T21, T23, T24 and T25. A revised access road is also proposed between T9 and T10. The alterations also include the realignment of the hardstand of T13. It is also proposed that the previously permitted spur road to T13 and a link road to the south-western cluster to the south of T17 are no longer proposed as a result of the alterations and therefore are not proposed to be

constructed. It is stated that the length of existing roads requiring upgrades will decrease by c.500m to 10.8km with the length of new site roads increasing by c.700m to 13km. The proposed new roads effectively replace roads previously permitted. I would also note that as confirmed in the Environmental Report that the proposal would not increase traffic volumes associated with the construction phase nor does it require any additional works for equipment delivery or abnormal loads all of which were considered in the EIA undertaken.

- 7.3.2. I consider that the alterations comprising the new internal roads have an imperceptible impact on the local environment. The roads replace permitted stretches of roadway or comprise additional stretches linking permitted nodes and while visible are features which would be expected within a wind farm development or for that matter within a commercial forestry plantation. Given the nature of the habitat there is minimal impact given that the habitat is principally conifer plantation with no potential for significant habitat loss or displacement of any ornithological receptors.
- 7.3.3. As outlined above in respect of the cable route, the alterations result in a new watercourse crossing east of T9 and the relocation of the permitted watercourse crossing south of T17 to a revised location on the same watercourse south of T13. The applicants contend that the nature of the crossing location is consistent with that described in Chapter 4 of the EIAR and the crossing methodology is as previously proposed. I also note that an otter survey was undertaken of the new watercourse location which did not present any evidence of otter activity. I consider that this is reasonable and I do not consider that such alterations could be construed as being material. I also note the inclusion of a peat stability assessment to address the location of the proposed alterations. This confirms that there is an acceptable margin of safety with a low risk of peat failure/slide.
- 7.3.4. I consider that the alterations specifically outlined to the internal road network as part of this Section 146B application are not materially different to those permitted in ABP-303086-18. I do not consider that the Board would not have determined ABP-303086-18 differently had the alterations to the internal road network as now proposed in the requested alterations formed part of ABP-303086-18 at that application stage. Therefore, I consider it reasonable to conclude that the proposed requested alterations to the internal road network subject of this request do not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.4. Amendments to the electricity substation

- 7.4.1. It is outlined that the footprint of the previously permitted onsite substation compound measures approximately 6,360 sq.m and includes 2 wind farm control buildings, 6 battery storage containers and electrical components necessary to consolidate the electrical energy generated by each turbine. It is stated that it is proposed to alter the substation in order to comply with updated requirements from EirGrid, a key requirement of which is that it is readily expandable in the future. The footprint of the compound is proposed to be altered from the permitted 6,360 sq.m to provide an additional area of 3,670 sq.m which would provide a total area of 10,030 sq.m and additionally to allow for a future expansion area of 3,470 sq.m. The nature and extent of the alterations are outlined in drawings submitted.
- 7.4.2. The applicant's state, as outlined in the Environmental Report (s.2.3.1), that the alterations do not increase the height or character of the permitted transmission infrastructure on site and while the spatial footprint has increased the quantity of plant and equipment within the compound has generally remained the same but is arranged over a wider area. I consider that this is a reasonable conclusion to reach. While the footprint of the facility is increased, the extent of plant has not but is spatially laid out over a wider area. There is no impact on the residential amenity of any properties within the wider area as a result of the proposed alteration. Neither is there any impact on biodiversity as the habitat is primarily conifer plantation. In terms of visual impact, while there is a wider footprint, the visual impact of the apparatus has already been assessed as part of the permitted development. I also note the inclusion of a peat stability assessment to address the location of the proposed alterations. This confirms that there is an acceptable margin of safety with a low risk of peat failure/slide.
- 7.4.3. Having considered the alterations to the electricity substation and having considered the proposal as granted under ABP-303086-18, that the Board would not have determined ABP-303086-18 differently had the electricity substation as now proposed in the alterations formed part of ABP-303086-18 at that application stage. Therefore, I consider it reasonable to conclude that the proposed alterations to the electricity substation subject of this request do not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.5. Ancillary works

- 7.5.1. As a result of the proposed alterations a number of other works ancillary to the alterations are required including altered drainage layouts, peat and soil excavation and forestry felling. All of these matters have been assessed as part of the permitted development and in the context of the overall development, the extent of works proposed to facilitate the alterations outlined above are minimal.
- 7.5.2. Having considered the alterations which occur in respect of the ancillary works and having considered the proposal as granted under ABP-303086-18, I do not consider that the Board would not have determined ABP-303086-18 differently had the ancillary works as now proposed in the alterations formed part of ABP-303086-18 at that application stage. Therefore, I consider it reasonable to conclude that the proposed alterations to the ancillary works subject of this request do not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.6. **Conclusion**

- 7.6.1. Having considered the proposed alterations requested and having considered the proposal as granted under ABP-303086-18 I consider that the Board would not have determined ABP-303086-18 differently had the layout plans, substation layout, elevations and sections, drainage layout plans as now proposed in the alterations formed part of ABP-303086-18 at that application stage. I consider it reasonable to conclude that the proposal subject of the request does not constitute the making of a material alteration of the development as granted under ABP-303086-18. Therefore I consider that the Board can determine under Section 146B(3)(a) that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned and in that it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.
- 7.6.2. I have considered the provisions of s.146B(2)(b) which provides for, at the Board's discretion, the inviting of submissions from persons, including the public. Having considered: the nature, scale and extent of the alterations; the information on file; the nature, scale and extent of the development granted under ABP-303086-18, and the information on ABP-303086-18 including the submissions from the public, 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 determining the matter.

7.7. Environmental Impact Assessment

7.7.1. As I outline above, I consider that the proposed alterations do not constitute the making of a material alteration of the development concerned and in this regard the provisions of Section 146B(3)(a) apply. However if the Board are of the opinion that the proposed alterations would constitute a material alteration the provisions of Section 146B(b) apply which require that the requester submit to the Board the information specified in Schedule 7A of the Planning and Development Regulations 2001 as amended unless the information has already been provided. The requester has as part of the submission included an Environmental Report which details the characteristics of the proposed alterations and the location of same. The report also addresses the characteristic of potential impacts of the alterations on each of the environmental factors considered in the EIAR submitted with the application for the parent permission. I have addressed the relevant factors in the consideration of the alterations outlined above. It is concluded that the proposed alterations would not have any significant effects on the environment with no additional or increase in the impacts identified. I would concur with this opinion. I consider the requester's further review of the potential impacts arising from the alterations proposed to be reasonable and robust.

7.8. Appropriate Assessment

Stage 1 - Screening

7.9. Under ABP-303086-18 the Board completed an Appropriate Assessment Screening exercise in relation to Natura 2000 sites and accepted and adopted the screening assessment and conclusion carried out in the Inspector's report that the Connemara Bog Complex Special Area of Conservation (site code: 002034), the Lough Corrib Special Area of Conservation (site code: 000297), the Ross Lake and Woods Special Area of Conservation (site code: 001312), the Connemara Bog Complex Special Protection Area (site code: 004181) and the Lough Corrib Special Protection Area (site code: 004042) are the only European Sites in respect of which the proposed development has the potential to have a significant effect. The Board then undertook an Appropriate Assessment in relation to the effects of the development proposed under ABP-303086-18 on the five sites that were not screened out, namely Connemara Bog Complex Special Area of Conservation (site code: 002034), the Lough Corrib Special Area of Conservation (site code: 000297), the Ross Lake and Woods Special Area of Conservation (site code: 001312), the Connemara Bog Complex Special Protection Area (site code: 004181) and the Lough Corrib Special

Protection Area (site code: 004042). In conclusion it was stated that the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

- 7.10. A NIS was prepared and submitted as part of the application in relation to ABP-303086-18. On foot of a submission from the Department of Culture, Heritage and the Gaeltacht (28/01/2019), the applicant, in response to submissions and observations (no oral hearing was held), submitted a revised NIS to the Board on the 19th of March 2019 and it is noted that new public notices were requested.
- 7.11. The requester has submitted an AA Screening Report in relation to the alterations that are the subject of this section 146B request. The 5 sites that were subject of the AA Screening and Stage 2 assessment in ABP-303086-18 are again considered in the context of the alterations subject of this section 146B request. The AA Screening report on file concludes that there is no pathway for the proposal to result in any significant effect on any European site when considered on its own and no potential for it to contribute such effects when considered cumulatively with other developments.
- 7.12. I would note for the Boards information that there would appear to be a typographical error in relation to Ross Lake and Woods SAC wherein it is stated that no direct effects from the alterations arise with no potential pathway to this site but concludes that the SAC is within the Likely Zone of Impact and further assessment is required when it would appear it should say that it is not within the likely Zone of Impact and that no further assessment is required. It is concluded that it can be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed project individually or in combination with other plans and projects, will not have a significant effect on any European site.
- 7.13. Having considered the Board's determination on Appropriate Assessment on ABP-303086-18, section 12 of the Inspector's Report on ABP-303086-18, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP-303086-18, and the information on file which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives.

8.0 RECOMMENDATION

8.1. 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 to the terms of the development as granted permission under ABP-303086-18.

(Draft Order for the Board's consideration provided below)

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 30th day of September 2020 from the Ardderroo Wind Farm Limited care of MKO Planning and Environmental Consultants, Tuam Road, Galway under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Ardderroo Windfarm, a strategic infrastructure development the subject of a permission granted under An Bord Pleanála reference number ABP-303086-18.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 17th day of July, 2019,
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:

- Amendments to the route of the internal electrical cabling
- Amendments to the internal roads network
- Amendments to the electricity substation
- Ancillary works

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 30th day of September 2020.

Una Crosse

Senior Planning Inspector

November 2020