



An
Bord
Pleanála

Inspector's Report

ABP-314439-22

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. A previous request was submitted under ABP-308302 for alterations to the route of electrical circuits within the wind farm site and this alteration was permitted by the Board in November 2020.
- 1.3. The requester has submitted the subject 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.
- 1.4. 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.

2.2. Previous Section 146B Requests

ABP-308302-20 – Alterations approved 23rd November 2020

The changes proposed as part of the request were 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 was stated that the primary driver behind the proposed alterations related 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.

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**

- 4.1. The changes proposed as part of the subject request are as follows:
- Construction of 1.8km of new access road;
 - One new watercourse crossing;
 - Amendments to spur roads to T14 and T17 to connect with the new road alignment;

- Omission of 3.7km of existing access road upgrade and 240m of new road construction and associated temporary construction compound
- Drainage and all associated works.

4.2. It is stated that the primary driver behind the proposed alterations relates to the presence of an existing underground electrical cable within the existing road that runs north-south within the centre of the site which currently provided access to three turbine location. Advice from project design engineers is that the optimum engineering solution to protecting the existing underground cable is the construction of a new access road in lieu of upgrading the existing road.

4.3. It is stated in the documentation submitted that the proposed new road will provide direct access between turbines T9 and T14 with a 370m section of road originating approximately 165m west of T9. From T14 the new road is proposed to run parallel to the existing road for a distance of 1.43km before merging back on to the existing access road alignment, approximately 190m west of T22, aligning with the existing bridge to the west of T22. The permitted access roads for turbines T14 and T17 is now proposed to originate from this new road rather than the existing road. A new watercourse crossing is required to the southwest of T9, comprising a bottomless concrete box structure in accordance with the watercourse crossings permitted as part of the original wind farm application is proposed to avoid the need for instream works. The alterations now proposed provide that the upgrading of 3.7km of existing road and construction of 240m of new road and an associated temporary construction compound is no longer required.

5.0 Requester's Submission

5.1.1. 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:

5.2. Planning Report

- Seeks to amend internal road access arrangement providing access to T14, T17 & T22 seeking to avoid any potential impact on an existing underground cable within existing roadway which currently provides access to these turbines.
- Alterations entirely within original application boundary and will not materially affect permission granted.

- Alterations outlined (see section 4 above).
- Development description within the permission was not prescriptive in terms of the elements that are sought to be amended in this request.
- 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;
- 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 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.
- Results of the assessment demonstrate that the proposed alteration does not contradict or contravene a) the findings of the EIAR originally lodged, b) the results of the EIA carried out, and c) the terms/conditions of the grant of planning permission as issued.
- A summary of the environmental assessment is provided (see section 5.3).
- AA screening report concludes that proposed project will not have a significant effect on any European site (see section 5.4).

5.3. **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 will occur from what has already been assessed. Nor will the proposed alterations, or when combined with previous alterations affect the residential amenity of dwellings in the vicinity of the site.

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 31 May 2022 with majority of proposed alteration locations within conifer plantations.
- New watercourse crossing with crossing methodology 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.
- 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.
- Proposed alterations will not alter findings in original EIAR.

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.
- No alterations to conclusions of EIAR.

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 over the 30-year lifespan.

Noise and Vibration

- Consideration of noise and vibration and conclusions in the EIAR summarised.
- 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 EIAR.

- Condition 12 of the permission addresses noise and is outlined with proposal regardless of alterations complying the condition.
- No changes to findings in the EIAR.

Cultural Heritage and Archaeology

- Previous assessment in the EIAR 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.
- Nearest recorded monument of proposed alterations is an Enclosure (700m north) with no impacts anticipated.
- Findings of original EIAR not changed.

Landscape and Visual

- Previous assessment in the EIAR detailed and stated that as the proposed alterations do not introduce any new landscape element they 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 EIAR concluded that there would be not significant effects on telecommunications and aviation.
- No changes to findings of original EIAR.

Interactions

- As outlined in the previous sections (above) proposed alterations to the wind farm development will not, neither individually or in combination with previously permitted alterations, materially alter the findings of the EIAR with no change predicted to the interaction of effects presented in Chapter 15 of the EIAR.

5.4. **AA Screening Report**

- Assessment based on a desk study and field surveys undertaken in May & June 2022 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. Outline of Assessment

There are two stages to be considered in assessing a request under section 146B. The first stage is whether the proposed alterations would constitute a material alteration of the terms of the development concerned? If the Board decides that it would not constitute a material alteration, it shall alter the approval accordingly. If, however, the Board decides that it would constitute a material alteration, then the second stage applies and the Act sets out the procedure to be followed in determining if the proposed alterations would have significant effects on the environment and other related matters.

7.2. Consideration of Materiality

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. As outlined above, the primary driver behind the proposed alterations relates to the presence of an existing underground electrical cable within the existing road that runs north-south within the centre of the site which currently provides access to three turbine locations – T14, T17 & T22.

7.2.1. Construction of 1.8km of new access road

It is stated in the documentation submitted that the proposed new road is proposed to provide direct access between turbines T9 and T14 with a 370m section of road originating approximately 165m west of T9. From T14 the new road is proposed to run parallel to the existing road for a distance of 1.43km before merging back on to the existing access road alignment, approximately 190m west of T22, aligning with the existing bridge to the west of T22. The permitted access roads for turbines T14 and T17 is now proposed to originate from this new road rather than the existing road. The alterations now proposed provide that the upgrading of 3.7km of existing road and the construction of 240m of new road and an associated temporary construction compound is no longer required. While I would note that 1.8km of new road is proposed this road is located within the site, comprises an access road solely

for the proposed development and for the most part is located adjoining the track which it is was proposed to upgrade in order to access the site of the specified turbines. As outlined below in respect of the omission of the upgrade element, I consider that there is a quid pro quo in respect of the development with one element, the new road, effectively replacing the upgrading of tracks within this area of the site. In fact, the upgrading and 240m of new road which it is proposed to omit comprise almost 4km which is almost double the proposed 1.8km of new access road which would be a net reduction of works to the road network – proposed and existing. Therefore, I consider it reasonable to conclude that the proposed alterations comprising the construction of 1.8km of new access road, subject of this request does not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.2.2. One new watercourse crossing

As part of the new access road alteration, a new watercourse crossing is required to the southwest of T9. This is proposed to comprise a bottomless concrete box structure in accordance with the watercourse crossings permitted as part of the original wind farm application and which is proposed to avoid the need for instream works. This watercourse crossing is required in order to facilitate the new access road arrangement. The methodology proposed follows that proposed and permitted in the EIAR. I consider it reasonable to conclude that the proposed comprising a new watercourse crossing subject of this request does not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.2.3. Amendments to spur roads to T14 and T17 to connect with the new road alignment

These changes are necessitated due to the proposed new road alignment and the permitted access roads for turbines T14 and T17 are now proposed to originate from this new road rather than the existing road. The amendments to the road comprise an altered alignment but do not materially alter the location of the turbines with minor changes to the road alignment. I consider it reasonable to conclude that the proposed alterations to spur roads to T14 and T17 to connect with the new road alignment subject of this request do not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.2.4. Omission of 3.7km of existing access road upgrade and 240m of new road construction and associated temporary construction compound

As outlined above, in respect of the construction of 1.8km of new access road, I consider that there is a quid pro quo in respect of the development with one element, the new road effectively replacing the upgrading of tracks within this area of the site albeit that the new access road comprises only 50% of the length of the upgrade and new road now proposed to be omitted. The alteration could not therefore be considered to be material in the context of the removal of the extent of upgrade proposed.

I consider it reasonable to conclude that the proposed alterations comprising the omission of 3.7km of existing access road upgrade and 240m of new road construction and associated temporary construction compound, subject of this request do not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.2.5. Drainage and all associated works

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. I consider it reasonable to conclude that the proposed alterations to the drainage and all associated works, subject of this request, do not constitute the making of a material alteration of the development as granted under ABP-303086-18.

7.3. Consideration of Environmental Effects of the Proposed Alterations

- 7.3.1. I do not consider that the proposed alterations are material given the minor nature of the proposed alterations nor do I consider that the development would have been considered any differently should the alterations now proposed have been proposed in the first instance. 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. There has been comprehensive consideration of how the proposed alterations could change the findings of the EIAR with walkover studies undertaken of the site area to which the alterations relate to inform the conclusions reached. 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.

7.4. Appropriate Assessment Screening

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.

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.

The requester has submitted an AA Screening Report in relation to the alterations that are the subject of this section 146B request. The AASR outlines the baseline ecological environment in the context of the proposed works, subject of this alteration 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 (Table 3-1). Furthermore, an additional 5 sites are considered for screening: namely – Gortnandarragh Limestone Pavement SAC [001271]; Kilkieran Bay & Islands SAC [002111]; Cloughmoyne SAC [000479]; Galway Bay Complex SAC [000268] and Inner Galway Bay SPA [004031]. The AA Screening report on file concludes, for all ten sites that the sites are not within the likely zone of impact and no further assessment is required. It is also stated for all ten sites 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.

It is determined 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.

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.

7.5. Conclusion

- 7.5.1. In conclusion, I consider that no new or materially different considerations arise from the proposed alterations beyond those considered in the assessment undertaken in the s.37E application for approval proposed Arderroo windfarm development (ABP-303086-18).

I am of the opinion, having fully considered the proposed alterations and the development as approved under ABP-303086-18, that the Board would have had no reason to determine the proposal differently had the construction of 1.8km of new access road, one new watercourse crossing, amendments to spur roads to T14 and T17 to connect with the new road alignment, omission of 3.7km of existing access road upgrade and 240m of new road construction and associated temporary construction compound and drainage and all associated works, as proposed in the alterations, formed part of said application. Consequently, I consider it reasonable to conclude that the making of the alterations that are the subject of this request would not constitute the making of a material alteration of the development as approved under ABP-303086-18.

- 7.5.2. Finally, I have considered the provisions of s.146B(2)(b) which provides for the invitation of submissions from persons, including the public, at the Board's discretion. Having considered the nature, scale and extent of the proposed alterations, the information on file and the nature, scale and extent of the development approved under ABP-303086-18, 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 determining the matter.

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 24th day of August 2022 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:

- Construction of 1.8km of new access road;
- One new watercourse crossing;
- Amendments to spur roads to T14 and T17 to connect with the new road alignment;
- Omission of 3.7km of existing access road upgrade and 240m of new road construction and associated temporary construction compound
- Drainage and all associated 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 24th day of August 2022.

Una Crosse

Senior Planning Inspector

23 September 2022