



An
Bord
Pleanála

Inspector's Report

ABP-318773-24

Development

Section 146B application for alterations to the terms of An Bord Pleanála case reference ABP-310171-21 for the Upperchurch Windfarm Development: 22 no. wind turbines with overall height of 152m and hub height of 93.5m and rotor diameter of 117m.

Location

Townlands of Graniera, Shevry, Knockcurraghbola Commons, Knockmaroe, Grousehall, Cummer, Foilnaman, Gleninchaveigh, Coumnageeha, Coumbeg, Knocknamena Commons, Glenbeg and Seskin, Co. Tipperary.

Planning Authority

Tipperary County Council

Requester

Ecopower Developments Limited

Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

Date of Site Inspection

20th May 2021

Inspector

Donal Donnelly

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1.0 Introduction

- 1.1. The Board granted a ten-year planning permission in August 2014 for 22 no. wind turbines up to 126.6m in height on the subject site near Upperchurch, Co. Tipperary. Amendments to this permission were approved by the Board in May 2022 (ABP-310171-21) to increase the size of the wind turbines from 126.6m to 152m maximum blade tip height. Permission was also granted to amend the height and design of a meteorological mast.
- 1.2. Pursuant to Section 146B of the Planning and Development Act, 2000 (as amended), the applicant (Ecopower Developments Limited) now requests that the Board alter the terms of the strategic infrastructure development approved under ABP-310171-21 by further increasing the overall height of the turbines to 158m. Micro-siting of 5 no. turbines, realignment of 4 no. hardstandings and omission of an authorised site entrance is also requested. The proposed alteration will necessitate the felling of an additional 4.51 hectares of forestry at 12 locations and the removal of 667m of hedgerow across 10 locations.

2.0 Site Location and Description

- 2.1. The surrounding area is characterised by upland rolling hills and valleys to the east of the Slievefelim and Silvermines Mountains. The permitted Upperchurch Windfarm is situated around a number of foothills of the wider range of hills and mountains to the east. The surrounding hills include Knockavillogue (364m OD) and Knockmaroe (411m OD), as well as three other hills at Knockcurraghbola Commons, Graniera and Shevry townlands with heights of 376m, 377m and 361m OD respectively.
- 2.2. The permitted windfarm includes a cluster of eight permitted turbines (T1-8) to the south-east positioned around an afforested hill in the townland of Shevry and along the mountain (377m OD) in the townland of Graniera. The main entrance to the permitted windfarm will be located off the R503 to the south of the site. The existing Milestone windfarm comprising 6 no. turbines is immediately to the west of this cluster.
- 2.3. Another cluster of eight permitted wind turbines (T9-16) is in the vicinity of Knockavillogue. The Éamonn an Chnoic (Ned of the Hill) Loop walking route passes

through this part of the site. The western cluster of turbines (T17-21) is aligned roughly from south to north over Knockmaroe between the afforested eastern and western sides of this mountain. The central cluster of the windfarm contains a single turbine (T22) and the permitted windfarm substation.

- 2.4. The permitted windfarm site covers an area of approximately 70 hectares. The application site extends approximately 6.85km from north-east to south-west, and by 4.1km from north-west to south-east. The main land uses in the area are hill farming and forestry.

3.0 Planning History

Tipperary County Council Reg. Ref: 13/510003 (PL22.243040)

- 3.1.1. Ecopower Development Ltd. was granted a ten-year permission in August 2014 for 22 wind turbines up to 126.6m in height, 2 no. meteorological masts with wind measuring equipment attached, access roads, electrical substation compound, control buildings and ancillary works.

An Bord Pleanála Ref: ABP-301959-18

- 3.1.2. On 17th December 2018, the Board refused to approve an 110kV electrical substation and 110kV underground electrical cabling from the proposed substation to an already consented windfarm 110kV electrical substation and all ancillary works between the townland of Mountphilips, near Newport, and the townland of Knockcurraghbola, near Upperchurch. The grid connection was to continue mostly off road through lands to the north of, and roughly parallel to the R503.

Tipperary County Council Reg. Ref: 20/1048

- 3.1.3. Permission granted in December 2020 for amendments to Upperchurch Windfarm electrical substation, authorised under Reg. Ref: 13/510003 (PL.22.243040). The amendments consist of a) increase in size of the substation compound yard; b) change to the layout of electrical equipment in the substation compound yard; c) change in size, design and increase in height of the two control buildings; and d) ancillary works.

An Bord Pleanála Ref: ABP-306204-19

- 3.1.4. On 8th February 2021, the Board approved a new 110kV substation, underground 110kV cabling and ancillary works to connect the already consented Upperchurch windfarm substation (PL22.243040), to the existing 110kV overhead line.

Tipperary County Council Reg. Ref: 18/600913 (ABP-303634-19)

- 3.1.5. The Board granted permission to Ecopower Developments Ltd. on 8th February 2021 for Upperchurch Windfarm related works to include 17.9km of internal windfarm cabling; haul route works; 18m high telecoms relay pole; realignment of windfarm roads; change of use of agricultural access to agricultural and forestry; and ancillary works.

An Bord Pleanála Ref: ABP-310171-21

- 3.1.6. The Board granted permission on 12th May 2022 for amendments to the previously authorised Upperchurch windfarm (PL22.243040) to increase the size of the wind turbines and amend the height and design of the meteorological mast.

An Bord Pleanála Ref: ABP-311034-21

- 3.1.7. The Board decided, in accordance with Section 146B(2)(a) of the Planning and Development Act, 2000, as amended, that proposed alterations to the substation compound would not result in a material alteration to the terms of the development subject of the approval (ABP-306204-19).

An Bord Pleanála Ref: ABP-314836-22

- 3.1.8. The Board decided, in accordance with Section 146B(2)(a) of the Planning and Development Act, 2000, as amended, that proposed alterations to the 110kV electrical substation, underground 110kV cabling and ancillary works to connect the consented Upperchurch Windfarm substation to the existing 110kV overhead line at Mountphillips, Co. Tipperary would not result in a material alteration to the terms of the development subject of the approval (ABP-306204-19).

4.0 Proposed Alteration

- 4.1. The proposed alteration, as set out in the requester's cover letter and particulars received by the Board on 21st December 2023, relates to the approved Upperchurch

Windfarm comprising 22 no. wind turbines with overall height of 152m, hub height of 93.5m and rotor diameter of 117m, together will access roads, electrical substation compound and control buildings and ancillary site works. Upperchurch Windfarm (as amended) was approved under ABP-310171-21 on 5th May 2022.

4.2. It is now proposed to alter the dimensions of the authorised turbines to an overall height of 158m, with hub height of 90m and rotor diameter of 136m. This would result in the rotor blade increasing by 9.5m and the hub height decreasing by 3.5m. The overall increase in turbine height would therefore be 6m or 4%. There will be a 20% increase in the predicted electricity production. The proposed changes in turbine dimensions will require the following changes to the layout of the development:

- 5 no. turbines will require micro-siting. Four of these turbines will be micro-sited by 10 meters and one turbine will be micro-sited by 5 metres. The associated hardstands will also require realignment to the new turbine position. Micro-siting will occur within the same elevation contour and slope characteristics. The size of the hardstanding areas to be realigned will not change.
- 4 no. additional turbine hardstanding areas will require realignment. Hardstand realignment will also occur adjacent to the turbines. The location and elevation of the turbines will not be changed. The size of the hardstanding areas to be realigned will not change.
- It is also proposed to omit authorised site entrance no. 9 in Knockmaroe townland and to omit 700m of authorised windfarm roadway (from that site entrance to T17) – due to landowner preference.

5.0 Requester's Submission

5.1. The requester's submission includes a cover letter setting out the details of the proposed alterations, together with the policy context and a planning statement. A drawing pack, landscape illustration pack and Schedule 7A information are also appended to the submission.

5.2. The requested alteration is to maximise the potential of the authorised windfarm site and available grid connection capacity by installing the most up to date and

productive turbines available on the turbine market today. It is submitted that the proposed alteration will facilitate the production of an addition 20% of renewable energy (RE-E) from the authorised site, with the attendant 20% reduction in greenhouse gases.

- 5.3. It is submitted that the proposed alteration will not cause significant effects to any aspect of the environment including European Sites. Schedule 7A information is summarised below.
- 5.4. The requester submits that the proposed alteration, when considered in relation to the overall authorised development, will not alter the outcomes of the previous EIA process, nor will the mitigation measures set out in the 2021 EIAR or compliance with the conditions of planning be altered.
- 5.5. According to the requester's submission, no significant new or additional environmental concerns will arise and the proposed alteration will not be material to the terms of the development. Therefore, in accordance with Section 146(3)(a) of the Planning and Development Act, 2000 (as amended), the alteration is requested.
- 5.6. In terms of policy, the requester submits that the proposed alteration will assist in achieving Ireland's 2030 climate goals. Upperchurch Windfarm is also within an area that is 'open for consideration' within the wind energy strategy for wind energy developments. Policy 3-1 of the Tipperary County Development Plan 2022-2028 seeks to *"promote and facilitate renewable energy development, in accordance with the policies and objectives of the Tipperary Renewable Energy Strategy 2016 (and any review thereof), and the Tipperary Climate Adaption Strategy 2019."*
- 5.7. In addition to the outcome of the previous EIA process, the requester submits that the mitigation measures set out in the previous EIAR, as well as the conditions of the permission will not be altered. It is considered that no significant new environmental concerns, including in relation to European Sites, will arise, and therefore the proposed alteration would not be material to the terms of the development. It is requested that the proposed alteration be made under Section 146B (3)(a) of the Planning and Development Act, 2000 as amended.

Schedule 7A information for the proposed alteration

5.8. The Schedule 7A information submitted with the application is summarised as follows:

Description and physical characteristics of the approved development and proposed alterations

- Increased turbine rotor length will require some additional forestry felling at 12 turbine locations amounting to 4.51 hectares (to be replanted in another licenced location), and additional hedgerow removal at 10 no. turbine locations amounting to 667 linear metres (to be replanted elsewhere on the windfarm site). The tree felling buffers are a mitigation measure for protection of bats.
- Forestry felling previously authorised has already taken place and therefore no cumulative emissions from additional felling.
- There will be a decrease in access road excavated (700m of access road to T17 to be omitted).
- Proposed alteration will result in quieter turbines being installed. Change in separation distance to nearest houses will be immaterial in terms of operational noise.
- There will be an additional 19 houses within 10 rotor diameters of the proposed larger rotor diameter and the larger diameter has potential for greater shadow flicker occurrence at the nearest houses. Shadow flicker module can be set to eliminate shadow flicker completely.

Effect of proposed alterations on the sources of impact.

- Potential impact sources scoped out for effects from the proposed alteration:
 - Access road and hardstanding areas – no increase in area/ length or drainage arrangements.
 - Artificial lighting – no change.
 - Bat disturbance and mortality – no change.

- Construction traffic - addition of two machines used for extra forestry felling over a 4-6 week period spread over 11 locations will not be material over the 12-18 month build period.
- No change in construction/ operation/ decommissioning activities and use of machinery or presence of personnel or use of materials.
- Proposed alteration to turbine dimensions will involve the use of more materials in manufacture of the turbines; these turbines will produce more RE-E and therefore the energy payback time will be similar to that already authorised.
- No increase in electromagnetic fields; excavation & relocation of soils; excavation dewatering; instream works or watercourse crossings; haul route works; land cover change; land take; maintenance; materials storage; peat extraction; volume of overburden; extent of vegetation clearance;
- No increase in operational noise and vibration – larger turbines will have slightly lower sound power level.
- Potential for increased shadow flicker will be held to within authorised parameters.
- Payment to local landowners, local authority and community funds will increase and the effect will remain positive.
- No new areas of Marsh Fritillary habitat were recorded in the vicinity of the realigned hardstands, micro-siting or additional felling areas during surveys carried out in September 2023.
- No change to the other parts of the authorised wind farm development, including substation, met masts, grid connection, replacement forestry, Hen Harrier scheme and overhead line activities.
- Compliance with Wind Energy Guidelines in terms of separation distances between the site and the adjacent Milestone Windfarm turbines to avoid wind take.

Effect of proposed alterations on land and soils

- No increase in land take and no changes to development activities as authorised - additional forestry felling will not alter connectivity between forestry lands.
- No potential to change the authorised impacts or significance rating for soils, subsoils and bedrock – no change to volume of excavations, overburden management, use of oils/ fuels/ concrete.
- No potential to change the authorised impacts or the authorised significance of rating for the Owenbeg Moraines – realigned hardstanding in this Geological Heritage Site will be the same size and habitat setting will not change.
- Lower River Shannon SAC is 3.1km from Turbine T17 and there will be a decrease in groundworks and construction activity in the catchment due to the omission of the 700m windfarm road.

Effect of proposed alterations on water

- Additional tree felling will take place outside 50m watercourse buffer zones – residual risk of additional felling on local surface water bodies will remain not significant.
- No change to the authorised impacts/ significance rating for Lower River Suir SAC due to large distance between new proposed felling areas and sensitive aquatic zones – potentially poor quality run-off from tree felling can be adequately managed. No additional felling required in Shannon catchment.

Effect of proposed alterations on air (including noise & shadow flicker)

- Proposed alteration does not have potential to change the authorised impacts/ significance rating for air quality, vibration, shadow flicker, and EMF. Noise emissions from turbines will be monitored automatically and turbines will be fitted with a Shadow Flicker Control Module.
- Additional 20% increase in renewable electricity generation will increase authorised significant and positive effect on air quality.

Effect of proposed alterations on climate

- As above – higher production resulting from the proposed alteration will increase the CO₂e offset potential of the windfarm from 93,960 tonnes of CO₂e per annum to 113,100 tonnes of CO₂e per annum.
- Significant and positive cross-factor impacts on all of the other environmental topics from further increase in RE-E generation.

Effect of proposed alterations on biodiversity

- Aquatic habitats and species:
 - No decrease in instream aquatic habitat quality from additional forestry felling – does not increase enough to be at risk of causing significant effect beyond what has already been considered and mitigated for as part of the authorised development. Minor extent of change and there is a considerable distance from the nearest watercourse already existing.
- Terrestrial habitat:
 - Additional hedgerow removal spread out across 10 locations and replanting will be carried out in accordance with the authorised development mitigation measures.
- Amphibians, reptiles and invertebrates (Marsh Fritillary)
 - No change to authorised impacts or to the authorised significance rating. Proposed alterations at T4 will not result in changes to the authorised impact on Marsh Fritillary.
 - There is low usage of the site by amphibians and reptiles.
- Non-volant mammals:
 - No additional impact on otter due to distance of realigned hardstand to a nearest watercourse is 80m and closest additional felling.
 - Additional felling of forestry and hedgerow removal will not increase significantly at any particular turbine and therefore no additional impact on badger.
 - No tree felling or hedgerow removal interacting with riparian habitat.

- Bats:
 - Additional felling could potentially impact on bats through disturbance or destruction of their roosts in trees. However, no additional roost locations observed during 2021/2022 compared to 2020 results.
 - Additional rotor diameter from 117m to 136m – increased potential for collision.
 - Additional surveys in 2023 recorded an increase in Leisler's Bat from 2021 surveys – this species is considered to be at greater risk of collision risk compared to other bat species. Pre-existing mitigation will be enhanced with additional measures such as 'feathering' of blades when idling to reduce rotational speed. Turbines will also be curtailed at times of risk to Leisler's Bat – additional enhanced monitoring will be undertaken.
 - Potential for severance of commuting routes or feeding area from hedgerow removal; however, additional 667m of hedgerow removal is spread out over 10 locations and replanting will be carried out to encourage bat habitat connectivity.
- Birds:
 - No significant shift in species abundance on site or habitat usage from the 2021 EIAR.
 - Disturbance/ displacement effects will not change due to increased turbine size, micro-siting or hardstand realignment.
 - No Hen Harrier roost or nest habitat identified on site and nearest nest (4km) outside of core foraging area. Increased forestry felling and hedgerow removal will not result in increased significant effect to nesting, foraging or roosting habitat.
 - Extent of habitat loss is below the threshold to indicate a significant effect to kestrel or buzzard due to the extent of forestry and hedgerow habitat remaining.
 - Low suitability of habitat for dipper, grey wagtail and barn owl.

- There is infrequent Hen Harrier activity in the vicinity of the turbine sites at this location – no material change in terms of disturbance/ avoidance from the changes to turbine dimensions.
- Site does not support a high extent of prey species for Hen Harrier – unlikely that proposed alterations will increase magnitude/ significance of impact.
- Collision risk magnitude for Hen Harrier is negligible – modelling estimated one collision every 1,437.58 years. One collision every 7.03 years estimated for kestrel and one every 7.04 years for buzzard – no significant effect likely. Golden plover was not recorded during 2021 and 2022 VP surveys. Passerines considered to be of low sensitivity to collision. Modelling estimated one collision every 8.16 years for Lesser black-backed gull – no significant effect with proposed alteration in turbine dimensions.
- No cumulative impacts with other aspects of the Upperchurch Windfarm development and the Milestone Windfarm likely.
- Designated Sites:
 - Screening conclusion carried out in 2021 will not be affected by the proposed alteration because the number of turbines, hydrological connection, area of hardcore, volume of excavations, construction, operational and decommissioning activities, mitigation, management and monitoring plans will not change.
 - Most of the windfarm is located in the River Suir catchment – proposed alteration does not have the potential to alter the approved effects on terrestrial habitats, aquatic habitats and species or otter and therefore there will be no adverse effects on the integrity of the Lower River Suir SAC.
 - Only the micro siting of 100m of hedgerow at T17 are relevant to the Lower River Shannon catchment – proposed micro-siting and hedgerow removal do not have the potential to alter the approved effects on terrestrial habitats, aquatic habitats and species or otter and therefore there will be no adverse effects on the integrity of the Lower River Shannon SAC.
 - Main potential impacts on Clare Glen SAC relates to the grid connection and proposed alterations relate to the windfarm site only.

- Proposed alterations do not have the potential to alter the approved effects on foraging habitat, nor the approved disturbance/ displacement effects on Hen Harrier or its prey item species. Proposed larger rotor diameter will not cause significant impacts as a result of collision mortality due to the low abundance and low levels of flight activity for Hen Harrier; the separation distance to the nearest known Hen Harrier nest; the documented avoidance behaviour of Hen Harrier towards wind turbines; and the typically low flight heights of Hen Harrier. Proposed alteration will not result in any changes to the previous findings that there will be no adverse effects on the integrity of the Slievefelim to Silvermines Mountains SPA.

Effects of the proposed alteration on the landscape

- Ratio of hub height to rotor diameter is not materially changed and new dimensions are slightly more in line with Milestone Windfarm.
- Viewpoint photomontages showing authorised view and proposed view show no material increase to visual impacts.
- Broad upland setting where landform and land use patterns are considered capable of assimilating the proposed altered turbine dimensions as readily as the authorised dimensions. No noticeable increased effect on physical landscape elements or the overall character of the landscape in comparison to authorised turbines.
- Wind energy development is a characteristic feature of the baseline landscape and visual setting – only 0.1% of the study area where turbines were not previously visible will now have a potential for turbine visibility as a result of the proposed alteration to turbine height.

Effects of the proposed alteration on cultural heritage

- Proposed alteration has limited potential to change the authorised impacts or the authorised significance rating for sensitive aspects of cultural heritage.
- No potential for direct impacts from felling activities on the nearest RMP and no consultation with National Monuments required.

- No change in the magnitude or significance of visual impact on cultural heritage sites. No material change to either the visual presence or the aesthetics of the proposed turbines relative to the authorised turbines.

Effects of the proposed alteration material assets

- No change to the haulage routes - longer blades proposed will be transported using the same specialist trailers which can accommodate the extra blade length.
- No change to the amount or type of traffic particularly during construction.
- There will be an improvement to traffic management due to the omission of one authorised site entrance.
- No potential to change the authorised impacts or the authorised significance rating for end users of local built services. Planned diversion of telecommunication and radio signals using the authorised telecom relay pole will account for the larger rotor.
- Increase in turbine size and therefore electricity generation capacity will not contribute to additional sources of impact on the transmission system.

Effects of the proposed alteration on population and human health

- Alteration in the generation capacity of the turbines will result in increased payments to landowners, increased local authority rates and additional community benefit funds.
- Cross factor positive effect of increased renewable energy production and thus an improvement in air quality – considered to be imperceptible locally.

Cross factor effects

- No significant effects (including cross-factor effects) are predicted.

Mitigation measures, monitoring arrangements and planning conditions

- One additional mitigation measure (curtailment) proposed for protection of Leisler's Bat.

- No other instances where additional or altered mitigation measures or monitoring arrangements are required as a result of the proposed alteration because there are no material additional effects expected.

6.0 Submissions

Transport Infrastructure Ireland

- 6.1. TII's position remains the same as set out in the Authority's observations of 20th May 2021 on the subject development.

7.0 Legislative Provisions

- 7.1. Under Section 146B(1) of the Planning and Development Act, 2000 (as amended), the Board may alter the terms of a permission for a strategic infrastructure development on request of the person intending to carry out the development.
- 7.2. Section 146B(2)(a) states that *"as soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned."* Section 146B(2)(b) provides for the Board to invite submissions and the Board shall have regard to any submission made.
- 7.3. Under Section 146(3)(a), the Board shall alter the planning approval if it decides that the making of the alteration would not constitute the making of a material alteration in the terms of the development concerned. If the Board decides under Section 143(3)(b) that the making of the alteration would be material, it shall (i) require the requester to submit to the Board the information specified in Schedule 7A or an EIAR, and (ii) 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.

- 7.4. Section 146B(3A) allows for the submission of further relevant information on the characteristics of the alteration in addition to the Schedule 7A information/ EIAR under subsection 3(b)(i). The further relevant information may also 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 [Section 146B(3B)].
- 7.5. Section 146B(4) states that before it makes its decision to alter/ alter differently/ refuse to alter, the Board shall determine whether the extent and character of alteration or any alternative alteration are such that the alteration, were it to be made, would be likely to have significant effects on the environment.
- 7.6. Subsections 146B(4A)(a) – (c) relate to the timeframe within which the Board shall make a determination under subsection (4) unless exceptional circumstances apply.
- 7.7. Under Section 146B(5), 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 (preparation of an EIAR).
- 7.8. Under Section 146B(6), *“if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly 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.”*
- 7.9. Section 146B(7) sets out the criteria that the Board shall have regard to in making a determination under subsection (4), while subsection (8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

8.0 Assessment

- 8.1. Under Section 146B of the Planning and Development Act, 2000 (as amended), the requester is seeking to alter the terms of a strategic infrastructure development (ABP-310171-21) approved by the Board under Section 37E of the Planning and Development Act, 2000 (as amended). The application approved under ABP-310171-21 was for an increase in the turbine height of the originally granted wind turbines (PL22.243040) from 126.6m to 152m. It is now proposed to increase the overall height of the turbines further to 158m. The proposal also involves the micro-siting of 5 no. turbines; realignment of 4 no. hardstandings; omission of an authorised site entrance; the felling of an additional 4.51 hectares of forestry; and the removal of 667m of hedgerow.
- 8.2. The purpose of the proposed alteration is to maximise the potential of the authorised wind farm site and available grid connection capacity by installing the most up-to-date and productive wind turbines available on the turbine market. The proposed alteration will facilitate the production of an additional 20% of renewable energy from the authorised site, with an attendant 20% reduction in greenhouse gas emissions.
- 8.3. The first consideration to assess is whether the proposed alteration would constitute a material alteration of the terms of the strategic infrastructure development approved under ABP-310171-21. Should the Board decide that the proposed alteration is not material, it shall alter the approved development accordingly. However, if it is decided that the proposed alteration is material, the Board shall consider the proposed alteration in terms of the significant effects on the environment and other related matters.
- 8.4. **Whether the proposed alteration is or is not material**
- 8.4.1. The requester considers that the proposed alteration would not be material to the terms of the development, and it is requested that the alteration is made in accordance with Section 146B (3)(a) of the Planning and Development Act, 2000 (as amended). The requester submits that, having regard to the nature and character of the proposed alteration in relation to the overall authorised development, the outcomes of the previous EIA process, including mitigation measures, will not alter, nor will compliance with conditions of the planning permission.

- 8.4.2. Notwithstanding this, I noted that the proposed alteration will see an increase in tip height of the permitted turbines by 6m, with rotor diameter increasing by 19m. This will necessitate the felling of an additional 4.51 hectares of forestry. Furthermore, the proposed alteration will require the removal of an additional 667m of hedgerow. Felled forestry and hedgerow removal will be replanted in accordance with the authorised development mitigation plan. Other amendments will include turbine micro-siting, hardstand realignment and omission of an authorised site access and windfarm roadway (700m). An additional mitigation measure is proposed for Leisler's Bat, as post permission surveys have shown an increase in this species. In this regard, turbine blades will be 'feathered' when idling and curtailed at times of risk to Leisler's Bat.
- 8.4.3. Having regard to the nature of the proposed alteration in turbine dimensions, and the associated tree and hedgerow removal, it was considered that the proposed alteration is material. It was therefore necessary, for the purposes of the Board in determining the matter under Section 146B (8)(a) of the Planning and Development Act, 2000 (as amended), that the requester shall make the information relating to that request available for inspection; notify such person, such class of person or the public (as the Board considers appropriate) that the information is so available; and invite submissions or observations in relation to that request.
- 8.4.4. In addition to the readvertising and invitation of submissions, and pursuant to Section 146B (3)(b), the requester is obliged to submit to the Board the information specified in Schedule 7A of the Planning and Development Regulations 2001 (as amended) in respect of the alteration unless the requester has provided such information. The requester in this case had already submitted the Schedule 7A information along with the request.
- 8.4.5. In response to the invitation for submissions or observations, a single response was received from Transport Infrastructure Ireland stating that its position remains the same as set out in the Authority's observations of 20th May 2021 on the subject development.

8.5. Whether the material alteration is or is not likely to have significant effects on the Environment

- 8.5.1. Under Section 146B(4), before making a determination to make the alteration, make the alteration that would be different to that requested, or refusing to make the alteration, the Board shall determine whether the extent and character of the alteration are such that it would be likely to have significant effects on the environment.
- 8.5.2. In making a determination under subsection (4), the Board shall have regard to *inter alia* the criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176; the criteria set out in Schedule 7 to the Planning and Development Regulations 2001; the information submitted pursuant to Schedule 7A to the Planning and Development Regulations 2001; any further relevant information and any assessments carried out pursuant to European Union legislation other than the EIA Directive; and the likely significant effects of the alteration on a European Site.
- 8.5.3. The Board shall include in its determination the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations, 2001 on which the determination is based. The criteria below are therefore considered for the purposes of determining whether to make the alteration, make a different alteration, or refuse to make the alteration. This includes an assessment of the characteristics of the proposed alteration, the location of the proposed alteration, and the types and characteristics of potential impacts.

Characteristics of the Proposed Alteration

- 8.5.4. Under Schedule 7 (1), the characteristics of the proposed alteration, in particular, should consider the size and design of the development, the culmination with other development, any demolition works, the use of natural resources, the production of waste, pollution and nuisances, the risk of major accidents, and the risks to human health.
- 8.5.5. With respect to **size and design**, it is proposed to alter the turbine heights at the approved 22-turbine Upperchurch Windfarm from 152m to a new overall height of

158m. The dimensions of the turbines will change so that the hub height will decrease by 3.5m and the rotor blade will increase by 9.5m, resulting in an overall increase in turbine height of 6m or 4%.

- 8.5.6. The proposed changes in turbine dimensions will require the micro-siting of 5 no. turbines (4 no. turbines by 10m and 1 no. turbine by 5m), as well as realignment of associated hardstandings. At four other locations, the turbine location will not change but hardstanding realignment will occur adjacent to these turbines.
- 8.5.7. Other changes associated with the increased turbine rotor length will include the felling of additional forestry at 12 turbine locations amounting to 4.51 hectares (to be replanted in another licenced location), and hedgerow removal at 10 no. turbine locations amounting to 667 linear metres (to be replanted elsewhere on the windfarm site). The tree felling is required to provide buffers, which are a mitigation measure for protection of bats. The proposed alteration also includes the omission of an authorised site access and a 700m windfarm access road.
- 8.5.8. **Cumulative impact** was assessed under the EIA carried out for the amendment application under ABP-310171-21. The cumulative impacts of the proposed alterations are assessed in further under each of the environmental factors below. This previous application for the proposed larger turbines and met masts was assessed both individually and cumulatively within the EIA and Appropriate Assessment with all other elements of the whole Upperchurch Windfarm project and any other relevant plans and projects. The Schedule 7A information submitted with the current Section 146B request assesses the cumulative impact of the proposed alteration on emissions from additional felling, biodiversity, landscape and visual, and on the electricity transmission services. Other projects and plans considered for this purpose are the other elements of the approved whole Upperchurch Windfarm development including the grid connection, as well as the existing Milestone Windfarm, which is situated on lands in the vicinity.
- 8.5.9. Other characteristics of the proposed alteration, including the use of natural resources (land, soil, water and biodiversity), the production of waste, pollution and nuisance, and risk to human health (e.g. from water contamination or air pollution), are considered further under the *“Types and Characteristics of Potential Impacts”* below. There are no **demolition works** associated with the proposed alteration, and

there will be no change in terms of the potential for **risk of major accidents and/ or disasters**. The probability of a major accident/ natural disaster was previously considered to be low and it is not likely that significant effects on the environment would arise in this regard.

- 8.5.10. In terms of the **use of natural resources**, the proposed increase in turbine rotor lengths will require additional forestry felling and hedgerow removal, which will be replanted elsewhere on the windfarm site. Brash and needle residue will be controlled through application of mitigation measures. There will be no increase to the amount of excavated or imported rock and soil for turbines and associated hardstandings, and there will be a decrease in access road excavated. The proposed alteration will be compliant with the Wind Energy Guidelines (2006) on separation distances for wind take. The closest neighbouring wind farm at Milestone will still be outside a distance of three times the extended rotor blade length. There are no turbines in this wind farm in a downwind location.
- 8.5.11. There will be no additional **waste** streams during the construction, operational or decommissioning phases as a result of the proposed alteration. With regards to **pollution and nuisance**, emissions will not increase significantly during construction activity. A forestry harvester and timber forwarder will operate for 4-6 weeks to carry out additional felling, and timber will be removed from site using haulage trucks and trailers. Any increased emissions of dust, noise, vibration, etc. will not be noticeable in the context of typical forestry activity and traffic in the area. No cumulative emissions will occur, as previously authorised felling has already taken place.
- 8.5.12. The proposed alteration will result in quieter turbines. These turbines will also be capable of running in sound optimisation mode, and as such, will be able to comply with Condition 7 of the parent permission relating to noise limitations. An additional 19 houses will fall within 10 rotor diameters of the proposed larger turbines. However, turbines will be fitted with a shadow flicker control module. EMF emissions from the larger turbines and cables are substantially below threshold values.
- 8.5.13. There are no increased risks to **human health** arising from the proposed alteration. The additional increase of 20% in renewable electricity generation will increase the positive benefits on air quality, which in turn will impact positively on population and human health.

8.5.14. Overall, it can be concluded that the characteristics of the proposed alteration, *per se*, will not give rise to significant effects on the environment having regard to size and design of the proposed alteration and cumulative effects. There will be no demolition works, increased wastes or risk of major accidents and/ or disasters. The use of natural resources arising from the proposed alteration, any pollution and nuisance, and any risk to human health will not be significantly different from the authorised development and will be adequately mitigated by approved measures and conditions of the parent planning approval.

Location of the Proposed Alteration

8.5.15. Consideration of the location of the proposed alteration should have regard to the environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to land uses; the relative abundance, availability, quality and regenerative capacity of natural resources; and the absorption capacity of the natural environment including European sites.

8.5.16. The proposed alteration will not result in any significant change in **the existing and approved land use**. Additional tree felling of approximately 4.51 hectares will change the use of this land; however, this additional forestry felling is insignificant in the context of forestry present in the receiving environment (55.02 hectares). In addition, the forestry felling will be spread across 12 locations, with at most 0.74 hectares at any one location. Similarly, the proposed removal of 667m of hedgerow will be spread across the site at 10 different locations and will be replaced elsewhere on site.

8.5.17. The proposed alteration is not of an extent that will significantly affect the **relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground**. The use of resources will not change significantly, and the alterations will occur at the same elevation and slope characteristics. Loss of hedgerow and forestry will be replanted on site in accordance with the authorised mitigation measures. Impacts on water courses from additional felling due to release of suspended solids will be mitigated by best practice forestry measures to break the pathway between potential sources and receptors. There remains a considerable distance between the nearest watercourse and the turbines, and mitigation for the authorised development will

remain unchanged. Hedgerow removal is not significantly greater than the authorised development and is insignificant when compared to the hedgerow habitat present on site (9,366m). The planting of new hedgerow outside of the zone of influence of the rotor will encourage connectivity for bats in a safer area elsewhere. An increase in the presence of Leisler bat species was recorded on site; however, turbine activity will be curtailed during periods of highest risk to this species. Collision risk modelling has demonstrated that bird species collision risk has not increased to significant impacts for any of the key bird receptor species.

8.5.18. The **absorption capacity of the natural environment** is considered in terms of Appropriate Assessment for European sites.

8.5.19. The Board completed an Appropriate Assessment Screening exercise under ABP-310171-21 in relation to 23 European Sites. Nineteen of these sites were screened out and the Board then undertook Appropriate Assessment for the following European Sites in view of the conservation objectives of those sites:

- Slieve Felim to Silvermines Mountains SPA (Site code: 004165)
- Lower River Shannon SAC (Site code: 002165)
- Lower River Suir SAC (Site code: 002137)
- Clare Glen SAC (Site code: 000930)

8.5.20. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the development and the proposed development, both individually, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the proposal,
- (c) the submissions from the planning authority, the observers and prescribed bodies in the course of the application, and
- (d) the Conservation Objectives for the European sites.

8.5.21. In overall conclusion, the Board was satisfied that the development proposed under ABP-310171-21, 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 and there is no reasonable scientific doubt as to the absence of such effects.

- 8.5.22. Having considered the Board's determination on Appropriate Assessment in case ABP-310171-21, and having regard to the nature of the proposed alteration, which seeks to amend the authorised turbine dimensions, resulting in micro-siting, hardstanding realignment and additional forestry felling and hedgerow removal, I do not consider that these alterations to the approved development would be likely to have significant effects individually or in combination with other plans or projects on any European sites.
- 8.5.23. The proposed alterations in turbine rotor size will not cause significant impacts as a result of collision mortality for Hen Harrier, which is the Special Conservation Interest species for the Slievefelim to Silvermines Mountains SPA. This is due to the low abundance and low levels of observed flight activity for this species, as well as the separation distance between the nearest known Hen Harrier nest sites and the windfarm, the documented avoidance behaviour of Hen Harrier towards wind turbines, and the typically low flight heights of the species. There is no potential for alteration of the approved displacement/ disturbance effects on Hen Harrier or the effects on prey item species from the proposed altered turbines and associated works.
- 8.5.24. The proposal does not have the potential to alter the approved effects on terrestrial habitat, aquatic habitat and species and other which are qualifying interest species/ habitat for the Lower River Suir SAC and the Lower River Shannon SAC having regard to the significant separation distances and the limited nature of the proposed works. No tree felling will take place within the catchment of the Lower River Shannon SAC and there is a large separation distance between newly proposed felling areas and sensitive aquatic zones within the River Suir SAC catchment. There is no hydrological connectivity between the location of the proposed alterations and the Clare Glen SAC.

Types and Characteristics of Potential Impacts

- 8.5.25. Finally, the **likely significant effects on the environment of the proposed alteration** in relation to factors specified for EIAR in section 171A of the Act are assessed hereunder, taking into account the magnitude and spatial extent of impact;

the nature, intensity, complexity and probability of impact; the expected onset, duration, frequency and reversibility of impact; the culmination of impact; and the possibility of effectively reducing impact.

Population & Human Health

- 8.5.26. In my opinion, no adverse considerations arise in terms of population and human health. There will be no significant changes in the effects on air quality and roads from construction works and machinery during the construction phase or noise and visual intrusion during the operational phase. There will be a marginal indirect improvement to air quality through increased production of renewable energy. The proposed alterations will therefore not change the findings of the EIA in respect of this environmental factor.

Biodiversity

- 8.5.27. There is potential for impacts on biodiversity arising from the proposed alterations through decrease of instream habitat quality from additional forestry felling; hedgerow removal; disturbance/ destruction of bat roosts during felling; collision risk or batotrauma to bats from the change in turbine dimensions; reduction or loss of habitat, reduction of prey item species or removal/ destruction of nests or roosts for bird species; disturbance/ displacement of bird species; and/ or collision risk to birds due to change in turbine dimensions.
- 8.5.28. Effects on instream aquatic habitat quality, can be caused by release of suspended solids during additional tree felling. However, additional tree felling areas are located outside the 50m watercourse buffer and therefore runoff can be adequately managed and attenuated. Best practice forestry felling measures and the authorised mitigation measures for handling and disposing of brash and needles will not be changed by the proposed alteration. The spatial extent of impact is spread across 12 locations with a maximum of 0.74 hectares of felling at any one location. Cumulative felling impacts will not occur on site as authorised felling has already taken place.
- 8.5.29. Hedgerow removal (667m) will be spread across 10 locations and the equivalent length will be replanted across the site in accordance with authorised mitigation. Class 1 of Part 2 of the Fifth Schedule of the Planning and Development Regulations sets out agricultural, silvicultural and aquacultural development for the purposes of

EIAR and includes “*projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.*” The total length of field boundary to be removed is well below the 4km threshold and there will be no continuous length of removal that would result in significantly larger amalgamated fields. The greatest single length of removal is 190m at Turbine T6. I would also be in agreement that the proposed additional hedgerow removal is insignificant in the context of hedgerow habitat present in the receiving environment (9,366m). The ecological impact of hedgerow removal is assessed further below.

8.5.30. Impacts on bats can occur from increased collision risk or batotrauma from the change in turbine dimensions and from disturbance/ destruction of roosts in trees. However, no additional bat roosts were observed during pre-construction roost monitoring. Collision risk assessment shows a negligible increase and the mitigation measure requiring a 50m buffer from turbines to trees will significantly reduce bat activity within the zone of influence of the turbine rotor. The planting of new hedgerow outside the zone of influence of the rotor will also encourage connectivity for bats elsewhere in a safer area. It is proposed that the rotational speed of the turbine blades when idling will be reduced by feathering/ turning the blades so that they will not exceed 2RPM. Surveys carried out in 2023 recorded increased activity for Leisler’s Bat. Curtailment of turbines will take place where monitoring indicates that it is required. This is an additional measure to ensure that impacts on this species will be mitigated to an extent that the impact is not materially greater than authorised levels.

8.5.31. Impacts on birds can also occur from increased collision risk due to the large blade diameter. Collision risk modelling determined that the significance of risk impact remains as authorised for Hen Harrier, Kestrel, Buzzard, Passerines and Lesser Black-backed Gull. The proposed alteration can impact on birds through loss/ reduction of suitable Hen Harrier habitat or habitat for other bird species. However, no Hen Harrier roost or nest was identified on site and the site does not support a high extent of prey for this species. Direct impacts from the proposed alterations are

unlikely due to the low suitability of habitats on site for other bird species.

Disturbance/ displacement due to changes in turbine dimensions and micro-siting of turbines is unlikely due to the infrequent Hen Harrier activity in the vicinity of the turbines.

- 8.5.32. In general, I agree that the proposed alterations can be carried out without causing significant effects to the receiving environment and without changing the findings of the previous EIAR in terms of biodiversity. In particular, and as noted above, the proposed alteration in turbine rotor size will not cause significant impacts as a result of collision mortality for Hen Harrier.

Land, Soil, Water, Air and Climate

- 8.5.33. The proposed alterations do not have the potential to change the authorised impacts for land and soils, air, and climate. There is no increase in land take at the turbine locations and no changes to development activities as authorised. Additional forestry felling will not alter connectivity between forestry lands and there will be no impact on adjoining wind farm land uses in terms of wind take. No increase will occur in the volume of excavations, overburden, concrete, etc. and elevations and slope profile of turbine locations will not change. Construction and operational activities will remain the same, and authorised measures to mitigate compaction, erosion or contamination of soils will apply to the alterations.
- 8.5.34. As noted above, effects on water quality in watercourse receptors can be caused by release of suspended solids during additional tree felling but additional tree felling areas are located outside the 50m watercourse buffer and runoff can be adequately managed and attenuated.
- 8.5.35. Impacts of the proposed alteration on the environmental factor “air” includes air quality, noise, vibration, shadow flicker and EMF. There is no potential to change the authorised impacts for these factors. No material changes will take place to the sources of air quality from works or the haul routes during construction, and the sound power level of the turbine will be slightly lower than the authorised when operating. Turbines will be fitted with a shadow flicker control module, which will hold the shadow flicker effect to authorised parameters. There is no potential for significant vibration and EMF effects from either the authorised windfarm or altered windfarm. The extra 20% of renewable electricity generation will increase the

positive effects on air quality. In terms of climate, the higher production of renewable energy will increase CO₂e offset potential of the windfarm from 93,960 tonnes of CO₂e per annum to 113,100 tonnes CO₂e per annum.

Material Assets, Cultural Heritage and the Landscape

- 8.5.36. The proposed alteration has no potential to change the authorised impacts for public roads and road users, as there will be no change to the haul route or the amount or type of traffic during construction. There will be an improvement in traffic management due to the omission of a site access. The larger rotor will have no impact haulage arrangements on the end users of local telecommunications services. In addition, the larger turbines will not require extra switch out of electricity transmission lines or the addition of new nodes on the transmission system.
- 8.5.37. The closet felling distance to the nearest RMP is 140m at turbine T22. Consultation the National Monuments and Historic Property Service is necessary before a felling licence may be issued for RMPs, which lie within or near 30 metres of felling. A photomontage for the wedge tomb (TN039-0016) was reproduced with the altered turbine dimensions to assess visual impact. This illustrates that there will be no material change to the visual presence or aesthetics of proposed turbines relative to authorised turbines. There will be no overall change to the landscape setting of cultural heritage sites due to the proposed alteration in turbine dimensions.
- 8.5.38. The wider effects on visual amenity and the landscape from the turbine alterations are assessed in 17 no. revised photomontages. Within 11 no. of these photomontages, there is little differentiation between authorised and proposed turbines. Within the remaining photomontages, discernible differences are only fractional. Comparative Zone of Theoretical Visibility mapping indicates a very marginal increase in turbine visibility, amounting to 2% additional land area due to the proposed alteration. These areas of additional visibility occur in the outer reaches of the study area in uplands. Furthermore, the broad upland landform and land use patterns are capable of assimilating the proposed altered turbine dimensions as readily as the authorised dimensions.

Interaction between Factors

- 8.5.39. There will be positive cross factor impacts on other environmental factors (population and human health, climate, air quality, etc.) from further increased production of

renewable electricity generation. No other significant cross factor effects are predicted as a result of the proposed alterations.

8.6. Conclusion

- 8.6.1. Having considered the proposed alteration and the development as approved under ABP-310171-21, I consider it reasonable to conclude that the making of the alteration to allow for an increase the overall height of the approved turbines from 152m to 158m; micro-siting of 5 no. turbines; realignment of 4 no. turbine hardstandings; omission of an authorised site entrance; felling of an additional 4.51 hectares of forestry; and the removal of 667m of hedgerow for the purposes of maximising the potential of the authorised wind farm site and available grid connection capacity by installing the most up-to-date and productive wind turbines available on the turbine market would constitute the making of a material alteration of the development as approved under ABP-310171-21.
- 8.6.2. I have considered the provisions of S.146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development approved under ABP-310171-21, I considered that the inviting of submissions from the public in this instance was necessary and was required for the purposes of the Board in determining the matter.
- 8.6.3. Under the provisions of Section 146B(4), and having regard to the information submitted pursuant to Schedule 7A of the Planning and Development Regulations, 2001 (as amended); the further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment; description of features of the alteration and any measures to avoid or prevent what might otherwise have been significant adverse effects; and the likely significant effects of the alteration on a European Site and the measures put forward by the applicant to mitigate such effects, I consider that the proposed alteration is such that it would not be likely to have significant effects on the environment. I am of the opinion that the Board would not have determined the proposal differently had the proposed alterations formed part of the original application.

9.0 Recommendation

- 9.1. I recommend that the Board decides that the making of the alteration the subject of this request constitutes the making of a material alteration of the terms of the development as approved under ABP-310171-21 but that the making of said alteration would not be likely to have significant effects on the environment or on any European Site.

10.0 Draft Order

REQUEST received by An Bord Pleanála on the 21st December 2023 from Ecopower Developments Limited under section 146B of the Planning and Development Act 2000, (as amended) to alter the terms of a strategic infrastructure development, which was for amendments to the previously authorised Upperchurch Windfarm (An Bord Pleanála case reference PL22.243040) to increase the size of the wind turbines and amend the height and design of the two meteorological masts at townlands of Graniera, Shevry, Knockcurraghbola Commons, Knockmaroe, Grousehall, Cummer, Foilnahan, Gleninchaveigh, Coumnageeha, Coumbeg, Knocknamena Commons, Glenbeg and Seskin, Co. Tipperary the subject of an approval under An Bord Pleanála reference number ABP-310171-21,

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 12th May 2022,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the proposed alteration is described as follows:

Alteration of the dimensions of the authorised turbines to an overall height of 158m, with hub height of 90m and rotor diameter of 136m, resulting in the rotor blade increasing by 9.5m and the hub height decreasing by 3.5m; micro-siting of 5 no. turbines (4 no. by 10m and 1 No. turbine by 5m); realignment of 4 no. turbine hardstandings; omission of authorised site entrance no. 9 in Knockmaroe townland and omissions of 700m of authorised windfarm roadway; felling of an additional 4.51 hectares of forestry at 12 locations; and the removal of 667m of hedgerow across 10 locations.

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 result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, 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 having considered all the documents on file, submissions 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 abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 21st day of December 2023 for the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the amendments to the windfarm approved by An Bord Pleanála under Reference Number ABP-310171-21 for this site,
- (ii) the examination of the environmental impact, including in relation to European Sites, carried out in the course of that application,

- (iii) the nature and character of the proposed alteration when considered in relation to the overall approved development,
- (iv) the mitigation measures and precautions for the proposed construction works and operational phase,
- (v) the absence of any other significant new or additional environmental concerns (including in relation to European Sites) arising as a result of the proposed alteration, and
- (vi) the report of the Board's Inspector, which is adopted,

It is considered that the proposed alteration would be material but would not be likely to have significant effects on the environment or on any European Site. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alteration.

Donal Donnelly
Senior Planning Inspector

6th August 2024

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.