



An
Coimisiún
Pleanála

Inspector's Report

ABP-321471-24

Development

Point of detail referral: compliance with condition 4(a) of planning ref. PD/18/447 (ABP-303677-19) - relocation of the permitted wind turbines and associated infrastructure.

Location

Derrane and Roxborough,
Roscommon, Co. Roscommon

Planning Authority

Roscommon County Council

Planning Authority Reg. Ref.

18/447

An Bord Pleanála Ref.

303677-19

Applicant

Peter Gilooly

Planning Authority Decision

No agreement reached

Referred by

Peter Gilooly

Date of Site Inspection

20th February 2025

Inspector

David Ryan

1.0 Introduction

- 1.1. Under ABP-303677 (P.A Reg. Ref. PD/18/447) the Commission granted permission, on appeal, for minor amendments to the development permitted under Roscommon County Council Planning Register Reference Numbers 11/126 and 18/313 to provide for the relocation of the permitted wind turbines and associated infrastructure (site roads and crane hardstandings); amendments to the turbine dimensions to allow for a maximum overall tip height of up to 150 metres and all associated site development and reinstatement works, with maximum total combined output of the wind turbines not exceeding 4.9 megawatts, on lands at Derrane and Roxborough, Co. Roscommon. Condition no. 4 (a) required details of the wind turbines including blade lengths to be agreed in writing with the planning authority prior to commencement of development.
- 1.2. The applicant proposes the installation of turbines with a maximum overall tip height of up to 150 metres, but with a different hub height and blade length than set out in the original planning application documentation. The applicant has sought the view of the planning authority, if the proposed alteration to the turbine structure is within the scope of the permission granted and Condition no. 4 (a). No agreement has been reached with the planning authority and the matter has been referred to the Commission under Section 34(5) of the Planning and Development Act 2000, as amended.
- 1.3. This case is also travelling with ABP 321473-24, in respect of point of detail referral for Condition 4(a) of PD/18/447, ABP-303677-19, relating to a turbine model (Nordex 117).

2.0 Site Location and Description

- 2.1. The site is located in the townlands of Derrane and Roxborough, Co. Roscommon. The site lies c.4.5km north of Roscommon town and 1.4km east of the N61 which connects Roscommon town with Boyle to the north. The area is rural in character with agriculture predominant in gently undulating lands. Residential development includes for rural dwellings with ribbon development along the L-1805 road. None of the permitted turbines are in situ.

2.2. The Corbo Bog SAC (Site code 002349) is located c 4.5km to the east. The nearest SPA is Lough Ree SPA (Site code 004064) which is c 7.7km to the south-east of the site. The River Suck Callows SPA (Site code 004097) lies c 9.2km to the south and Lough Ree SAC (Site Code 000440) is 5.6km to the southeast.

3.0 Point of Dispute

3.1. Permission was granted by the Commission in 2019 in ABP-303677 (P.A Reg. Ref. PD/18/447) for minor amendments to the development permitted under Roscommon County Council Planning Register Reference Numbers 11/126 and 18/313 to provide for the relocation of the permitted wind turbines and associated infrastructure (site roads and crane hardstandings); amendments to the turbine dimensions to allow for a maximum overall tip height of up to 150 metres and all associated site development and reinstatement works, with maximum total combined output of the wind turbines not exceeding 4.9 megawatts.

3.2. Condition no. 4 (a) stated details of the wind turbines including blade lengths shall be agreed in writing with the planning authority prior to commencement of development, with the stated reason 'in the interest of visual amenity'. In **response** to the applicant's compliance submission of 5th November 2024 for Condition 4 (a) the planning authority, on 20th November 2024 outlined that the submission is considered to be a material deviation from the planning permission granted, is not acceptable and is not in compliance with Condition (4) (a) of PD/18/447. In a memorandum dated 19th November 2024 and attached in Appendix C, the planning authority outlined the compliance submission proposes Enercon E138 model turbines which were confirmed by RCC on 29th August 2022 as not acceptable and a material deviation, when previously submitted as proposed compliance with Condition 4(a) of 303677-19; and it is outlined the model represents the same turbine model which was refused permission in PD/22/363 and PD/23/60198 and subsequently refused on appeal by ABP, in part due to the fact that the output potential of 2 no. Enercon E138 models exceeded that of EIAR thresholds and therefore such a development would be subject to Environmental Impact Assessment.

- 3.3. The response outlined having regard to the two final adjudications on this turbine model by An Bord Pleanála and reasons cited in August 2022 regarding the Enercon E138 model, the principle of introducing such turbine models through the post decision compliance process is inappropriate, contrary to the aforementioned decisions and represents an unacceptable material deviation from both turbine specifications originally submitted as part of the original documentation relating to PD/18/447 and from the turbine model previously accepted in respect of condition 4 (a) through the compliance process.
- 3.4. It is noted the Planning Authority memorandum dated 29th August 2022, in response to the applicants compliance submission of 6th July 2022, outlined the proposed significant increase in blade diameter which may give rise to impacts that have not been assessed was considered a material deviation from the planning permission granted and was not acceptable as compliance.
- 3.5. Peter Gilooly is now referring the matter to the Commission for determination.

4.0 Planning Authority Decision

- 4.1. The relevant planning applications are:

11/126 – Planning permission granted for 2 no. turbines of up to 85m hub height and up to 82m rotor diameter and tip height of 126m. **Extension of duration of 11/126 until 2 January 2027 was made in 21/3007.**

18/313 – Planning permission granted for minor alterations to permission previously granted under Reg Ref 11/126 to provide for relocation and design of substation, internal road access, hardstands and cabling works.

18/447 – Minor amendments to the development permitted under Reg Ref 11/126 and 18/313 to provide for the relocation of the permitted wind turbines and associated infrastructure (site roads and crane hard-standings); amendments to the turbine dimensions to allow for a maximum overall tip height of up to 150 metres and all associated site development and reinstatement works. The maximum total combined output of the wind turbines will not exceed 4.9 megawatts. The planning authority's decision to refuse permission was overturned at appeal stage (ABP 303677).

Compliance with Condition 4 (a) includes the following:

21st May 2021 - Planning Authority outlined the submission entailing the **Vensys 121 turbine model**, was acceptable and met compliance with Condition 4(a).

29th August 2022 – Planning Authority issued correspondence that the submission, which included for an Enercon E-138 turbine model, was considered to be a material deviation from permission granted, was not acceptable and not in compliance with Condition 4(a).

20/145 – Amendments to Reg Ref No 18/313 to provide for the relocation of the permitted substation approximately 810m to the north, omission of access track and underground electrical cabling associated with the permitted control substation, installation of approximately 530m of underground electrical cabling to connect the proposed substation to permitted turbine T1 and all associated access and reinstatement works. The decision to grant permission was upheld in a subsequent appeal (307726).

22/363 - Permission sought for: (a) amendments to (i) extant planning permission PD/18/313, which amended planning application PD/11/126 (ii) extant planning permission ABP-303677-19, which amended planning permissions PD/11/126 and PD/18/313 and (iii) extant planning permission ABP-307726-20, which amended planning permission PD/18/313:(b) Permission for a battery storage unit and transformer unit.

Amendments in (a) will provide for:

1. Erection of two Enercon E138 turbine models in lieu of the Vensys 121 turbine models agreed with the Planning Authority, under condition 4 (a) of planning permission ABP-3037726-19. Turbine 1 will have a hub height of 95.53m, a blade diameter of 138m and a blade tip height of 164.65m. Turbine T2 will have a hub height of 81m and a blade diameter of 138m and a blade tip height of 150m. The combined output from the turbines will be 4.9MW.

2. Relocation of access road serving the development as permitted under 11/126, 18/313, ABP-303677-19 and ABP-307726-20.

3. Relocation of underground cabling to the relocated access road referred to under paragraph 2 and additional underground electrical cabling to serve the proposed

modular windfarm control and switch rooms, the ESB modular MV substation and new battery storage and transformer units;

4. Increase in the hub height of turbine T1 to 95.53m, increasing the blade tip height from 150m to 164.65m and micro siting of turbine T1 by 12.75m;
5. Increase in area of hardstands associated with each turbine;
6. Amended substation structure to incorporate proposed modular windfarm control and switch rooms and ESB Modular MV station;
7. Revised site boundaries.

Refused by RCC. ABP decided to refuse permission in subsequent appeal for 2 reasons (**314725**) as follows:

Reason 1-The Board was not satisfied that proposed amendments involving a change of turbine model would not result in a combined output exceeding the threshold for mandatory EIA within the scope of Class 3 (i) of Part 2 of the Fifth Schedule of the P&DR 2001, as amended, being an installation for the harnessing of wind power for energy production (wind farm) having a total output greater than five megawatts and was not satisfied the effects of the development on the environment can be properly assessed. The Board took into account the applicants assertion that the combined output of both turbines would be maintained below five megawatts, however given the capacity for the output of each of the proposed turbines ranging from 3.5 megawatts to 4.2 megawatts, the Board considered that such a limit would constitute an unsustainable use of resources and would be contrary to the applicable provisions of the Roscommon County Development plan that support the generation of electricity from renewable sources. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Reason 2- It is considered that the archaeological significance of the site arising from the proposed amendments, including that the base of Turbine T2 occupies a considerable amount of the area where Recorded Monument RO 035-09203 (earthworks) is located and that the newly enlarged access route appears to pass very close to Recorded Monument RO 035-09201 (enclosure), is such that any development of the site in advance of a comprehensive archaeological assessment, carried out to the requirements of the appropriate authorities, would be premature

and would therefore, be contrary to the proper planning and sustainable development of the area.

PD/23/60198 - Permission for amendments to (i) extant planning permission PD18/313, which amended planning application PD/11/126, (ii) extant planning permission ABP-303677-19, which amended planning permissions PD11/126 and PD18/313 and (iii) extant planning permission ABP-307726-20, which amended planning permission PD18/313. The output from the development will be 4.9MW, similar to the extant planning permissions.

The amendments will provide for:

1. Erection of two bespoke Enercon E138 turbines models in lieu of the Vensys 121 turbine models agreed with the Planning Authority, under condition 4(a) of planning permission ABP-3037726-19. Turbine T1 will have a hub height of 99m, a blade diameter of 138m and a blade tip height of 168m. Turbine T2 will have a hub height of 81m, a blade diameter of 138m and a blade tip height of 150m. The maximum combined output from the turbines will be 4.9MW.
2. Relocation of the access road serving the development, as permitted under planning permissions PD11/126, PD18/313, ABP-303677-19 and ABP-307726-20.
3. The relocation of underground electrical cabling to the relocated access road referred to under paragraph 2 above and additional underground electrical cabling to the proposed modular windfarm control room/switch room and ESB modular MV station referred to in paragraph 6 below.
4. Increase in the hub height of turbine T1 to 99m, increasing the blade tip height from 150m to 168m and micro-siting of turbine T1 by 12.75m.
5. Increase in the area of the hardstands associated with each turbine.
6. Amended substation structure to incorporate a proposed modular windfarm control/switch rooms and an ESB modular MV station.

7.Revised site boundaries.

Refused by RCC. ACP decided to refuse permission in subsequent appeal for 2 reasons (**318944**). This decision was quashed by Order of the High Court and the case was remitted back to the Commission. A new file no. ABP-322604-25 has been assigned.

5.0 Submissions

5.1. Applicant's Case

- 5.1.1. The main points made can be summarised as follows:
- 5.1.2. The applicant outlines following the invalidation of the Section 34(5) referral submission in ABP 321127-24, by letter dated 31st October 2024, a new submission regarding compliance with Condition 4(a) was made to RCC, who advised on 20th November 2024 that the Enercon E138 was a material deviation from the planning permission granted and therefore not in compliance with condition 4(a) of PD/18/447, with reasons set out in a memorandum attached in Appendix C.
- 5.1.3. The memorandum stated firstly the Enercon E138 was not acceptable and a material deviation when previously submitted as proposed compliance with Condition 4 (a), and it did not set out that the only reason for rejection was because 'the proposed significant increase in the blade diameter, which may give rise to impacts that have not been assessed'. Secondly the memorandum confirmed the same model was refused under RCC ref. PD/22/363 and PD/23/60198, and refused on appeal to An Bord Pleanála, due to the fact that the output potential of the 2 no. Enercon E138 turbine models exceeded that of thresholds for the submission of an EIAR and therefore such a development would be subject to Environmental Impact Assessment. The memorandum concluded the principle of introducing the Enercon E-138 turbine models through a post decision compliance process is inappropriate, contrary to aforementioned decisions and continues to represent an unacceptable material deviation from both the turbine specifications submitted as part of original documentation relating to 18/447 and from the turbine model previously accepted through the compliance process.

5.1.4. It is significant that the reason for the Boards imposition of condition 4(a) relates to visual amenity, **and reasons other than visual amenity or visual impact cannot be introduced as basis for rejecting the Enercon E138 as being compliant with Condition 4(a).**

5.1.5. The submission to RCC included detailed dimensions and drawings of the Enercon E138 wind turbine and confirmed that this was the model used in the visual impact and shadow flicker assessments submitted in support of PD/18/447. The submission also advised another wind turbine, a Vensys 121, which RCC previously considered compliant with Condition 4(a), was no longer available.

5.1.6. RCC decision dated 20th November 2024 outlines the submission is considered to be a material deviation from the permission granted, is not acceptable and not in compliance with Condition 4(a), and the applicant does not agree with the decision or reasons on which it was made, asserting the Enercon E138 impacts were fully assessed by RCC and ABP during the assessment of PD/18/447 and ABP-303677-19, particularly with respect to visual amenity. Table 1 of the submission includes for details of the assessment decisions associated with visual impact, with paragraphs 7.2.7 and 7.2.8 of the Inspectors Report cited. This outlines the Inspector had regard to the visual impact assessment submitted by the applicant, the photomontages prepared and their site visit, and was of the opinion that the proposal would not have a significant effect on the area and therefore is not contrary to objective 7.37. The Inspector outlined the proposed amendments will not have a significant visual impact on the wider area and will not unduly interfere with the character of the surrounding landscape. The applicant submits as the grant of permission was issued by An Bord Pleanála it is considered its assessment supersedes any contrary assessment by RCC.

5.1.7. The wind turbine model used in the 18/447 application photomontages was the Enercon E138, as outlined in correspondence of Galetech Energy Services dated 23rd April 2021, who was the applicants agent in PD/18/447, and in correspondence from Galetech Energy Services to applicant on 13 September 2022. The correspondence is attached in Appendix D and demonstrate that the blade diameter of the Enercon E138 has been assessed by RCC and ABP in terms of visual amenity.

5.1.8. It is outlined while no turbine type was presented within the application, the photomontages were prepared using an Enercon E138 turbine with a hub height of 80.26m, a blade length of 69.125m and an overall tip height of 149.385m, which was presented in photomontages and used as the basis for the landscape and visual impact assessment, given it had the largest rotor diameter which could be accommodated within the 150m tip height and therefore could be perceived as likely to illustrate the worst case visual impacts.

5.1.9. The wind turbine type selected for installation under condition 4(a) is as advised in submission 5th November 2024, the Enercon E138 with a hub height of 80.26m, a blade length of 69.125m and an overall tip height of 149.385m, with drawing no. 21-016-101 showing the Enercon E138 and attached in Appendix E.

5.1.10. The installation of the Enercon E138 is compliant with and reflective of the plans and particulars of the application including public notices and application drawings and consistent with the purpose of Condition no.4 (a) of 303677-19, imposed by ABP, i.e in the interests of visual amenity.

5.1.11. Accordingly, the Planning Authority's first reason for rejecting the Enercon E138 is without foundation, as the applicant has shown this specific wind turbine model was used to demonstrate the visual impact of the development, an impact approved by An Bord Pleanala.

5.1.12. The second reason given by the Planning Authority to reject the Enercon E138 model **relates to the potential output of the wind turbines exceeding the threshold for mandatory EIAR**, and the applicant fails to understand what potential output has to do with visual amenity or visual impact, which is the fundamental reason for condition 4(a).

5.1.13. It is submitted that the application and permission issued state that the output is 4.9MW, and this output limit is specifically included in the application public notices, and any development exceeding that output would be unauthorised. It is outlined that RCC has confirmed the Vensys 121 is compliant with Condition 4(a) despite the fact that the 5MW output from those turbines exceeds the permitted 4.9MW output. On the basis of the Planning Authority's agreement the Vensys 121 are compliant with condition 4(a), the onus is on the applicant to restrict the output to 4.9MW. It is outlined RCC issued its compliance letter for the Vensys 121 wind turbines on the

basis of visual amenity impact and presumably relied on the applicant to adhere to other aspects of the permitted development.

- 5.1.14. In respect of output from the Enercon E138, Appendix F outlines confirmation from Enercon, the manufacturers and suppliers of the Enercon E138 wind turbine, that the company **can supply a bespoke version of that wind turbine model with a maximum output capacity of 2.45MW**, and this provides evidence that output from the turbines will meet the permitted output of 4.9MW, which was not provided for the Vensys 121 turbine previously approved by RCC. However, any assessment of a wind turbine compliance with Condition 4(a) should only be based on visual amenity and other reasons cannot be subsequently cited for rejection of any particular wind model.
- 5.1.15. The applicant concludes that RCC and ABP were aware that the Enercon E138 was used to demonstrate the visual impact of the proposed development, as presented in the photomontages submitted, and on the basis of these, ABP overruled the Planning Authority's concerns in relation to visual amenity impacts.
- 5.1.16. It is contended the visual amenity impact of the Enercon E138 was fully incorporated, assessed and foreseen in the plans and particulars lodged with the application, and it is provided for within the terms of the permission and can be fully provided for within the overall permitted turbine tip height envelope of 150m.
- 5.1.17. It is submitted for the reasons set out, the installation of the Enercon E138 fully complies with the visual amenity requirements of Condition 4 (a). In accordance with S.34(5) of the P&DA, and in light of failure to obtain agreement on the matter of compliance with condition 4(a), An Bord Pleanala is requested to determine the matter.
- 5.1.18. The following appendices are attached to the submission:

Appendix A – Submission to RCC dated 5th November 2024 seeking written confirmation that the E138 wind turbine was compliant with condition 4(a) of 303677-19

Appendix B - Letter from RCC dated 20th November 2024 confirming the E138 wind turbine was not compliant with condition 4(a) of PD/18/477

Appendix C – Memorandum from Local Area Planner confirming reasons for rejection of Enercon E138 wind turbine as compliant with condition 4(a) of 303677-19

Appendix D – (1) Galetech Energy Services Letter 23 April 2021 to RCC confirming that the Enercon E138 wind turbine was used in compilation of photomontages to demonstrate landscape and visual impacts for application PD/18/447

(2)Email from Cormac McPhillips, Technical Services Manager, Galetech Energy Services, 13 September 2022 to applicant Peter Gilooly, confirming that the Enercon E138 wind turbine was used in compilation of photomontages to demonstrate landscape and visual impacts for application PD/18/447

Appendix E - Enercon E138 wind turbine details Drawing no. 21-016-101

Appendix F – Confirmation letter from Enercon, the manufacturers and suppliers of the Enercon E138 wind turbine, that the company can supply a bespoke version of that wind turbine model with a maximum output capacity of 2.45MW

5.2. **Planning Authority Response**

- 5.2.1. A response was not received from the planning authority.

6.0 **Statutory Provisions**

Planning and Development Act, 2000 (as amended)

The request has been submitted to the Commission under section 34(5) which states 'The conditions under subsection (1) may provide that points of detail relating to a grant of permission may be agreed between the planning authority and the person carrying out the development; if the planning authority and that person cannot agree on the matter the matter may be referred to the Board for determination.'

7.0 **Assessment**

- 7.1. The dispute between the planning authority and the applicant centres on Condition 4 (a) of 303677.

Condition 4(a) states: *Details of the wind turbines including blade lengths shall be agreed in writing with the planning authority prior to commencement of development.*

Reason: *In the interest of visual amenity.*

7.2. Having regard to my site inspection and the submissions on the file, the key matters for this case relate to:

Context

Consistency of turbine model type with the planning permission granted

7.2.1. In terms of **context**, the public notices for the permitted development refer to 'minor amendments to the development permitted under Roscommon County Council Planning Register References 11/126 and 18/313 to provide for the relocation of the permitted wind turbines and associated infrastructure (site roads and crane hard standings); amendments to the turbine dimensions to allow for a maximum overall tip height of up to 150 metres; and all associated site development and reinstatement works. The maximum total combined output of the wind turbines will not exceed 4.9 megawatts'.

7.2.2. I further note Drawing no. 180829/PD/003 submitted with the application titled '*Turbine Elevations Drawing 1:200*' which includes for a turbine 'up to 150m maximum overall height' and it is stated in notes '*The design, colour, rotor diameter, hub height and specification of the proposed wind turbine shown on this drawing are indicative only and may vary. However, the maximum overall turbine blade tip height shall absolutely not exceed 150 meters*'. I further note the inspector in their report in 303677 at section 2.3 states '*The subject application includes a drawing of the proposed wind turbines, but the only dimension referred is the maximum overall height of 150m*'.

7.2.3. The terms of condition 4(a) allows for wind turbines including blade lengths to be agreed. It is noted that the proposed Enercon E-138 as outlined in the submission drawing, with a maximum tip height of 149.385m, is within the height limitation outlined in the permission, with amendments to the turbine dimensions allowing for a maximum overall tip height of up to 150 metres.

Consistency of turbine model type with the planning permission granted

7.2.4. The main issues before the Commission are:

- **whether** the turbine proposed is materially different from the turbine which was permitted,
- and **whether** the turbine type sought falls within the terms of the permission and condition 4(a) of the permitted development.

7.2.5. On the first issue, I note drawing no. 180829/PD/003 submitted with the application titled '*Turbine Elevations Drawing 1:200*' includes for a turbine 'up to 150m maximum overall height'. The 150m is the only dimension referred to and a specific turbine model type is not outlined. A measurement taken of the drawing details a blade length of c.55 metres.

7.2.6. Correspondence in Appendix A attached, which includes the submission made to RCC, dated 5th November 2024, outlines while no specific turbine type was presented with the planning application documentation, two turbines types were utilised as candidate turbines. It is outlined firstly the planning drawings were prepared on the basis of a Vestas V112 turbine with hub height of 94m, a blade length of 56m, and an overall turbine height of 150m. It is outlined secondly the shadow flicker prediction model and illustrative photomontages were prepared using an Enercon E-138 turbine with a hub height of 80.26m, a blade length of 69.125, and an overall tip height of 149.38m.

7.2.7. It is noted in correspondence dated 21st May 2021 the Planning Authority outlined the submission entailing the Vensys 121 turbine model, was acceptable and met compliance with Condition 4(a). The dimensions of the Vensys 121 turbine model in Table 1 of submission dated 23 April 2021 included a hub height of 89.25m, blade length of 60.75m, and overall tip height of 150m. It is outlined in the submission documentation the Vensys 121 is no longer available. I note the increase in the blade length from that outlined in original drawing (measured at 55m) to the Vensys 121, would represent a c.10.5% (5.75m) increase in blade length.

7.2.8. The wind turbine type now selected for installation is the Enercon E138 with a hub height of 80.26m, a blade length of 69.125m and an overall tip height of 149.385m, as outlined in drawing no. 21-016-101. This turbine model proposed would have a lower hub height and a longer blade length than the indicative model outlined in the application drawing.

7.2.9. I note the Planning Authority concerns that the proposed significant increase in blade diameter may give rise to impacts that have not been assessed, and that the submission is considered to be a material deviation.

7.2.10. In relation to **visual impacts**, the applicants submission outlines that the wind turbine model used in the compilation of the photomontages was the Enercon E138 turbine with a hub height of 80.26m, a blade length of 69.125m and an overall tip height of 149.385m, and which used as the basis for the landscape and visual impact assessment, as outlined in attached correspondence from Galetech Energy Services to RCC dated 23rd April 2021. While I note the details outlined in relation to photomontage compilation, as highlighted above in 6.2.5, a specific turbine model type was not included in the planning application drawing.

7.2.11. I note the increase in the blade length from that outlined in original drawing (55m as measured) to the Enercon E138s blade length of 69.125m, would represent a 25.6% (14.125m) increase in blade length. Based on these dimensions, it is clear that the proposed Enercon E138 turbine model would result in an increase in the horizontal extent of the impact, when compared to the indicative turbine drawing indicated on plans. In my view, the proposed increase in the blade length has a potential to give rise to a significant visual impact. However, it is noted that visual aids (i.e photomontages, wire frames, zones of theoretical visibility) to enable a comparison of the proposed Enercon E138 turbine model and the indicative model outlined in the planning application, have not been submitted for consideration. While I note that the proposed Enercon E138 model falls within the limitations of the overall permitted tip height of 150m, and that condition 4 (a) enables for the variation of the wind turbines including their blade length, I am of the view that visual aids detailing a comparison of the above turbines as outlined (turbine drawing no. 180829/PD/003, and the Enercon E138), would be required to **enable for a full visual assessment of the proposed turbine model type sought**. This information is required to assess the extent of any potential substantial change in visual or landscape impacts, and to consider as to whether a material change in terms of visual impact arises. In the interests of visual amenity, I also consider the bands on the Enercon E138 turbine and turbine blades as indicated in the drawing submitted be omitted, and this should be indicated on accurately scaled drawings. These issues could be addressed by

way of further information should the Commission be minded to further consider the proposed turbine model from a visual perspective.

7.2.12. On the second issue, in relation to turbine type and the terms and condition 4(a) of the permitted development, for **output** permitted, the public notices in PA. Ref. no.18/447 and ABP-303677 outlined the '*maximum total combined output of the wind turbines will not exceed 4.9 megawatts*'. While the applicant outlines visual amenity is the fundamental reason for condition 4(a), in relation to output from the Enercon E138 the applicant outlines Appendix F submitted includes for confirmation from Enercon, the manufacturers and suppliers of the Enercon E138 wind turbine, that the company can supply a bespoke version of the wind turbine model with a maximum output capacity of 2.45MW. The applicant outlines the information from Enercon provides evidence that output will meet the permitted output of 4.9MW, which was not provided for the Vensys 121 turbine previously approved by RCC. The applicant further outlines the 5MW output from the Vensys 121 turbines exceeds the permitted 4.9MW output, and that the onus is on the applicant to restrict the output to 4.9MW.

7.2.13. The Planning Authority in their memorandum outline the Enercon E138 model represents the same turbine model which was refused permission in PD/22/363 and PD/23/60198 and subsequently refused on appeal by ABP, in part due to the fact that the output potential of 2 no. Enercon E138 models exceeded that of EIAR thresholds and therefore such a development would be subject to Environmental Impact Assessment. It is further outlined that the turbine model represents a material deviation from turbine specifications outlined in 18/447 and the turbine model previously accepted by way of compliance. I note the ABP-318944 decision was quashed by the High Court and the case has been remitted back to the Commission.

7.2.14. I note the planning history onsite and the restriction outlined in relation to the combined output of the wind turbines, which is not to exceed 4.9 megawatts. The applicant is seeking the installation of 2 no. Enercon E-138 wind turbines. I note the correspondence submitted from Enercon confirming it can supply a bespoke version of the Enercon E-138, which can be limited to a maximum output capacity of 2.45MW, by reason of the reduced number of inverters fitted and will reflect the applicants approved grid connection by ESB networks. The applicant outlines this confirmation provides solid evidence that the output from the turbines will meet the permitted output of 4.9MW

7.2.15. While the appellants assurances in relation to output, and details on the reduced number of inverters in the bespoke turbine model are noted, limited technical data regarding the proposed bespoke turbine model has been submitted as to how the output would be limited. In the absence of detailed technical data, it is unclear how restrictions on output would be enforced. In the absence of such detail, it is considered the technical approach and the proposal would not be reasonable in the context of the terms of the permission. In addition, limited technical details have been submitted in relation to the bespoke E-138 turbine model relative to the standard E-138 turbine model. I note the technical data for the E-138 EP3 model available on the Enercon website (www.enercon.de) indicates that the combined output (2 turbines) of the model would be 8.52 megawatts, and on this basis the installation of the 2 no. Enercon E138 turbines would have the potential and a capacity to exceed the 4.9 megawatt output as permitted in **303677**, which was not assessed as part of 303677.

7.2.16. In addition, I note the permitted development was not subject to Environmental Impact Assessment. The proposed installation of 2 no. bespoke E-138 models would have the potential to exceed the threshold requiring the submission of an EIAR, being a project within Class 3 (i) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended, which includes (i) *Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts*.

7.2.17. On the basis of the information submitted and the above assessment, I consider the proposed installation of 2 no. bespoke Enercon E-138 models, which would have a theoretical output of 8.52 MW, would have the potential and a capacity to exceed the permitted output of 4.9 megawatts, and would, if accepted by way of compliance, have the potential for implications on the wider environment, which were not assessed as part of 303677. On the basis of the above, I am of the view the installation of 2 no. Enercon E-138 models do not fall within the terms of the permitted development, which restricts the maximum total combined output of the wind turbines to not exceed 4.9 megawatts, and therefore does not come within the scope of Condition 4(a).

8.0 Recommendation

In conclusion, having regard to the terms and condition 4 (a) of the planning permission, on the basis of the information submitted, and for the reasons stated above in relation to the permitted output, I consider that the proposed Enercon E-138 turbine model would not come within the terms of the development permitted in 303677, and does not come within the scope of condition 4(a). Consequently, I recommend that the Commission does not agree with the proposed turbine type sought under condition 4(a) of the permission.

9.0 Reasons and Considerations

Whereas by order dated the 12th day of July 2019 An Bord Pleanála, under appeal reference number 303677-19, granted subject to conditions a permission to Peter Gillooly care of Windconnect Limited of Katallen, Creeny, Belturbet, County Cavan for development comprising minor amendments to the development permitted under Roscommon County Council Planning Register Reference Numbers 11/126 and 18/313 to provide for the relocation of the permitted wind turbines and associated infrastructure (site roads and crane hardstandings); amendments to the turbine dimensions to allow for a maximum overall tip height of up to 150 metres and all associated site development and reinstatement works. The maximum total combined output of the wind turbines will not exceed 4.9 megawatts at Derrane and Roxborough, County Roscommon:

And Whereas condition 4(a) attached to the said condition required details of the wind turbines including blade lengths to be agreed in writing with the planning authority prior to commencement of development:

And Whereas the developer and the Planning Authority failed to agree on the above details in compliance with the terms of the said condition and the matter was referred by the developer to An Coimisiún Pleanála on the 17th day of December 2024 for determination:

Now Therefore An Coimisiún Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended,

and based on the Reasons and Considerations set out below, hereby determines that the Commission **does not agree** that the Enercon E-138 turbine type comprising a hub height of 80.26m, a blade length of 69.125m and an overall tip height of 149.385m, is within the terms and condition 4(a) of the permission and **are not agreed** under condition 4(a).

Reasons and Considerations

- (a) The Planning and Development Acts and Regulations made thereunder
- (b) The permitted history ABP-303677-19 and the terms and condition 4(a) of the permission
- (c) The wind turbine model proposed, and
- (d) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter

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.

David Ryan
Senior Planning Inspector

26th November 2025

