



An
Bord
Pleanála

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Inspector's Report 16.PM0013

Development – Request for Amendment to Strategic Infrastructure Development – Alter the terms of the previously permitted Oweninny Wind Farm (application ref. 16.PA0029) under Section 146B of the Planning & Development Act 2000, as amended by the Planning and Development (Strategic Infrastructure) Act 2006.

Location Vicinity of Cloongullaun Bridge (over the River Moy) approximately 3.5km north west of Swinford town, County Mayo

Planning Authority Mayo County Council

Applicant(s) Oweninny Power Designated Activity Company

Date of Site Inspection 27th September 2017

Inspector Dolores McCague

1.0 INTRODUCTION

- 1.1. The project, which the Board approved on the 2nd of June 2016, ref. no. PA0029, under the Strategic Infrastructure Development (SID) provisions of the legislation, comprised:

Proposed wind farm development in the townlands of: Bellacorick, Corvoderry, Croaghaun West, Doobehy, Dooleeg More, Formoyle, Kilsallagh, Knockmoyle, Laghtanvack, Moneynierin, Shanvodinnaun, Shanvolahan, Sheskin, Srahnakilly and Tawnaghmore, County Mayo. approximately 30 kilometres west of Ballina.

- 1.2. The proposed development was initially proposed to primarily consist of the following:

Construction of a wind farm comprising 112 wind turbines with a maximum electricity generating capacity of approximately 370 megawatts. The wind turbines to have a hub height of up to 120 metres and a rotor diameter of up to 120 metres. The overall height of the structures (i.e. tip height) to be up to 176 metres.

Eight number permanent meteorological masts up to 120 metres in height.

Electrical requirements associated with the wind farm including: four number 110 kilovolts electrical substations each of which will include two number control buildings; two number 110 kilovolts overhead lines (approximately 2.4 kilometres and 1.7 kilometres respectively) and four number 110 kilovolts underground cables all required for connecting the substations to the national electricity grid; and underground cabling connecting the wind turbines to the wind farm substations.

A visitor centre associated with the wind farm with ancillary parking for buses and cars; an operation and maintenance building.

Reuse of three number existing site entrances off the N59, signage at the main wind farm entrance and on the public road adjacent to the main entrance.

Additional associated and ancillary developments include: hardstandings; an upgrade of the bridge traversing the Oweninny River; approximately 85 kilometres of access tracks within the wind farm site; replacement of culverts within the site and drainage control systems comprising settlement ponds, access track drains and finger drains; and sewage treatment systems.

Temporary developments / works associated with the construction phase include: contractor compounds; one number concrete batching plant; one number borrow pit; one number peat repository area; and material stockpile areas.

A 15 year permission and a 30 year operational life from completion of entire wind farm was sought for the proposed development

- 1.3. Proposed amendments were submitted as significant additional information to the Board on the 19th day of October, 2015, (notices were published on the 18th day of November, 2015) which modified the project by omitting phase 3 of the original proposal. Arising from the amendments, rather than 112 (2.5–3.5 MW) wind turbine generators, the development comprised: 61 (2.5–3.5 MW) wind turbine generators and included the following details: 172 Mega Watts (MW) wind farm, crane stands and blade laydown areas at each turbine location (61), 2 no. electrical substations, underground cables from the wind turbines to the substations, 2 no 110kV overhead lines comprising angle masts and twin wooden pole sets connecting proposed substations to the existing Bellacorick substation (1.7 km from Electrical Substation 1 and 2.5 km from Electrical Substation 2) with undergrounding of electricity cables for a distance of up to 2km on the approach to Bellacorick substation, 6 permanent wind measurement anemometer stations, operation and maintenance building, 49

kilometres of access tracks, including c 6km of upgraded existing track, 2 site entrances for construction traffic, visitors centre and grid connection to the existing Bellacorrick 110 kV substation, and upgraded existing transmission network, including Bellacorrick to Castlebar 110kV and Bellacorrick to Moy 110kV overhead line. Condition no. 1 of the grant of permission required compliance with the further information submission.

- 1.4. A previous alteration to the scheme came before the Board in 2017 (ref no PM0011), in relation to the installation of a new 110kV underground cable circuit (UGC) to connect the permitted Oweninny Windfarm 110kV Substation to the ESB Bellacorrick 110kV Substation, which alteration the Board made having determined that it would not constitute the making of a material alteration to the terms of the development.
- 1.5. On 21st August 2017, the Board received a request under section 146 of the Planning and Development Act 2000, as amended, from Oweninny Power DAC, to make a further alteration to this development.

2.0 **LEGISLATIVE BASIS**

- 2.1. Section 146B (1) of the Planning Acts 2000 to 2011, allows a person who intends to carry out a strategic infrastructure development to request the Board to alter the terms of the approved development. The Board must decide whether to do so would constitute a material alteration in the terms of the development. If it decides that it would not be material, the Board must alter the permission. Prior to making this decision the Board may invite submissions and have regard to those submissions.
- 2.2. If the Board decides that it would be material, it may make the alteration, make an alteration that would be different to that requested or refuse to make the alteration, after determining whether such alteration would be likely to have significant effects on the environment. The Board must engage in public notification/consultation prior to making a determination in relation to the likelihood of significant effects on the environment.
- 2.3. If the Board decides that there is a likelihood of significant effects on the environment, the proposer will be required to prepare an Environmental Impact Statement and a consultation process must precede Environmental Impact Assessment by the Board.

3.0 PROPOSAL

- 3.1. The proposal is to make amendments to development consented under PA0029. The alterations to the approved scheme comprise:

Modifications of a small section of the N26 in the vicinity of Cloongullaun Bridge in order to facilitate the delivery of turbine components for the Oweninny Wind Farm. The section of road is immediately west of Clongullaun Bridge on its northern side approximately 3.5km north west of Swinford town.

The southern side of the bridge is not the subject of this proposed amendment.

The works will involve the excavation of approximately 1,080m³ of material along a 60m long section of roadside embankment and the installation of a gabion retaining structure. The resultant temporary area of level ground will be surfaced with stone material and will have a battered slope behind the gabion wall. The works will involve the use of existing road drainage and temporary drainage measures. Excavated material will be stored in a designated area away from the road behind the residential property. The excavated material will be reinstated once the turbine components have been delivered to the wind farm site. The excavation (per section drawing) will extend at its maximum to a depth of c 8m.

4.0 Site Description

- 4.1. The land where the proposed amendment is located is along and includes part of the N26 National Secondary road. It involves lands to the north which rise steeply from the road and are occupied by a single storey dwelling facing the national road and accessed from a local road, and farmland to the side and rear of the dwelling. The road at this location follows the bank of the River Moy which is a SAC and salmonid river. The road forms a 90⁰ angle to veer west at the northern side of the river which it crosses via an arched masonry bridge. A junction with a local road runs in a straight line from the bridge, following the steep gradient of the land. A crash barrier and a short length of wall faces north bound traffic exiting the bridge and a crash

barrier faces east bound traffic approaching the bridge from the northern side. There are chevrons in similar locations. A stop sign faces traffic before the junction of the local road with the national road. Immediately east of the bridge on the northern bank of the river there is a hand ball alley surrounded by undergrowth, a high three sided structure set below the road. The bank of the river is otherwise densely vegetated at this location.

- 4.2. A site map accompanying the application for the amendment has a red line boundary which appears to reflect land ownership. Included within the red line boundary there is a dwelling and lands west of the local road and the hand ball alley and surrounding area east of the local road.

5.0 REQUEST DOCUMENTS

- 5.1. The request is accompanied by a single bound volume which sets out the purpose of the application, the reason for the proposed amendment, the consultation with the planning authority, consultation with landowners, the planning context, legislative context, environmental evaluation of proposed amendments, conclusion of AA screening report, conclusion of Road Safety Audit, other environmental considerations and a conclusion section. There are 5 appendices:

Appendix 1 - Board order PA0029,

Appendix 2 - Appropriate Assessment (AA) Screening Report,

Appendix 3 – Road Safety Audit,

Appendix 4 – EIS Chapter 14 Traffic and Transport,

Appendix 5 – Letter of Consent from Landowner.

- 5.2. The request states that the proposed modifications arise as a result of the detailed design and tendering process for the turbines. Following the tendering process, it was identified for the chosen turbines that this particular location is a pinch point and that modifications to the road at this location will improve vehicular access for turbine delivery vehicles.

- 5.3. The documentation refers to the inspector's report, Mr Speer's report and Condition No. 15 attached to the Board's decision on PA0029, as allowing for the possibility of road improvement works at Cloongullaun Bridge.
- 5.4. A map is provided with the lands involved outlined in red, which include agricultural land, a dwelling and a handball alley as well as a portion of the public road.
- 5.5. A layout plan and cross section at a scale of 1:200 is provided in drawing No. QS-000169-02-D460-165.

The Appropriate Assessment Screening Report (Appendix 2).

- 5.6. The Appropriate Assessment Screening Report was prepared by ESB International, it includes:
- 5.7. The proposed temporary road modifications are required in order to facilitate the delivery of turbine components for the Oweninny Wind Farm. The angle of the N26 road immediately west of Swinford Bridge is too narrow to facilitate the delivery and needs to be temporarily widened. The works will involve the excavation of approximately 1,080m³ of material along a 60m long section of roadside embankment and the installation of a gabion retaining structure. The resultant temporary area of level ground will be surfaced with stone material. The works will involve the use of existing road drainage and temporary drainage measures. Excavated material will be stored in a designated area away from the road behind the residential property. The excavated material will be reinstated once the turbine components have been delivered to the wind farm site.
- 5.8. Construction methodology is set out and is as follows:

Mobilisation

- Traffic management will be installed on the public roads.
- Gain access from north side of field through an existing access point.
- Fence site boundary per land option agreement.
- Area for stock piling material to the north of the field will be silt fenced.

Primary Drainage

- Install clean water cut off drain to high side of all works. This will tie into the existing road drainage.
- Minor local road will be opened and drainage pipe installed.
- Trench will be reinstated.
- Silt bag will be installed on drainage pipe to the east of minor local road as a precautionary measure.
- Discharge from the silt bag will be to the existing vegetation to the north of the handball alley.
- A sump will be installed in the south easterly corner. This is to catch all water which lands on the working surfaces during construction works.
- Temporary drain will be installed along road edge to the south. This will be the low point while majority of excavation works are taking place. This will direct water towards the sump for treatment.

Main Civil Works

- There will be no excavation works undertaken in wet weather.
- Excavation will take place working from within the field above road embankment. The ground profile will be lowered from the road edge back towards the house.
- Excavation will take place with a batter from the proposed gabion location to the existing ground level. This is to allow safe installation of the gabion.
- All excavation work will be undertaken in a staged manner to ensure only the minimum exposure of soil.
- All excavated material will be transported immediately to the area for stock piling approximately 140m to the north west on flat land. There will be no stockpiling of material on the road side.
- New surface will be laid. Typically 400mm 6F1 material and 100mm Clause 804 material. Fall will be towards permanent cut-off drain at toe of batter.

- Concrete strip footing will be poured at base of gabion in dry weather only.
- Gabion blocks will be placed to create retaining structure. All stone will be washed prior to use on site.
- Excavation behind gabion will be backfilled with original material.
- This will be re-seeded.
- All works will be monitored by a Clerk of Works to insure the drainage is working as designed.
- All drainage and silt bag will be monitored throughout the works.
- Temporary Stockpiled material will be re-seeded upon completion of excavation.

Wind Turbine Component Delivery Stage

- No significant works for duration of component deliveries. This could be approximately 1 year.
- Temporary traffic management will be installed to ensure no access is permitted on the new surface. This is removed and replaced as components are delivered.

Reinstatement

- Traffic management will be installed on public roads.
- Gain access from north side of field.
- Clean water cut off drain to the north to remain in place during reinstatement works.
- Temporary drain will be installed along the road edge to the south. This will tie into the existing sump.
- Original stockpiled material will be placed over the new surface.
- Profile to match original (as practically as possible). Battered slope of 1:2 at road edge.

- Finished surface will be re-seeded.
- Permanent fence will be installed at top of batter tying into existing boundary fence.
- Permanent traffic barriers and signage will be installed.
- All temporary fencing will be removed.
- Following re-vegetation clean water cut-off drain and sump will be removed and land reinstated.

5.9. Works will not be carried out during extreme rainfall.

5.10. The River Moy SAC (site code 002298) is considered the only Natura 2000 site with the potential to be impacted. The river and associated bankside habitats are part of the SAC, which immediately adjoins the proposed amendment.

5.11. The project has been designed to minimise the potential for run-off from the site during excavation work and hence indirect impacts on the River Moy.

Impact Prediction

5.12. The project will use existing and temporary drainage to manage surface water. Excavation works will only be undertaken in dry weather. The embankment will be excavated in sections in order to minimise the amount of soil exposed. Each section will be covered with stone or grass sods prior to the next section being excavated. A Clerk of Works will be on-site during all works to ensure the drainage is working as designed. Given the nature of the works and the design of the project, it is considered highly unlikely that the proposed works would result in significant effects on the River Moy SAC or any other Natura 2000 site.

5.13. Potential for in-combination effects.

5.14. The proposed project is not expected to have any effect on the River Moy SAC. It is therefore considered that the project has no potential to have in-combination effects with other plans and projects.

Conclusion

- 5.15. The screening report concludes that the proposed road modification works either alone or in combination with other projects or plans is not likely to have significant effects on any Natura 2000 site in view of the site's conservation objectives, and that Stage 2 Appropriate assessment is not required.

The Road Safety Audit (Appendix 3)

- 5.16. A stage 1/2 Road Safety Audit has been prepared by PMCE consultants, it includes:

- 5.17. The N26 travels in a southwest-northwest direction over the River Moy, before turning at a 90⁰ angle to the west, forming a high demand bend for drivers using the N26. The high demand bend is complicated further by having a narrow, low volume side road that forms a 'Stop' control junction on the apex of the bend. The narrow side road has a posted speed limit of 80kph. The N26 is a two-way single carriageway road in a rural area with no hard shoulder and a 100kph posted speed limit. There is currently insufficient width on Cloongullaun Bridge and the high demand bend for passing HGV's, with drivers observed adopting an informal priority arrangement north of Cloongullaun Bridge. The proposed works include construction of a steep cut embankment formed using a gabion basket retaining wall, into the adjacent verge north of the N26 to create additional width that will be capable of accommodating the swept path of oversize transport vehicles. Existing roadside infrastructure i.e. safety barrier, signs, junction definition post, will be removed as part of the works and a large section of the adjacent property will be removed to provide the necessary width. The works are not anticipated to be permanent, although they are expected to be in place for 3-5 years.
- 5.18. Collision data at the location (see table 1, page 3, for a list of 7 reported incidents involving material damage / minor injury) was examined and it is noted that poor light, wet road surface and poor visibility were possible contributory factors.
- 5.19. The report identifies 10 problems with the current design of the proposed SID amendment and recommends solutions:

Extended verge widening may lead to informal parking; recommendation - measures should be implemented to prevent general traffic from entering, turning and parking within the proposed open space.

Exposed vertical height hazard for side road vehicles, pedestrians and cyclists approaching N26 (parapet or barrier between local road & gabion basket retaining wall); recommendation – provide adequate parapet or barrier at the top of the retaining structure.

Sump detail may trap vehicle's wheels leading to loss of control type collisions (a sump is proposed at the junction between the N26 and the local road); recommendation – the sump should be protected from local road and N26 traffic, or constructed using a detail that allows it to be overrun by cars and large HGV's. The pavement at and around the sump detail should be flush/level with the adjacent road network.

Removal of existing barrier may expose unprotected vertical hazard east of the local side road; recommendation – the existing safety barrier east of the local side road should be extended to remove the gap currently on site. Up to 2 No. reactive signs should be located in advance of the high demand bend providing advance warning for eastbound drivers. The existing chevron signs should be relocated to support additional awareness of the bend.

Removal of chevron signs for northbound traffic may lead to possible loss of control collisions; recommendation – the existing chevron sign should be retained, or carefully relocated such that it is clearly visible and relevant to northbound drivers.

Loose material at the stop control T-junction may reduce traction and lead to overshoot collisions; recommendation – the pavement at the T-junction should be free of loose material.

Faded road markings and the removal of existing infrastructure: signs, junction definition posts, may reduce junction definition; recommendation – fresh road markings should be provided at the subject site, and on the approaches to the subject site. Additionally, measures should be put in place to better define the carriageway edge in poor light or in the hours of darkness.

Proposals do not make provision for the relocation of the existing junction definition posts or if the existing stop control junction will be moved from its current location;

recommendation – ensure the junction is clearly defined and can be identified in good advance in both good and poor light.

Exposed end (i.e. western end, close to the road) of proposed retaining structure facing oncoming traffic; recommendation – provide adequate protection to the proposed retaining structure’s terminal i.e. crash cushion.

Risk of errant vehicles striking the retaining structure head-on, resulting in increased injury severity, (the retaining wall is not expected to offer any significant energy absorption or deflection if struck head-on); recommendation – in adopting the safe systems approach, the designer should provide measures that offer increased energy absorption or energy deflection in front of the retaining structure.

5.20. The report also notes the use of the junction for bin collection and that residents should be made aware of the proposed layout and advised of a safe location to leave their bins on collection day.

5.21. The designer’s feedback form accepts all the recommendations.

EIS Chapter 14 Traffic and Transport (Appendix 4)

5.22. The EIS Chapter 14 Traffic and Transport submitted as Appendix 4 is a copy of Chapter 14 of the revised EIS, submitted 19th October 2015 in response to the Board’s request for further information.

Letter of Consent from Landowner (Appendix 5)

5.23. A letter of consent to the proposed works from the landowner, Mr Thomas Kneafsey, has been submitted.

6.0 BOARD CORRESPONDENCE

6.1. The request was received on the 21st August 2017.

6.2. The Board wrote to Mayo County Council on the 23rd August 2017 stating that the request had been received and enclosing a copy of the request, which, they were advised, may be made available for public inspection.

6.3. The planning authority was not invited to make any submission at this stage.

7.0 PLANNING HISTORY

- 7.1. Apart from Ref. 16.PA0029 the Strategic Infrastructure Development, Oweninny Wind Farm, and 16.PM0011 the earlier material alteration, both of which have been referred to earlier in this report, the Board should also note 16.JP0041, an application by Mayo County Council for the realignment of the N26 at Cloongullane (in the townlands of Pollsharvoge and Cloongullaun), which is currently before the Board and which adjoins the subject requested amendment.

8.0 ASSESSMENT

- 8.1. This assessment is confined to considering, based on the documents on the files and on other files in the Board's possession, whether or not the alterations proposed constitute a material alteration under Section 146 B however given the nature of the request I consider it relevant to consider if the 146 B mechanism is appropriate in these circumstances.

8.2. Is the Section 146 B mechanism appropriate

- 8.3. As previously stated Section 146B (1) of the Planning Acts 2000 to 2011, allows a person who intends to carry out a strategic infrastructure development to request the Board to alter the terms of the approved development. It seems to me that this does not provide unlimited scope to the Board to alter an approved development. It must to a reasonable extent relate to the development as approved or as contemplated at the time the decision was made.
- 8.4. Therefore the first matter to be considered is in relation to the appropriateness of the use of Section 146B. There is no particular condition attached to the permission which relates to haul routes. Works to alter the roadway at Cloongullaun Bridge in order to facilitate the passage of construction traffic, which might travel via two of the three haul routes being considered at that time, were contemplated when the Board made its decision on the project. A haul route for the transport of oversized / abnormal loads from port to site was understood to be a necessary part of the project. The haul route had not been selected when the Board made its decision. It

was noted that works might be required to facilitate haulage to the site at various locations or pinch points including the subject location which was identified as a significant pinch point. At the oral hearing Mr Fitzsimons stated on behalf of the first party that swept path analysis would be used to confirm the predicted impacts. Witnesses on behalf of the first party stated that there were sufficient lands in the control of Mayo County Council in the vicinity of this 'node' to facilitate any road improvements deemed necessary.

8.5. The work as now proposed involve third party lands. The excavation will extend for up to 26m from the existing road edge and will be up to 8m in depth at maximum extent. The removal for temporary storage and later reinstatement of 1,080m³ of soil will be involved. Although works to this part of the haul road were predicted, it could not be said that this extent of works was anticipated at the time of the Board's decision or that the doing of this extent of road improvements could reasonably be regarded as having been contemplated when the Board made its decision. In my opinion the use of Section 146(B) is inappropriate in these circumstances.

8.6. **Consideration under Section 146(B)**

8.7. In the event that the Board decides that the use of the Section 146(B) is appropriate it must consider whether or not the alterations are material alterations.

8.8. **Approved Project**

8.9. On the 2nd of June 2016 the Board decided to approve the 61 turbine wind farm development ref. no. PA0029, in accordance with 20 conditions. The conditions included condition no. 1 which required the development to be carried out in accordance with the plans and particulars lodged and the further information submitted, subject to any amendments required to comply with the other 19 conditions.

8.10. Significance of Alterations

Scale of Works

- 8.11. A haul route for the transport of oversized / abnormal loads from a port to site is a necessary part of the project and was part of application PA0029. The haul route had not been selected when the Board made its determination. It was acknowledged during the project application that works might be required to facilitate haulage to the site at various locations or pinch points. The subject location was identified as a significant pinch point.
- 8.12. As previously stated representatives of the first party stated at the oral hearing that swept path analysis would be used to confirm the predicted impacts and witnesses on behalf of the first party stated that there were sufficient lands in the control of Mayo County Council in the vicinity of this node to facilitate any road improvements deemed necessary.
- 8.13. The proposed works involve third party lands and significant excavation. Although works to this part of the haul road were predicted, it could be said that their full extent was not anticipated.
- 8.14. It should be noted that third parties at the oral hearing sought to examine the detail of lands where works to the haulage route would require landowner negotiations and were unable to do so due to the unavailability of such information at that time. In the subject location apart from the landowner directly involved and who has consented to the application, there are a number of other dwellings in the immediate vicinity.

Road Safety

- 8.15. It should be noted that there is reference in the documentation to the first party having been involved in consultations with Mayo County Council (MCC) in relation to the proposed amendment. The application states that the principle of the modifications are acceptable to MCC. More detailed discussions took place with MCC Area Engineer, who advised that subject to a Road Safety Audit (RSA) being undertaken, which would demonstrate that the proposed modifications would not

compromise road safety, the proposals would be acceptable. This has been undertaken and MCC are in agreement with the results of the RSA.

- 8.16. Notwithstanding these assurances, due to the location alongside a National Secondary Route, where work to the road boundary is involved, the Board may consider that formal consultation with the planning authority/roads authority is necessary.

Natural Heritage

- 8.17. The location of the subject works is very sensitive in terms of natural heritage adjoining the SAC River Moy (site code 002298) and is in close proximity to the river bank.
- 8.18. It should be noted that the DAHG submission on PA0029, 21/12/2015, noted the contents of the NIS which had identified that impacts on the qualifying interests of the European site, River Moy cSAC, may result from works to the haul route at Cloongullaun Bridge, but the works or alterations required were not yet available and it appeared to them that a planning application to the Council or an application to the Board would be required in the future.
- 8.19. It should also be noted that a detailed construction methodology has been presented with the subject application and that the Appropriate Assessment Screening Report submitted concludes that the proposed road modification works either alone or in combination with other projects or plans are not likely to have significant effects on any Natura 2000 site in view of the site's conservation objectives, and that Stage 2 Appropriate assessment is not required.

8.20. **Consultation**

- 8.21. There is provision in the legislation for the Board, if it so wishes, to invite submissions by persons, including the public, prior to making a decision in relation to whether the proposed alterations constitute material alterations to the approved scheme.

- 8.22. If the Board decides that the alterations are material, notice must be given and information relating to the request must be made available either by the Board or by the referrer. Submissions must be invited in relation to whether or not the alteration would be likely to have significant effects on the environment.
- 8.23. Section 146C of the Act comes into operation if the Board determines that the alterations are likely to have significant effects on the environment.
- 8.24. I wish to advise the Board, subject to any information which occurs in the consultation process, that the environmental issues which appear to arise in this case relate to natural heritage, and traffic safety. Natural heritage issues have been addressed in the appropriate assessment, stage 1, which was submitted with the application; and traffic safety has been addressed in the documents received - stage 1/2 Road Safety Audit. Following such consultation process the Board may be able to reach a decision on the application without an Environmental Impact Statement. Environmental Impact Assessment is not a mandatory requirement for development of this description¹.
- 8.25. A full report would be prepared at the expiry of the period for making submission / observations under Section 146B (8).

8.26. **Temporary nature of the Proposed Works**

- 8.27. The application states that the works will be for a period of three years and a programme of reinstatement has been submitted as part of the works.
- 8.28. It should be noted that the permission granted under PA0029 on the 2nd June 2016 per condition no. 2 included:

The period during which the development hereby permitted may be carried out shall be ten years from the date of this order.

Therefore the works which require the use of this haul route could be carried out until 2026.

¹ Per Schedule 5 of the 2001 Planning and Development Regulations

8.29. It should also be noted that the permission granted under PA0029 was for two phases of a development which, as originally presented to the Board, included a third phase. The permitted development has 61 (2.5–3.5 MW) wind turbine generators, the phase three element as shown on the original documents had 51 (2.5–3.5 MW) wind turbine generators. No permission exists for phase three and there is currently no application before the Board for any further development on the site, however when considering the temporary nature of the current amendment the possibility of later development requiring the use of this haul route should be borne in mind. In my opinion the works which require the use of this haul route are likely to be carried out beyond 2020 and a temporary permission to 2020 is unlikely to be a satisfactory amendment.

9.0 Conclusion

9.1. I consider that since this extent of road improvements had not been contemplated when the Board made its decision on the project PA0029 and constitute works which would require permission in their own right the Board should not consider the proposal under the provisions of S146B and should advise the requester accordingly.

10.0 Recommendation

10.1. Based on the information on this file I recommend that the Board should decide that having regard to their nature and scale and to the fact that this extent of road improvements had not been contemplated when the Board made its decision on project PA0029, the proposed works do not constitute alterations to the said scheme; that the Section 146B procedure would not be appropriate in these circumstances; and that a planning application would be required for said works.

Planning Inspector

31 October 2017

Appendix - Photographs