

An
Bord
Pleanála

Board Direction
BD-012512-23
ABP-314987-22

The submissions on this file were considered at a Board meeting held on the 20/06/2023.

REQUEST received by An Bord Pleanála on the 28th day of October 2022 from Cloncant Renewable Energy Limited under section 146B of the Planning and Development Act, 2000, as amended, ('the Act') to alter the terms of a strategic infrastructure development comprising a 110kV Air Insulated Switchgear (AIS) Loop Substation with 400m long overhead line grid connection and all associated site works in the townlands of Ballykilleen, Cloncreen and Ballinowlart North, Co. Offaly, which was the subject of an approval under An Bord Pleanála reference number ABP-309686-21.

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 11th day of April 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:

Amend the approved grid connection from a double circuit 110kV overhead line to a double circuit underground cable (UGC), together with amending the approved 400m grid route heading southeast to a 400m grid route heading northeast to the existing Cushaling – Portlaoise 110kV overhead line. This proposed alteration includes: c. 400m of double circuit UGC; 2 No. steel lattice pylons; directional drilling under the Figle River; 300m of unpaved 3.5m wide access road; 2 No. new access points off the R401 Regional Road and 1 No. access point at the permitted Cushaling Wind Farm substation; c. 25m of 110kV UGC linking the permitted Cushaling Wind Farm substation with the permitted Kilcumber Bridge 110kV substation; demolition of garden sheds at rear of an uninhabited house; felling of c. 270m² of woodland.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Act, 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 to invoke the provisions of section 146B(8) of the Act and required that the requester deposit a copy of the information with the planning authority, send notice of the request to the prescribed bodies, and publish newspaper notices and erect site notices inviting submissions or observations from the public.

AND WHEREAS having considered all of the documents on file, the submissions received 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)(b)(ii) 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 28th day of October 2022 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 substation and associated development approved by An Bord Pleanála under Reference Number ABP-309686-21,
- (ii) the examination of the environmental impacts, including in relation to European Sites, carried out in the course of that application,
- (iii) the limited nature and extent of the proposed alteration which does not meet any of the relevant thresholds for classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended, which are the prescribed classes of development for the purposes of section 176 of the Act,
- (iv) the information submitted by the requester, including the Environmental Report which contains the information specified in Schedule 7A of the

- Planning and Development Regulations 2001, as amended, and the Natura Impact Statement,
- (v) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, including:
 - (a) The characteristics of the proposed alteration which are relatively minor in scale and extent and are capable of effective mitigation,
 - (b) The location of the proposed alteration which is considered to be capable of accommodating the proposed development,
 - (c) The types and characteristics of the potential impacts arising from the proposed alteration alone or cumulatively with other development which are not considered to be significant, including by reason of implementation of the Construction and Environmental Management Plan and other conditions associated with the associated substation development approved under ABP-309686-21,
 - (vi) the submissions received,
 - (vii) the report of the Board's Inspector, which is adopted,

It is considered that the proposed alteration would not be likely to have significant effects on the environment. In accordance with section 146B(3)(b)(ii) of the Planning & Development Act 2000, as amended, the Board hereby makes the said alteration.

CONDITIONS

1. Apart from the alterations hereby authorised, as detailed in the plans and particulars lodged with the request, the development shall be carried out and completed in accordance with the terms and conditions of the approval granted on the 11th day of April 2022 under application reference number ABP-309686-21, except as may otherwise be required in order to comply with the following condition.
Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous approval.
2. The additional environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Report, the Ecological Impact Assessment, the Natura Impact Statement and other particulars submitted with the request shall be incorporated into the Construction and

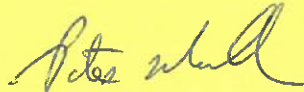
Environmental Management Plan required under Condition 5 of approval reference number ABP-309686-21 and shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of clarity and the protection of the environment during the construction phase of the development.

3. Details of measures to create an area of compensatory woodland habitat in order to mitigate ecological damage, as set out in Section 9.1.4 of the Ecological Impact Statement, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of mitigating ecological damage associated with the development

Board Member



Date: 20/06/2023

Peter Mullan