



An  
Bord  
Pleanála

**Board Order**  
**ABP-314987-22**

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**Planning and Development Acts, 2000 to 2021**

**Planning Authority: Offaly County Council**

**(Associated application reference number: ABP-309686-21)**

**REQUEST** received by An Bord Pleanála on the 28<sup>th</sup> day of October 2022, from Cloncant Renewable Energy Limited, care of MWP, The Elm Suite, Loughmore Centre, Raheen Business Park, County Limerick under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development comprising a 110kV Air Insulated Switchgear (AIS) Loop Substation with 400 metre long overhead line grid connection and all associated site works in the townlands of Ballykilleen, Cloncreen and Ballinowlart North, County Offaly, the subject of an approval under An Bord Pleanála reference number ABP-309686-21.

**WHEREAS** the Board made a decision to approve the proposed development, subject to conditions, for the above-mentioned development by Order dated the 11<sup>th</sup> day of April, 2022,

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

*pm*

**AND WHEREAS** the proposed alterations are described as follows:

To change the approved grid connection from a double circuit 110kV overhead line (OHL) to a double circuit underground cable (UGC), together with amending the approved 400 metre grid route heading southeast to a 400-metre grid route heading northeast to the existing Cushaling – Portlaoise 110kV overhead line.

More particularly, the proposed alterations include the following elements:

- Approximately 400 metres of double circuit underground cable (UGC) and 2 number steel lattice pylons at the connection point to the existing Cushaling – Portlaoise 110kV overhead line. The UGC will require directional drilling under the Figile River.
- Construction of an unpaved 3.5-metre-wide road on top of the UGC to provide access to the UGC. There will be approximately 300 metres of road, in two sections, with 3 number access points, including 2 number new access points located approximately 120 metres east of Kilcumber Bridge off the R401 and 1 number access point at the permitted Cushaling Wind Farm substation where an internal substation road will be used.
- Approximately 25 metres of 110kV UGC linking the permitted Cushaling Wind Farm substation with the permitted Kilcumber Bridge 110kV substation.
- Demolition of garden sheds at the rear of an uninhabited residential house at the location of the proposed pylons, which is owned by Bord Na Mona. The floor area of the sheds is approximately 60 metres squared.
- An area of approximately 270 metres squared of planted deciduous woodland will be required to be felled for the sightlines at the proposed access points. The felling will be a slice of woodland off a larger woodland area.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Act, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the approval,

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**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 alterations 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 28<sup>th</sup> day of October 2022 for the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the substation and associated development approved by An Bord Pleanála under case 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 alterations which do 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,

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- (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 alterations 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 An Bord Pleanála case reference 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 11<sup>th</sup> day of April 2022 under application case reference number ABP-309686-21, except as may otherwise be required in order to comply with the following conditions.

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**Reason:** In the interests 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 case 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



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**Peter Mullan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *3rd* day of *July*, 2023