



Development

Permission for development comprising the replacement of an existing triple circuit branch mast of 34m in height at Confey which supports the exiting Corduff-Ryebrook, Maynooth RyeBrook and Dunfirth Kinnear Rinawade 110kV overhead line circuits with three masts of maximum heights of 15m (single circuit mast) 24m and 34m (both double circuit masts) and all ancillary site works to occur in the immediate vicinity of the existing mast. This will also result in the consequential realignment of the existing circuit conductors which will be supported on the new structures. The purpose of the mast is to reduce the dependence on one mast to carry three overhead line circuits by means of providing an individual mast in this location for each of the three lines. The masts will be of latticed steel construction similar to the existing mast.

Location:	Confey, Leixlip, Co Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	16/523
Applicant(s)	Eirgrid PLC.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Appellant(s)	1. Peter Sweetman
Date of Site Inspection	7 th November 2016
Inspector	Bríd Maxwell.

1.0 Site Location and Description

- 1.1 The appeal site is located within the townland of Confey approximately 1.8km to the north west of Leixlip Town Centre in County Kildare. The appeal site is located on agricultural arable land over which a number of ESB power lines and masts traverse. The Rye Water River and Royal Canal are located to the south and the Intel Plant is located approximately 700m to the south west. There are a number of individual dwellings fronting onto the local road to the north of the site whilst dense residential development is located to the south of the Royal Canal to the south east of the appeal site.
- 1.2 Photographs of the appeal site and vicinity and annotated maps are contained within the appendices to this report.

2.0 Proposed Development

- 2.1. The proposed development involves the replacement of an existing triple circuit branch mast of 34m in height which supports the existing Corduff-Ryebrook, Maynooth – Rybrook and Dunfirth Kinnegad Rinawade 110kV overhead line circuits with three masts of maximum height of 15m (Single Circuit Mast) 24m and 34m (both double circuit masts) and all ancillary site works to occur in the vicinity of the existing mast. The development will result in the consequential realignment of the existing circuit conductors which will be supported on the new structures. The proposed masts are of latticed steel construction.
- 2.2. In terms of a justification for the proposed development it is outlined that the Corduff Ryebrook 110kV line will experience thermal overloads under certain scenarios and will need to be upgraded to a high capacity conductor to mitigate for increased power flows and to avoid overloading of the line. The Confey Ryebrook circuit is one of three lines currently supported by the existing Confey triple circuit branch mast. Each is of strategic local importance given that they supply a number of major industrial power customers and employers within the area. The three towers will be installed in stages to replace the triple circuit branch mast. The masts will provide increased security of supply to existing major industrial customers and reduce the number of

lines on each mast from three to two. Line upgrades will facilitate potential future increases of electricity demand from large industrial customers in the Kildare area.

3.0 Planning Authority Decision

3.1. Decision

By order dated 14th July 2016 Kildare County Council decided to grant permission subject to 6 conditions which included the following:

Condition 2. The existing triple circuit branch mast shall be decommissioned within one month of the erection of the replacement masts.

3.2. Planning Authority Reports

- Area Engineer's report indicates no objection subject to provision for wheel washing of construction vehicles.
- Fire Officer and Environmental Health Officer's reports indicate no objection subject to conditions.
- Environment Section report indicates no objection subject to compliance with Waste Management Act and Regulations.
- Planner's report recommends permission subject to conditions.

3.3. Third Party Observations

3.3.1 Submission from the appellant Peter Sweetman and Associates asserts that the development is part of an overall development for which the submission of an EIS and carrying out of an EIA is required (Donegal County Council decision 16/50473). Proposal represents project splitting. Appropriate Assessment is required.

3.3.2 Land and Utility Compensation Consultants submission asserts that the application is invalid as it does not comply with Article 22(2)(g) as the application does not include details and consent of landowner. Drawings do not comply with Article 23(1)(f) of the Planning and Development Regulations. Visual impact assessment should be

provided Environmental Impact Assessment is required. Development is fundamental part of the Intel Development permitted under 12/435¹ and as such an EIA of the impacts of the overall project should be carried out.

4.0 Planning History

90/1275 Permission granted 1991 to the Electricity Supply Board for erection of 110kV line from existing Maynooth -Finglas– Maynooth- Rhode 1 double circuit 110kV line to proposed Intel 110kV substation.

RL3081 Referral case the Board determined that works consisting of the renewing and alteration of existing conductors with a like for like replacement on the same line and at the same locations and renewing of immediate pylons and their replacement with towers of similar design in an immediately adjacent location on the same alignment and with maximum tower height increase of 0.5 to 1m over existing and renewing of angle structures and their replacement with new towers of similar height at the same location comprising a single renewal project being undertaken as part of the statutory undertaker's routine function associated with transmission infrastructure maintenance in which there will be no increase in voltage of the line from the existing 110kv and the alterations would not differ materially from the existing infrastructure being renewed and the restringing of the overhead conductors along the 110kV overhead electricity transmission line and replacement of the pylon structures constitute works for the purpose of renewing and altering overhead wire and other apparatus and cone within the scope of Section 4(1)(g) of the Act and therefore concluded that the renewing and altering of the Maynooth Rybrook 110kV overhead electricity transmission line is development and is exempted development. The Board considered that the proposed development individually and in combination with other related developments would not be likely to have significant effects on the environment such that an environmental impact assessment is required. The Board further determined based on the works required and location outside the Rye Water Valley / Carton Special Area of Conservation (Site Code 001398) and having regard to the relatively minor excavations involved there was no reason to suggest that the

¹ Reference is made to the EIS submitted in respect of New FAB 12/435 where at 12.2 In relation to Electricity Supply it was stated that "The Intel campus currently uses up to 110MVA³ of electrical supply. An increase of approximately 60MVA is required to facilitate the proposed development.

minor works proposed would have any significant effects on the Special Area of Conservation in light of its qualifying interests and a Stage 2 Appropriate Assessment would not be required

RL3080

The Board determined that the construction of new steel electricity pylons in new locations along the route of the existing Maynooth Ryebrook 110kV electricity line at a height of 0.54 to 1.0m higher than the existing pylons and works consisting of the renewing of intermediate pylons and their replacement with towers of similar design in an immediate adjacent location on the same alignment and with a maximum tower height increase of 0.5 to 1m over existing being carried out in conjunction with the renewing and altering of the existing conductors with a like for like replacement on the same line and at the same locations and the renewing of angle structures and their replacement with new towers of similar height at the same location comprise a single renewal project and the replacement being undertaken as part of the statutory undertaker's routine function associated with transmission infrastructure maintenance in which there will be no increase in voltage of the line and there the alterations would not differ materially from the existing infrastructure being renewed and the replacement of the pylon structures carried out in conjunction with the restringing of overhead conductors along the 110kV overhead electricity transmission line constitutes works for the purpose of renewing and altering overhead wires and comes within the scope of Section 4(1)(g) of the Planning and development Act 2000 and is development and is exempted development. The Board determined that the proposed development individually and in combination with other related developments, would not be likely to have significant effects on the environment such that an Environmental Impact Assessment is required. The Board further determined based on the works required and location outside the Rye Water Valley / Carton Special Area of Conservation (Site Code 001398) and having regard to the relatively minor excavations involved there was no reason to suggest that the minor works proposed would have any significant effects on the Special Area of Conservation in light of its qualifying interests and a Stage 2 Appropriate Assessment would not be required

Sites in the vicinity

PL09.246905 Concurrent appeal before the Board for replacement and relocation of an electrical switchroom serving the Fab 10 facility at Intel.

5.0 Policy Context

5.1 Development Plan

- The Kildare County Development Plan 2011-2017, and Leixlip Local Area Plan 2010 refer. Within the Kildare County Development Plan 2010-2017 I note Chapter 8 Energy and Communications and specifically Adopted Variation No 3. Provisions to address High Voltage Transmission Power Lines.
- At 8.6.2 Electricity reference is made to The Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure (July 2012) acknowledges the strategic and economic importance of investment in networks and energy infrastructure.
- At 8.6 The Council will support and facilitate the requirements of the major service providers, such as Bord Gais, Eirgrid and the ESB, where it is proposed to enhance or upgrade existing facilities or networks or to provide new infrastructure subject to landscape, residential amenity and environmental considerations including where appropriate environmental assessment in accordance with EU Directives.
- Policy HT1 “To support the sustainable improvement and expansion of the high voltage electricity transmission power lines and distribution network, subject to human health, landscape, residential amenity, tourism, equine industry and environmental considerations.”
- I note also relevant Policies HT 2, HT 3, HT 6, HT 9, HT10 and HT 11.
- Within the LAP the site is within lands zoned Agricultural
- TN 1 To ensure that planning applications involving the siting of electricity power lines and other overhead cables, consider in full, the impacts of such development.

Relevant extracts from Development Plan are contained within the appendices to this report.

6.0 **Natural Heritage Designations**

6.1 The Rye Valley Carton cSAC (Site Code 001398) is within approximately 320m of the site.

6.2 Other designated sites include The North Dublin Bay cSAC (Site Code 000206), South Dublin Bay cSAC (Site Code 000210), North Bull Island SPA (Site Code 004006) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) which are within approximately 17km from the site.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The appeal is submitted by Peter Sweetman and Associates, 14 Postnet, 113 Lower Rathmines Road. The grounds of appeal can be summarised as follows:

- Project splitting. The development is part of an overall development for which the submission of an Environment Impact Assessment and carrying out of an Environmental Impact Assessment are required.
- Planner applied the wrong test for Appropriate Assessment.

7.2. **Planning Authority Response**

7.2.1 The Planning Authority did not respond to the grounds of appeal.

7.3. **First Party Responses**

7.3.1 The response on behalf of the first party is summarised as follows:

- The purpose of the proposed structure is to eliminate the current dependency on a single structure to support three separate overhead transmission circuits which constitutes a significant issue regarding the safety and security of these existing circuits.
- On the allegation of project splitting, this is rejected.
- Notwithstanding the fact that the proposed development concerns existing transmission circuits which are the subject of general planned upgrading, the proposed development will overcome a current risk to safety and security of existing high tech company demand customers who have significant requirement for an uninterrupted secure and reliable supply of electricity.
- Note Board Refs RL3080 and RL3081 (relating to the planned upgrading of the Maynooth- Ryebrook 110kV overhead line circuit), it was explicitly deemed by the Board that the developments did not require EIA
- These declarations were subject of Judicial Review proceedings (2014 No 320 JR) in which the Board was successful.
- Note considerations of Hedigan J in the matter of Section 50 of the Planning and Development Act, 2000 as amended (Peter Sweetman Applicant and An Bord Pleanála Respondent and EirGrid PLC Notice Party and Electricity Supply Board Notice Party"- 2015 No 545 JR) in regard to the issue of project splitting: where it is stated that there is nothing wrong with project splitting per se rather the correct approach is whether project splitting has occurred for the purpose of avoiding the requirement to have an EIA." *The question is not whether there has been project splitting simpliciter, but whether it was done for the purpose of avoiding the need to have an EIA.*"
- Given that it has been deemed by An Bord Pleanála that no EIA is required for the upgrading of existing circuits and as the proposed development does not require EIA no project splitting has occurred for the purpose of avoiding the need to have EIA.
- As regards Screening for Appropriate Assessment allegation of deficiency is unfounded. The Council in its role as the competent authority for appropriate

assessment determined that there is no potential for an effect . Screening is valid and correct.

- Grounds of appeal are without substance or foundation and indeed are incorrect.
 - Stress the urgency for the carrying out of the proposed development given the issues relating to matter of security and reliability of the transmission network.
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8.0 **Assessment**

8.1. I consider the key issues in determining this appeal are as follows:

- Planning Assessment
- Environmental Impact Assessment
- Appropriate Assessment

8.2 **Planning Assessment**

8.2.1 As regards the principle of development, the development plan clearly supports and facilitates the requirements of Eirgrid where it is proposed to enhance or upgrade existing facilities or networks to meet economic and social policy goals. Policy HT1 is to support the sustainable improvement and expansion of the high voltage electricity transmission power lines and distribution network, subject to human health, landscape, residential amenity, tourism, equine industry and environmental considerations. The planning application clearly sets out the need for the proposed development on the basis that the Corduff – Ryebrook 110kV line will experience thermal overloads and will need to be uprated to a higher capacity conductor to mitigate for increase power flows and to avoid overloading of the line. The proposed development will provide increased surety of supply to major industrial customers and reduce the number of line of lines on each mast. Line upgrade will facilitate potential future increased for electricity demand from large industrial customers in the Kildare Area. The development plan clearly supports such development and it is

therefore acceptable in principle subject to good planning and environmental considerations.

8.2.2 As regards visual impact of the development and impacts on residential and other amenities of the area, the proposal involving the erection of two double circuit masts and one single circuit mast in order to separate the lines that currently converge on the existing triple branch mast will result in a net increase of two masts. The first party notes however that the proposed masts are more transparent and on this basis it is asserted that the visual impact to adjacent residents (located in excess of 200m of the structure) is not of a magnitude to cause a change in the character of the area. I would concur with these views and consider that the visual impact is not significant in light of the established character of the area.

8.2.3 As regards traffic and construction impacts, I consider that best practice will appropriately mitigate any potential negative impacts. I consider that the proposal will not have a substantial detrimental impact on the amenities of the area nor have substantial impact on the environment and is therefore acceptable and in accordance with the proper planning and sustainable development of the area.

8.3 Environmental Impact Assessment

8.3.1 On the question of Environmental Impact Assessment, I am satisfied that the development individually and in combination with other related developments would not be likely to have significant effects on the environment such that an Environmental Impact Assessment is required. I have noted the nature and detail of concurrent development proposals in the area including renewal and line replacement works on the energy transmission lines RL3080 and RK3081) I do not consider that the applicant has engaged in project splitting for the purposes of avoiding the need to trigger the requirement for Environmental Impact Assessment.

8.4 Appropriate Assessment

8.4.1 As regards Appropriate Assessment I note the screening report submitted with the application notes the location of working area within approximately 320m of the Rye

Water Valley SAC. The screening report notes no direct impacts on the SAC however considers the potential for indirect impact as works are within the catchment of the Rye Water River. The submitted screening report sets out that given the distance from the working area to the Rye Water Valley / Carton SAC and the construction methods to be implemented, the potential for contaminated surface water run off to cause significant effects in view of the sites conservation objectives is unlikely. I consider this conclusion to be reasonable and consider that based on the limited nature of works the potential for the works to have significant effects on the SAC in light of its qualifying interests can be ruled out and a stage 2 appropriate assessment would not be required. I further note the conclusions of the Board in its AA screening determination in respect of the renewal and alteration proposals to the Maynooth - ~Ryebrook 110kV line RL3081 and construction of new steel electricity pylons along the route of the existing Maynooth – Ryebrook 110kV line and concur that there is no potential for in combination effects. I conclude therefore that the development either alone or in combination with other plans or project Is not likely to give rise to significant effects on the Rye Water Valley /Carton Special Area of Conservation (Site Code 001398) or any Natura 2000 site in view of the sites conservation objectives.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

10.1 Having regard to the location scale and nature of the proposed development and to the provisions of the Kildare County Development Plan 2011-2017 as varied and the Leixlip Local Area Plan 2010 it is considered that the proposed development would not seriously injure the amenities of the area or of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans

and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The existing triple circuit branch mast shall be decommissioned and removed from the site within one month of commissioning of the replacement masts.

Reason: In the interest of the visual amenities of the area.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and residential amenity.

Bríd Maxwell
Planning Inspector

10th November 2016