



An
Coimisiún
Pleanála

Inspector's Report

ABP-307462-20

Development

Ten-T Priority Route Improvement Project, Donegal which improves vital improvements to three sections of the National Road Network.

Location

Section 1: N13/N15 Ballybofey Stranorlar Bypass,
Section 2: N13/N14/N56 Letterkenny Bypass and Dual Carriageway to Manorcunningham,
Section 3: N14 Manorcunningham to Lifford.

Prospective Applicant(s)

[Click here to enter text](#)

Type of Application

Application under 182E/37B/47B Railway Order/S.51A of the Roads Act.

Planning Authority

Donegal County Council

Date of Site Inspection

[Click here to enter text.](#)

Inspector

Sarah Lynch

1. Site Location:

S37B/182E This section should provide a brief description of the location of the site. There is no need to describe the site in any detail, as the question before the Commission is whether or not the proposal constitutes SID. Any site constraints / feature should have no bearing on the question before the Commission. If specific issues relating to the site came up in pre-app discussions these may be briefly referred to in the site description

S47B/51A In the case of a pre-app under the Roads Act / Transport Infrastructure Act it might be appropriate to outline the alignment of the development in more detail. As consultations under this legislation is primarily undertaken so as to enable the Commission to assess those works proposed in the prospective application.

2. Description of Proposal:

S37B/182E This should provide a brief summary of the development, preferable in bullet point format. In the case of electricity infrastructure there is no requirement to provide details of the technical apparatus associated with a substation or OHL. For example, is sufficient to state that *The proposed development comprises of a (110kV/220kV) substation surrounded by 2.4m high palisade fencing*. There is no need to provide a description of the technical apparatus within the substations such as insulators, capacitors transformers etc.

In the case of a Windfarm development, it is sufficient to state the number of turbines proposed and the rated power output of the windfarms (*ie the proposal comprises a total of 10 turbines with a rated power output of 56MW together with associated infrastructure including an onsite substation*). There, is no requirement to detail the

location of the individual turbines, construction compounds, borrow pits etc in the report. Where grid connections outside the site are proposed, merely mention the location of the substation, there is no requirement to describe the route along which the grid connection route is proposed.

S47B/S51A As per the site description in the case of applications under the Roads Act / Transport Infrastructure Act it might be appropriate to outline the alignment of the development in detail. As consultations under this legislation is primarily undertaken so as to enable the Commission to assess those works.

3. **Planning History.**

S37B/182E There is no need to provide any planning history associated with the site in respect of applications made under the provisions of S34 or S37. In such instances it is sufficient to state '*no relevant planning history*'.

Only in the case where there are relevant decisions as to whether or not proposals in and around the site constituted SID/not SID, should these be referred to in the report. The inspector may mention in his/her report instances where existing or permitted windfarm developments are located in the immediate vicinity to provide a better context for the Commission. But lengthy descriptions of these developments should be avoided.

S47B/S51A It may be more appropriate to provide details of any **relevant applications** along the route or in the vicinity of the site. However, as these applications are mainly linear in nature, prudent judgement must be taken to ensure that only strictly relevant history is referred to. And reference to history needs to be short and succinct.

4. **Precedent Decisions:**

37B/182E As in the case of S5 referrals, relevant precedent decisions are likely to have an important bearing on the Commission determination. Relevant precedent decisions should be detailed in the report in bullet point form. In the case where there are numerous precedent decisions for example in the case of S182A cases, the inspector might consider summarising it in tabulated form, providing the key relevant points such as the example below:

311253	Galway & Roscommon	Refurbishment of the 220kV circuit between Cashla 220kV substation in and Flagford 220kv substation (c. 88km in length)	Not SID
310830	Mayo & Galway	Uprate of the 110kV circuit between Castlebar 110kV substation in Co. Mayo and Cloon 110kv substation in Co. Galway (c. 57km in length)	Not SID
309446	Donegal	Uprating of 110kV circuit between Binbane 110kV Substation and Cathaleen's Fall 110 kV Station, Co. Donegal (c. 45km in length)	Not SID
305276	Wexford	Refurbishment works to the existing Great Island - Kellis 220 kV Line (c. 70km in length)	Not SID
VC0108	Kilkenny	Uprate and refurbishment of the existing Great Island - Kilkenny 110kV Overhead Line substation in Co. Wexford & Co. Kilkenny (c. 49km in length)	Not SID

5. Pre-Application Consultation Meetings Held

S37B/182E The summary of the pre-app meeting should focus on the principle discussions/ points of interest discussed in the meeting – particularly discussions relating to whether the development constitutes SID/not SID. The report should not summarise the presentations made at the pre-app meeting. These presentations will be on file for the Commission to consider.

In the case of multiple meetings only highlight **new key relevant** points that were raised in the subsequent meetings. Do not reiterate points that were made multiple times across various meetings.

It may be sufficient to summarise the arguments/points made by the applicant as to why in his/her opinion the proposal constitutes SID/not SID as this will be the kernel information the Commission will be looking for in determining S37B/182E cases.

S47B/51A In the case of Applications under the Roads and Railway Order Act it may be more appropriate to provide more detailed information regarding the discussions

undertaken so as to allow the Commission to understand and assess the nature of the works and the prominent issues that may arise in respect of the proposed application.

6. Legislation

S37B/182E Reference to legislation is important in directing the Commission to the specific legislative provisions contained within the Act to enable the Commission to determine whether or not the development constitutes SID.

In the case of S37B applications it is only necessary to refer to the (a) the relevant class of development under the 7th Schedule and the 3 tests set out under S.37A(2).

In the Case of S182E applications, reference should be made S 37 A(2) of the Act, S182A(1) and where appropriate, the definition of electricity transmission under S2(1) of the Electricity Regulation Act 1999.

S 47B/51A In relation to the Road Developments and Railway Orders – There is no decision to be made by the Commission¹, and as such there is no specific requirement to refer to detailed legislative provisions in the Act. It might be sufficient to state in the case of a Draft Railway Order that :

“The application for a Draft Railway Order will be lodged under the provisions of Section 37(3) of the Transport Infrastructure Act 2001 as amended by Section 49 of Planning and Development Act (Strategic Infrastructure) Act 2006. The Draft Railway Transport Order is designated as Strategic Infrastructure by virtue of the provision of Section Part 3 Section 6(c)(g) of the Planning and Development (Strategic Infrastructure) Act 2006”.

1.0 7 Assessment

2.0 S37B/182E The assessment in the case of 37B and 182E applications should solely focus on whether the proposal falls within the remit of strategic infrastructure development as defined in the legislation. It should not refer to or assess the planning merits of the application. This will be the subject of a

¹ Other than notification to prescribed bodies.

separate and subsequent application to the Commission. It may be useful to focus on and refer to precedent relevant decisions made by the Commission in informing and supporting a recommendation. Any discussions undertaken during the pre-app meeting(s) which informed the inspectors decision should also be referred to in the assessment. Where the recommendation is informed, or the inspector relies on the interpretation of the legislation, this such be articulated clearly in the assessment.

3.0 S47B/51A In the case of applications made under the Transport Infrastructure Act / Roads Act there is no decision or recommendation for the Commission to make per se². Inspectors' assessments in this regard should focus on the main issues relating to the proposal and any of the main issues discussed in the pre-app consultations. These may include (but not necessarily be restricted to) what are the main issues relating to the PP&SD of the area, the main issues which might be particularly pertinent or prominent in any AA and EIA submitted with the application. Again, this should be alluded to without evaluating or assessing the planning merits of the application.

4.0 8 Recommendation

5.0 In the Case of S37B/182E pre-apps, The recommendation should be clear and unambiguous as to

² Other than notification to prescribed bodies.

whether or not the proposal constitutes SID/not SID. The recommendation should include a specific statement as to whether or not an application should be made directly to the Commission under S37E of the Act or to the planning authority under the S34 of the Act.

6.0 In the case of S47B/51A applications should recommend the Bodies that the applicant should consult prior to lodging an application with the Commission.

Appendix – Prescribed bodies

The list of prescribed bodies for the purposes of SID development is set out in S.213 of the P+D Regulations 2001 (as amended). The provisions of s.40(1) of the Transport (Railway Infrastructure) Act indicates that the Commission may direct the applicant to serve notice on certain bodies regarding the proposal. These bodies³ are listed below and instances where they should be consulted is set out in brackets below:

- Department of Planning and Local Government and Heritage (*normally sent as a matter of course*)
- Minister of Environment and Climate & Communications (*normally sent as a matter of course*)
- Planning Authority(s) in which the proposed development is located. (*sent in all cases*)
- Transport Infrastructure Ireland/ National Transport Authority (*where projects are transport related or have the potential to impact physically or on the carrying capacity of near by transport infrastructure, including LRT and wire-scape associated with same*)
- An Chomhairle Ealaíon (Arts Council) (*where the proposal impact on cultural heritage or visual amenity*)
- The Heritage Council (*where the proposal impact on cultural heritage*)

³ There are no listed prescribed bodies under the Transport (Railway Infrastructure) Act, 2001 (as amended).

- Failte Ireland (*where the proposal impact on cultural heritage or tourist /visual amenity*)
- An Taisce (*where the proposal impact on biodiversity or environmental heritage, cultural heritage or tourist /visual amenity*)
- Regional Assembly in which the development is situate – (*normally sent as a matter of course*).
- Irish Water (*where the proposal may give rise to significant abstraction/ discharge/water pollution/ water demand/ on potential impact on water services*)
- Inland Fisheries (*where the proposal may give rise to significant abstraction/ discharge/water pollution/ interfere with navigation/hydrogeological or morphological changes to river catchments or bridges etc*)
- Waterways Ireland (*where the proposal may give rise to significant navigation abstraction/ discharge/water pollution/ interfere with navigation/hydrogeological or morphological changes to river catchments or bridges etc*).
- Irish Aviation Authority and /or The Airport Operator (ie DAA) (*where the development might interfere with the operation, endanger or interfere with the safety and efficient navigation of aircraft*).
- CIE (*where the proposal may impact on bus or rail services or infrastructure which carry such services ie bridges*)
- Department of Agriculture, Food & Marine (*offshore marine /harbour developments and developments affecting the foreshore, development which is removing or adversely affecting afforestation*)
- Department of Transport (*All national transport road/light rail/rail projects and marine projects that could affect sea navigation*).
- EPA (*Any development that involves a IED Licence/Water Abstraction licence (SID)/ Waste Licence/Waste Discharge Authorisation Licence*).
- Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media (*SID projects relating to tourism and amenity, cultural heritage, or located within or adjoining Gaeltacht Areas*).

- Department of Justice (*any development contiguous or adjacent to explosive factories, storage magazine forts etc*)
- HSE (*where the proposal has the potential to impact on public health*)
- Health and Safety Authority (*any developments covered by the COMAH's Regs 2015, developments in proximity to SEVSO sites or any developments are likely to contain human health and safety risk assessments or statements with the subsequent applications*).
- The Commission for Energy Regulation (*Any development relating to the development of Energy Infrastructure (inc renewables – off shore and on shore)*)
- Office of Public Works (*any Development affecting State Land or Infrastructure*).
- ESB (*any development affecting electricity supply infrastructure or demand*).
- Eirgrid (*any development affecting electricity infrastructure*).