



An
Bord
Pleanála

Inspector's Report

ABP-308620-20

Development

Section 146B application for alterations to An Bord Pleanála Case Reference ABP-303568-19 for a proposed electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system

Location

Gillinstown, Duleek, Co. Meath

Planning Authority

Meath County Council

Applicant

Highfield Solar Limited

Type of Application

Section 146B: Request to alter previously approved Strategic Infrastructure project

Inspector

Niall Haverty

1.0 Introduction

1.1. Highfield Solar Limited ('the requester') has requested that the Board exercise its powers under section 146B of the Planning and Development Act 2000, as amended ('the Act'), to alter the terms of approval for the development of a new 110kV GIS substation and associated development at Gillinstown, Duleek, Co. Meath which was approved by the Board following an application under the provisions of section 182A of the Act (Ref. ABP-303568-19).

2.0 Planning History

2.1. Substation Approval (ABP-303568-19)

2.1.1. The requester was granted approval by the Board on 22nd July 2019 for development consisting of:

- an electrical substation and associated 110kV and MV infrastructure required to connect the permitted ground-mounted solar PV generation to the electricity transmission system;
- lightning protection masts (17.6m high);
- perimeter security fencing (palisade fencing with a height of 2.4-2.6m);
- CCTV cameras (5m max. height);
- access tracks;
- 110kV end masts;
- underground cabling;
- temporary construction compound;
- drainage infrastructure and all associated ancillary site development work.

2.2. Associated Solar Farm Permission (ABP Ref. PL17.248146; Reg. Ref. LB/160898)

- 2.2.1. The substation development to which this section 146B request relates is associated with a permitted solar farm.
- 2.2.2. Permission was originally sought to construct a Solar PV Energy development with a total site area of c. 150 hectares, to include two electrical substation buildings and associated compounds, electrical transformer and inverter station modules, storage modules, Solar PV panels ground mounted on support structures, access roads and internal access tracks, spare parts storage container, fencing, electrical cabling and ducting, including undergrounding of existing electrical cabling, CCTV and other ancillary infrastructure, additional landscaping and habitat enhancement as required and associated site development works at Garballagh, Thomastown, Gillinstown and Downestown, Duleek, Co. Meath.
- 2.2.3. Following a third party appeal, the Board issued a split decision on 8th March 2019, granting permission for the western solar array and associated development in the townlands of Garballagh, Thomastown and Gillinstown (referred to as Site 1) and refusing permission for the eastern solar array and associated development in the townland of Downestown (referred to as Site 2).
- 2.2.4. Condition 3(a) of the Board's Order stated that the 110kV substation shall be omitted and shall form part of a separate planning application to the planning authority or the Board as appropriate. As noted above, the 110kV substation development was subsequently approved following an application under s182A (Ref. ABP-303568-19).

3.0 Proposed Alterations

- 3.1. The proposed alterations, as set out in the requester's cover letter, relate to changes to the footprint dimensions of the approved GIS substation building and associated compound. Table 3.1 below, which is replicated from the cover letter, sets out the proposed alterations.
- 3.2. The request was accompanied by a cover letter and 3 No. drawings. These comprise a Site Layout Plan, and a plan and elevations of the 110kV GIS substation and IPP compound.

Dimension ►	Approved Width	Approved Length	Proposed Width	Proposed Length	Change in Width	Change in Length
Element ▼	(m)	(m)	(m)	(m)	(m)	(m)
GIS Building	20	26.8	22.5	32.2	2.5	5.4
Associated Compound	39.2	47	40.2	52.2	1.0	5.2

Table 3.1: Dimensions of GIS Building and compound
Source: Requester's cover letter

- 3.3. Having compared the drawings submitted with the s146B request with the equivalent drawings for the approved development under ABP-303568-19, I note that the approved dimensions of the compound that are stated in the requester's cover letter, and replicated in Table 3.1 above, are not correct. In particular, I note that the version of Figure 2.5.1 entitled '110kV GIS Substation & IPP Control Building' (Rev. A) which was submitted with ABP-303568-19 states the length of the compound to be 51m, not 47m, while the width – although not dimensioned – scales as c. 43.8m, not 39.2m.
- 3.4. The proposed alterations to the compound would therefore result in an increase in length of 1.2m, while there would be a decrease in width of c. 3.6m. Table 3.2 below sets out the corrected dimensions, and proposed changes.

Dimension ►	Approved Width	Approved Length	Proposed Width	Proposed Length	Change in Width	Change in Length
Element ▼	(m)	(m)	(m)	(m)	(m)	(m)
GIS Building	20	26.8	22.5	32.2	2.5	5.4
Associated Compound	43.8	51	40.2	52.2	-3.6	1.2

Table 3.2 Corrected dimensions of approved and proposed GIS Building and compound.
Source: Requester's cover letter and drawings approved under ABP-303568-19.

- 3.5. I note that the proposed dimensional changes set out in Table 3.2 above would result in the following changes to the footprint of the GIS building and compound:

Area ►	Approved Footprint Area (m ²)	Proposed Footprint Area (m ²)	Change in Footprint Area (m ²)
Element ▼			
GIS Building	536	724.5	188.5
Associated Compound	2233.8	2098.4	-135.4 ¹

Table 3.3: Footprint Area

3.6. It can be seen from Table 3.3 that the proposed alterations would result in the footprint of the GIS building increasing by c. 188 sq m, while the footprint of the associated compound would decrease by c.135 sq m.

3.7. **Additional Changes not Identified as Proposed Alterations**

3.7.1. The Board should also note that in comparing the submitted drawings with those associated with ABP-303568-19, I noted a number of changes that are not referenced in the requester’s cover letter or identified as alterations on the drawings. The internal layout of the GIS building has been altered, resulting in changes to the locations of external door openings, and the access track within the compound has also been reduced in extent. For clarity, my assessment in Section 7.0 is limited to the proposed alterations set out in the requester’s cover letter, namely the dimensional changes to the GIS building and associated compound.

4.0 **Requester’s Submission**

4.1. The requester’s submission can be summarised as follows:

- The amendments proposed are within the original site boundary and do not seek to alter the equipment being installed.
- The amendments seek to comply with increased space and safety clearance requirements within the switchgear housing, as per Eirgrid specifications.
- The height of the infrastructure will remain unchanged.

¹ Based on an approved compound length of 51m, rather than 47m, and width of 43.8m rather than 39.2m.

- Due to the minimal increase to the footprint, the setback from the public road and the fact that the height will remain unchanged there will be negligible change to the visual impacts as assessed for the original development.
- While additional space is being sought, this is to satisfy larger clearance requirements from internal electrical equipment and does not alter the equipment being installed. The assessments carried out as part of the original application remain appropriate.
- The original application included an NIS for the entire development (i.e. solar farm and substation). The proposed amendments are negligible in the context of the wider development which has a total area of 131 ha. The findings of the original NIS relate valid.
- The Board recently decided, in respect of a similar but larger request for alterations, that it did not constitute a material alteration (ABP-307401-20 refers). The proposed alterations in that case also related to updated Eirgrid specifications.
- The requester submits that the proposed amendments are not material.

5.0 Legislative Provisions

5.1. Section 146B(1) of the Planning and Development Act 2000, as amended, provides that, subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a permitted strategic infrastructure development, alter the terms of the development.

5.2. *Would the Alteration be a Material Alteration?*

5.2.1. Subsection (2)(a) states that as soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned. Before making such a decision, subsection (2)(b) states that the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board

determines that it shall do so). The Board shall have regard to any submissions made to it on foot of that invitation.

5.3. *Alteration Would not be a Material Alteration*

5.3.1. Under subsection (3)(a), if the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission/approval accordingly and notify the person who made the request and the planning authority of the alteration.

5.4. *Alteration Would be a Material Alteration*

5.4.1. Under subsection (3)(b), if the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall:

- (i) require the requester to submit to the Board the information specified in Schedule 7A to the PDR in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and
- (ii) following the receipt of such information or report, as the case may be, determine whether to—
 - (I) make the alteration,
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration.

5.4.2. Subsection (3A) provides that where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of

the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive have been taken into account. Subsection (3B) also provides that said information may be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration.

- 5.4.3. Subsection (4) requires that, before making a determination under subsection (3)(b)(ii), the Board shall determine whether the extent and character of the alteration requested, and any alternative alteration it is considering are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).
- 5.4.4. Subsections (4A)(a) – (c) relate to the timeframe within which the Board shall make its determination under subsection (4) unless exceptional circumstances apply.
- 5.4.5. Under subsection (5), if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii):
- (a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or
 - (b) is likely to have such effects, the provisions of section 146C shall apply.
- 5.4.6. Under subsection (6) if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority, of the alteration.
- 5.4.7. Subsection (7) sets out the matters that the Board shall have regard to in making a determination under subsection (4), while subsection (8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

6.0 Board Correspondence

- 6.1. The Board informed Meath County Council on 12th November 2020 of the request received and enclosed a copy of the request for their information, asking that it be made available for public inspection.
- 6.2. The Planning Authority was not invited to make a submission at this stage.

7.0 Assessment

- 7.1. There are two stages to be considered in assessing a request under section 146B. The first stage is whether the proposed alteration would constitute a material alteration of the terms of the development concerned? If the Board decides that it would not constitute a material alteration, it shall alter the planning permission/approval accordingly. If, however, the Board decides that it would constitute a material alteration, then the second stage applies and the Act sets out the provisions to be followed in determining if the proposed alteration would have significant effects on the environment and other related matters.

7.2. Consideration of Materiality

- 7.2.1. The proposed alterations relate to an increase in the footprint of the 110kV GIS substation building and a decrease in the footprint of its associated compound, as outlined in Section 3 above. The proposed alterations are stated to have resulted from recent changes to Eirgrid specifications which require additional space and safety clearance within the switchgear housing. The alterations do not seek to alter the equipment being installed within the substation and the height of the structures will remain unchanged.
- 7.2.2. The proposed changes to the dimensions of the GIS building and compound, as set out in Table 3.2 above, result in the footprint of the GIS building increasing from 536 sq m to 724.5 sq m (188.5 sq m or c. 35% increase) and the footprint of the compound decreasing from 2233.8 sq m to 2,098.44 sq m (135.4 sq m or c. 6.5% decrease).
- 7.2.3. With regard to potential impacts on residential or visual amenity, I note that there will be no increase in height of the structures, and that no alterations to the equipment

that will be installed is proposed. Having regard to the substantial separation distances of the substation development from the nearest residential dwellings and public roads², the relatively flat topography and the layers of screening provided by existing mature hedgerows and treelines, I do not consider that the increased footprint, as outlined above, will be readily discernible, let alone visible from outside of the solar farm site and therefore no material visual impact will arise. Since there is no alteration proposed to the electrical equipment within the substation compound, I do not consider that any additional noise, dust or air emissions of a material nature will arise. Consequently, and having regard to the significant separation distances to the nearest residential receptors, I do not consider that the proposed alterations would result in any material impacts on residential amenity.

7.2.4. The increased footprint of the GIS building is likely to result in some additional HGV trip generation during the construction phase due to the additional construction materials required and additional excavation works. This will be offset to some degree by the reduction in the footprint of the associated compound. Having regard to the scale of the proposed alterations relative to the approved substation development and the associated permitted solar farm, I do not consider that the additional traffic movements will be material in nature. I note in this regard that Condition 6 of ABP-303568-19 requires the submission of a Construction Management Plan to include construction traffic management measures. During the operational phase, the proposed alterations would not result in any additional traffic movements.

7.2.5. With regard to surface water management, the increased footprint of the GIS building will result in slightly more rainwater being collected from the roof which will be discharged to the surface water management system. I note that the extant substation approval and associated solar farm permission includes a network of swales and other surface water management measures. Given the relatively limited additional volume of surface water that is likely to arise, and the location of the

² The Inspector's Report for ABP-303568-19 states at Section 3.1.3 that "The closest public roads to the application site are Downestown Road, which is c. 300m east of the site boundary (and c. 500m east of the substation location), and the R150 Regional Road, which is c. 900m to the south. The closest dwelling, which is located within the same landholding, is located c. 260m north of the site, while the closest 'non-involved' dwellings are located on the Downestown Road at a minimum distance of c. 400m from the proposed substation location."

substation within a large agricultural grassland landholding, I do not consider that any material issues arise regarding surface water disposal. I note that Condition 4 of the Board's Order for ABP-303568-19 requires that drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works. With regard to flood risk, as outlined in Section 8.5 of the Inspector's Report in case ABP-303568-19, the substation site is located outside of any area identified as being subject to flood risk and the proposed alterations would not, therefore, result in any material change to flood risk.

7.3. Conclusion

- 7.3.1. In conclusion, I consider that no new or materially different considerations arise from the proposed alterations which were not considered in the assessment undertaken in the s182A application for approval of the substation development (ABP-303568-19).
- 7.3.2. I am of the opinion, having fully considered the proposed alterations and the development as approved under ABP-303568-19, that the Board would not have determined the proposal differently had the GIS building and associated compound dimensions now proposed in the alteration formed part of said application. In that regard, I consider it reasonable to conclude that the making of the alterations that are the subject of this request would not constitute the making of a material alteration of the development as approved under ABP-303568-19.
- 7.3.3. Finally, I have considered the provisions of s146B(2)(b) which provides for the invitation of submissions from persons, including the public, at the Board's discretion. Having considered the nature, scale and extent of the proposed alterations, the information on file and the nature, scale and extent of the development approved under ABP-303568-19 I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of determining the matter.

8.0 Appropriate Assessment

- 8.1. As noted by the requester, the application for the substation development (ABP-303568-19) was accompanied by a Natura Impact Statement. Notwithstanding this,

the Board completed an Appropriate Assessment Screening exercise and concluded that the substation development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment was not, therefore, required. In coming to that conclusion, the Board considered, inter alia, the submitted Appropriate Assessment Screening Report, which related to both the substation development and the permitted solar farm development (ABP Ref. PL17.248146; Reg. Ref. LB/160898). Similarly, in the consideration of the earlier solar farm proposal, an Appropriate Assessment screening determination was made, with the same conclusion.

- 8.2. Having considered the Board's determination on Appropriate Assessment in case ABP-303568-19, and having regard to the nature and limited scale and extent of the proposed alterations relative to the development that was approved under ABP-303568-19, the nature of the receiving environment together with the distance to the nearest European sites, no additional Appropriate Assessment issues arise and it is not considered that the proposed alterations to the approved development would be likely to have a significant effect individually or in combination with other plans or projects on any European sites.

9.0 Recommendation

- 9.1. I recommend that the Board decides that the making of the alterations that are the subject of this request do not constitute the making of a material alteration of the terms of the development that was approved by the Board under reference number ABP-303568-19.
- 9.2. A Draft Order for the Board's consideration is provided below.

DRAFT ORDER

Request received by An Bord Pleanála on the 10th day of November 2020 from Highfield Solar Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development comprising a proposed electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system and associated development at Gillinstown, Duleek, Co. Meath, which was the subject of an approval under An Bord Pleanála reference number ABP-303568-19.

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 22nd day of July 2019,

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:

- Increase in footprint dimensions of the GIS building from 26.8 metres long by 20 metres wide, to 32.2 metres long by 22.5 metres wide.
- Change in the footprint dimensions of the associated substation compound from 51 metres long by 43.8 metres wide, to 52.2 metres long by 40.2 metres wide.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would not result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having considered all of the documents on file 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)(a) 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 10th day of November 2020 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-303568-19 for this site,
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the limited nature and scale of the alterations when considered in relation to the overall approved development,
- (iv) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

Niall Haverty
Senior Planning Inspector
11th December 2020