



An
Bord
Pleanála

Inspector's Report

ABP-308623-20

Development

Section 146B Application for alterations to An Bord Pleanála Case Reference ABP-302731-18 for a proposed electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system at Rosspile, Clongreen, Co. Wexford

Location

Rosspile, Clongreen, Co. Wexford

Planning Authority

Wexford County Council

Applicant(s)

Highfield Solar Limited

Type of Application

Section 146B – Request to alter previously approved Strategic Infrastructure Project

Inspector

Mary Crowley

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1.0 Introduction

- 1.1. Planning permission was granted on 5th July 2019 under ABP-302731-18 for an electrical substation and associated 110kV and MV infrastructure required to connect ground-mounted solar PV generation (permitted under ABP-302475-18) to the electricity transmission together with all associated ancillary site development works.
- 1.2. The requester, Highfield Solar Limited, is now submitting this request to An Bord Pleanála, pursuant to Section 146B of the Planning and Development Act 2000 (as amended) for alterations to the terms of that permission.

2.0 Planning History

- 2.1. **ABP-302731-18** – The Board granted a 10 year permission for a period of 25 years from the date of the commissioning for a substation subject to 16 no conditions under Strategic Infrastructure Development provision on 5th July 2021. The development comprises:
 - New 110kV electrical substation and associated 110kV and MV infrastructure, lightning protection masts, perimeter security fencing (steel palisade fence and gate with a stated height of 2.4m), CCTV cameras, access tracks, 110kV end masts, underground cabling, temporary construction compound, tree planting, drainage infrastructure and all associated ancillary site development works
- 2.2. The application was accompanied by the following:
 - ▪ Planning & Environmental Report
 - ▪ AA Screening Report
 - ▪ Natura Impact Assessment
 - ▪ ESNB 110kv Ducting Specifications
- 2.3. **Environmental Impact Assessment Screening** – It is noted from the Inspectors report that no element of the proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2 of the Planning and Development Regulations 2001, as amended. It was therefore concluded that the development did not constitute sub-threshold and neither mandatory EIA nor screening for EIS was required.

2.4. **ABP-302475-18** – The Board granted a 10-year permission on appeal for a period of 25 years from the date of the commissioning subject to 15 no Conditions for a solar farm on a site of approximately 152.8 hectares. The development comprises:

- 74 no. inverter/transformer stations, 40 no. battery storage units and 7 no. storage containers.
- Upgrade of 170m of existing farm track, internal service track ways and associated drainage infrastructure, underground internal site power and communications cabling to facilitate the operation and control of the proposed Solar PV System (SPVS), perimeter security fencing, installation of CCTV cameras, ecology/biodiversity enhancement areas, clearance of unmanaged woodland and associated ancillary works.

2.5. Associated ancillary works include:

- Temporary site construction compounds.
- Temporary drainage infrastructure for the construction phase.
- Biodiversity enhancement in the form of on-going management of existing internal and perimeter hedgerows and grass land management.

3.0 Proposed Alteration

3.1. The applicant is seeking to amend the footprint dimensions of the GIS building and associated compound as follows. The height of the infrastructure will remain unchanged.

Element	Permitted Width	Permitted Length	Amended Width	Amended Length	Change in Width	Change in Length
GIS Building	20m	25.8m	22.5m	32.2m	2.5m	6.4m
Associated Compound	39.2m	47m	40.2m	52.2m	1.0m	5.2m

4.0 Requestors Submission

- 4.1. The amendments are within the original site boundary and do not seek to alter the equipment installed. Rather, the amendments seek to comply with increased space and safety clearance requirements within the switchgear housing as per updated Eirgrid specifications.
- 4.2. While additional space is being sought, it does not alter the equipment being installed. Therefore, the assessments carried out as part of the original application remain appropriate.
- 4.3. The findings of the NIS where it states that “*with the implementation of the mitigation measures detailed in this NIS, the integrity of the European sites will not be adversely affected and based on best scientific evidence there is no scientific doubt remaining as to the absence of potential adverse effects on the integrity of these European sites*” remain valid.
- 4.4. The applicant notes that the Board have recently adjudicated on a similar amendment. ABP-307401-20 refers.
- 4.5. Submitted that the proposed amendment does not constitute a material amendment and confirmation of same is requested.
- 4.6. The submission was accompanied by the following:
 - Cover letter
 - Revised detailed drawings

5.0 Legislative Basis

Section 146B. — (1) *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 strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.*

(2)(a) *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.*

(b) Before making a decision under this subsection, 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.

(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 or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall —

- i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 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 —*
 - a. make the alteration,*
 - b. 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*
 - c. refuse to make the alteration.*

(3A) 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 Environmental Impact Assessment Directive have been taken into account.

(3B) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i) , that 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

(4) Before making a determination under subsection (3)(b)(iii), the Board shall determine whether the extent and character of —

a) the alteration requested under subsection (1), and

b) any alternative alteration it is considering under subsection (3)(b)(ii)(II)

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).

6.0 Board Correspondence

6.1. The Board informed Wexford County Council on 12th November, 2020 of the request received and enclosed a copy of the request which, it was advised, may be made available for public inspection.

6.2. The planning authority was not invited to make any submission at this stage.

7.0 Assessment

7.1. I consider the key issues relating to the assessment of this proposed amendment can be considered under the following general headings:

- Planning Assessment
- Appropriate Assessment

7.2. Planning Assessment

- 7.2.1. The first consideration in relation to this request to alter the terms of ABP-302731-18 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the permitted substation development.
- 7.2.2. As documented, the Board granted permission in 2019 for an electrical substation and associated 110kV and MV infrastructure required to connect ground-mounted solar PV generation (permitted under ABP-302475-18) to the electricity transmission via the existing 110kV overhead line which traverses the site.
- 7.2.3. The applicant is seeking to amend the footprint dimensions of the GIS building and associated compound as follows. The height of the infrastructure will remain unchanged. The amendments are required in order to comply with increased space and safety clearance requirements within the switchgear housing as per updated Eirgrid specifications.

Element	Permitted Width	Permitted Length	Amended Width	Amended Length	Change in Width	Change in Length
GIS Building	20m	25.8m	22.5m	32.2m	2.5m	6.4m
Associated Compound	39.2m	47m	40.2m	52.2m	1.0m	5.2m

- 7.2.4. The floor area of the GIS Building will increase by 16sqm. The floor area of the associated compound will increase by 5.2sqm. The amendments are all within the original site boundary. Neither the equipment to be installed, the height, location or any other associated development works are to be amended. Due to the minimal increase to the permitted footprint, the unaltered location of the substation, its setback from the public road and the fact that the height of the infrastructure will remain unchanged I do not consider that the proposed amendments would have an unacceptable impact on the character of the landscape or on the visual and residential amenities of the area.
- 7.2.5. Having fully considered the proposed alteration and the development as granted under ABP-302731-18, I am of the opinion that the Board would not have determined the proposal differently had the larger footprint as proposed in the alteration formed part

of the said application. In that regard I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as granted under ABP-302731-18.

- 7.2.6. I have considered the provisions of S.146B(2)(b) which provides for, at the Boards discretion, the invitation of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development granted under ABP-302731-18 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 for the Board in determining the matter.

7.3. Appropriate Assessment

- 7.3.1. Under ABP-302731-18 the Board completed an Appropriate Assessment Screening exercise in relation to 10 no Natura 2000 sites proximate to the appeal. Five of the sites were screened out. The Board then undertook an Appropriate Assessment in relation to the effects of the development proposed under ABP-302731-18 on the following 5 no sites that were not screened out, namely:

- Bannow Bay SAC (000697)
- Bannow Bay SPA (004033)
- Ballyteige Burrow SPA (004020)
- Keeragh Islands SPA (004118)
- Wexford Harbour & Slobs SPA (004076)

- 7.3.2. In completing the assessment, the Board considered, in particular

- a) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically the adjacent Rosspile Solar Array (An Bord Pleanála Reference 302475-18) and other developments including agricultural and forestry activities.
- b) mitigation measures (including buffer zones around natural watercourses and the use of directional drilling to avoid in-stream works) set out in Table 4-9 of the Natura Impact Statement which were included as part of the original proposal, and
- c) the Conservation Objectives for these European Sites.

- 7.3.3. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report (Section 11) in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.
- 7.3.4. The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of this European Sites in view of the site's conservation objectives.
- 7.3.5. Having considered the Board's determination on Appropriate Assessment on, ABP-302731-18, Section 11 of the Inspector's Report on ABP-302731-18, the nature, scale and extent of the proposed alterations in this amendment relative to the development subject of and approved under ABP-302731-18, and the information on file together with the information available on ABP-302731-18, which I consider adequate to carry out AA Screening, it is reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives.

8.0 Recommendation

- 8.1. I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as granted permission under ABP-302731-18.

9.0 Draft Order

REQUEST received by An Bord Pleanála on the 10th 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 described as the proposed electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system at Rosspile, Clongreen, Co. Wexford the subject of an approval under An Bord Pleanála reference number ABP-302731-18.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above mentioned development by order dated the 5th July 2019,

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

AND WHEREAS the proposed alteration is described as follows:

Amend the footprint dimensions of the permitted GIS building by increasing the width by 2.5m and the length by 6.4m and to amend the footprint dimension of the associated compound by increasing the width by 1m and the length by 5.2m

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 permission,

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 above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 10th 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 development permitted under An Bord Pleanála Reference Number ABP-302731-18

- (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 permitted 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.

Mary Crowley
Senior Planning Inspector
18th January 2021