



An
Bord
Pleanála

Inspector's Report ABP 311391-21

Development	Request to make alterations to previously permitted solar farm substation (application reference number ABP303249-18)
Location	Timahoe East, County Kildare
Planning Authority	Kildare County Council
Applicant	Bord na Mona Powergen Ltd.
Type of Application	Section 146B - Request to alter previously approved Strategic Infrastructure Project
Inspector	Hugh Mannion

1.0 Introduction

- 1.1. The requester was granted permission under ABP303249-18 for a 1 no. 110kV onsite electrical substation with associated electrical plant, electrical equipment, welfare facilities, wastewater holding tank and security fencing, 110 kV overhead line grid connection cabling with associated angle lattice masts and supporting pole sets, upgrade of existing tracks and provision of new site access roads, site drainage and all associated site development and ancillary works Timahoe East, Derrinturn, County Kildare.
- 1.2. The requester is now submitting this request to An Bord Pleanála, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for alterations to the terms of that permission as it relates to the approved substation and grid connection. windfarm.

2.0 Planning History

- 2.1. Under reference ABP 305953-19 permission was granted subject to 16 conditions for a solar farm/battery storage facility, new access road, drainage works and amenity paths on about 260ha within the same Timahoe bog as the substation/grid connection under is ABP303249-18.
- 2.2. Under ABP303249-18 permission was granted for the substation/grid connection.

3.0 Proposed Changes.

- 3.1. The changes proposed as part of this section 146B request are as follows:-
- 3.2. ***Provision of a 36-metre-high telecommunications tower of lattice design.***
- 3.3. The foundations will measure 7m x 7m. The mast will be surrounded by two fences; the inner will be a palisade fence 10m X10m and an outer post and rail fence 20m X 20m. Cabling (87m) and a 14m long road will connect the mast compound to the road infrastructure permitted under ABP303249-18.

3.4. **Amend Condition 4 (a)**

3.5. Condition 4 stated.

1. a) The permission shall be for a period of 35 years from the date of the commissioning of the Drehid Solar Farm (ABP Reference 305953-19, PA Reg Ref 18/1514). The substation and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
- b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the substation and all related ancillary structures, including all foundations, CCTV cameras and fencing to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.
- c) On full or partial decommissioning of the Timahoe Solar Farm, the substation and all related ancillary structures and equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development

3.6. The requester seeks to amend this condition to omit the reference to a lifetime of 35 years.

3.7. **Amend Condition 9**

3.8. Condition 9 required that;

3.9. "all landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting

season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

- 3.10. **Reason:** In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.
- 3.11. The requester seeks to amend this condition to make its implementation more flexible.

4.0 **Requester's Grounds**

4.1. **Telecoms Tower.**

4.2. Eirgrid is the state-owned company that develops, manages, and operates the national high voltage electricity grid. A telecoms mast is necessary to monitor and control of the permitted substation granted in connection with the solar farm.

4.3. The mast will be 36m high, fixed in concrete foundations, with two perimeter fences. This proposal includes 87m of cabling between the permitted substation and the telecommunications mast. An amended road layout of 14m long by 5.5m wide to facilitate access, construction and servicing of the mast.

4.4. The Board previously determined that the overall grid connection and solar farm would not have any unacceptable effects of the environment. The proposed mast is not a material alteration of the permission granted for the grid connection and solar farm. The Board has previously decided that a similar development was not a material change to a permitted development (Cloncreen windfarm substation under ABP310740-21).

4.5. **Condition 4 - Permission lifetime**

4.6. The permission for the solar farm and associated works was granted with an operational lifetime of 35 years as provided for in the application. However, the intention of the application in relation to the grid connection was that the substation and grid connection would form a permanent part of the national electricity grid. Condition 4(a) of the Board's grant of permission limited the lifetime of the substation/grid connection to 35 years and this application under section 146B is to either amend the wording of condition 4(a) or omit the condition altogether.

4.7. **Condition 9 – landscaping.**

4.8. The wording of this condition causes difficulty because whereas the applicant is committed to carrying out the landscaping works set out in the original substation/grid connection application it is impractical to carry out the landscaping prior to all the construction works associated with substation/grid connection being completed. Best construction practice is to carry out the landscaping works in the latter stages of the works which ensures the best chances of survival for the new planting.

4.9. The requirement to carry out the landscaping planting prior to commencement of development compromises the scheduling of the works. The Board is requested to remove the phrase “prior to commencement of development” and replace with a reference to a landscaping scheme to be agreed in writing with the planning authority.

4.10. **Planning Policy Context**

4.11. The Kildare County Development Plan 2017-2023 recognises that climate change is a key threat to the environment through the warming effect of greenhouse gases. Section 8.1 of the Plan supports the production of electricity through renewable sources including solar energy.

4.12. Chapter 14 of the Development Plan sets out landscape character areas (LCA) within the county. The site is within the western boglands LCA which is point 3 or mid-point on a five-point scale that runs from class 1 “low sensitivity” to class 5 “unique sensitivity”. Solar farms are considered to have medium compatibility with the landscape and the site is not located in any area of high amenity.

4.13. Section 146B allows for applications for amendments to infrastructure projects which are not material alterations, and this request is submitted in that context.

4.14. **Environmental Assessment - Screening**

4.15. The proposed development is not within a class of development in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations which would trigger the requirement for EIA. The proposed development does not exceed any of the thresholds set out in article 13 of Schedule 5 and the overall development to which this is a non-material amendment was previously subject to EIA.

4.16. Notwithstanding the foregoing the applicant has conducted an EIA screening under the following topics.

Health and Safety.

- The main potential impact on human health arising from the proposed development comes from electromagnetic fields. The EIAR previously submitted established by reference to peer reviewed research that in the context of this development there would be no link between EMF and human health. This position was supported by the Board's decision. The minor amendments proposed in this application will, similarly, have no impact on human health.
- Residential Amenity.
- The overall development of which this amendment will form part is in an area of worked out peatlands, agricultural lands and scrub/trees. The closest house is 700m distant. The Board's previous finding of no unreasonable impact on residential amenity of property is relevant and this amendment will not impact on that conclusion. There are no foreseeable impacts on residential amenity arising from this amendment to the permitted development.
- Habitats.
- The site is within the footprint of the permitted solar panels. The habitat is cut over bog with peatland vegetation (heather) but contains no Annex I habitats, protected species or invasive species. The previous finding by the Board that no unacceptable environmental impact will arise is applicable to this amendment.
- Flora and Fauna
- The surface water management detailed in the application for the overall development (grid connection and solar farm) remains applicable to this proposed amendment and the measures to prevent water pollution (for example run off with nutrients and/or suspended solids) will likewise ensure that this amendment will not give rise to water pollution.
- The EIAR included in the previous application and the Board's assessment/decision recognised that there would be some loss of habitat and

disturbance of fauna arising from the overall development of the site. However, the mitigation measures set out in the application augmented by the conditions imposed by the Board minimised such loss to an acceptable minimum and this amendment can be carried out with no additional potential for any significant effects on flora or fauna.

- *Soils and Geology*

- This amendment will be carried out within the area assessed in the previous applications. No additional significant effects are predicted for these receptors.

- *Hydrology and Water*

- There is potential for additional impact on soils or geology arising from accidental hydrocarbon spills, sediment release and discharge of cement products but the proposed works are minor, and the surface water and groundwater impact mitigation measures set out in the earlier applicants will function to prevent any significant impacts from these resources. No additional impacts are predicted.

- *Air quality and Climate*

- The construction phase is identified as a potential source of impact on air quality. Having regard to the development previously permitted on the site and the minor nature of this amendments it can be concluded that no additional air quality impacts will arise.
- No additional impacts on climate will arise.

- *Noise and vibration*

- No additional noise impacts will arise from the mast.

- *Landscape and Visual*

- A landscape and visual impact assessment of the proposed mast is set out in Appendix 4 of the applicant's submission.

- Cultural Heritage and Archaeology
- No additional impact on cultural heritage or archaeology other than those considered under the previous applications are anticipated arising from this development and controlled by condition 7 of ABP303249-18 in relation to archaeological monitoring included in the previous decisions.
- Material Assets
- The amendments will not materially impact on the road network or traffic volumes in the area. The implementation of the Transport Management Plan provided for in ABP303249-18 will further mitigate minor impacts of the road network.

Appropriate Assessment Screening Report (Appendix 3)

- The screening report describes the site as cut over bog which was subject to industrial peat harvesting and where vegetation regeneration has started. No additional habitat loss will result from the proposal over and above that identified and considered acceptable in the earlier applications (for the overall solar farm and the grid connection). There are no annex 1 habitats within the area the subject of this application.
- The screening report identifies European sites with potential for impact as Ballynafagh Lake SAC (001387), the Ballynafagh Bog SAC (000391), the Long Derries Edenderry SAC (000925) or the Mouds Bog SAC (002331), the River Boyne and River Blackwater SAC (002299), and the River Boyne and River Blackwater SPA (004232).
- The screening report concludes that there are no European sites within the likely zone of impact and that there are no pathways linking the application site and these European sites which would result in any significant effect on any European site. It can be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development individually or in combination with other plans and projects will not have a significant effect on any European Site.

4.17. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Ballynafagh Lake SAC (001387), the Ballynafagh Bog SAC (000391), the Long Derries Edenderry SAC (000925) or the Mouds Bog SAC (002331), the River Boyne and River Blackwater SAC (002299), and the River Boyne and River Blackwater SPA (004232) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

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 —

(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.

(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 Kildare County Council on 16th September 2021 of the request received and enclosed a copy of same.
- 6.2. The planning authority was not invited to make any submission at this stage.

7.0 Assessment

- 7.1. This assessment will consider:
 - the requested change to condition 4
 - the requested change to condition 9
 - if the mast and associated works comprise material alteration to the permitted grid connection/substation.
- 7.2. **Condition 4.**
- 7.3. The grant of permission for the electricity grid connection and electricity substation included condition 4 which granted a permission with a lifetime of 35 years which reflected the lifetime of the adjoining solar farm. The applicant makes the case that the original application made clear that this grid connection was intended to be a permanent feature of the electricity infrastructure in the area.
- 7.4. Having reviewed the previous application and the applicant's submission in this case I agree that the original application was clear in its intent that the substation/grid connection would be a permanent feature of the electricity grid in the area. Therefore, I recommend removal of condition 4.
- 7.5. The other consideration is if the removal of the condition would comprise a material alteration. Having regard to the nature and scale of the previously permitted development on this site including the ungraded vehicular access tracks, the solar

panels permitted partially in the area of the proposed mast, the permitted surface water management arrangements, the nature of the receiving environment as cut over bogland and the purposes of the mast as ancillary to the operation of the grid connection I consider that the removal of condition 4 would not comprise a material change to the permitted development on site.

7.6. Condition 9

7.7. Condition 9 requires that landscaping associated with the grid connection/substation be carried out prior to commencement of development. The applicant makes the point that landscaping associated with grid connection/electricity substations and solar farms is generally carried out in the final phases of the development works and requests that the condition be amended to allow for greater flexibility in the sequencing of landscaping works.

7.8. Firstly, I consider that the applicant makes a reasonable point that landscaping is generally carried out in the final phases of development so as to avoid loss or damage to the new planting. Secondly, I consider that an amended condition number 9 as set out in the draft order below would not comprise a material alteration to the permitted grid connection/substation.

7.9. Material alteration to the permitted substation/grid connection.

7.10. Environmental Impacts.

7.11. Health and safety.

7.12. The requester makes the point that the main potential health impacts of the permitted grid connection and substation is electromagnetic fields that there is no credible evidence of health impacts arising from EMF on human health. I consider that this issue, and all other issues in relation to human health, have been adequately considered in the previous permission and that the proposed amendment gives rise to no alteration to the previous conclusion in relation to impact on human health.

7.13. Residential Amenity

7.14. The substation/grid connection site, solar farm and this amendment are located in an area of worked out peatlands/agricultural lands and trees/scrub land. The telecoms mast and compound are 700m distant from the nearest house. I consider that the

previous findings by the Board that the overall development would not unreasonably impact on the residential amenity of nearby residential property applies to this amendment.

7.15. *Habitats*

7.16. The proposed amendment is within the footprint of the permitted solar farm/grid connection. The on-site habitat comprises re-vegetating cut-over bogland. The site contains no protected habitats and while a minor element of cut over bog will be disturbed, I consider that this is acceptable from a habitats perspective and not materially different from those impacts already permitted under the previous permissions.

7.17. *Flora and Fauna.*

7.18. The EIAR submitted with the earlier application established that there are existing streams and drains within the overall area subject to the permission for the grid connection/substation and the solar farm. These habitats are to be modified and augmented in the permitted development in ways which will limit run off of silt or of hydrocarbons or other potential contaminants in a manner previously determined to be acceptable. I consider, having regard to the previous permission and the details set out in this application for amendments that the proposed telecommunications mast, fenced compound, access and associated works will not give rise to materially different impacts and that the alterations are unlikely to result in any additional impact on flora, fauna and avifauna over that as originally assessed in the EIS and that there would be no significant ecological impacts other than those already considered by the Board and addressed by mitigation and condition.

7.19. *Soils and Geology*

7.20. The amendments, including the additional small section of service road to allow for access, will result in a marginal increase in peat removal from that assessed under the previous permission. The general location of the substation compound was selected on the findings of detailed geotechnical investigations and peat stability risk assessments. I consider that the proposed footprint of the telecommunications mast and compound will not result in the intensification of risk associated with peat instability.

7.21. Appropriate mitigation measures for managing impacts on soils and geology, excavation, soil contamination by leakages and spillages, and soil erosion are set out in the EIS and refined in Construction and Environmental Management Plan.

7.22. *Hydrology and Water*

7.23. The drainage design principles and maintenance requirements set out within the EIS will not change. There will be a marginal increase in impermeable surfaces from that permitted under ABP303249-18. The existing drainage regime on the overall landholding and the permitted drainage measures will create significant attenuation that is sufficient to adequately protect ground and surface water quality. Therefore I agree with the requester's conclusion that the proposed alterations would not give rise to significant effects over those assessed in the EIS and the EIA previously undertaken by the Board.

7.24. *Air and Climate*

7.25. Having regard to the proposed dust suppression measures during the construction phase of the overall development as detailed in the EIS and the minor nature of the proposed works I conclude that the mitigation measures will adequately control dust emissions in the construction phase. I agree with the requester that no additional material impacts will arise during the operational phase over those already assessed for the permitted development.

7.26. No additional impacts on climate are identifiable.

7.27. *Noise and Vibration*

7.28. The construction phase of the mast, compound and access road will not give rise to materially different noise and vibration impacts over and above those assessed in the previous EIA for the grid connection and substation.

7.29. *Landscape*

7.30. I have had regard to the visual impact report submitted with the application under ABP-303249-18 I note the location of the site within an area of 'western boglands' identified in the Kildare Country Development Plan. The requester has submitted additional photomontages and landscape assessment with this application which concludes that landscape impacts on the proposed mast are minimal and that the visual impact of the proposed development is low.

7.31. Having regard to the permitted development on the site (the grid connection/electricity substation), the permitted development surrounding the application site (a solar farm), the distance between the application site and the public road and houses and the natural screening available I do not consider that the proposed telecoms mast and associated equipment will significantly increase visual impact. I do not consider that the visual impact would warrant revised conditions if the development incorporating the mast came before the Board. I agree with the requester's submission that the introduction of the mast does not alter the conclusions set out in the EIS. There is no material change in terms of visual impact.

7.32. *Cultural Heritage*

7.33. Condition 7 attached to the permission under ABP303249-18 requires an archaeological appraisal and assessment of the site prior to commencement of construction works. The proposed amendments will not alter these requirements or give rise to additional impact on cultural heritage.

7.34. *Material Assets*

7.35. The proposed alterations will not materially alter the vehicle movements both for construction and operational phases modelled in the EIS and therefore no materially different impacts will arise for the local road network or other material assets in the vicinity of the site from this proposed amendment. Condition 11 attached to the decision refers to the construction phase management plan and condition 13 refers to the repair/maintenance of the public road system.

7.36. *Interaction of Impacts*

7.37. I conclude that the interaction of impacts does not materially alter those identified in the EIS and assessed in the EIA.

7.38. *Conclusion*

7.39. The proposed works can be implemented while still ensuring that the overall terms and conditions of the grid connection, substation and associated works can continue to be met without impediment. The mast will not alter the operational profile or character of the permitted grid connection, substation or solar farm. The works are

confined to a localised area within the approved grid connection, substation and associated works.

- 7.40. I submit that no new considerations arise in relation to impacts on the environment which were not considered in the assessment of impacts for ABP-303249-18. Any impact on landscape, soil and water as referred to above, would be marginal.
- 7.41. I am of the opinion, having considered the proposed alterations and the development as granted under ABP-303249-18 that the Board would not have determined the proposal differently had the telecommunications mast and additional service road now 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-303249-18.
- 7.42. I have considered the provisions of s.146B(2)(b) which provides for, at the Board's 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 ABP303249-18 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 of the Board in determining the matter.
- 7.43. ***Appropriate Assessment - screening.***
- 7.44. *Stage 1 - Screening*
- 7.45. Under ABP303249-18 the Board completed an Appropriate Assessment Screening exercise in relation to Natura 2000 sites within potential zone of impact from the application site. These European sites were the Ballynafagh Lake SAC (001387), the Ballynafagh Bog SAC (000391), the Long Derries Edenderry SAC (000925) or the Mouds Bog SAC (002331) and the Board screened these sites out because the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these European Sites.
- 7.46. The AA screening report submitted by the applicant with the current request also screened out these European sites from further consideration. Having regard to the nature of the proposed amendment to the parent permission for grid connection/electricity substation, the foreseeable emissions therefrom and the

material on file I conclude that the proposed amendments, individually or in combination with other plans or projects would not be likely to have significant effect or any European site in view of the sites' conservation objectives.

- 7.47. The Board carried out an appropriate assessment of the grid connection/electricity substation in relation to the River Boyne and Rover Blackwater SAC (002299) and the River Boyne and Rover Blackwater SPA (004232) and concluded that the proposed development would not adversely affect the integrity of these European sites having regard to the sites' conservation objectives. The AA screening report submitted by the applicant with the current request screened out these European sites from further consideration.
- 7.48. Having regard to the nature of the proposed amendment to the parent permission for grid connection/electricity substation, the foreseeable emissions therefrom and the material on file I conclude that the proposed amendments, individually or in combination with other plans or projects would not be likely to have significant effect or any European site in view of the sites' conservation objectives.

8.0 Recommendation

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 ABP303249-18.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 14th day of September 2021 from Bord na Mona Powergen Ltd. c/o MKO Planning and Environmental Consultants, Tuam Road, Galway 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 Timahoe solar farm substation subject of a permission under An Bord Pleanála reference number ABP303249-18.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 29th day of July 2020,

AND WHEREAS the Board decided that alterations to the above-mentioned decision, that were requested on the 14th day of September 2021 would not result in material alterations to the terms of the development and so altered the decision under ABP303249-18.

AND WHEREAS the proposed alteration is described as follows:

1. Development of a telecommunications tower measuring 36 metres high telecommunications tower, a fenced compound, access road and associated service road (178m²) and all associated works.
2. The removal of condition 4 of the permission under ABP303249-18.
3. The amendment of condition number 9 so that it shall be follows for the reason set out.

Prior to commencement of development a landscaping scheme, including a timetable for implementation, shall be submitted to and agreed in writing with the planning authority prior. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

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 abovementioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanala on the 14th September 2021 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 grid connection and electrical substation permitted under An Bord Pleanála reference number ABP303249-18,
- (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.

Hugh Mannion
Senior Planning Inspector

11th February 2022