



An
Bord
Pleanála

Inspector's Report

ABP-311505-21

Development	Section 146B application for alterations to An Bord Pleanála case reference number ABP-303878-19 for a proposed 110kV electrical substation and associated infrastructure, to connect a permitted solar farm to transmission infrastructure.
Location	Townlands of Harlockstown, Polleban and Vesingstown, Dunboyne, Co. Meath.
Planning Authority	Meath County Council
Applicant(s)	South Meath Solar
Type of Application	Section 146B request to alter previously approved Strategic Infrastructure Development
Date of Site Inspection	1 st July 2019.
Inspector	Deirdre MacGabhann

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1.0 Introduction

- 1.1. South Meath Solar is seeking alterations to case reference no. ABP-303878-19 under section 146B of the Planning and Development Act 2000, as amended (the Act). ABP-303878-19 refers to a strategic infrastructure development for a 110kV substation and connection to the transmission system (existing Mullingar to Corduff 110kV overhead line), to serve a permitted solar farm (PA ref. no. RA 170873) at Harlockstown, Polleban and Vesingstown, Dunboyne, County Meath.

2.0 Site Location and Description

- 2.1. The 15.6ha subject site is situated c.4km to the north west of Dunboyne, County Meath in the townlands of Harlockstown, Polleban and Vesingstown. It consists of agricultural land that forms an approximate right angle between the R156 to the south and a minor county road (L6222) to the east. Access to the site is currently from both roads. An agricultural lane from the L6222 provides access to a farm complex to the north of the site and the agricultural fields in the northern part of the site. A lane from the R156 provide access to the agricultural fields in the southern part of the site.
- 2.2. The topography of the site is generally flat, with a slight rise from south east to north west. The large agricultural fields, through which the development is routed, are separated by established hedgerows.
- 2.3. The existing 110kV Corduff-Mullingar overhead line traverses the site just north of the R156. This overhead line is suspended on double wooden poles and, in the vicinity of the site, travels parallel to the R156, to the rear of residential properties and other development facing the regional road. A 220kV overhead line also traverses the northern part of the appeal site, running in a north-north west to south-south east direction. Dunboyne stream runs in a west-east direction just north of the mid-point of the site.
- 2.4. Along the regional and local road network are residential properties and farm holdings. The nearest residential property lies c.350m to the south east of the sub-station site. To the east of the site, just north of the approved site entrance, is a boarding kennels

3.0 Planning History

3.1. The following cases are relevant to the proposed alterations:

- PA ref. RA/170873 – 10 year permission granted for solar farm, on a site of c.130ha, in the townlands of Vesingstown and Polleban, to provide 55 MW (equivalent to the power requirements of 18,136 households).
- ABP-300167-17 - Pre-application consultations with the Board, where the Board decided that the then proposed development, 110kV substation, underground cable and 2 no. cable end masts at Vesingstown and Harlockstown, comprised strategic development.
- ABP-303878-19 - 10 year permission granted for a 110kV electrical substation and associated 110kV infrastructure, required to connect a solar farm (permitted under PA ref. RA/170873) to the existing Mullingar to Corduff 110kV overhead line.

3.2. Under ABP-303878-19, the approved substation compound was divided into two components, a larger area comprising the EirGrid infrastructure and a smaller area comprising the Independent Power Producer section, with control rooms and switch gear in both sections of the site. Also serving the site were lighting protection masts, perimeter security fencing, security lighting, drainage infrastructure and associated works. The substation was connected to the Corduff-Mullingar 110kV OHL, to the south of the site, by two underground 110kV cables. Point of connection was facilitated via two no. 110kV cable end masts. The line of the cabling followed an existing access track to the south of the site, crossed an agricultural field to the south west and then followed a further length of existing access track, to the south west of the site.

4.0 Proposed Alterations

4.1. Proposed alterations comprise:

- Moving the Independent Power Produced (IPP) Control Building to align with the northern boundary fence, to provide access to the building without entering the compound.
- Increased size of IPP substation building.
- Addition of two plinths in the IPP compound to accommodate harmonic filters.
- Addition of a turnaround area on the access road in the EirGrid compound.
- Minor modifications to the external IPP switchyard layout, including a diesel generator set and storage tank, and provision of possible harmonic filter unit.
- Some modifications to the equipment layout in the EirGrid 110kV switchyard to meet EirGrid's latest safety clearances.

4.2. Outside the compound, a short length of gravel track (c.400m) is proposed along the planned cable route (Figure 1), to link already permitted or existing areas of gravel track. The track will be built in accordance with ESB technical standards.

5.0 Requester's Submission

5.1. The applicant puts forward the following arguments to support the case that minor alterations are proposed such that the development is not a material alteration to the permission.

- Extent of alterations: The nature and intensity of the permitted land use will not increase. Changes to substation are minor in nature and driven by requirements of ESB. Proposed changes do not significantly affect the external appearance of the sub-station and would not significantly impact on the development as a whole. Generator will be used for emergency use only (rare occurrence). ESB require tracks along the cable route (see Figure 1). This will require an additional 400m of track to complete the route. The new track will go through a grass field (it will not go through any hedgerows or watercourses). It will comprise low impact materials and not be visually intrusive. The route of the cables runs along the edge of the permitted solar farm. The alteration to the permission to include the track will not be visible outside the site and is not considered to be a material alteration to the

permission. The relevant planning issues considered by the Board would not be considered any differently to any material extent with the proposed layout.

- Environmental Impact Assessment Report (EIAR): No EIAR was required with parent application. The alterations have no material impact on this requirement. No new considerations arise in relation to impacts on the environment.
- Appropriate Assessment (AA). The proposed alterations, individually or in combination with other plans or projects, would not be likely to have a significant effect on European sites in view of the site's conservation objectives and would not warrant AA.
- Other planning matters and assessments. The proposed alterations do not impact on sub-station size, elevations or overall design and it is not considered to have any discernible impact on the following assessments:
 - Flood Risk and Drainage Proposals.
 - Screening for AA.
 - Ecological Impact Assessment.
 - Landscape and Visual Impact Assessment.

5.2. The applicant requests that the Board determine, under section 146B(3)(a) of the Act that the making of the alteration would not constitute a material alteration to the development, and alter the planning permission granted.

6.0 Legislative Provisions

6.1. 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 request of any person who is carrying out or intending to carry out a permitted strategic infrastructure development, alter the terms of the development.

6.2. Section 146B(2) requires the Board to decide as soon as practical after the request is made, to determine whether the alteration is a material alteration to the development. Before making their decision the Board may invite submissions from appropriate person(s).

- 6.3. Section 146B(3) enables the Board to alter the terms of the development if they consider the alteration is not material (Section 146B(3)(a)). If the alteration is deemed to be material the Board is required to notify the applicant to this effect and can request further information in respect of the effects of the development. The Board can subsequently decide to make the alteration, make an alteration to the development which may differ from that requested or refuse to make the alteration (section 146B(3)(b)(ii)).
- 6.4. Section 146B(4) requires that before making a determination under subsection (3), the Board shall determine whether the extent and character of the alteration requested, and any alternative alteration it is considering, would be likely to have significant effects on the environment.
- 6.5. Under Section 146B(5), if the Board determines that the making of an alteration to the development is not likely to have significant effects on the environment, it shall proceed to making a determination in respect of the alteration. If significant effects are likely the provisions of 146C shall apply. These provisions refer to the preparation of an environmental impact assessment.
- 6.6. Under Section 146B(6), if the Board determines that the making of an alteration to the development is not likely to have significant effects on the environment, it is required to 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.
- 6.7. Section 146B(7) sets out the matters that the Board shall have regard to in making a determination under subsection (4). These include matters in respect of environmental impact assessment and for potential impacts on European sites and protected habitats and species.
- 6.8. Section 146B(8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

7.0 Board Correspondence

- 7.1. On the 29th September 2021, the Board informed Meath County Council of the request received to alter the terms of the previously approved development. A copy

of the request was enclosed for their information, asking that it be made available for public inspection. The Planning Authority was not invited to make a submission at this stage.

8.0 Natural Heritage Designations

- 8.1.1. The nearest site of nature conservation interest lies c.7km to the south of the site and comprises the Rye Water Valley/Carton pNHA and SAC (site code 001398). Immediately south of this site is the Royal Canal pNHA (site code 002103) (see attachments).
- 8.1.2. The appeal site is drained by Dunboyne Stream. This watercourse joins the River Tolka c.7km downstream of the site, which ultimately outfalls into Dublin Bay (c.23km downstream of the site). At the point of outfall, Dublin Bay is designated as a European site, South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024).

9.0 EIA Screening

- 9.1.1. The proposed alterations to the permitted development forms part of a larger parent project, a solar farm, that does not fall within any of the Classes listed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended) requiring environmental impact assessment. Industrial installations for the production of electricity with a heat output of 300 megawatt require environmental impact assessment under Class 3(a) of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The proposed development will produce electricity with a heat output of 55MW, arising from the consented solar farm. This output is significantly lower than the threshold set out in the Regulations, and it was previously determined by the Board that the sub-station development did not require environmental impact assessment.
- 9.1.2. The proposed development comprises minor modifications to the approved development. These relate to (a) layout of the sub-station and (b) provision of tracks over a short section of the previously permitted cable route (c.400m). The proposed sub-station is not altered in size. The route of the proposed tracks is across

agricultural grassland, with no new crossings of hedgerows or watercourses. The alterations have no effect on production of electricity.

- 9.1.3. Having regard, therefore, to the limited nature of alterations and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed alterations. The need for EIA for the subject development can therefore be screened out at a preliminary stage.

10.0 Assessment

10.1. Consideration of Materiality

- 10.2. The proposed alterations to the permitted development comprise changes to the substation compound and provision of additional access track along the permitted cable route. Likely effects of alterations are discussed below:

Changes to the compound

- 10.3. There is no change to the overall size of the sub-station compound. Externally, plans indicate a concrete post and rail fence, not the timber post and rail fence as previously approved.
- 10.4. Within the IPP part of the site, the proposed IPP substation building will be moved closer to the northern boundary and increased in size (c.30sqm to c.100sqm). The internal access road will consequently be realigned with a reduction in area. Minor modifications are made to the layout of the transformer bund are shown and additional concrete plinths are proposed or reconfigured. The proposals for a diesel generator set, storage tank and possible harmonic filter unit, referred to by the requestor are not indicated on the Proposed Substation Layout or Proposed Compound Plans (Figure 2, Figure 4).
- 10.5. Within the EirGrid compound the EirGrid substation building is moved slightly north, and the internal access road also reconfigured to include a turning head. Additional concrete plinths are proposed to support infrastructure and equipment is more spaced out than previously approved. Plans of the proposed alterations indicate a change in structures transferring power from the IPP site to the EirGrid site, with a

reduction in height and scale, and relocation of masts within the site (south Elevation, Figures 7 and 8).

- 10.6. The sub-station site is screened by hedgerows to the east and south. Visual effects of the proposed alterations will therefore be largely to the north and west of the site, with the IPP building brought closer to the northern boundary of the site and the equipment occupying a larger area within the site but with a reduction in height of some structures. Visual effects of any diesel generator, storage tank and harmonic filter unit are unlikely to be significant in the context of the approved structures on the site.
- 10.7. The sub-station is situated on agricultural land and is removed from the public road. The proposed changes will not therefore have any effect on the public domain. To the north of the site are agricultural buildings, however these are more than >100m from the substation and are screened by vegetation along the southern side of the agricultural structures. I do not consider, therefore, that the proposed alterations will encroach in any significant way on the agricultural buildings. Proposed plinths will have no above ground effects.
- 10.8. Having regard to the foregoing, I am satisfied that the proposed alterations to the sub-station compound are minor in nature, with no significant alteration to the nature of the approved use or its intensity, and do not constitute the making of a material alteration to the terms of the approved development.

Gravel Track

- 10.9. The permitted substation is connected to the existing 110kV Corduff-Mullingar overhead line, which lies to the south of the site, via an underground cable from the south western corner of the substation to the existing OHL. Currently agricultural tracks are approved or exist along the proposed cable route, apart from a short section (c.400m) across an agricultural field in the mid-section of the site (see Figure 9 Approved and Proposed Roads). The proposed alterations comprise the construction of additional track, along the cable route, across this field. The track goes entirely through the existing agricultural grass field, connecting to approved tracks. No new crossing points e.g. at hedgerows or watercourses will be required as a consequence of the alterations as these were either previously permitted (north of field) or exist (south west of field). Further, cable route crossings of watercourses

and hedgerows was considered in the approved development. The proposed track will comprise low impact materials and will not be visible outside the confines of the site and will be within the site of the permitted solar farm.

10.10. Having regard to the forgoing, I am satisfied that the proposed provision of additional track is minor in nature and do not constitute the making of a material alteration to the terms of the approved development.

10.11. **Finding in Respect of Materiality**

10.12. Having regard to the foregoing, I am satisfied that the proposed alterations to the sub-station compound and provision of short length of access tracks along the approved cable route are minor in nature and do not constitute the making of a material alteration to the terms of the approved development.

11.0 **Appropriate Assessment**

11.1. The permitted substation development was subject to screening for appropriate assessment, and it was concluded that by virtue of distance from South Dublin Bay and River Tolka Estuary SPA (23km) and lack of connectivity with Rye Water Valley/Cartron SAC (6km), the development individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site.

11.2. The proposed alterations will take place in the same footprint as the approved development and be equally removed and/or disconnected from European sites in the vicinity. Additional access track is proposed in agricultural grassland, which was not considered to host any species associated with the European sites.

11.3. Therefore, having regard to the Board's determination on Appropriate Assessment in case ABP-303878-19, the nature and limited scale and extent of the proposed alterations relative to the development that was approved, 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.

12.0 Recommendation

- 12.1. I recommend that Board decides that the making of the alterations that are the subject of this request do not constitute the making of a material alteration to the terms of the development which was previously approved by the Board under reference number ABP-303878-19.
- 12.2. A draft Order for the Board's consideration is set out below.

DRAFT ORDER

Request received by An Bord Pleanála on the 27th day of September 2021 from South Meath Solar under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development approved under An Bord Pleanála reference number ABP-301878-19, comprising a proposed electrical substation, to connect a permitted solar farm to the electricity transmission system at Harlockstown, Polleban and Vesingstown, Co. Meath.

WHEREAS the Board made a decision to approve, subject to conditions, the above mentioned development by order dated the 26th day of August 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:

- Moving the Independent Power Produced (IPP) Control Building to align with the northern boundary fence.
- Increased size of IPP substation building.
- Addition of two plinths in the IPP compound to accommodate harmonic filters.
- Addition of a turnaround area on the access road in the EirGrid compound.
- Minor modifications to the external IPP switchyard layout, including a diesel generator set and storage tank, and provision of possible harmonic filter unit.
- Some modifications to the equipment layout in the EirGrid 110kV switchyard to meet EirGrid's latest safety clearances.

- Provision of c.400m of gravel track along the planned cable route to link already permitted or existing areas of gravel track.

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 27th day of 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 substation and associated development approved by An Bord Pleanála under Reference Number ABP-301878-19 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.

Deirdre MacGabhann
Planning Inspector

15th December 2021