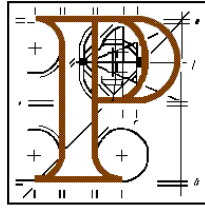


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.: ABP-312710-22 & ABP-313410-22

Development: Amendments to ABP case 309119-21 for a 110kV Loop-in/Loop-out substation including substation compound, associated electrical plant & apparatus.

Site Address: Drumanan and Cornawall, Newbliss, Co. Monaghan

Applicant: Drumlins Park Ltd.

Type of Application: Request for the Board to amend the terms of an approved development under section 146B of the Planning and Development Acts 2000 (as amended).

Date of Site Inspection: N/A

Inspector: Karla Mc Bride

1.0 INTRODUCTION

1.1 This report deals with two requests from Drumlins Park Ltd. that the Board exercise its power under section 146B of the Planning and Development Acts 2000, as amended to alter the terms of an approval made under section 182B to construct a 110kV substation.

2.0 LEGISLATIVE BASIS

2.1 Section 146B (1) of the acts allows a person who intends to carry out a strategic infrastructure development to request the Board to alter the terms of that approved development. Under sub-section 2 the Board must then decide, as soon as is practicable, if whether to do so would constitute a material alteration in the terms of the development. If it decides that it would not be material, then under section 146B (3)(a) it must alter the approval accordingly.

3.0 HISTORY

3.1 Under ABP-309119-21 the Board made an order on the 4th day of November 2021 to grant approval under section 182B of the acts for a development for the purposes of electricity transmission, described as a 110kV Loop in-Loop out substation with underground transmission cables and associated works. The substation was intended to connect the permitted Drumlins Park Windfarm to the grid (Reg. Ref.19/486).

4.0 THE SITE

4.1 The site is located in the townlands of Drumanan and Cornawall, to the S of Newbliss Village in County Monaghan. The surrounding area is rural in character and there are several dispersed houses and farm buildings in the vicinity. The site comprises an agricultural field that is bound by trees and hedgerows with access off a narrow laneway to the N. There is drainage ditch along the W site boundary that flows S towards a watercourse which ultimately drains to the Bunnoe River. There are several pNHA lakes and bogs in the area along with several further afield European sites. There are several recorded monuments and sites of historic interest in the wider area.

5.0 THE REQUEST

5.1 The first application (**ABP-312710-22**) seeks to amend the terms of the approval to allow the following modifications to the development –

- Omit Condition 3 (a) which states that “No artificial lighting shall be installed or operated on site unless authorised by a prior grant of permission.”
 - Substation lighting is required under EirGrid/ESB standards for site safety, lighting is only required when someone visits the unmanned site during a night time emergency, and will be manually operated.

- Omit Condition 3 (c) which states that “Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.”
 - This condition poses health, safety & security risks and would be at odds with EirGrid’s specifications for security fencing.
 - The addition of security fencing would not change the biodiversity assessment in any way and will have no impact on ecology other than some minor disturbance during construction.

- The amendment to Condition no.3 would not constitute the making of a material alteration to the terms of ABP-309119-21.
- The revised NIS and Biodiversity reports conclude that no potential impacts would arise as the amendments are minor in the context of the development as a whole.
- No new environmental impacts will arise that were not already considered, and any impacts on the landscape, visual amenity and biodiversity would be minimal.
- No changes are proposed to layout/footprint of the permitted development or any alteration to the conditions imposed.

5.2 The second application (**ABP-313410-22**) seeks to amend the terms of the approval to allow the following modifications to the development –

- The substation will contain 2 x buildings, the Independent Power Provider (IPP) building which will be operated by the applicant and the Transmission Systems Operator (TSO) which will be maintained by EirGrid.
- The permitted IPP building (c.173sq.m) would be 20m long x 8.6m wide x 5.5m high and constructed on-site, and it would contain rainwater harvesting and surface water management systems.
- The altered IPP building would comprise a modular off-site design build (56sq.m.) which would be c.14m long x 3m wide x 4.9m high.
- The proposed alteration would also provide an internal compound fence line and gate.
- The alteration would reduce the Carbon Footprint, be more environmentally friendly and would reduce the construction period.
- Additional fencing & gates are required for health & safety reasons, which will segregate the IPP compound (live electrical equipment) from the remainder of the compound.
- The NIS & EIAR amendment reports conclude that no potential impacts would arise as the amendments are minor and the scale of the building would be reduced.
- There is potential for improvements in landscape & visual impacts due to the reduced scale, and air & climate due to the off-site modular construction.
- The amended development would have no environmental impacts over and above those of the authorised development which were assessed before the approval was granted.
- The alteration to the IPP building would not constitute the making of a material alteration to the terms of ABP-309119-21.

6.0 ASSESSMENT

- 6.1 The layout of the buildings within the amended development would be the same as that of the approved development. It would not have an impact on the use of the agricultural lands around the site that differed in any material way from the impact of the approved development in this regard which was previously considered by the Board. The surface water management arrangements that are part of the approved development would not be affected by the proposed amendments. Therefore, they raise no issues with respect to water quality and no significant effects could arise for any SAC or SPA downstream.
- 6.2 The amendment to Condition no. 3 (a) would provide for artificial lighting in relation to night time emergency works only in the interest of pedestrian safety. However, I consider that Condition 3(a) should be amended to reflect this concern and not omitted as proposed, so that the prohibition on artificial lighting in all other circumstances is retained.
- 6.3 The applicant's interpretation of Condition no. 3 (c) appears to suggest that the security fence might be omitted. However, the purpose of Condition no.3 (c) is to ensure that mobile species can continue to traverse the site by the provision of a 150mm separation above ground for a short distance of 300mm along the bottom edge of each section of the security fence. I do not agree that Condition no. 3 (c) would give rise to any security concerns and it should be retained in its entirety.
- 6.4 The amended development (IPP building) would have a reduced footprint and height which would serve to reduce any potential impacts on the landscape and visual amenity, and the alternative off-site modular construction would serve to reduce any potential impacts air and climate.
- 6.3 It is therefore concluded that the amended works proposed in this request would not be likely to have any effect on the environment, or on any Natura 2000 site, on or any aspect of the proper planning and

sustainable development of the area that differed in a significant way from the likely effects of the development as previously approved. Therefore, the alteration of the terms of the approved development that has been requested would not constitute a material alteration.

- 6.4 The terms and conditions of the parent permission approved by the Board under ABP-309119-21 shall be complied with in full except if otherwise agreed by the Board. In this regard, it is noted that the drawings submitted with ABP-313410-22 do not reflect Condition no. 8 of the parent permission (ABP-309119-21) in relation to the omission of the western entrance off the local road.

7.0 RECOMMENDATION

- 7.1 I recommend that the board make an order altering the terms of the approval for a 110kV Loop in-Loop out substation with underground transmission cables and associated works, made under section 146B(3)(a) of the Planning and Development Acts 2000, as amended in the manner and for the reasons set out below.

REQUESTS received by An Bord Pleanála on the 11th day of February 2022 and 25th day of April 2022 from Drumlins Park Ltd. under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development described as a 110kV Loop in-Loop out substation with underground transmission cables and associated works.

PROPOSED ALTERATIONS:

ABP-312710-22: Amend Condition no. 3 (a) and Condition no. 3(c).

ABP-313410-22: Amend the scale and height of the Independent Power Provider (IPP) building.

WHEREAS the Board made a decision to grant approval, subject to conditions, for the above-mentioned development by order dated the 4th day of November 2021.

AND WHEREAS the Board has received two requests to alter the terms of the development, the subject of the approval,

AND WHEREAS the Board considered 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 regard to the limited extent of the changes proposed, the Board decided not to invite submissions or observations in relation to the matter,

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 11^h day of February 2022 and the 25th day of April 2022, subject to compliance with the following conditions.

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 the terms of the development approved under section 182B of the Planning and Development Act, 2000, as amended, under An Bord Pleanála reference number ABP- 309119-21 on the 4th day of November 2021

and to the nature and limited scale of the changes now proposed, it is considered that the proposed alterations, either individually or in combination with other plans or projects, would not be likely to have any significant effect on the environment, or on any European site having regard to their conservation objectives, or on the proper planning and sustainable development of the area that had not been considered prior to the granting of the said approval for the development. The proposed alterations, therefore, would not constitute a material alteration of the terms of the development concerned.

CONDITIONS

Condition no. 3 shall be amended as follows:

1. Amend Condition no.3 (a):

No artificial lighting shall be installed or operated on site, except for manually operated night time lighting in the event of an emergency, unless otherwise authorised by a prior grant of permission.

2. Retain Condition no. 3(c).

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

Karla Mc Bride
Senior Planning Inspector
10th May 2022