



An
Bord
Pleanála

Inspector's Report ABP 314870-22

Development

Request to make alterations to approval granted under ABP 305803-19 for 110kV substation and associated works to connect to and serve a solar farm.

Location

Tullabeg, Camolin, Co. Wexford

Applicant

Tullabeg Solar Farm Ltd.

Type of Application

Section 146B - request to alter development approved under Section 182A of the Planning and Development Act, 2000, as amended.

Inspector

Pauline Fitzpatrick

1.0 Introduction

The requester was granted approval under ref. ABP 305803-19 for a 110kV 4-bay C-type electricity substation to connect to and serve a solar farm permitted under ref. ABP 306065-19. 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 approval as it relates to the permitted development.

2.0 Planning History

ABP 305803-19 – permission granted 23/09/20 for:

- 110kV 4-bay electricity substation comprising separate 110kV Eirgrid and 33kV customer compounds, each served by a control building.
- 110kV underground grid connection over a distance of c.500 metres comprising loop-in infrastructure to tie into the existing 110kV overhead power line and 2 no. end mast steel lattice structures of approx. 21 metres in height to facilitate the connection.
- Access track from local road L5092.
- 2.6 metre high perimeter palisade fence.
- 5m³ foul holding tank
- Bore well
- Landscaping including use of berms.

ABP 306065-19 – 10 year permission granted 23/09/20 for a solar farm and associated works on a 99.8 hectare site at Ballyclogh, Tullabeg, Medophall and Medophall Demesne, Co. Wexford.

3.0 Proposed Changes

Increase the length of the Independent Power Producer (IPP) control room building within the substation compound by 3 metres from 11.0101 metres, as approved, to 14.0101 metres.

4.0 Requester's Submission

The alteration sought is to address a number of issues that have arisen during detailed construction design.

The requester considers that in the context of the substation complex the extended building will make no appreciable change to the overall appearance of the complex.

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 Assessment

6.1. Consideration of Materiality

As noted in the documentation accompanying the request the proposed alteration entails the increase in the length of the IPP control room building within the substation compound by 3 metres from 11.010 metres, as approved, to 14.010 metres. No other alterations are proposed. This will result in the floor area of the building increasing from 110.1 sq.m. to 140.1 sq.m. The position, height and external finishes are to remain unaltered.

The original application was accompanied by a suite of documents including a Planning and Environmental Statement and an Appropriate Assessment Screening Assessment.

In the context of the assessment of the development as proposed and approved under ref. ABP 305803-19 I submit:

- No new considerations arise in terms of national, regional and local policy compliance. The substation and grid connection are essential enabling infrastructure to support the now permitted solar farm development. It complies with and supports the wider strategic objectives set out in national, regional and local policies, all of which seek to promote and development renewable energy and facilitate the transition to a low carbon economy.
- The increase in size of the building will have no impact on residential amenities in terms of noise with the separation distance of c.310 metres to the nearest dwelling to the south unaltered. Condition 9 attached to the approval stipulates operational noise levels not to be exceeded at the nearest noise sensitive location.
- In view of the separation distances and intervening screening in the form of hedgerow boundaries, coupled with the proposed planting to the boundary hedgerow to the south of the substation, the small increase in the building

size will make no appreciable change to the overall appearance of the complex.

- The substation access is to remain unaltered. The increase in floor area would have no discernible impact on construction traffic or the vehicular movements by maintenance staff during the operational phase.
- The site is characterised by habitat and species normally associated with managed agricultural land with no protected habitat or species identified.
- The increase will have no discernible impact on surface water runoff. The substation compound will be formed with permeable stone allowing stone water runoff to infiltrate to ground comparable to pre-development greenfield conditions. Surface water generation in the bunded areas will discharge to existing site drainage via an oil interceptor.
- There are not recorded monuments within or in the vicinity of the substation.

Conclusion

I submit that the alterations sought would not give rise to significant environmental effects beyond those already considered in the Planning and Environmental Statement that accompanied the original application and the Board's assessment of same.

6.2. Finding in Respect of Materiality

I am satisfied that the proposed alterations can be implemented while still ensuring that the approved substation and associated works can continue to be met without impediment. The modifications will not alter the character of the approved development.

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 305803-19.

I am of the opinion, having fully considered the proposed alterations and the development as approved under ABP 305803-19, that the Board would not have determined the proposal differently had the modifications 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 approved under ABP 305803-19.

I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. 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.

6.3. Appropriate Assessment

Under ABP 305803-19 the Board completed an appropriate assessment screening exercise in relation to Natura 2000 sites within a 15 km radius of the application site. The Board concluded that on the basis of the information on file which was considered 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 European Site Nos. 00781, 004143 and 00700 in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) was not, therefore, required.

Having considered the Board's determination on appropriate assessment on ABP 305803-19, section 8.6 of the Inspector's Report on the said file, the nature, scale and extent of the proposed alterations relative to the development subject of, and permitted under ABP 305803-19, and the information on file which I consider adequate to carry out appropriate assessment screening, I consider it 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.

7.0 Recommendation

I recommend that the Board decides that the proposed modifications subject of this request do not constitute the making of a material alteration of the terms of the development as permitted under ABP 305803-19.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 18th day of October 2002 from Tullabeg Solar Farm Limited care of IMP Planning, 75 Fitzwilliam Lane, Dublin 2 under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as 110kV 4-bay C-type electricity substation and associated works, subject of a permission under An Bord Pleanála Reference Number ABP 305803-19.

WHEREAS the Board made a decision to grant the proposed development, subject to conditions, for the above-mentioned development by order dated the 23rd day of September, 2020.

AND WHEREAS the proposed alteration is described as follows:

Increase in the length of the Independent Power Producer (IPP) control room by 3 metres from 11.010 metres, as approved, to 14.010 metres.

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 18th day of October, 2022, 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:

- the nature and scale of the 110kV 4-bay C-type electricity substation development permitted under An Bord Pleanála Reference Number ABP 305803-19 for this site, which includes two control buildings, 110kV underground grid connection comprising loop-in infrastructure to tie into the existing 110kV overhead power line, access track and associated works,
- the limited nature and scale of the alterations when considered in relation to the overall permitted development,
- the absence of any significant new or additional environmental concerns arising as a result of the proposed alterations, and
- 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.

Pauline Fitzpatrick
Senior Planning Inspector

November, 2022