



An
Bord
Pleanála

Inspector's Report

ABP-314987-22

Development

Section 146B application for amendment to permitted Kilcumber Bridge 110kV substation and grid connection (An Bord Pleanála Case Reference ABP-309686-21)

Location

In the townlands of Ballykilleen, Kilcumber and Ballinowlart North, Co. Offaly

Planning Authority

Offaly County Council

Applicant

Cloncant Renewable Energy Limited

Type of Application

Section 146B: Request to alter previously approved Strategic Infrastructure project

Inspector

Niall Haverty

1.0 Introduction

- 1.1. Cloncant Renewable Energy Limited ('the requester') has requested that the Board exercise its powers under section 146B of the Planning and Development Act 2000, as amended ('the Act'), to alter the terms of approval for the development of a new 110kV substation (referred to as the Kilcumber Bridge substation) and grid connection in the townlands of Ballykilleen, Kilcumber and Ballinowlart North, Co. Offaly which was approved by the Board following an application under the provisions of section 182A of the Act (Ref. ABP-309686-21).

2.0 Planning History

2.1. 'Parent' Section 182A Approval (ABP-309686-21)

- 2.1.1. The requester was granted approval by the Board on 11th April 2022 for development consisting of:

- 1 No. 110kV Air Insulated Switchgear (AIS) Loop Substation including: an outdoor electrical yard including electrical equipment such as electrical pylons, over and underground ducting & cables, busbars, disconnects, breakers, sealing ends, lightning and lighting masts, single storey control building containing associated facilities (relay room, battery room, generator room, messroom, welfare facilities, workshop and office). Security fencing and all associated works.
- 400m long overhead line (OHL) grid connection going south east from the substation and connecting into the adjacent existing Cushaling – Mount Lucas 110kv OHL.
- 1 No. site entrance and 60m entrance road.
- 1 No. temporary construction site compound (95m x 50m).
- Associated surface water management systems.
- All Associated site development works.

- 2.1.2. It was stated in that application that the substation development was to be a standalone development to be built and handed over to EirGrid to operate as part of

the national electricity transmission system. It was also stated that the existing Cushaling 110kV substation adjacent to Edenderry Power Station is at capacity and the stated purpose of the substation is to act as the grid connection for permitted and future renewable energy projects in County Offaly, including the permitted Cushaling Wind Farm.

- 2.1.3. The application was accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) and, in granting approval, the Board carried out an Environmental Impact Assessment and an Appropriate Assessment.

2.2. Other Planning History

2.2.1. Cushaling Wind Farm

- 2.2.2. The site boundary for the permitted Cushaling wind farm overlaps the permitted Kilcumber Bridge substation site boundary. The permitted wind farm comprises a total of 9 No. wind turbines straddling the administrative boundaries of Counties Offaly and Kildare. 8 No. of the permitted wind turbines are in Co. Offaly, with 1 No. in Co. Kildare.

- **ABP-306924-20 (Offaly Co. Co. Reg. Ref. 19/606):** Permission granted following first party appeal against refusal and third party appeals for development consisting of 8 No. wind turbines and associated development in the townlands of Ballykilleen, Shean, Kilcumber, Cloncant and Cushaling.
- **ABP-306748-20 (Kildare Co. Co. Reg. Ref. 19/1323):** Permission granted following first party appeal against refusal and third party appeal for 1 No. wind turbine and associated development at Ticknevin, Carbury, Co. Kildare.
- **ABP-309940-21, ABP-310107-21:** Two section 5 referral cases relating to an increase in power output at the permitted Cushaling wind farm. The Board determined that it is development and is not exempted development.

2.2.3. Cloncreen Wind Farm

- **PA0047:** Permission granted to Bord na Mona Powergen Ltd. for Cloncreen wind farm, comprising up to 21 No. wind turbines and associated development in the townlands of Esker More, Clongarret, Cloncreen, Ballykilleen,

Ballynakill, Ballinrath, Rathvilla or Rathclonbrackan, Ballina and Ballingar, Co. Offaly.

- **ABP-310740-21:** Decision under PA0047 altered following a S146B application for alterations. It was considered that the proposed alteration (provision of a higher telecommunications tower than originally permitted) would not be material.
- **ABP-307279-20:** Withdrawn application by Bord na Mona for substitute consent in relation to peat extraction at bogs in the Allen Bog Group.

2.2.4. **Kilcush Solar Farm**

2.2.5. **Reg. Ref. 21/598:** Planning permission granted in September 2022 to construct a solar PV development with a total site area of c. 117.47 ha, to include PV panels mounted on metal frames, new access tracks, underground cabling, perimeter fencing with CCTV cameras, 22 No. MV power stations, temporary construction compounds and all ancillary grid infrastructure and associated works. I note that the site boundary and layout of the permitted solar PV development overlaps with that for the proposed alteration.

2.2.6. **Edenderry Power Station**

2.2.7. There is an extensive planning history associated with the nearby Edenderry Power Station site, including:

- **Reg. Ref. 21/291:** Permission granted for the continued operation of Edenderry Power Plant from the beginning of 2024 to the end of 2030 exclusively using sustainable biomass fuel. The applicant proposes to increase the volume of biomass consumed at the facility from a current maximum of 300,000 to 530,000 tonnes per annum. It is proposed to utilise the existing permitted electricity generation station and infrastructure, including fuel handling systems, utilities, processing systems and ancillary structures as part of the proposed development. There will be no change to existing infrastructure present on-site. Site access and egress will use the existing permitted site entrances to the R401 public road. There will be no change to the permitted boundary of the facility. Edenderry Power Plant is licenced by the Environmental Protection Agency under an Industrial

Emissions (IE) Licence [Ref. P0482-04]. Activities at the facility and associated environmental aspects and emissions will continue to be regulated and controlled by the EPA.

- **Reg. Ref. 19/496:** Permission granted for alterations to existing 110kV Cushaling substation including installation of 110kV AIS switchgear with associated foundations, steelwork, supports and connectors.
- **PL19.245295 (Reg. Ref. 15/129):** Permission granted for extension of the continued use and operation until the end of 2030 of previously permitted peat and biomass co-fired power plant

3.0 Proposed Alteration

- 3.1. The proposed alteration, as set out in Section 4 of the requester's Environmental Report, relates to the grid connection element of the approved development. The approved grid connection consists of a double circuit 110kV overhead line (OHL), 400m in length, with two pairs of steel lattice pylons and three pairs of wooden pole sets. This approved OHL grid connection route extends southeast from the approved Kilcumber Bridge 110kV Substation to the existing Cushaling – Mountlucas 110kV overhead line.
- 3.2. The proposed alteration is to change the approved grid connection from a double circuit 110kV OHL to a double circuit underground cable (UGC), together with amending the approved 400m grid route heading southeast to a 400m grid route heading northeast to the existing Cushaling – Portlaoise 110kV overhead line.
- 3.3. More particularly, the proposed alteration includes the following elements:
 - c. 400m of double circuit UGC and 2 No. steel lattice pylons at the connection point to the existing Cushaling – Portlaoise 110kV overhead line. The UGC will require directional drilling under the Figile River.
 - Construction of an unpaved 3.5m wide road on top of the UGC to provide access to the UGC. There will be c. 300m of road, in two sections, with 3 No. access points, including 2 No. new access points located c. 120m east of Kilcumber Bridge off the R401 and 1 No. access point at the permitted

Cushaling Wind Farm substation where an internal substation road will be used.

- c. 25m of 110kV UGC linking the permitted Cushaling Wind Farm substation with the permitted Kilcumber Bridge 110kV substation.
- Demolition of garden sheds at rear of an uninhabited residential house at the location of the proposed pylons, which is owned by Bord Na Mona. The floor area of the sheds is c. 60m².
- An area of c. 270m² of planted deciduous woodland will be required to be felled for the sightlines at the proposed access points. The felling will be a slice of woodland off a larger woodland area.

3.4. The request was accompanied by a cover letter, the abovementioned Environmental Report (including an Ecological Impact Assessment), a Natura Impact Statement, letters of consent from landowners and a number of drawings.

4.0 Requester's Submission

4.1. The requester's submission can be summarised as follows:

- Following further consultation with EirGrid, the requester has concluded that that a change in the grid connection to the permitted development is required.
- Consultation regarding the proposed alterations was carried out with EirGrid, Bord na Mona and with landowners on the proposed route, who are the nearest residents to the proposed UGC.
- The UGC route was agreed with landowners, and it was agreed to relocate the pylons out of the adjacent field and onto Bord Na Mona land further from the farmhouse to achieve the aim of not having any new above ground infrastructure in the field adjacent to the farmhouse.
- The proposed alteration requires 2 No. steel lattice pylons. This is a reduction from the permitted 4 No. steel lattice pylons and 6 No. wooden poles needed for the permitted OHL grid connection.
- The proposed works do not constitute a significant change to the planning permission that is currently in place for the construction and operation of the

Kilcumber Bridge 110kV Substation, and do not take up a significant land area.

- There are no aspects of the proposed changes that would contravene the policies of the current Offaly County Development Plan.
- The environmental impacts of the proposed development will largely occur during the construction of the development, which will be completed in strict accordance with a Construction Environmental Management Plan (CEMP).
- As the proposed works will be carried out as part of the overall substation construction, it is envisaged that the mitigations and measures set out in the submitted CEMP will apply to the proposed works and the document will be revised to take account of any additional planning requirements, if necessary.
- Once all mitigation measures are implemented during the construction phase of the development there will be no significant construction phase environmental impacts from the proposed development.
- No significant operational or decommissioning phase environmental impacts arising from the proposed development were identified.

5.0 Legislative Provisions

5.1. Section 146B(1) of the Act provides that, 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 permitted strategic infrastructure development, alter the terms of the development.

5.2. *Would the Alteration be a Material Alteration?*

5.2.1. Subsection (2)(a) states that 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. Before making such a decision, subsection (2)(b) states that 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.

5.3. *Alteration Would not be a Material Alteration*

5.3.1. Under subsection (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 accordingly and notify the person who made the request and the planning authority of the alteration.

5.4. *Alteration Would be a Material Alteration*

5.4.1. Under subsection (3)(b), if the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall:

- (i) require the requester to submit to the Board the information specified in Schedule 7A to the PDR 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.

5.4.2. Subsection (3A) provides that 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 EIA Directive have been taken into account. Subsection (3B) also provides that said 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.

- 5.4.3. Subsection (4) requires that, before making a determination under subsection (3)(b)(ii), the Board shall determine whether the extent and character of the alteration requested, and any alternative alteration it is considering 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).
- 5.4.4. Subsections (4A)(a) – (c) relate to the timeframe within which the Board shall make its determination under subsection (4) unless exceptional circumstances apply.
- 5.4.5. Under subsection (5), if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii):
- (a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or
 - (b) is likely to have such effects, the provisions of section 146C shall apply.
- 5.4.6. Under subsection (6) if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection (3)(b)(ii), 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, of the alteration.
- 5.4.7. Subsection (7) sets out the matters that the Board shall have regard to in making a determination under subsection (4), while subsection (8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

6.0 Assessment Stage 1: Consideration of Materiality

- 6.1. There are two stages to be considered in assessing a request under section 146B. The first stage is whether the proposed alteration would constitute a material alteration of the terms of the development concerned? If the Board decides that it would not constitute a material alteration, it shall alter the planning permission/approval accordingly. If, however, the Board decides that it would constitute a material alteration, then the second stage applies and the Act sets out the procedure to be followed in determining if the proposed alteration would have significant effects on the environment and other related matters.
- 6.2. Having reviewed the information submitted, I considered that the proposed alterations would constitute the making of a material alteration of the terms of the development approved under ABP-309686-21 for the following reasons:
- The proposed alterations are primarily located on lands outside of the 'red line' application site boundary for the permitted development. While landowner letters of consent were submitted, other parties may have interests in the affected lands.
 - The proposed alterations include two new entrances off a Regional Road and cable trenching under the public road, resulting in potential road safety impacts.
 - It is proposed to connect the approved substation to a different overhead power line than originally approved. Potential impacts may arise for the electricity transmission system and other electrical undertakers.
 - Directional drilling is now proposed under the River Figile which has hydrological connectivity to a European Site. A Stage 2 Natura Impact Statement was submitted due to the potential effects on said European Site. There is also the potential for impacts on biodiversity more generally, due to the directional drilling and felling of an area of deciduous woodland to achieve the required sightlines.
- 6.3. Consequently, I prepared a memorandum dated 9th December 2022 to the Director of Planning recommending that the requester be notified that the proposed alterations would constitute the making of a material alteration of the terms of the

development concerned. The Director of Planning, being authorised to make such a determination by resolution of the Board under the provisions of section 111(6) of the Act, agreed with my recommendation.

7.0 **Assessment Stage 2: Likely Significant Effects on the Environment**

7.1. **Submissions**

- 7.1.1. Following the determination that the proposed alterations would constitute the making of a material alteration of the terms of the development concerned, the provisions of section 146B(8) were invoked. The requester was requested to notify the prescribed bodies previously notified under ABP-309686-21 of the proposed alterations, to erect site notices and publish newspaper notices notifying the public of the proposed alterations and inviting submissions or observations in relation to the request.
- 7.1.2. Two submissions were received from Offaly County Council and Transport Infrastructure Ireland (TII), respectively, and can be summarised as follows:
- **Offaly County Council:**
 - Proposed development complies with policies of the Offaly County Development Plan 2021-2027.
 - Roads Design Office and Area Engineer have no objections to the development, subject to conditions.
 - Environment/Water Services Section has no objection, subject to all mitigation measures identified in the Environmental Report being implemented.
 - It is considered that siting and design elements have been assessed under the parent permission.
 - **TII:**
 - No additional comment to make. TII's position remains as set out in their initial submission on the planning application.

7.1.3. With regard to section 146B(3)(b), I note that the submitted Environmental Report included the information specified in Schedule 7A of the Act.

7.2. **Matters that the Board Shall Have Regard to**

7.2.1. Section 146B(7)(a) of the Act states that, in making a determination under subsection (4), the Board shall have regard to:

- (i) *“the criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,*
- (ii) *the criteria set out in Schedule 7 to the Planning and Development Regulations 2001,*
- (iii) *the information submitted pursuant to Schedule 7A to the Planning and Development Regulations 2001,*
- (iv) *the further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B),*
- (v) *the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and*
- (vi) *in respect of an alteration under consideration which would be located on, or in, or have the potential to impact on—*
 - (I) *a European site,*
 - (II) *an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),*
 - (III) *an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,*
 - (IV) *land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),*

- (V) *land designated as a refuge for flora or a refuge for fauna under section 17 of the Wildlife Act 1976,*
- (VI) *a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or*
- (VII) *a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website, the likely significant effects of such alteration on such site, area, land, place or feature, as appropriate.”*

7.3. Assessment Against Criteria set out in Schedule 5 of the Planning and Development Regulations 2001, as Amended

7.3.1. The prescribed classes of development for the purposes of section 176 of the Act (i.e. requiring mandatory EIA) are set out in Schedule 5 of the Planning and Development Regulations 2001, as amended ('the Regulations').

7.3.2. Having regard to the nature of the proposed alteration, I consider that the only potentially relevant classes are as follows:

Class	Description	Applicable?
3(b) Energy Industry	...transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.	<u>No</u> Alteration proposes underground cables and voltage is less than 200kV.
10(d)(d) Infrastructure	All private roads which would exceed 2000 metres in length.	<u>No</u> Alteration proposes c. 300m of new private road.
13(c)	Any change or extension of development being of a class listed	<u>No</u>

	<p>in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.</p>	<p>Schedule 7 will be considered separately below. However, the proposed demolition of c. 60 sq m of residential garden sheds at the rear of a house is not likely to have significant effects on the environment.</p>
--	--	--

7.3.3. It can be concluded that the proposed alteration is not of a class listed in Parts 1 or 2 of Schedule 5 of the Regulations and that a mandatory EIA is not required for the proposed alteration.

7.4. **Assessment Against Criteria set out in Schedule 7 of the Regulations**

7.4.1. Schedule 7 of the Regulations lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment under the following headings:

1. Characteristics of proposed development.
2. Location of proposed development.
3. Types and characteristics of potential impacts.

7.4.2. Each of these criteria is assessed below.

1. Characteristics of Proposed Development	Assessment
(a) the size and design of the whole of the proposed development	The proposed alteration relates to an area of c. 1 ha and entails electrical infrastructure and associated development as outlined above. I do not consider that the size and design of the proposed alteration, in itself, would be a determining factor with regard to the likelihood of significant effects on the environment.
(b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the EIA Directive by or under any other enactment	The proposed alteration results in the potential for cumulative effects with the permitted Kilcumber Bridge 110kV Substation and other energy projects in the area including Cloncreen Wind Farm, the permitted Cushaling Wind Farm and the existing Edenderry Power Station. Having regard to the nature of the proposed alteration, the potential cumulative effects relate to water quality, air, noise, traffic and biodiversity impacts during the construction phase, however, with the implementation of the CEMP, I do not consider that the proposed alteration will give rise to significant cumulative impacts on any environmental factors.
(c) the nature of any associated demolition works	The proposed alteration will require the demolition of c. 60 sq m of residential garden sheds at the rear of an uninhabited house in Bord na Mona's ownership. I do not consider that these demolition works are likely to have significant effects on the environment.
(d) the use of natural resources, in particular land, soil, water and biodiversity	Having regard to the nature of the proposed alteration, water will only be required during the construction phase. It is proposed to bring the required water to the site and usage is not likely to be at a significant level. The alterations will entail the use of land and the excavation of soil and importation of construction materials, however considering the limited scale and extent of the alteration, such usage is not likely to be significant.

<p>(e) the production of waste</p>	<p>During the construction phase, the alterations will give rise to excavated soil and peat. It is proposed to re-use much of this material on-site and the quantities are not likely to be significant. No waste will be produced during the operational phase.</p>
<p>(f) pollution and nuisances</p>	<p>During the construction phase there is the potential for pollution and nuisance due to exhaust emissions to air, traffic, dust and noise emissions, spillages or run-off to watercourses or groundwater. This could affect the natural environment or nearby receptors.</p> <p>It is proposed to construct the alteration in accordance with the CEMP for the permitted development and in line with good practice construction and environmental management methods. These matters are addressed further below, but it is considered that, subject to implementation of the CEMP, there are unlikely to be significant pollution or nuisance impacts.</p> <p>In the operational phase, the proposed alterations are not likely to result in any pollution or nuisance.</p>
<p>(g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge</p>	<p>Having regard to the nature of the proposed alteration, I do not consider that it gives rise to any significant risk of major accidents or disasters, other than construction phase health and safety risks which can be readily mitigated through compliance with good practice construction methods and H&S legislation and guidance. Risks of accidental spillages or pollution can be addressed through implementation of the CEMP. The use of underground cables and unpaved roads is not likely to result in any significant changes to flood risk on the site or in the surrounding area.</p>

<p>(h) the risks to human health (for example, due to water contamination or air pollution)</p>	<p>During the construction phase there is potential for effects on human health due to air/dust pollution, releases of contaminants to water bodies and traffic impacts. Such impacts can be addressed through the CEMP and adherence to best practice measures and protocols.</p> <p>Having regard to the nature of the proposed development, such impacts are not likely to be of sufficient magnitude as to result in a significant risk to human health.</p> <p>The proposed development, once operational, will not result in any risks to human health, as there will be no emissions to air or water, minimal traffic and the site will be securely fenced.</p>
---	--

<p>2. Location of Proposed Development</p> <p>The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to:</p>	<p>Assessment</p>
<p>(a) the existing and approved land use</p>	<p>The proposed alteration will change the land use from agriculture to electricity infrastructure and associated use. The site is within a rural area where the majority of land is in either agricultural or electrical infrastructure use and I do not consider that the small scale of the proposed change in land use is significant.</p>
<p>(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground</p>	<p>The proposed alteration will require some excavation of peat and soil and the importation of construction material to site, including stone aggregates and concrete. It is proposed to re-use excavated material on site where possible. No significant water use is required for</p>

	construction or operational purposes. The natural resources affected by the proposed alteration are locally abundant and available and their use is not significant.
(c) the absorption capacity of the natural environment, paying particular attention to the following areas:	
(i) wetlands, riparian areas, river mouths	The proposed alteration includes the placement of underground cables under the River Figile. It is proposed to utilise horizontal directional drilling to avoid in-stream works and to ensure no significant effect on the riparian environment of the river. A method statement for the drilling works is included in the ER.
(ii) coastal zones and the marine environment	The site is not located in a coastal area.
(iii) mountain and forest areas	There are areas of woodland within and adjacent to the site, but no areas of forestry or mountains. A roadside strip of woodland (c. 270 sq m) will be felled to provide the required sightlines, which represents c. 1% of the total contiguous woodland.
(iv) nature reserves and parks	There are no nature reserves or parks in the vicinity of the site.
(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive	There are two Natura 2000 sites within 15km, the Long Derries Edenderry SAC and the River Barrow and River Nore SAC, which is hydrologically linked to the River Figile. Section 8 below concludes that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, in view of the sites' Conservation Objectives.

<p>(vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure</p>	<p>There is no record of failures to meet environmental quality standards on the site or in the immediate vicinity. The watercourses within the Figile_SC_010 (14_3) sub-catchment are noted to be 'At risk' of not meeting water quality objectives and have a water quality status of 'poor', 'moderate', or 'unassigned'.</p>
<p>(vii) densely populated areas</p>	<p>The site is not within or in the vicinity of a densely populated area.</p>
<p>(viii) landscapes and sites of historical, cultural or archaeological significance</p>	<p>There are no recorded sites of historical, cultural or archaeological significance within the site of the proposed alteration or in the immediate vicinity.</p>

<p>3. Types and characteristics of potential impacts</p> <p>The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of</p>	<p>Assessment</p>
--	--------------------------

<p>the definition of ‘EIAR’ in section 171A of the Act, taking into account:</p>	
<p>a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected)</p>	<p>The spatial extent of any impacts are likely to be limited to the immediate locality given the minor scale and nature of the proposed alteration. The area is sparsely populated and the size of the population potentially affected is therefore minimal.</p>
<p>(b) the nature of the impact</p>	<p><i>Population and Human Health</i></p> <p>Having regard to the nature of the proposed alteration, there will be no effect on population. With regard to human health, there is potential during the construction phase for negative impacts associated with noise and dust emissions and construction traffic movements. However, the site is located in a rural area, close to Edenderry Power Station and is sparsely populated. The CEMP for the permitted substation development includes best practice construction management methods to mitigate construction phase impacts and I do not consider that any significant negative effects on human health are likely as a result of the proposed alteration.</p> <p>During the operational phase, I consider that there is no likelihood of significant effects on human health, due to the nature of the proposed development.</p> <p><i>Biodiversity</i></p> <p>I note that the submitted Environmental Report (ER) includes an Ecological Impact Assessment (EclA).</p> <p>I consider that the potential for significant impacts on biodiversity only arises during the construction phase, having regard to the nature of the proposed alteration. The potential</p>

impacts identified in the EclA include: habitat loss, disturbance and fragmentation; importation of invasive species; impacts on fauna, including bats, terrestrial macroinvertebrates, aquatic macroinvertebrates and white-clawed crayfish. No potentially significant impacts are identified for other species.

The proposed mitigation measures consist of compliance with the CEMP for the approved Kilcumber Bridge substation development and the appointment of an Ecological Clerk of Works.

With regard to habitats, I note the loss of c. 270 sq m of woodland habitat. This comprises a roadside strip of a larger woodland area that is to be felled to provide the required sightlines. Section 9.1.4 of the EclA states that a 540 sq m replacement habitat will be planted, but does not identify where this is to occur. The area of habitat lost represents c. 1% of the overall woodland habitat, however it is of higher value and thus it is proposed to mitigate this through replacement planting. The area of hedgerow to be removed (c. 50m) will be mitigated in the same way. With regard to the River Figile, the ER outlines the construction methodology for the horizontal directional drilling. This choice of construction removes the need for in-stream works and for impacts to riparian habitats and will not have significant impacts on the river habitat. Subject to replacement planting, I do not consider that the impacts on habitats represent a significant residual impact.

With regard to impacts on mammals, aquatic species and the potential for introduction of invasive species, the EclA includes the measures contained in the CEMP, which generally represent best practice construction methodologies and controls for construction works and for works in the vicinity of watercourses. Detailed measures are also set out to ensure that no

pollution of watercourses or the River Figile with pollutants or sediments occurs and I note that the appointment of an Ecological Clerk of Works is proposed. Subject to implementation of the identified mitigation measures, I do not consider that the proposed alteration is likely to have a significant impact on biodiversity.

The issue of Appropriate Assessment is addressed separately in Section 8 below.

Land, Soil, Water, Air and Climate

With regard to **land and soil**, the construction phase for the proposed alteration will entail excavations and earthworks on pastureland which was reclaimed from the bog. Potential negative effects on land and soil are primarily associated with erosion of surface soil, increased silt run-off from improperly stored excavated material or contamination with pollutants. The construction phase also gives rise to potential effects on **hydrology and hydrogeology** due to the horizontal drilling under the River Figile and the potential for water quality impacts due to accidental spillages or leaks or increased sediment-laden runoff to watercourses. **Air quality** impacts are mainly associated with dust emissions during the construction phase, which no significant effect on **climate** is anticipated due to the limited nature and extent of construction works. The construction works will result in increased **noise** levels in the locality, however the nature of the works and their limited extent and duration is unlikely to result in any significant noise increase at noise sensitive receptors (the closest of which is at a minimum c. 170m distance). In the operational phase, the alteration will not result in any additional noise.

The permitted substation development includes a CEMP setting out best practice standards, procedures and control measures to manage the construction process. This includes

measures to protect water quality, minimise and manage noise and dust emissions, manage waste and site storage, and to prevent pollution of soils or water. It is also proposed to appoint an Environmental Manager to oversee the implementation of the CEMP.

Subject to implementation of the CEMP and noting the limited extent and nature of the proposed alteration, I do not consider that it is likely to have significant effects on land, soil, water, air or climate.

Material Assets, Cultural Heritage and the Landscape

With regard to **material assets**, the proposed alteration will have a positive impact on the electricity network and facilitate increased renewable energy provision. I do not consider that this impact will be significant, given that the alteration relates to a change from permitted overhead wire to underground cable. With regard to **traffic**, additional traffic movements will be generated during the construction phase, due to increased excavations, access road construction and the introduction of the new entrances from the R401. This equates to c. 4 additional deliveries a day, increasing the AADT from 2,605 to 2,609. This equates to an increase in a 0.08% increase in the volume/capacity ratio for the R401 from 52.1% to 52.18%. I consider this to be an insignificant impact on traffic. In the operational phase, the proposed alteration will result in minimal additional traffic, other than maintenance/repair once or twice per year. The proposed new entrance points off the R401 have been subject to a Design Speed Appraisal (see Appendix 2 of ER) and the required sightlines of 120m can be achieved, albeit with the removal of a strip of roadside woodland. The design of the entrances includes a pull-in area before the gates, in the interests of traffic safety. A Traffic Management Plan has been prepared for the permitted substation and will be utilised for the proposed

alteration (see Appendix 3 of ER). With regard to the submissions received, I note that neither TII nor Offaly County Council's Roads Design Office or Area Engineer had objections to the proposed alteration on traffic grounds. OCC sought standard roads conditions be imposed. Subject to compliance with the CEMP and TMP, I do not consider that the proposed alteration would result in significant traffic impacts.

With regard to **cultural heritage**, there are no recorded archaeological monuments or features or protected structures located within or in the vicinity of the site. The closest structure of note is Kilcumber Bridge, which is included on the NIAH. There will be no impact on the bridge as a result of the proposed alteration. Given the potential for unrecorded archaeological remains, the proposed mitigation measure is as per the 'parent' permission, namely archaeological testing and monitoring. Subject to compliance with the conditions of the 'parent' permission, I am satisfied that the proposed alteration will not have a significant effect on cultural heritage.

With regard to potential **landscape and visual** impacts, the site is within an area designated as being of Low landscape sensitivity and there is a wide variety of existing and permitted electrical infrastructure in the vicinity. The proposed change from an overhead line to an underground cable will result in a reduction in support structures required to connect to the grid and consequently a reduction in visual impact. At the uninhabited house, an existing 19.5m high wooden twin pole structure will be replaced by two steel lattice pylons of the same height. Given the proximity to Edenderry Power Station, the structures will 'read' as part of that development from the public road. The removal of a c. 270 sq m strip of woodland along the R401 will have a negative visual impact, however this will not be significant given that it

	<p>represents c. 1% of the extent of remaining forestry and the proposed mitigation planting. I do not consider that the proposed alteration will result in significant landscape or visual impacts.</p> <p><i>Interactions between the Factors</i></p> <p>There is potential for interactions between environmental factors, such as between soil, water and biodiversity. Subject to the identified mitigation measures such as the CEMP, it is not considered that these interactions would give rise to likely significant additional environmental impacts as a result of the proposed alteration.</p>
(c) the transboundary nature of the impact	There will be no transboundary impacts associated with the proposed development.
(d) the intensity and complexity of the impact	The potential for complexity primarily arises from the crossing of the River Figile and the linkages to a Natura 2000 site and the potential for impacts on water quality and biodiversity.
(e) the probability of the impact	Having regard to the nature of the proposed alteration and the receiving environment, the requirement to implement the permitted CEMP, and the stated commitment to undertake the development in accordance with good practice construction methods, I consider that the probability of significant adverse environmental impacts occurring would be low.
(f) the expected onset, duration, frequency and reversibility of the impact	Having regard to the nature of the proposed alteration, it is expected that the impacts such as the loss of agricultural land and habitat will be permanent and will generally only be reversible if the constructed elements are removed. However, no significant operational phase impacts are likely. The construction phase impacts, such as noise, dust, emissions to air and water, will be temporary, of short duration and limited frequency.
(g) the cumulation of the impact with the impact of other existing and/or development	There are a number of existing or permitted developments in the surrounding area, including electrical infrastructure development. Given the limited nature and extent of the proposed

<p>the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the EIA Directive by or under any other enactment</p>	<p>alteration and the identified mitigation, including the CEMP, I do not consider that any significant cumulative impacts are likely.</p>
<p>(h) the possibility of effectively reducing the impact</p>	<p>The mitigation measures are primarily matters of good practice construction methodologies and measures for such works and are outlined in the CEMP. Subject to implementation of the CEMP and compliance with conditions attached to the 'parent' permission, I consider that the identified impacts can be effectively reduced to a non-significant level.</p>

7.5. Conclusion

- 7.5.1. In conclusion, having considered the criteria set out in Schedule 7 of the Regulations, I do not consider that the proposed alteration that is the subject of this request would be likely to have significant effects on the environment. The matter of Appropriate Assessment is considered separately below.

8.0 **Appropriate Assessment**

8.1. **Introduction**

8.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000, as amended, are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive.
- The Natura Impact Statement.
- Screening the need for Appropriate Assessment.
- Appropriate Assessment.

8.2. **Compliance with Article 6(3) of the EU Habitats Directive**

8.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

8.2.3. I note that the 'parent' planning application for the substation development (ABP-309686-21) was accompanied by a Natura Impact Statement. The Board completed an Appropriate Assessment for that development and concluded that it was satisfied that the proposed development, by itself or in combination with other plans or

projects, would not adversely affect the integrity of the River Barrow and River Nore SAC (Site Code 002162), in view of the Site's Conservation Objectives.

8.3. The Natura Impact Statement

8.3.1. The request for the alteration included a Natura Impact Statement (Malachy Walsh and Partners, October 2022), which describes the proposed development, the project site and the surrounding area. Appendix 1 of the NIS comprises a Screening Report for Appropriate Assessment, which concludes that significant adverse impacts to the River Barrow and River Nore SAC (Site Code 002162) cannot be ruled out and that it is necessary to proceed to Appropriate Assessment. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within this European Site that have the potential to be affected by the proposed development. It predicts the potential impacts for this site and its conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European site and its conservation objectives.

8.3.2. The NIS was informed by the following studies and surveys:

- A desk-based study, including review of available information sources such as NPWS website, National Biodiversity Data Centre website, OSI mapping and aerial photography, Teagasc soil area maps, GSI maps, EPA water quality data and South Eastern River Basin District datasets. The EIARs associated with Cushaling Wind Farm and Kilcumber Bridge substation were also reviewed, as was a recent application for a new site access road and 33kV cable route for Cushaling Wind Farm (Reg. Ref. PL2/22/494).
- Ecological walkover surveys of the site and surroundings on number of occasions, associated with the various applications (see Section 3.5 of NIS).

8.3.3. The NIS notes the consultation undertaken in connection with the permitted substation development, to which the proposed alteration relates. This included consultation with the Board, Offaly County Council, EirGrid and local residents. Consultation specific to the proposed alteration was held with EirGrid and local residents and landowners, including Bord na Mona.

- 8.3.4. No habitat types corresponding with Annex I habitats were recorded within the overall site. The habitats identified within the site were primarily Improved Agricultural Grassland (GA1) with associated Hedgerows (WL1), Scrub (WS1) and Drainage Ditches (FW4) forming boundaries. The Figile River is classified as a Lowland/Depositing River (FW2). Extending westwards from the site are large areas of Cutover Bog (PB4), while Edenderry Power Station to the north east of the site is classified as Buildings and Artificial Surfaces (BL3).
- 8.3.5. I note that no invasive species were observed at the site or in its immediate surrounds.
- 8.3.6. Camera traps placed in the vicinity of the site recorded mammal activity almost every night, primarily Badger and Fox. No Otter activity was recorded. Bat surveys carried out in the vicinity in connection with Cushaling Wind Farm found potential roost sites and good foraging/commuting habitat. Electro-fishing and aquatic surveys undertaken in connection with the abovementioned wind farm found brown trout, stone loach, perch, dace, pike, roach, gudgeon, brook lamprey and three-spined stickleback. White-clawed crayfish were also found during previous surveys.
- 8.3.7. The NIS concludes that, provided the recommended mitigation measures are implemented in full, it is not considered that the proposed development will result in residual adverse effects on the integrity of the River Barrow and River Nore SAC (Ste Code 002162).
- 8.3.8. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

8.4. Screening the Need for Appropriate Assessment

- 8.4.1. The proposed development is not directly connected to or necessary to the management of any European Site and therefore is subject to the provisions of Article 6(3).

- 8.4.2. The screening contained within the NIS considers European Sites within 15km of the proposed development. Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model, I consider this to be a reasonable zone of influence. There are 2 No. European Sites within the zone and Table 8.1 below lists the qualifying interests of these sites, their conservation objectives and identifies possible connections between the proposed development (source) and the sites (receptors).
- 8.4.3. Having regard to: the information and submissions available; the nature, size and location of the proposed alterations; its likely direct, indirect and cumulative effects; the source-pathway-receptor model; and the sensitivities of the ecological receptors, I consider that the 2 No. identified sites are relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

Table 8.1: Table of European Sites Within a Possible Zone of Influence of the Proposed Development					
European Site (Code)	Distance (Direction)	Qualifying Interest(s)	Conservation Objectives	Connections (Source-Pathway-Receptor)	Considered further in screening
The Long Derries, Edenderry SAC (000925)	5.3km (NE)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	No SAC is designated for a terrestrial habitat and is upgradient of application site. No pathway for direct or indirect effects.	No Due to lack of pathway.
River Barrow and River Nore SAC (002162)	14.2km (or c. 21km via the hydrological connection) (S)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculum fluitantis and Callitriche-Batrachion vegetation [3260] European dry heaths [4030]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected, as defined by a list of specific attributes and targets.	Yes Hydrological connection to SAC via Figile River.	Yes Hydrological connection to SAC could give rise to changes in water quality during construction phase. Construction works could impact on qualifying habitats or species through sedimentation,

		<p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaiite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Margaritifera durrovensis (Nore Pearl Mussel) [1990]</p>			<p>contamination, habitat loss/ alteration or disturbance/ displacement.</p>
--	--	--	--	--	--

8.4.4. Based on my examination of the NIS and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European Sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for 1 No. European Site, namely the River Barrow and River Nore SAC.

8.4.5. The remaining site (The Long Derries, Edenderry SAC) can be screened out from further assessment because of the scale of the proposed development, the nature of the Conservation Objectives and Qualifying Interests, the separation distances and in particular the lack of a substantive linkage between the proposed development and the European site.

8.4.6. Screening Determination

8.4.7. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the following European site (i.e. there is the possibility of significant effect):

- River Barrow and River Nore SAC (Site Code 002162)

8.4.8. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European site has been screened out for the need for appropriate assessment.

- The Long Derries, Edenderry SAC (Site Code 000925)

8.4.9. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

8.5. **Appropriate Assessment of Implications of the Proposed Development**

8.5.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the abovementioned European site using the best scientific knowledge in the field. All aspects of the project which

could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.5.2. The following site is subject to Appropriate Assessment:

- River Barrow and River Nore SAC (Site Code 002162).

8.5.3. A description of the site, its Conservation Objectives and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for the site, are set out in the NIS and summarised in Table 8.2 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for the site available through the NPWS website (www.npws.ie).

8.5.4. Aspects of the proposed development

8.5.5. In my opinion, having reviewed the development proposals, the main aspects of the proposed development that could adversely affect the conservation objectives of the abovementioned European Site arise during the construction phase and include:

- Impacts to water quality through construction related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt run-off.
- Disturbance and or displacement of species listed as qualifying interests due to potential water quality impacts during construction or disturbance of foraging/commuting routes or breeding habitats.
- Habitat loss, fragmentation or alteration.
- Introduction of invasive species or biosecurity issues during construction.

8.5.6. Table 8.2 summarises the Appropriate Assessment and site integrity test. The conservation objectives for the European Site have been examined and assessed with regard to the identified potential significant effects and all aspects of the project (alone and in combination with other plans and projects). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of the European site.

8.5.7. With regard to the operational phase, considering the nature of the proposed development and the distance from the abovementioned European Site, I do not

consider that the proposed development – once operational – is likely to adversely affect the integrity of the European Site in light of its conservation objectives. In light of this, no mitigation measures are therefore considered necessary during the operational phase.

- 8.5.8. While there are a number of existing and permitted developments in the area, including electrical infrastructure development, having regard to the limited scale and extent of the proposed alteration and the measures outlined in the CEMP, I do not consider that there is the potential for significant in-combination effects to occur.

Table 8.2: Summary of Appropriate Assessment of implications of the proposed development on the integrity of European Site 002162 alone and in combination with other plans and projects in view of the site's Conservation Objectives.

River Barrow and River Nore SAC (002162)					
Summary of Key issues that could give rise to adverse effects:					
<ul style="list-style-type: none"> • Impacts to water quality through construction related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt run-off. • Disturbance and or displacement of species due to potential water quality impacts during construction or disturbance of foraging/commuting routes or breeding habitats. • Habitat loss, fragmentation, or alteration. • Introduction of invasive species or biosecurity issues during construction. 					
Conservation Objectives: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf					
Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	<u>Maintain favourable conservation condition.</u> No decline in occupied sites (see Map 7 of Conservation Objectives document for 2 No. known sites); At least 5 adult snails in at least 50% of samples; Adult snails present in at least 60% of samples per site; Minimum of 1ha of suitable habitat per site; 90% of samples in habitat classes I and II as defined in Moorkens & Killeen (2011); 90% of samples	<u>No</u> Known sites of Desmoulin's whorl snail are not within likely Zone of Influence of proposed development.	No mitigation required.	None	<u>Yes</u> Species not within Zol

	in moisture class 3-4 as defined in Moorkens & Killeen (2011)				
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Status of freshwater pearl mussel as a qualifying Annex II species for the SAC is currently under review. No site-specific conservation objective currently.	<u>No</u> Known populations of freshwater pearl mussel are in 3 No. tributaries of the River Barrow in Co. Carlow, not the main channel, and are well outside of the likely Zone of Influence of proposed development. Status of species as a QI is 'currently under review'.	No mitigation required.	None	<u>Yes</u> Species not within Zol
Austroptamobius pallipes (White-clawed Crayfish) [1092]	<u>Maintain favourable conservation condition.</u> No reduction in distribution from baseline; Juveniles and/or females with eggs in at least 50% of positive samples; No alien crayfish species; No instances of disease; Water quality at least Q3-4 at all sampled sites; No decline in heterogeneity or habitat quality.	<u>Yes</u> Potential for direct and indirect effects due to presence of species in the Figle River and the sensitivity of the species to pollution of watercourse with chemicals, silt/soil, contaminants etc. during construction phase. Risk of introduction of crayfish plague.	Best practice pollution prevention methods are set out in Section 7 of the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures specific to this species are also set out in Section 7.5 of the NIS to prevent introduction of crayfish plague from construction equipment/materials. Ecological Clerk of Works to be appointed to	No likely significant in-combination effects.	<u>Yes</u> No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

			monitor compliance with mitigation measures and conditions.		
Petromyzon marinus (Sea Lamprey) [1095]	<u>Restore</u> favourable conservation condition. Greater than 75% of main stem length of rivers accessible from estuary; At least three age/size groups present; Juvenile density at least 1/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive for juvenile habitat.	<u>No</u> Due to distance to relevant estuaries and lower reaches of the River Barrow, which are at a considerable distance from the site.	No mitigation required.	None.	<u>Yes</u> Species not within Zol.
Lampetra planeri (Brook Lamprey) [1096]	<u>Restore</u> favourable conservation condition. Access to all watercourses down to first order streams; At least three age/size groups of brook/river lamprey present; Mean catchment juvenile density of brook/river lamprey at least 2/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive for juvenile habitat.	<u>Yes – Direct & Indirect</u> Potential for direct and indirect effects due to recorded presence of species in the Figile River and the sensitivity of the species to pollution of watercourse with chemicals, silt/soil, contaminants etc. during construction phase.	Best practice pollution prevention methods are set out in Section 7 of the NIS and include detailed measures to mitigate impacts to water quality. Ecological Clerk of Works to be appointed to monitor compliance with mitigation measures and conditions.	No likely significant in-combination effects.	<u>Yes</u> No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Lampetra fluviatilis (River Lamprey) [1099]	<u>Restore</u> favourable conservation condition. Greater than 75% of main stem and major tributaries down to second order accessible from estuary; At least three age/size groups of river/brook lamprey present; Mean catchment juvenile density of brook/river	<u>No</u> Due to distance to relevant estuaries and lower reaches of the River Barrow, which are at a	No mitigation required.	None.	<u>Yes</u> Species not within Zol.

	lamprey at least 2/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive for juvenile habitat.	considerable distance from the site.			
Alosa fallax fallax (Twaiite Shad) [1103]	<u>Restore</u> favourable conservation condition. Greater than 75% of main stem length of rivers accessible from estuary; More than one age class present; No decline in extent and distribution of spawning habitats; Water oxygen levels no lower than 5mg/l; Maintain stable gravel substrate with very little fine material, free of filamentous algal growth and macrophyte growth	<u>No</u> Species is limited to lower reaches of the River Barrow, at a considerable remove from the likely Zone of Influence of proposed development.	No mitigation required.	None.	<u>Yes</u> Species not within Zol.
Salmo salar (Salmon) [1106]	<u>Restore</u> favourable conservation condition. 100% of river channels down to second order accessible from estuary; Conservation Limit for each system consistently exceeded; Maintain or exceed 0+ fry mean catchment-wide abundance threshold value - currently set at 17 salmon fry/5 min sampling; No significant decline in out-migrating smolt abundance; No decline in no. and distribution of spawning redds due to anthropogenic causes; Water quality at least Q4 at all sampled sites.	<u>Yes – Direct & Indirect</u> Potential direct and indirect effects due to hydrological link and sensitivity of species to pollution of watercourse with chemicals, silt/soil, contaminants etc. during construction phase.	Best practice pollution prevention methods are set out in Section 7 of the NIS and include detailed measures to mitigate impacts to water quality. Ecological Clerk of Works to be appointed to monitor compliance with mitigation measures and conditions.	No likely significant in-combination effects.	<u>Yes</u> No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Lutra lutra (Otter) [1355]	<u>Restore</u> favourable conservation condition. No significant decline in distribution; No significant decline in terrestrial habitat	<u>Yes – Direct & Indirect</u> Potential direct and indirect effects due to	Best practice pollution prevention methods are set out in Section 7 of the NIS and include detailed	No likely significant in-	<u>Yes</u> No doubt as to the effectiveness or

	(122.8ha above high water mark; 1136.0ha along river banks / around ponds); No significant decline in marine habitat (857.7ha); No significant decline in river habitat (Length 616.6km); No significant decline in lake habitat (2.6ha); No significant decline in couching sites and holts; No significant decline in fish biomass.	hydrological link and sensitivity of species to pollution of watercourse with chemicals, silt/soil, contaminants etc. during construction phase. Potential temporary disturbance to foraging and breeding habitats or commuting otters. Potential impacts on fish could affect otter foraging.	measures to mitigate impacts to water quality. While no otter holts were found during the site survey, a pre-construction survey is proposed to identify any newly created holts. Ecological Clerk of Works to be appointed to monitor compliance with mitigation measures and conditions.	combination effects.	implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.
Margaritifera durrovensis (Nore Pearl Mussel) [1990]	<u>Restore favourable conservation condition.</u> Maintain distribution at 15.5km; Restore population to 5,000 adult Mussels; Restore to at least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length; Mortality no more than 5% decline from previous number of live adults counted and dead shells less than 1% of the adult population and scattered in distribution; Restore suitable habitat in length of river corresponding to distribution target (15.5km) and any additional stretches necessary for salmonid spawning; Restore water quality-macroinvertebrates: EQR greater than 0.90 and phytobenthos: EQR greater than 0.93;	<u>No</u> Known locations of species are not located within likely Zone of Influence of proposed development.	No mitigation required.	None	<u>Yes</u> Species not within Zol

	Restore substratum quality- filamentous algae: absent or trace (<5%), macrophytes: absent or trace (<5%); Restore substratum quality- stable cobble and gravel substrate with very little fine material and no artificially elevated levels of fine sediment; Restore redox potential to no more than 20% decline from water column to 5cm depth in substrate; Restore appropriate hydrological regimes; Maintain sufficient juvenile salmonids to host glochidial larvae				
Trichomanes speciosum (Killarney Fern) [1421]	<p><u>Maintain</u> favourable conservation condition.</p> <p>No decline in distribution; Maintain at least three colonies of gametophyte, and at least one sporophyte colony of over 35 fronds; At least one of the locations to have a population structure comprising sporophyte, unfurling fronds, 'juvenile' sporophyte and gametophyte generations; No loss of suitable habitat, such as shaded rock crevices, caves or gullies in or near to, known colonies. No loss of woodland canopy at or near to known locations; Maintain hydrological conditions at the locations so that all colonies are in dripping or damp seeping habitats and water is visible at all locations; No increase in no. of dessicated fronds; No changes in shading due to anthropogenic impacts; Invasive species absent or under control</p>	<p><u>No</u></p> <p>Known locations of habitat are not located within likely Zone of Influence of proposed development.</p>	No mitigation required.	None	<p><u>Yes</u></p> <p>Habitat not within Zol</p>

Estuaries [1130]	<u>Maintain favourable conservation condition.</u> The permanent habitat area is stable or increasing, subject to natural processes; The following sediment communities should be maintained in a natural condition: Muddy estuarine community complex; Sand to muddy fine sand community complex; Fine sand with Fabulina fabula community; Maintain the natural extent of the Sabellaria alveolata reef, subject to natural process.	<u>No</u> Coastal habitat, not located within likely Zone of Influence of proposed development.	No mitigation required.	None	<u>Yes</u> Habitat not within Zol
Mudflats and sandflats not covered by seawater at low tide [1140]	<u>Maintain favourable conservation condition.</u> The permanent habitat area is stable or increasing, subject to natural processes; The following sediment communities should be maintained in a natural condition: Muddy estuarine community complex; Sand to muddy fine sand community complex.	<u>No</u> Coastal habitat, not located within likely Zone of Influence of proposed development.	No mitigation required.	None	<u>Yes</u> Habitat not within Zol
Reefs [1170]	Omitted from Conservation Objectives document.	<u>No</u> Coastal habitat, not located within likely Zone of Influence of proposed development.	No mitigation required.	None	<u>Yes</u> Habitat not within Zol
Salicornia and other annuals colonising mud and sand [1310]	<u>Maintain favourable conservation condition.</u> Area stable or increasing, subject to natural processes, including erosion and succession (0.03ha); No decline in occurrence, subject to natural processes;	<u>No</u> Coastal habitat, not located within likely Zone of Influence of proposed development.	No mitigation required.	None	<u>Yes</u> Habitat not within Zol

	<p>Maintain or where necessary restore natural circulation of sediments and organic matter, without any physical obstructions; Maintain natural tidal regime; Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession; Maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes including erosion and succession; Maintain structural variation within sward; Maintain more than 90% of area outside creeks vegetated; Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009).; No significant expansion of <i>Spartina</i>. No new sites for this species and an annual spread of less than 1% where it is already known to occur.</p>				
<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	<p><u>Restore favourable conservation condition.</u></p> <p>Area stable or increasing, subject to natural processes, including erosion and succession; No decline in habitat distribution, subject to natural processes; Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions; Maintain natural tidal regime; Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession; Maintain range of saltmarsh habitat zonations including transitional zones, subject</p>	<p><u>No</u></p> <p>Coastal habitat, not located within likely Zone of Influence of proposed development.</p>	<p>No mitigation required.</p>	<p>None</p>	<p><u>Yes</u></p> <p>Habitat not within ZOI</p>

	to natural processes including erosion and succession; Maintain structural variation within sward; Maintain more than 90% of area outside creeks vegetated; Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009; No significant expansion of Spartina. No new sites for this species and an annual spread of less than 1% where it is already known to occur.				
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	<u>Restore favourable conservation condition.</u> Area stable or increasing, subject to natural processes, including erosion and succession; No decline in habitat distribution, subject to natural processes; Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions; Maintain natural tidal regime; Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession; Maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes including erosion and succession; Maintain structural variation within sward; Maintain more than 90% of area outside creeks vegetated; Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009; No significant expansion of Spartina. No new sites for this	<u>No</u> Coastal habitat, not located within likely Zone of Influence of proposed development.	No mitigation required.	None	<u>Yes</u> Habitat not within Zol

	species and an annual spread of less than 1% where it is already known to occur.				
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	<p><u>Maintain favourable conservation condition.</u></p> <p>No decline in occurrence, subject to natural processes; Area stable or increasing, subject to natural processes; Maintain appropriate hydrological regimes; The groundwater flow to the habitat should be permanent and sufficient to maintain tufa formation; The substratum should be dominated by large particles and free from fine sediments; The groundwater and surface water should have sufficient concentrations of minerals to allow deposition and persistence of tufa deposits; The concentration of suspended solids in the water column should be sufficiently low to prevent excessive deposition of fine sediments; The concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition; Typical species of the relevant habitat sub-type should be present and in good condition; The area of active floodplain at and upstream of the habitat should be maintained.</p>	<p><u>No</u></p> <p>Known locations of habitat are not located within likely Zone of Influence of proposed development.</p>	No mitigation required.	None	<p><u>Yes</u></p> <p>Habitat not within Zol</p>
European dry heaths [4030]	<p><u>Maintain favourable conservation condition.</u></p> <p>No decline from current habitat distribution, subject to natural processes; Area stable or increasing, subject to natural processes; No</p>	<p><u>No</u></p> <p>Habitat is not present in vicinity of proposed development. No</p>	N/A	None	<p><u>Yes</u></p> <p>Habitat not within Zol</p>

	<p>significant change in soil nutrient status, subject to natural processes; No increase or decrease in area of natural rock outcrop; Cover of characteristic sub-shrub indicator species at least 25%: gorse (<i>Ulex europaeus</i>) and where rocky outcrops occur bilberry (<i>Vaccinium myrtillus</i>) and woodrush (<i>Luzula sylvatica</i>); Cover of senescent gorse less than 50%; Long shoots of bilberry with signs of browsing collectively less than 33%; Cover of scattered native trees and shrub less than 20%; Number of positive indicator species at least 2 (e.g. gorse and associated dry heath/acid grassland flora); Cover of positive indicator species at least 60% (including gorse, bilberry and associated acid grassland flora); Number of bryophyte or non-crustose lichen species present at least 2; Cover of bracken less than 10%; Cover of agricultural weed species (negative indicator species) less than 1%; Cover of non-native species less than 1%; No decline in distribution or population sizes of rare, threatened or scarce species, including Greater Broomrape (<i>Orobancha rapum-genista</i>) and the legally protected clustered clover (<i>Trifolium glomeratum</i>); Cover of disturbed bare ground less than 10% (but if peat soil less than 5%); No signs of burning within sensitive areas</p>	<p>potential for indirect effects due to nature of proposed development and potential effects arising.</p>			
<p>Hydrophilous tall herb fringe</p>	<p><u>Maintain</u> favourable conservation condition.</p>	<p><u>No</u></p>	<p>N/A</p>	<p>None</p>	<p><u>Yes</u></p>

communities of plains and of the montane to alpine levels [6430]	<p>No decline in occurrence, subject to natural processes; Area stable or increasing, subject to natural processes; Maintain appropriate hydrological regimes; 30-70% of sward is between 40 and 150cm in height; Broadleaf herb component of vegetation between 40 and 90%; At least 5 positive indicator species present; Negative indicator species, particularly non-native invasive species, absent or under control.</p>	<p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to nature of proposed development and potential effects arising.</p>			<p>Habitat not within Zol</p>
Petrifying springs with tufa formation (Cratoneurion) [7220]	<p><u>Maintain</u> favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes; No decline in occurrence; Maintain appropriate hydrological regimes; Maintain oligotrophic and calcareous conditions; Maintain occurrence of typical species.</p>	<p><u>No</u></p> <p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to nature of proposed development and potential effects arising.</p>	<p>N/A</p>	<p>None</p>	<p><u>Yes</u></p> <p>Habitat not within Zol</p>
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	<p><u>Restore</u> favourable conservation condition.</p> <p>Area stable or increasing, subject to natural processes (85.08ha); No decline in occurrence; Woodland area stable or increasing; Woodland to have diverse structure with a relatively closed canopy containing mature trees, subcanopy layer with semi-mature trees and shrubs and well-developed herb layer; Maintain diversity and extent of Woodland community types;</p>	<p><u>No</u></p> <p>Habitat is not present in vicinity of proposed development. No potential for indirect effects due to distance, nature of proposed development and terrestrial nature of habitat.</p>	<p>N/A</p>	<p>None</p>	<p><u>Yes</u></p> <p>Habitat not within Zol</p>

	Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy; Ensure at least 30m ³ /ha of fallen timber greater than 10cm dia., 30 snags/ha, both categories should include stems greater than 40cm dia.; No decline in veteran trees per hectare; No decline in occurrence of indicators of local distinctiveness; No decline in native tree cover (not less than 95%); A variety of typical native species present; Negative indicator species, particularly non-native invasive species, absent or under control.				
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]	<u>Restore favourable conservation condition.</u> Area stable or increasing, subject to natural processes (181.54ha); No decline in occurrence; Woodland area stable or increasing; Woodland to have diverse structure with a relatively closed canopy containing mature trees, subcanopy layer with semi-mature trees and shrubs and well-developed herb layer; Maintain diversity and extent of Woodland community types; Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy; Appropriate hydrological regime necessary for maintenance of alluvial vegetation; Ensure at least 30m ³ /ha of fallen timber greater than 10cm dia., 30 snags/ha, both categories should include stems greater	<u>No</u> Habitat is not located within likely Zone of Influence of proposed development	N/A	None	<u>Yes</u> Habitat not within Zol

	<p>than 40cm dia. (greater than 20cm dia. in the case of alder); No decline in veteran trees per hectare; No decline in occurrence of indicators of local distinctiveness; No decline in native tree cover; A variety of typical native species present; Negative indicator species, particularly non-native, invasive species, absent or under control.</p>				
--	--	--	--	--	--

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the River Barrow and River Nore SAC in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.

8.5.9. Mitigation Measures

8.5.10. The proposed mitigation measures are set out in Section 7 of the NIS under the headings of: Project Ecologist; Construction and Environmental Management Plan; water quality measures; Otter; White-clawed Crayfish; and invasive species.

8.5.11. ***Project Ecologist***

8.5.12. Project Ecologist or Ecological Clerk of Works will be appointed to monitor/audit works on a weekly basis for the full duration of the works. Ecologist will provide induction training and 'toolbox talks' for all construction workers and will have the authority to suspend works if necessary.

8.5.13. ***Construction and Environmental Management Plan (CEMP)***

8.5.14. A CEMP was submitted as part of the 'parent' application (ABP-309686-21) and will be implemented as part of the proposed development works. The CEMP will be updated through pre-construction and construction and implemented on site to reduce the risk of pollution and improve the sustainable management of resources.

8.5.15. ***Water Quality Measures***

8.5.16. The NIS notes that the main risk to water quality arising from the proposed development is associated with the potential for ingress of sediment or accidental fuel or oil spillages discharging to watercourses during excavation and construction works. The proposed measures to mitigate impacts to water quality are grouped under the sub-headings of: watercourses; excavations; runoff and sediment control; monitoring; fuel and oil management plan; site compound; wastes; plant and machinery management and emergency plans and procedures. The mitigation measures include relatively standard good practice mitigation measures for construction sites in the vicinity of watercourses and for works on peat. This includes: buffer zones from watercourses; use of silt fences and spill kits; maintenance and storage/refueling procedures for plant, machinery and vehicles; storage for chemicals, oils etc.; sediment control measures; tree felling and dewatering protocols. With regard to the Emergency Response Plan, this will set out procedures for incidents/events likely to cause pollution (e.g. pollution of the Figile River with silt/sediment, fuels/oils, etc.) and will be displayed at appropriate locations.

8.5.17. **Otter**

8.5.18. While no otters were recorded on the camera traps placed during the site surveys, a pre-construction survey is proposed within 12 months prior to construction to ensure that newly established holts do not occur within the works area before the commencement of construction. Should a holt be identified, additional surveys/enabling works will only be undertaken under the appropriate NPWS licence.

8.5.19. **White-clawed Crayfish**

8.5.20. Measures to ensure that White-clawed crayfish plague is not introduced or spread include:

- Construction manager and project ecologist will share responsibility for ensuring all staff are aware of the procedures necessary to prevent introduction/spread of the Crayfish plague to the Figile River.
- All plant and equipment will be cleaned and free of soil/mud/debris or any attached plant or animal material. All plant/equipment with water retaining compartments, tanks, etc. will require water to be drained or dried out before transportation to the site. Visual inspection of all plant/equipment prior to entering the site to ensure all adherent material and debris has been removed.
- Plant/equipment utilising river water (e.g. bowsers) will require cleaning with disinfectant followed by rinsing with clean water.

8.5.21. **Invasive Species**

8.5.22. While no invasive species were observed during the site surveys, it is proposed to undertake an invasive species survey within 12 months prior to commencement of construction. Should newly established invasive species be identified, an Invasive Species Management Plan will be incorporated into the final CEMP. The following measures are also proposed:

- Good construction site hygiene to prevent the introduction and spread of problematic invasive alien plant species by thoroughly washing vehicles prior to leaving any site.

- Cleaning of all plant and equipment employed on the construction site prior to arrival on site to prevent the spread of invasive plant species;
- Washing undertaken in areas with no potential to result in the spread of invasive species.
- Soil and topsoil required on the site will be sourced from a stock that has been screened for the presence of any invasive species and where it is confirmed that none are present.
- Planting and landscaping shall avoid the use of invasive shrubs.

8.5.23. I consider that the proposed mitigation measures outlined in the NIS generally comprise relatively standard good practice measures for construction works in the vicinity of watercourses. I consider that the proposed measures, as well as the construction methodology and Environmental Management Plans contained within the CEMP for the permitted substation development are suitably detailed to remove any lack of clarity regarding potential adverse effects and that they are capable of being successfully implemented. I note that it is also proposed to appoint a Project Ecologist/ Ecological Clerk of Works to ensure that the mitigation measures and best practice measures are fully implemented.

8.5.24. Integrity test

8.5.25. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the proposed alteration would not adversely affect the integrity of the River Barrow and River Nore SAC (Site Code 002162) in view of the Conservation Objectives of that site.

8.5.26. This conclusion has been based on a complete assessment of all implications of the proposed alteration alone and in combination with plans and projects.

8.6. Appropriate Assessment Conclusion

8.6.1. The proposed alteration has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

8.6.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Barrow and River Nore

SAC (Site Code 002162). Consequently, an Appropriate Assessment was required of the implications of the proposed alteration on the qualifying features of that site in light of its conservation objectives.

8.6.3. Following an Appropriate Assessment, it has been ascertained that the proposed alteration, individually or in combination with other plans or projects would not adversely affect the integrity of European site Nos. 002162, or any other European site, in view of the sites' Conservation Objectives.

8.6.4. This conclusion is based on a full and detailed assessment of all aspects of the proposed alteration including proposed mitigation measures in relation to the Conservation Objectives of the River Barrow and River Nore SAC (Site Code 002162) and an assessment of likely in-combination effects with other plans and projects. No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Barrow and River Nore SAC (Site Code 002162).

9.0 Recommendation

9.1. I recommend that the Board decides that the making of the alteration that is the subject of this request would not be likely to have significant effects on the environment.

9.2. A Draft Order for the Board's consideration is provided overleaf.

9.3. I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 28th day of October 2022 from Cloncant Renewable Energy Limited under section 146B of the Planning and Development Act, 2000, as amended, ('the Act') to alter the terms of a strategic infrastructure development comprising a 110kV Air Insulated Switchgear (AIS) Loop Substation with 400m long overhead line grid connection and all associated site works in the townlands of Ballykilleen, Cloncreen and Ballinowlart North, Co. Offaly, which was the subject of an approval under An Bord Pleanála reference number ABP-309686-21.

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 11th day of April 2022,

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:

- Amend the approved grid connection from a double circuit 110kV overhead line to a double circuit underground cable (UGC), together with amending the approved 400m grid route heading southeast to a 400m grid route heading northeast to the existing Cushaling – Portlaoise 110kV overhead line. This proposed alteration includes: c. 400m of double circuit UGC; 2 No. steel lattice pylons; directional drilling under the Figile River; 300m of unpaved 3.5m wide access road; 2 No. new access points off the R401 Regional Road and 1 No. access point at the permitted Cushaling Wind Farm substation; c. 25m of 110kV UGC linking the permitted Cushaling Wind Farm substation with the permitted Kilcumber Bridge 110kV substation; demolition of garden sheds at rear of an uninhabited house; felling of c. 270m² of woodland.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Act, 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 Act, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS the Board decided to invoke the provisions of section 146B(8) of the Act and required that the requester deposit a copy of the information with the planning authority, send notice of the request to the prescribed bodies, and publish newspaper notices and erect site notices inviting submissions or observations from the public.

AND WHEREAS having considered all of the documents on file, the submissions received 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)(b)(ii) 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 28th 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:

- (i) the nature and scale of the substation and associated development approved by An Bord Pleanála under Reference Number ABP-309686-21,
- (ii) the examination of the environmental impacts, including in relation to European Sites, carried out in the course of that application,
- (iii) the limited nature and extent of the proposed alteration which does not meet any of the relevant thresholds for classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as

amended, which are the prescribed classes of development for the purposes of section 176 of the Act,

- (iv) the information submitted by the requester, including the Environmental Report which contains the information specified in Schedule 7A of the Planning and Development Regulations 2001, as amended, and the Natura Impact Statement,
- (v) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, including:
 - (a) The characteristics of the proposed alteration which are relatively minor in scale and extent and are capable of effective mitigation,
 - (b) The location of the proposed alteration which is considered to be capable of accommodating the proposed development,
 - (c) The types and characteristics of the potential impacts arising from the proposed alteration alone or cumulatively with other development which are not considered to be significant, including by reason of implementation of the Construction and Environmental Management Plan and other conditions associated with the associated substation development approved under ABP-309686-21,
- (vi) the submissions received,
- (vii) the report of the Board's Inspector, which is adopted,

It is considered that the proposed alteration would not be likely to have significant effects on the environment. In accordance with section 146B(3)(b)(ii) of the Planning & Development Act 2000, as amended, the Board hereby makes the said alteration.

CONDITIONS

1. Apart from the alterations hereby authorised, as detailed in the plans and particulars lodged with the request, the development shall be carried out and completed in accordance with the terms and conditions of the approval granted on the 11th day of April 2022 under application reference number

ABP-309686-21, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous approval.

2. The additional environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Report, the Ecological Impact Assessment, the Natura Impact Statement and other particulars submitted with the request shall be incorporated into the Construction and Environmental Management Plan required under Condition 5 of approval reference number ABP-309686-21 and shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of clarity and the protection of the environment during the construction phase of the development.

3. Details of measures to create an area of compensatory woodland habitat in order to mitigate ecological damage, as set out in Section 9.1.4 of the Ecological Impact Statement, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of mitigating ecological damage associated with the development

Niall Haverty
Senior Planning Inspector
31st May 2023