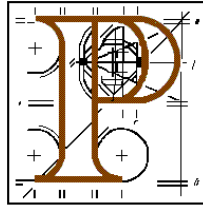


# An Bord Pleanála



## Inspector's Report

**An Bord Pleanála Ref.:** ABP-315857-23

**Development:** Amendments to ABP case 305106-19 for a 110kV 4-Bay C-type electricity substation and associated loop-in infrastructure to tie into the existing 110kV transmission line.

**Site Address:** Tullamore, Drombeg & Coolkeragh, Listowel, Co. Kerry.

**Applicant:** Tullamore Solar Farm Ltd.

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

**Date of Site Inspection:** N/A

**Inspector:** Karla Mc Bride

## **1.0 INTRODUCTION**

1.1 This report deals with a request from Tullamore Solar Farm Ltd. that the Board exercise its power under section 146B of the Planning and Development Acts 2000 (as amended), to alter the terms of an approval made under section 182B to construct a 110kV 4-Bay C-Type electricity substation and associated loop-in infrastructure.

## **2.0 LEGISLATIVE BASIS**

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

## **3.0 HISTORY**

3.1 Under ABP-305106-19 the Board made an order on the 30<sup>th</sup> day of March 2020 to grant approval to Terra Solar II Ltd. under section 182B of the acts for a development for the purposes of electricity transmission, described as a 110kV 4-bay C-type electricity substation and associated loop-in infrastructure to tie into the existing 110kV transmission line and associated works. The substation was intended to connect the permitted Tullamore Solar Farm to the grid (ABP-302681-18).

## **4.0 THE SITE**

4.1 The site is located to the N of Listowel in County Kerry and the surrounding area is agricultural in character. It is located to the W of the N69 which connects Listowel and Tarbert and to the E of the R552 road that connects Listowel with Ballylongford, and the lands are accessed off the L-1009 which is a narrow county road.

- 4.2 The gently sloping rural site comprises a series of agricultural fields that are defined by mature trees and hedgerows, and several streams and ditches traverse the site. The lands slope down towards the River Galey which flows to the SE and SW of the site and drains to the River Feale to form part of the Lower River Shannon SAC (site code 002165). The River Galey is prone to flooding. The site is also traversed by an existing 110kV line from SW to NE.
- 4.3 The surrounding area is sparsely populated with several farm buildings and detached houses in the vicinity. There is one recorded archaeological site (Ringfort) to the SW of the site and there are several other heritage features in the surrounding area. There is a permitted but not yet constructed 50MW solar farm (ABP-302681-18) on the overall lands that extend to c.99ha and there are several operational and permitted windfarms in the wider area.

## **5.0 THE REQUEST**

- 5.1 The S.146B application seeks to amend the terms of the approval under ABP-305106-19 as the 4<sup>th</sup> Bay of the previously permitted development for a 110kV 4-Bay C-type substation and associated works was not visually represented on the submitted drawings.
- 5.2 The applicant submits that the 4<sup>th</sup> Bay formed part of the overall development as it was referenced in the development description, considered in the supporting documentation, and assessed in the various assessments.
- 5.3 This application seeks to formalize the visual details of the 4<sup>th</sup> Bay, the appearance of which matches the other Bays in the approved development. The applicant submits that the requested amendment would not constitute a material alteration to the approved scheme.

5.5 The application was accompanied by a Cover Letter and Planning Drawings, and the details are summarised below.

- The **AA Screening and NIS reports** considered the inclusion of the 4<sup>th</sup> Bay in the overall development and concluded that the integrity of any nearby European sites would not be affected.
- The **Ecological Impact Assessment Report** (EclA) considered the inclusion of the 4<sup>th</sup> Bay and its footprint and concluded that there would be no adverse impacts on habitats or species. There would be no additional habitat loss, removal of trees and hedgerows, spread of invasive species, impacts on bats, birds or badgers (incl. any setts), otters or herptiles (incl. common frog).
- The **EIA Screening Report** considered the inclusion of the 4<sup>th</sup> Bay in the overall development description and the characteristics of the proposed development for the purposes of EIA screening and concluded that there would be no adverse impacts on the receiving environment (either individually or cumulatively), and that an EIAR was not required.
- The **Landscape and Visual Impact Assessment report** considered the visual impact on the overall development and concluded that there would be no significant adverse visual impacts arising from the structures and landscape berms. The 4<sup>th</sup> Bay would be located within a larger substation compound and surrounded by a permitted solar farm, and its inclusion would not give rise to any additional visual impacts.
- In relation to **flooding**, the 4<sup>th</sup> Bay is located within the footprint of the overall permitted development and also within Flood Zone C, and there would be no additional run-off or changes to the permitted drainage arrangements.

- The ***Traffic and Transport Assessment Report*** considered the inclusion of the 4<sup>th</sup> Bay in the overall development and concluded that there would be no adverse traffic impacts during the construction or operational phases.
- In relation to ***residential amenities***, it was concluded that the proposed substation compound would not seriously injure residential amenities in the surrounding area, having regard to the low-lying location and position within a permitted solar farm. The inclusion of the 4<sup>th</sup> Bay would not give rise to any additional impacts on residential amenity.

5.6 Having regard to the foregoing, the applicant submits that the requested amendment would not constitute a material alteration to the approved scheme, it would not have any additional significant effects on the environment, or on any designated European sites, either alone or in-combination / cumulatively with any other project.

## 6.0 ASSESSMENT

- 6.1 This S.146B application relates to the 4<sup>th</sup> Bay of the overall 110kV 4-Bay C-type substation and associated works that was permitted by the Board under ABP-305106-19 in March 2020. The applicant states that although the 4<sup>th</sup> Bay formed part of the overall development which was referenced in the development description and assessed in the planning, environmental and ecological assessments, it was not visually represented on the submitted drawings. This application seeks to formalize the visual details of the 4<sup>th</sup> Bay which matches the visual appearance of the other 3 x Bays in the approved development.
- 6.2 Having regard to my assessment of the original application for the substation and associated works at this site under ABP-305106-19, I am satisfied that the 4<sup>th</sup> Bay was referenced in the applicant's development description and associated documentation. I am also satisfied that the constituent planning, environmental and ecological assessments included consideration of all aspects of the development, including the 4<sup>th</sup> Bay, notwithstanding its omission from the drawings.
- 6.4 The 4<sup>th</sup> Bay would be located within the footprint of the previously permitted substation compound, which would in turn be surrounded by a permitted solar farm within a remote section of a low-lying rural area that slopes down from the local road towards the River Galey. The layout of the buildings and infrastructure within the amended drawings would be the same as that of the approved development. It would not have an impact on the use of the agricultural lands around the site that differed in any material way from the impact of the approved development in this regard which was previously considered by the Board. It would have no additional impacts on biodiversity or any additional significant impacts on visual amenity that were not already considered under the original SID proposal. The surface water management arrangements that are part of the approved development would not be affected by the proposed amendments. Therefore, they

raise no issues with respect to water quality and no significant effects could arise for any downstream European site.

- 6.5 Having regard to the foregoing, I am satisfied that the requested amendment to regularize the drawings would not have any additional planning, environmental or ecological impacts on the receiving environment, European sites or residential amenity, and it would not give rise to a traffic hazard or contribute to a down gradient flood risk. The inclusion of the 4<sup>th</sup> Bay would have a negligible impact on the landscape and visual amenity having regard to the remote rural location and its position within a permitted substation compound. The requested amended would not alter the planning conclusion, recommendation or conditions attached to ABP-305106-19, and it would not alter the AA or EIA Screening conclusions.
- 6.6 It is therefore concluded that the alteration proposed in this request would not be likely to have any effect on the environment, or on any European site, or any aspect of the proper planning and sustainable development of the area that differed in a significant way from the likely effects of the development as previously approved. Therefore, the alteration of the terms of the approved development that has been requested would not constitute a material alteration.
- 6.7 The terms and conditions of the parent permission approved by the Board under ABP- 305106-19 shall be complied with in full except if otherwise agreed by the Board.

## **7.0 RECOMMENDATION**

7.1 I recommend that the Board make an order altering the terms of the approval for a 110kV 4-Bay C-type electricity substation and associated loop-in infrastructure to tie into the existing 110kV transmission line, and associated works, made under section 146B(3)(a) of the Planning and Development Acts 2000, as amended in the manner and for the reasons set out below.

**REQUESTS** received by An Bord Pleanála on the 15<sup>th</sup> day of February 2023 from Tullamore Solar Farm Ltd. under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development described as a 110kV 4-Bay C-type electricity substation and associated loop-in infrastructure to tie into the existing 110kV transmission line, and associated works.

### **PROPOSED ALTERATIONS:**

Alterations to the approved development of a 110kV 4-Bay C-Type electricity substation and associated loop-in infrastructure to the existing 110kV transmission line, comprising the visual representation of the 4<sup>th</sup> Bay of the substation planning drawings.

**WHEREAS** the Board made a decision to grant approval, subject to conditions, for the above-mentioned development by order dated the 30<sup>th</sup> day of March 2020.

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the approval,

**AND WHEREAS** the Board considered that the proposed alterations would not result in a material alteration to the terms of the development, the subject of the approval,



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

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of February 2023.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

### **REASONS AND CONSIDERATIONS**

Having regard to the terms of the development approved under section 182B of the Planning and Development Act, 2000, as amended, under An Bord Pleanála reference number ABP- 305106-19 on the 30<sup>th</sup> day of March 2020 and to the nature and limited scale of the changes now proposed, it is considered that the proposed alterations, either individually or in combination with other plans or projects, would not be likely to have any significant effect on the environment, or on any European site having regard to their conservation objectives, or on the proper planning and sustainable development of the area that had not been considered prior to the granting of the said approval for the development. The proposed alterations, therefore, would not constitute a material alteration of the terms of the development concerned.

---

Karla Mc Bride  
Senior Planning Inspector  
6<sup>th</sup> April 2023