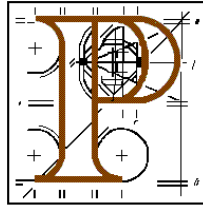


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.: ABP-316129-23

Development: Amendments to ABP case 306396 for a 110kV electrical substation and associated 110kV infrastructure to connect a solar farm to the existing Mullingar to Kinnegad 110kV overhead line.

Site Address: Townlands of Hightown or Balloughter, Co. Westmeath.

Applicant: Clonfad Solar 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: 14th April 2023

Inspector: Karla Mc Bride

1.0 INTRODUCTION

1.1 This report deals with a request from Clonfad Solar Ltd. that the Board exercise its power under section 146B of the Planning and Development Acts 2000, as amended to alter the terms of an approval made under section 182B to construct a 110kV substation and associated electrical 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-306396-20 the Board made an order on the 25th day of August 2020 to grant approval under section 182B of the acts for a development for the purposes of electricity transmission, described as a 110kV substation with associated 110kV infrastructure to connect a permitted solar farm (ABP-305992-19) to the grid via the existing Mullingar to Kinnegad 110kV overhead line.

3.2 Under ABP-303289-20 the Board determined that the proposed 110kV substation constituted strategic infrastructure under Section 182E.

4.0 THE SITE

4.1 The site is located in the townlands of Hightown or Balloughter c.3km to the NE of Milltownpass Village in Co. Westmeath. It forms part of a larger landholding (c.260ha) which has been granted planning permission for a solar farm. The surrounding area is rural in character and there are several dispersed houses and farm buildings in the

vicinity. There are large tracts of bog and some areas of conifer plantations in the wider area.

- 4.2 The c.3.5ha site comprises agricultural fields that are bound by trees and hedgerows with access off a local road, and the lands are traversed by the existing Mullingar to Kinnegad 110kV overhead line. There is a former quarry at the E field boundary and a Ringfort in the adjoining field (WM027-065) which is named as Knockmore on historic maps. The Kinnegad River flows along the W field boundary.

5.0 THE REQUEST

- 5.1 The S.146B application seeks to amend the terms of the approval under ABP-306396-20 in order to relocate the approved substation compound c.3m to the west and to lower the finished compound level by c.2m.
- 5.3 The application was accompanied by a Cover Letter, Planning Drawings and an AA Screening Report, and the details are summarised below.
- The approved substation would be located across 2 x separate landholdings, and the proposed relocation and lowering of the compound would ensure that it is wholly located within 1 x land registry folio boundary.
 - When compared with the hydraulic modelling contained in the original Flood Risk Assessment submitted with the parent permission, the relocated and lowered compound would: -
 - Remain within Flood Zone C.
 - Remain outside the area of the flood extents & residual risk scenario.
 - Remain above the recommended minimum finished floor level and exceed it by c.2.32m.

- The benefits of this amendment would: -
 - Represent a less invasive intervention at the site, with less cut and fill of the existing ground conditions.
 - Avoid encroaching on the established access laneway along the E site boundary.
 - Remain above the flood risk level.

- The updated AA Screening report demonstrates that there would be no impacts above and beyond those already considered under the parent application, alone or in-combination with any other plan or project, in relation to a European site.

5.6 The applicant submits that the requested amendments would not constitute a material alteration to the approved scheme.

6.0 ASSESSMENT

- 6.1 The footprint of the previously permitted substation compound would be located c.3m to the W in order to position it within a single landholding / property portfolio, and the finished level of the compound would be lowered by c.2m to take account the prevailing site characteristics. The relocated compound would continue to be surrounded by a permitted solar farm within a wider rural area that slopes down gently towards the local road the Kinnegad River. 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 a significant 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.
- 6.2 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 and the compound would continue to lie within Flood Zone C and well above the water table level. Therefore, they raise no issues with respect to water quality and no significant effects could arise for any further afield downstream European sites which are located in excess of c.8km of the site.
- 6.3 Having regard to the foregoing, I am satisfied that the requested amendments to relocate the approved substation compound c.3m to the W and to lower the finished compound level by c.2m 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 downgradient or on-site flood risk. The proposed compound relocation and site lowering would have a negligible impact on the landscape and visual amenity having regard to the remote rural location and its position within a permitted solar farm.

The requested amendment would not alter the planning conclusion, recommendation or conditions attached to ABP-306396-20, and it would not alter the AA conclusions.

- 6.3 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.
- 6.4 The terms and conditions of the parent permission approved by the Board under ABP-306396-20 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 substation and associated infrastructure, 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 23rd day of March 2023 from Clonfad Solar Ltd. under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development described as a 110kV substation with associated infrastructure works.

PROPOSED ALTERATIONS:

Amend the terms of the approval under ABP-306396-20 in order to relocate the approved substation compound c.3m to the west and to lower the finished compound level by c.2m.

WHEREAS the Board made a decision to grant approval, subject to conditions, for the above-mentioned development by order dated the 25th day of August 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 23rd day of March 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- 306396-20 on the 25th day of August 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.

Professional Declaration

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.

Karla Mc Bride
Senior Planning Inspector
20th April 2023