



An  
Bord  
Pleanála

## Inspector's Report ABP 318676-23

### Development

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

### Location

Tullabeg, Camolin, Co. Wexford

### Applicant

Tullabeg Solar Farm Ltd.

### Type of Application

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

### Inspector

Pauline Fitzpatrick

## 1.0 Introduction

The requester was granted approval under ref. ABP 305803-19 for a 110kV 4-bay C-type electricity substation to connect to and serve a solar farm permitted under ref. ABP 306065-19. A previous request was made under Section 146B for amendment to the approved development which is outlined in the next section of this report. The requester is now submitting this request to An Bord Pleanála, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for further alterations to the terms of that approval as it relates to the approved substation.

## 2.0 Planning History

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

- 110kV 4-bay electricity substation comprising separate 110kV Eirgrid and 33kV customer compounds, each served by a control building,
- 110kV underground grid connection over a distance of c.500 metres comprising loop-in infrastructure to tie into the existing 110kV overhead power line and 2 no. end mast steel lattice structures of approx. 21 metres in height to facilitate the connection,
- Access track from local road L5092,
- 2.6 metre high perimeter palisade fence,
- 5m<sup>3</sup> foul holding tank,
- Bore well,
- Landscaping including use of berms.

**ABP 314870-22** – It was determined that increasing the length of the Independent Power Producer (IPP) control room building within the substation compound by 3 metres from 11.0101 metres, as approved, to 14.0101 metres, would not result in a material alteration to the terms of the development, the subject of the permission. The decision was made 12/04/23.

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

**ABP 310272-21** - 10 year permission granted 11/01/22 for a solar farm on a 40.98 ha site which will connect and represents an extension to that as granted under ABP 306065-19. Connection to the national grid is to be by means of the substation granted under ref. ABP 305803-19.

**ABP 312287-21** – 10 year permission granted 04/07/22 for a solar farm on a 129 ha site located to the north-west of the above two permitted developments. Connection to the national grid is to be by means of the substation granted under ref. ABP 305803-19.

### 3.0 **Proposed Changes**

Addition of a 2<sup>nd</sup> 33/110kV transformer bay to the substation in order to accommodate the increased capacity arising from the solar farms granted permission under refs ABP 310272-21 and ABP 312287-21.

A 'bay' consisting of electrical switches and protection equipment will connect the transformer on the IPP side of the substation to the Eirgrid 110kV side in the same way to how the 1<sup>st</sup> transformer is connected.

### 4.0 **Requester's Submission**

The requester considers that the alteration sought does not constitute the making of a material alteration of the permitted development and would not give rise to significant environmental effects beyond those already considered in the original application.

The submission can be summarised as follows:

- The amendments are to cater for the updated technical specification requirements of Eirgrid, in addition to IPP compound operational improvements for the subject substation.

- The approved Tullabeg 110kV substation design is configured in such a way that this 2<sup>nd</sup> future transformer is fully accommodated for. The current proposal is to fit-out the 'spare bay' space.
- No movement or enlargement of any of the existing consented infrastructure is required.
- The function of the substation will remain unchanged, and its purpose is to transport renewable energy generated by permitted solar farms to the grid.
- The proposed alterations will take place within the fenced area of the substation compound. There will be no effect on the red line boundary of the site.
- There are no recorded archaeological sites within the subject site. Condition 5 of the original permission provided for archaeological mitigation measures which have been implemented.
- There will not be any significantly discernible visual change arising from the proposed modifications. The additional transformer and line bay are consistent in scale and form to that already permitted in the substation compound. It will not alter the landscape character or result in any perceptible visible change from key identified local viewpoints.
- The nearest dwelling is approx. 310 metres to the south-east with mature intervening hedgerows. These, coupled with the flat nature of the site means inter-visibility between local residential properties and the substation compound is not significant, restricted principally to the top half of the lighting masts. The addition will be immaterial in the context of the interrelationship between the substation and residential properties with no discernible impacts on residential amenity.
- The substation is not located in an area of flood risk. The proposed modifications do not alter the internal road or other key site levels. The permitted substation incorporates storm water drainage measures, the technical specification and functionality of which remain unaltered by the proposed design changes.

- All transport related requirements for the additional transformer will be as per that previously agreed with Wexford County Council for the delivery of the original transformer. It has been demonstrated that the transformer can be delivered to the site without any material impacts on the road network.

### ***EIA Screening***

- The original application was accompanied by EIA Screening. The proposed alterations do not alter the basis on which the requirement for EIA was screened out.

### ***AA Screening***

- An addendum to the AA Screening Statement accompanies the section 146B application which concludes that there is no element of the proposed changes which give rise to any likely significant effects on any European Site.

The application is accompanied by -

- Addendum to Screening Statement prepared for the substation.
- Landscape and Visual Statement
- Report on Delivery Route and Access
- Plans and Drawings

## **5.0 Legislative Basis**

Section 146B. — (1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2)(a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of

person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

(3)( a ) If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall —

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II) , unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to —

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(3A) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of the effects on the environment

carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(3B) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information may be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration.

(4) Before making a determination under subsection (3)(b)(iii), the Board shall determine whether the extent and character of —

(a) the alteration requested under subsection (1), and

(b) any alternative alteration it is considering under subsection (3)(b)(ii)(II)

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

## 6.0 **Assessment**

### 6.1. **Consideration of Materiality**

As noted in the documentation accompanying the request the proposed alteration entails the addition of a 2<sup>nd</sup> 33/110kV transformer bay to the substation in order to accommodate the increased capacity arising from the solar farms granted permission in the vicinity under refs ABP 310272-21 and ABP 312287-21. These collectively are considered to constitute extensions to the Tullabeg Solar Farm which was granted permission under ref. ABP 306065-19. The substation as granted was 'future proofed' with space earmarked within the fenced area of the substation compound for such type development. The substation footprint and the red line site boundary are unaltered.

The additional transformer and line bay are consistent in scale and form to that already permitted and there will be no discernible visual change arising from the proposed modifications when viewed from outside the site.

No other alterations are proposed.

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

In the context of the assessment of the development as proposed and approved under ref. ABP 305803-19 and as amended by the alterations permitted by way of section 146(B) under ref. ABP 314870-22, I submit:

- No new considerations arise in terms of national and regional policy compliance. Since the decision on ABP 305803-19 the Wexford County Development Plan 2022 came into effect (July 2022). The policies and objectives with respect to energy and, specifically renewable energy, are noted. I submit that the substation is essential enabling infrastructure to support permitted solar farm development. It complies with, and supports the wider strategic objectives set out in national, regional and local policies, all of which seek to promote the development of renewable energy and facilitate the transition to a low carbon economy.
- Having regard to the nature and extent of the development which is consistent with that as permitted within the substation compound, the additional transformer and bay line will have no discernible visual impacts. Having regard to the separation distances to the nearest residential property to the south-west (c.310 metres), intervening screening in the form of hedgerow boundaries, coupled with the proposed planting to the boundary hedgerow to the south of the substation, the proposal will make no appreciable change to the overall appearance of the complex.
- The substation access is to remain unaltered. All transport related requirements for the additional transformer will be as per that previously agreed with Wexford County Council for the delivery of the original transformer. Its installation would have no discernible impact on construction traffic or the vehicular movements by maintenance staff during the operational phase.
- The site is characterised by habitat and species normally associated with managed agricultural land with no protected habitat or species identified.



- The proposed amendments will have no discernible impact on surface water runoff. The substation compound will be formed with permeable stone allowing runoff to infiltrate to ground comparable to pre-development greenfield conditions. Surface water generation in the bunded areas will discharge to existing site drainage via an oil interceptor.
- There are no recorded monuments within or in the vicinity of the substation.

### *Conclusion*

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

## **6.2. Finding in Respect of Materiality**

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

I submit that no new considerations arise in relation to impacts on the environment which were not considered in the assessment of impacts for ABP 305803-19.

I am of the opinion, having fully considered the proposed alterations and the development as approved under ABP 305803-19, that the Board would not have determined the proposal differently had the modifications now proposed in the alteration formed part of the said application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as approved under ABP 305803-19 and altered under ABP 314870-22.

I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter.

### 6.3. **Appropriate Assessment**

Under ABP 305803-19 the Board completed an appropriate assessment screening exercise in relation to Natura 2000 sites within a 15 km radius of the application site. The Board concluded that on the basis of the information on file which was considered adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 00781, 004143 and 00700 in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) was not, therefore, required.

The application is accompanied by an addendum to the screening report which accompanied the original permission. It notes that the conservation objectives for the European designated sites located in the wider receiving environment have not been materially changed since the original screening assessment was prepared. The generic Conservations Objectives for Cahore Marshes SPA (site code 004143) were re-dated as 2022 but are essentially unchanged.

Having considered the Board's determination on appropriate assessment on ABP 305803-19, section 8.6 of the Inspector's Report on the said file, the nature, scale and extent of the proposed alterations relative to the development subject of, and permitted under ABP 305803-19 and the alterations thereto approved under reference number ABP 314870-22, and the information on file which I consider adequate to carry out appropriate assessment screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives.

## 7.0 Recommendation

I recommend that the Board decides that the proposed modifications subject of this request do not constitute the making of a material alteration of the terms of the development as permitted under ABP 305803-19 and altered under reference ABP 314870-22.

### **DRAFT ORDER**

**REQUEST** received by An Bord Pleanála on the 8<sup>th</sup> day of December, 2023, from Tullabeg Solar Farm Limited care of HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Co. Cork under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as a 110kV 4-bay C-type electricity substation and associated works, subject of approval under An Bord Pleanála Reference Number ABP 305803-19 and alteration reference number ABP 314870-22.

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

**AND WHEREAS** the Board decided that alterations to the above-mentioned decision, that were requested on the 18<sup>th</sup> day of October, 2022, would not result in material alterations to the terms of the development and so made the alterations to the development the subject of approval under An Bord Pleanála reference number ABP 305803-19,

**AND WHEREAS** the proposed alteration is described as follows:

Addition of second 33/110kV transformer bay

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations

would not result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanala on the 8<sup>th</sup> day of December, 2023, for the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to:

- the nature and scale of the 110kV 4-bay C-type electricity substation development permitted under An Bord Pleanala Reference Number ABP 305803-19 for this site, which includes two control buildings, 110kV underground grid connection comprising loop-in infrastructure to tie into the existing 110kV overhead power line, access track and associated works,
- the alteration made to the above permitted development under An Bord Pleanala reference number ABP 314870-22 increasing the length of the Independent Power Producer (IPP) control room building within the substation compound by 3 metres from 11.0101 metres, as approved, to 14.0101 metres,
- the limited nature and scale of the alterations when considered in relation to the overall permitted development,
- the absence of any significant new or additional environmental concerns arising as a result of the proposed alterations, and
- the report of the Board's inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**January, 2024**