



An
Bord
Pleanála

Inspector's Report ABP-319548-24

Development	Proposed alterations to the approved 220kV substation, associated 220kV underground grid connection, cabling and associated works (ABP-315456-23).
Location	Monvallet, Co. Louth
Planning Authority	Louth County Council.
Applicant(s)	Hazelboro Limited.
Type of Application	S.146B.
Observers	None.
Date of Site Inspection	N/A
Inspector	Philip Davis

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1.0 Introduction

This report follows a request under S.146B of the Act, as amended, that the Board make a decision on whether modifications to an approved development is material. The original development, approved by the Board, was for electrical infrastructure on lands in Monvallet, County Louth. The previous S.182A permission was granted (in amended form) in January 2024 under file reference **ABP-315456-23**.

The applicant has requested that the Board issue a direction that the proposed alteration to the works are not material.

Section 146B of the 2000 Act, as amended, 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 if whether to do so would constitute a material alteration to the terms of the development.

If it decides that it would not be material, then under Section 146B(3)(a) it shall alter the approval accordingly.

2.0 Site Location and Description

2.1. Toomes and Monvallet

The townlands of Toomes and Monvallet are located in north County Louth, just south of the border with Monaghan and around 12km west of Dundalk and around 3.5 km north-west of the nearest settlement, the historic village of Louth. The area is characterised by a rolling topography of mostly good quality grazing land with some tillage in large fields bounded by hedges. The R178 Regional Road runs north of the townlands, connecting Dundalk to Carrickmacross. Otherwise, the area is served by a network of third class roads.

The townlands are dominated by a large ESB substation complex (the Louth ESB 275KV substation) just south of the R178, with 400KV lines connecting at this point from the north and south. There is a shop and some dwellings at Ballykelly crossroads just to the north of the ESB substation. The area is drained by the Fane River, which flows approximately 2km to the east, draining into the Irish Sea just

south of Dundalk – a tributary of this river, the Ballykelly River, runs to the Fane north of the R178.

2.2. Site of development

The proposed development is on a rectangular site directly west and across a minor third class road from the existing Monvallet ESB station. It is currently a grazing field with a slightly undulating topography. It is open on three sides with a high hedge bounding it and the public road to the east. The site area is given as 1.8 hectares. The site area (red lined area) has been slightly enlarged since the previous permission to include an area for cable undergrounding.

3.0 Proposed Development and the Request

3.1. The proposed development as originally submitted and granted by the Board (**ABP-315456-23**) is described as a 220kV electrical substation consisting of (in summary):

- Access road with substation buildings, compounds, parking, electrical plant and equipment, overhead and underground cabling;
- 1 no. IPP building (with satellite dish);
- 1 no. EirGrid control building;
- 1 no. interface kiosk;
- Fencing, gates, 3 no. lightning masts and 7 no. lamp standards.
- It also includes underground cabling (220kV) and ducting extending to the existing 275kV ESB substation under the road.

3.2. This permission was amended (Board direction **BD-015152-24**) in a subsequent application to ABP to the following:

- Instead of 1 no. 220kv Station, 2 no. 110kV substations.
- 1 no. IPP building replaced with 2 smaller IPP buildings.
- The proposed Eirgrid Control building was redesigned, with different dimensions, but not significantly larger (18.5m x 5.5m x 4.9 m instead of 9.9m x 19.3m x 8 m).

- 1 no. power transformer and 1 no. house transformer replaced by 2 no. power transformers, 1 no. house transformer and 2 no. auxiliary transformers.
- 1 no. interface kiosk replaced with 2 no. interface kiosks.
- 3 no. lighting masts and 7 no. Lamp standards replaced with 9 no. lighting masts and 12. No. lamp standards.
- 1 no. proposed underground cabling (220kV) and ducting replaced by 2 no. underground cabling (110kV) with ducting.

The Board confirmed that these alterations were material and subsequently granted permission for them in a decision dated 22nd January 2024 (Board direction **BD-015152-24**).

3.3. On 15th April 2024 the applicant (now, Hazelboro Limited) **requested** under Section 146B of the 2000 Act as amended to amend the approval under ABP-315456-23 to allow the following modifications:

- Amending the application red line boundary to include for the widening and extension of the underground cable corridor from the northern boundary of the substation site permitted under SID reference ABP-315456-23, across the LS-5141-0 road, and thereafter through the ESB networks land to the fence of the Lough 275kV substation compound.
- Amending the route of the 2-no. permitted underground grid connection cables as shown on attached drawing no. P701, through the amended and extended cable corridor.

The applicant states that there is no alterations that should result in a change to the details or conclusions of the Environment Report and addendum previously submitted.

An addendum NIS is attached to the previous addendum NIS as part of this submission.

The Board is requested under Section 146B to issue a declaration that the above alterations are not material and to alter the permission accordingly.

4.0 Planning History

Site

A pre-application consultation for this proposed development confirmed that the works constituted strategic infrastructure in accordance with S.182A of the 2000 Act, as amended (**ABP-314006-22**). The Board determined that it fell within the scope of section 182A of the 2000 Act as amended, on the 28th October, 2022. Permission for the proposed development was granted under **ABP-315456-23**. Details of this permission were subsequently revised under Board Direction **BD-015152-24** on 22nd January 2024 following a decision that the alterations were material.

Surrounding lands:

The site and surrounding lands (42 hectares in total) have a live planning permission granted for a solar PV farm of 133MW capacity with battery storage and 2 no. on-site substations (LCC Reg Ref. **PR:21/631**).

In the general area, permission was granted for a 33 hectare solar farm on 7.5 hectares to the east of the site (LCC Reg Ref. **21/1478**). There is an active application for an 81-hectare solar farm nearby (LCC Reg Ref: **21/631**).

5.0 Policy Context

5.1. Development Plan

The site does not have a specific zoning designation in the current Louth County development Plan. It is in open countryside – a number of specific local and national plans refer to such infrastructure.

5.2. Natural Heritage Designations

There are no European designated sites within 10 km of the site. The Dundalk Bay SAC and Dundalk Bay SPA are just under 15km from the site – there are no watercourses on or adjacent to the site, but the lands are within the catchment of the River Fane, which discharges directly to the bay. There is one pNHA approximately 4 km north-east of the site (the Drumcagh complex of lakes and marsh)

6.0 Assessment

6.1. Request for modifications

The applicant has requested the following modifications:

- Amending the application red line boundary to include for the widening and extension of the underground cable corridor from the northern boundary of the substation site permitted under SID reference ABP-315456-23, across the LS-5141-0 road, and thereafter through the ESB networks land to the fence of the Lough 275kV substation compound.
- Amending the route of the 2-no. permitted underground grid connection cables as shown on attached drawing no. P701, through the amended and extended cable corridor.

6.2. The Materiality of the Change Proposed

6.2.1. Policy issues and previous approvals

Previous reports on this site have addressed the policy context for such infrastructure. Since the last addendum report (**ABP-315456-23**) there has been no substantive change in national, regional or local policy in this regard and I do not consider that the requested alterations have any policy implications. The site is in unzoned agricultural land next to a very large established ESB substation. The lands have an active planning permission for an extensive solar farm with associated infrastructure (LCC Ref Ref. **PR:21/631**) and the principle of providing infrastructure on these lands has been established by the previous ABP decisions. There has been no change to the policy guidance framework that would alter the context of the proposal or have any relevance to assessing if the change to the works are material.

This application is for relatively minor alterations to the permitted (and subsequently amended) application, primarily constituting an additional area to the 'red lined' area within the landholding to facilitate altered and expanded underground cabling, including a road crossing, to connect the proposed transformer station to the existing ESB transformer, and hence the national grid. The permitted works are to facilitate a grid connection for permitted solar farms on adjoining lands.

This application will serve an existing permission for a solar PV and battery storage system including 2 no. 37kV substations (**21/631**), extended by an additional 30MW of capacity and 150MW of storage (**21/1478**).

The proposed physical alterations consist almost entirely of underground cabling, and as such does not significantly alter the appearance, form, or nature of the permitted and amended works.

6.2.2. Landscape and amenity

The Board previously assessed that the proposed infrastructure did not have an unacceptable impact on the overall landscape or visual amenities of the area. The proposed amendments are minor in nature and have no visual implications except during construction where the overall construction footprint will increase slightly, and there will be some additional temporary loss of roadside hedges. In the overall context, having particular regard to the overall nature and scale of the works, I do not consider that the alterations are material in terms of visual impact or amenities.

6.2.3. Cultural heritage

There are no recorded ancient monuments or buildings within the site or in proximity or within the immediate visual envelope of the lands. The original application included an archaeological report which indicated no evidence of remains on the site.

The Department of Housing, Local Government and Heritage recommended a condition relating to archaeological surveys and monitoring of the works – this was attached by ABP in the previous permission. The proposed amendment slightly increases the extent of the works for which archaeological surveys and monitoring would be required, but the condition itself would not require any alteration, and the alterations do not impact on any known archaeological remains. I would therefore conclude that the alterations are not material with respect to archaeology or the historical context of the site.

6.2.4. *Ecology*

The site is improved grassland that has been intensively grazed and has little ecological value. There is a substantial native hedgerow between the development area and the adjoining road – some of which would be removed for access before reinstatement. The application documents included a survey but indicated that there is no evidence of amphibians, badgers or bats on or close to the site. Apart from a drainage ditch along the hedge and road, there is no watercourse within the site or in the immediate vicinity.

The proposed amendment will result in some additional ground disturbance and an additional short area of hedgerow to be removed. The conditions placed by the Board on the previous permission (**ABP-315456-23**) cover general requirements for mitigation landscaping and as such I do not consider that there are any alterations needed, and as such the proposed changes are not material.

6.2.5. *Construction and access*

The original application included a preliminary Construction Environmental Management Plan for the proposed works. I note that the works would seem likely to take place concurrently with the permitted solar farm. There are no indications that the amendments will significantly alter the requirements for vehicle movements or noise/dust arisings. The overall footprint of the works will increase slightly but there will be no impact on the intensity of the permitted works and as such no significant alteration of the previously permitted preliminary CEMP or the related condition is required.

6.2.6. *Water and drainage*

Apart from a small land drain there are no watercourses on or close to the site, and the lands appear to be well drained glacial tills. The closest watercourse is located north of the R178 – a tributary of the Fane River which flows towards Dundalk Bay. The applicants set out standard water protection and drainage proposals within the Engineering Planning Report submitted with the application. It is proposed to use a SuDs approach for the overall design, which it is stated will maintain the existing overall drainage/runoff balance and as such would not have downstream flooding

implications. There are no indications from available sources such as the OPW Floor Risk Hazard Maps that the site is subject to pluvial or fluvial flooding.

It is noted that the site will not be permanently manned and will not require a sewerage or freshwater supply. It is stated that a holding tank for foul water for occasional occupancy of the IPP and control buildings (it is stated that they will be occupied by 2-3 people once a fortnight). I would consider this acceptable given the nature of the site and the proposed use and the proposed alterations will not change the operational scale or nature of the works.

The proposed amendments do not alter the overall drainage proposals, although there may be some minor additional area of land drain along the hedgerow disturbed during works – I would not consider this to be a material change because the magnitude of biodiversity loss to be disturbed is negligible.

6.2.7. *Conclusions*

I therefore conclude that the proposed alterations are not material in planning terms. In this I have had regard to the following:

- The overall scale of the permitted development and related developments in the vicinity.
- The specific policy context for the permitted works and the proposed alterations.
- The relatively minor nature and scale of the proposed amendments.
- The nature of the development site and the surrounding lands.
- The absence of any sensitive receptors within the immediate area of the site.

6.3. **Appropriate Assessment**

The applicant submitted an NIS dated December 2022 carried out by Malone O'Regan Environmental, this included a stage I Screening. An amended NIS was submitted on behalf of the applicant relating to the proposed amendments dated April 2024. The following is an assessment of the original AA/NIS and the proposed amendments.

Stage 1

The Screening identified 3 no. Natura 2000 sites within 15km of the site. These included the Dundalk Bay SAC (000455), Dundalk Bay SPA (004991) and the Stabannon Braganstown SPA, site code 004026. The screening addressed the nature of the site, other related permitted developments in the vicinity, the nature of the proposed development (including potential construction and decommissioning works) and applied a source-pathway-receptor model. A field survey undertaken on the 23rd October 2020 was conducted as part of the screening. The discussion of the site context noted the proximity of the Ballykelly River, Carnalughoge Stream and Tullycahan streams within 1-km of the site – all drain to Dundalk Bay. There are no watercourses on or immediately adjoining the site.

The report screened out the Stabannon Braganstown SPA due to the distance from the site (more than 10km) and the absence of hydraulic connections between the site and the designated habitat – this habitat is not within the water catchments of any of the identified streams or rivers close to the site.

Although any potential impact was considered ‘highly unlikely’, because there are identified hydrological connections between the site and Dundalk Bay it was considered that there is the potential for adverse effects on the following qualifying interests of the two designated habitats within the bay:

- Mudflats and sandflats
- Atlantic salt meadows
- Estuaries
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand.
- Mediterranean salt meadows (*Juncetalia maritima*),

Plus, the following bird species:

Great Crested Grebe, Greylag Goose, Light-bellied Brent Goose, shelduck, Teal, Pintail, Mallard, Red-breasted Merganser, Oystercatcher, Gloden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Blackheaded Gull, Common Gull, Common Scooter, Ringed Plover, Knot, Herring gull, and other waterbirds.

This stage 1 AA screening report was prepared in line with current best practice guidance. It provides a description of the proposed development, identifies European sites within a possible zone of influence of the development, identifies the possibility of significant effects, addresses the likely cumulative impact, and assesses the significance of potential impacts.

Based on my site visit and information available on the file, I concur with the conclusion of this Screening Report that the Stabannan Braganstown SPA, site code 004026 can be screened out, but that the potential for adverse effects on the **Dundalk Bay SAC (000455), Dundalk Bay SPA (004991)** and their qualifying interests cannot be screened out, therefore progression to Stage 2 (NIS) is required. The amended Screening does not alter this conclusion as the works are very minor in nature and are not significant with regard to off-site impacts. I therefore conclude that the conclusions of the original AA Screening stand.

Stage 2 NIS

An NIS was submitted for the reason that the overall solar farm development was screened in as requiring an NIS due to hydrological linkages with the Dundalk Bay SAC and SPA, just over 10km east of the site. This was amended with the addition of Section 3.2 to 3.3 and Section 4 of the amended NIS of April 2024.

The following sites were screened in and assessed in the NIS:

The **Dundalk Bay SAC site code 000455** is designated for qualifying interests including Estuaries, mudflats and sandflats not covered by seawater at low tide; perennial vegetation of stony banks; salicornia and other annuals colonising mud and sand; Atlantic salt meadows and Mediterranean salt meadows. The conservation objective is to maintain the favourable conservation condition of these habitats.

The **Dundalk Bay SPA site code 004026** is designated for a range of species associated with coastal habitats, tidal zones and estuaries, including species such as the Greylag Goose, Teal, Pintail, Plover, Knot, Dunlin and Curlew among others. The conservation objective is to maintain the favourable conservation condition of the coastal habitats associated with these species.

The applicants have submitted an addendum report to the NIS dated April 2024. This addendum report provides an overview of the previous Stage 1 and 2 Appropriate Assessment process and outlines the proposed amendment to the permission.

It is noted in the addendum report that:

- No annex I habitats were identified within the site;
- There are no designated habitats within close proximity to the site, with the unidentified habitats being located >12km from the area.
- There will be no direct discharge into any watercourse during the construction and operational phases.

Therefore, no changes are predicted for either the construction or operational phases.

It is also noted that there are no changes to permitted developments in the area, so no indirect or cumulative impacts above and beyond those previously identified would occur.

The NIS concludes that the conclusions of the original NIS remain valid and that all avoidance, design requirements and mitigation measures set out in the original NIS and Addendum 1 will ensure that there will be no adverse effects on the integrity of any European designated sites, having regard to their conservation objectives.

I am satisfied that the addendum NIS submitted is fully comprehensive, in line with current best practice, and addresses all required issues. The proposed development is on agricultural land with no watercourses on or adjoining the land, and due to the separation distance from the Dundalk Bay designated sites I am satisfied that the conclusion of no adverse affects is reasonable and correct so long as standard best practice measures are implemented during construction and during the operation and decommissioning of the facility. There is no requirement to adjust the conditions previously set by the Board.

I am further satisfied that the additional works outlined in the amendment, which will involve the removal of up to 7 metres of hedgerow to facilitate the cable corridor will have no direct or indirect or cumulative impacts on designated habitats. As there are no Annex I habitats within the area or close by, there are no designated habitats in close proximity to the site, and there will be no direct discharge arising into any

watercourse or drainage ditches, there would be no change from the previously permitted development.

I further note that there are no records for designated species within 2km of the site and the existing conditions within the site (including the hedgerow) are not considered suitable for breeding or foraging for species which are protected as part of the conservation objectives for the designated Natura 2000 sites.

I therefore conclude that the conclusion (section 4) of the amended NIS dated April 2024 is correct that the proposed minor amendments, during all phases of its development, will have no adverse effects on the integrity of any European designated sites, having regard to their conservation objectives.

I have come to this conclusion based on:

- The overall nature of the area, its relatively robust habitat, and the separation distance from any designated site or related habitats.
- The minor nature and scale of the proposed amendments.
- The existing mitigation measures set out in the previously permitted development.

Therefore, in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended and having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on the Dundalk Bay SAC and SPA site codes 000455 and 004026. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

Following this Appropriate Assessment, I conclude that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites No's 000455 and 004026, or any other European site, in view of the sites Conservation Objectives.

The subsequent amendments as submitted on the 15th day of April 2024 are not considered to materially alter these conclusions.

My conclusion is based on a complete assessment of all aspects of the proposed project including amendments and there is no reasonable doubt as to the absence of adverse effects.

7.0 Recommendation

I recommend that the Board make an order altering the terms of the approval to the approved 220kV substation, associated 220kV underground grid connection, cabling and associated site works (ABP-315456-23), 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 15th day of April 2024 from **Hazelboro Limited** under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development described as a 220kV substation, associated 220kV underground grid connection, cabling and associated site works.

PROPOSED ALTERATIONS

Amendment of the application red line boundary to include for the widening and extension of the underground cable corridor from the northern boundary of the substation site permitted under SID reference ABP-315456-23, across the LS-5141-0 road, and thereafter through the ESB Networks (ESBN) lands to the fence of the Louth 275kV substation compound. Also, amendment to the route of the 2-no. permitted underground grid connection cables through the amended and extended cable corridor.

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 nature and 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 aforementioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 15th day of April 2024.

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 182A of the Planning and development Act, 2000, as amended, under An Bord Pleanála reference number **ABP-315456-23** on the 24th day of January 2024 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.

Philip Davis

Planning Inspector

31st July 2024