



An
Bord
Pleanála

Inspector's Report

ABP-319825-24

Development

Section 146B Request for Amendments to Planning Permission Granted for Wind Farm Development of 9 turbines and all Associated Works under Case Reference ABP-311565-21.

Location

Ballagh, Billistown, Ballynacor, and Bracklin, Co Westmeath and Coolronan, Co Meath.

Planning Authority

Westmeath County Council.

Planning Authority Reg. Ref.

Not applicable.

Applicant(s)

Bracklyn Windfarm Limited.

Type of Application

Section 146B request for amendments to Bracklyn Windfarm granted under ABP 311565-21.

Date of Site Inspection

16th August 2024.

Inspector

Paul Caprani

1.0 Introduction

- 1.1. The Board granted permission under the provisions of 37G of the Planning and Development Act 2000 (as amended) for a windfarm development comprising of 9 turbines and all associated works at Ballagh, Billistown, Ballynacor and Bracklyn in County Westmeath on July 7th 2022, under ABP Reg Ref 311565-21.
- 1.2. The applicant is now submitting a request to the Board, pursuant to Section 146B of the Act for alterations/amendments to the terms of that permission. The proposed alterations comprise of the relocation of 110kV underground electrical lines and omission of ancillary access track and site entrance, the creation of a peat deposition area and other ancillary works.

2.0 Legislative Provisions

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).

Section 146B(5) provides that 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.

Under section 146B(8) before the Board makes a determination under sections 146B(3)(b) or 146B(4), it is required to make, or require the requester to make, information relating to the request available for inspection to certain persons and/or the public. Submissions and observations are to be invited and the Board is required to have regard to any such submissions or observations received.

Section 146C relates to the preparation of environmental impact statement for purposes of section 146B and applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in section 146B(3)(b) is likely to have significant effects on the environment.

3.0 Planning History

- 3.1. In its decision dated July 7th 2022 the Board granted a 10 year permission for a windfarm comprising of 9 turbines and all associated works, including substation, meteorological mast and underground cables and two end lattice masts connecting to the 110kV Corduff – Mullingar overhead electricity mast to the east of the site. Included as part of the proposal was on-site electrical cables to be placed underground following the alignment of the on-site access tracks insofar as practicable. The proposed depth of the cable trench is intended to be 1 metre with a

width of 0.5 metres. An electrical site control building is located along the access road to Turbine 11 in the eastern part of the site.

- 3.2. The 110kV electricity substation will export electrical power generated by the proposed development to the National Grid via the existing Mullingar – Corduff 110kV overlying electricity transmission line. It will comprise of a loop-in/loop-out air-insulated switchroom. It will be located within a forested area to the immediate south of the main access road serving the site. The proposed on-site electricity substation is located c.5.3 kilometres from the proposed end mast which will link into the existing Mullingar – Corduff 110kV overhead electricity line. It is proposed to install 6.3 kilometres of 110kV underground electricity cabling. 4.4 kilometres of which will be located within agricultural lands/forestry area and 1.9 kilometres will be located within the carriageway/verges of the L5508 and L80122 local roads along the northern boundary of the windfarm development. The underground line will be installed within ducting in excavated trenches c.1.3 metres in depth and 0.6 metres wide. Details of the methodology involved in laying the underground electricity lines are set out in Section 3.4.8.2 of the EIAR (page 3:17 to 3:20). Horizontal directional drilling will be required to facilitate the crossing of the L80122.
- 3.3. The parent application is the only application of specific relevance to this 146(B) amendment application.

4.0 Background to the Proposed Alterations

- 4.1. A covering letter submitted with the S 146(B) application states that following the grant of permission by the Board, consultations were commenced with EirGrid to discuss various technical matters relating to the connection of the windfarm to the national grid, including details of the laying of the cabling route. EirGrid advised that, in so far as is practical, the underground cabling should be laid between the carriageway/verges of the public road network and not within private lands. On foot of the EirGrid consultations the requester undertook a series of technical and environmental evaluations to assess the feasibility of relocating the underground electricity line to within the public road. It was concluded that relocating the cabling where possible within the public roadway was a viable alternative.

5.0 Scope of Request

5.1. Having regard to the above the following amendments are sought:

Alter the route of c.1.8km of underground electricity line to remove from the private lands to the north of the L5508 and the L80122 local roads and place it within the paved carriageway of the L5508 and L80122.

Omit the c1.8km of access track which was to be located above the 1.8km of off road cabling and associated 2 site entrances.

The relocation of the proposal horizontal directional drilling work to a point c400m to the southeast of the original proposal to facilitate the crossing of an unmanned watercourse.

Excavation of c1,250 m of the L5508 and the c 380m of the L81022 to remove the existing road structure down to firm ground followed by reinstatement and restructuring works.

Deposition of excavated material from the L5508 and L80122 and a proposed peat deposition area to the north of the L5508 and completion of all associated ancillary works.

6.0 Applicants Case

6.1. The submission by the applicant Galetch Energy Services was accompanied by the following:

A Cover letter which sets out the legislative provisions, the background to the request, the scope of the request, and details of the EIA and AA screening which was undertaken as part of the 146(B) assessment.

A separate Environmental Impact Assessment Screening (Schedule 7A Information)

An Addendum Natura Impact Statement

An Environmental Report assessing the alteration to the Permitted Development which includes 7 Annexes

- A Biodiversity Assessment
- Land and Soil Assessment

- Water Assessment
- Air Quality and Climate Assessment
- Landscape Assessment
- Cultural Heritage Assessment
- Noise and Vibration Assessment

Plans of the permitted site layout and the proposed amendments to the site layout are contained in a pouch to the rear of the file.

The requestor submits that the proposed alteration does not result in any mandatory requirement for a new EIAR. The applicant submitted an EIA screening which includes the information specified in schedule 7A of the Regulations. EIA screening exercise undertaken concludes that the proposed alteration on its own or cumulatively in conjunction with other development will have no likely significant effect on the environment and that the proposed alterations do not warrant or necessitate the preparation and submission of an EIAR pursuant to section 146(C) of the Act.

The Documentation submitted assesses the likelihood of effects on the environment arising from the proposed alterations, with particular assessment focusing on those impacts of the environment most likely to arise from the proposed alterations namely potential impacts on biodiversity, land and soil, water, noise and vibration and transport and access. The documentation submitted with the application has concluded that the proposed alterations and amendments sought, having regard to the characteristics of the proposed alterations, the characteristics of the receiving environment, the conclusions of the EIA Screening Report, the AA Addendum Report and Environmental Report would not result in any significant effects on the environment, above and beyond those previously assessed in the original application.

7.0 Assessment

7.1. Consideration of Materiality

The first consideration in relation to this request to alter the terms of ABP-311565-21 is to determine if the alterations sought would result in a material alteration of the terms of the permitted Bracklyn Windfarm. As stated above the amendment seeks to alter the route of c.1.8km of underground electricity line to remove from the private lands to the north of the L5508 and the L80122 local roads and place it within the paved carriageway of the L5508 and L80122 and omit the c1.8km of access track which was to be located above the 1.8km of off road cabling and associated 2 site entrances. Other ancillary works associated with the alteration include the relocation of the proposal horizontal directional drilling work to a point c400m to the southeast of the original proposal to facilitate the crossing of an unmanned watercourse. The works will also involve the excavation of c1,250 m of the L5508 and the c 380m of the L81022 to remove the existing road structure down to firm ground followed by reinstatement and restructuring works together with the completion of all associated ancillary works associated with the altered route. It is also proposed to provide a new peat deposition area to the north of the L5508 where the new cable is to be laid.

The applicant makes the case that, after commencing consultations with Eirgrid to discuss various technical matters relating to the connection with the national grid, Eirgrid advised the application that where possible the entire underground electricity line should be located within the carriageway and/or verges of the public road and not within private land. On foot of investigations the applicant concluded that the insertion of the cabling with the roadway/verges is a viable alternative.

- 7.1.1. The Board will note that Section 146B(2)(a) states that *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 [my emphasis]***. The materiality of the alteration should therefore be assessed in the context of the overall development, namely the construction of 9 turbines and an underground grid connection to link into the existing Mullingar – Corduff 110kV overhead electricity transmission line. The length of cabling involved in the original application to link the substation to the overhead

line is 110kV is 6.3 km. The proposed amendment only relates to the route of the cabling together with other minor and ancillary works and does not involve any alterations to the actual windfarm layout. Furthermore the amount of cabling to be altered under the current 146(B) application consists of less than 30% of the overall cable route and is confined to a relatively small area to the east of the main windfarm development site. In this instance it is proposed to relocate the cabling route from private land onto a public thoroughfare and therefore peoples private property rights will not be affected by the realignment of the cable. In fact interference with private property rights are likely to be less affected as a result of the proposal. The location and alignment of the redesigned cable is in close proximity to the original alignment and will not have any material effects on residential amenity over and above that permitted under the original scheme. The proposed alterations in effect amount to alterations and a slight diversions of utilities ancillary to the overall windfarm development and will only involve slight alterations to the alignment during the construction phase. The proposed alterations under the current 146(B) application will have no material impacts during the operational phase. All works solely relate to the construction phase.

- 7.1.2. In conclusion and in the context of the approved windfarm development I consider the proposed alterations under the current 146(B) application are not material and somewhat inconsequential in the context of the overall development. The original windfarm application (APB 311565-21) was accompanied by a EIAR, as discussed in further detail below, I do not consider that the proposed alterations give rise to any additional significant impacts over and above those assessed in the EIAR submitted with the original scheme, which were considered as part of the EIAR of the scheme as approved.

Conditions

- 7.1.3. The works are to be carried out in accordance with the conditions attached to the approval as well as the environmental commitments associated with same. The applicant has also indicated in the covering letter that the proposed amendments sought will have no material impact on the conditions attached to the original decision by the Board under ABP 311565-21. Having consulted the conditions attached to the original decision, I am of the view that proposed amendments under

the current 146(B) application will not necessitate amendments to any conditions attached to ABP 311565-21.

7.1.1. EIA Screening Schedule 7 Criteria

7.1.2. Characteristics of the Proposed Development – The nature and scale of the proposed alterations to the permitted development including the relocation of the cabling within the access road, the relocation of the HDD drilling and the proposed peat deposition areas are not considered to have likely significant effects on the environment. The scale of the proposed works, when viewed individually and cumulatively, is small and on the whole relates to linear strips of land within the public domain, it is negligible in the context of the overall windfarm site. Cumulative impacts with other developments will not arise having regard to the relatively modest nature of the work, and the fact that the works are far removed from other projects of major significance. In terms of use of natural resources, aggregate will be required to be imported for the strengthening of the sub-base of the access road, but this cannot be considered significant in the context of the overall works which has already been assessed in terms of EIA. Likewise no large-scale additional waste material will be generated over and above that associated with the original development. The peat deposition area will be graded and reseeded when construction works are completed. The works will be undertaken according to construction methodologies designed to reduce/eliminate the potential for environmental impacts including pollution and nuisances. In terms of major accidents and disasters, construction and maintenance will be carried out fully in accordance with best practice. Condition No. 1 of the extant permission in relation to mitigation will apply in equal force and effect to the proposed alterations. Any waste arising on site will be deposited, regraded and reseeded on lands adjacent to the access road, returning these lands back to their natural state. Any noise and nuisance associated with the proposed works will be short-term and will be further removed from noise sensitive receptors and will be subject to appropriate best practice procedures.

7.1.3. Location of Proposed Development – There will be no significant direct or indirect impacts by virtue of the location of the proposed alterations to the approved development on the receiving environment, over and above those considered and assessed in the extant permission. The environmental sensitivity of the receiving lands have been robustly assessed in the EIAR submitted with the parent

application. Agriculture will remain the predominant land-use post construction, and the access road will be reinstated and strengthened post construction. The relative abundance quantity and regenerative capacity of the natural resource will not be affected in any way by the proposed amendments. Given the minor nature of the works, the existing environment has the absorption capacity to accommodate the amendments. The site is not located in a sensitive habitat of the type listed in Schedule 7 of the Regulations. Condition No 1 of the extant permission in relation to mitigation will apply with equal force and effect to the proposed alterations.

7.1.4. **Characteristics of Potential Impacts** – The characteristics of the proposed impacts arising from the proposed alterations to the permitted windfarm development have been assessed in the EIAR submitted with the parent application. The magnitude and spatial extent of the impact arising from the realignment of the cable route will be minor as will the magnitude of impact arising from the relocation of the HDD for the unnamed stream crossing and the provision of a peat deposition area. The impact arising from the cabling realignment and other ancillary works referred to, cannot be considered in any way complex or intense. Furthermore the impact will be relatively short term in duration and will be limited to the construction phase. The potential for any direct or indirect impact on habitats and protected species is low and the likelihood of any significant effects occurring as a result of the alteration works can be excluded.

7.1.5. A more detailed screening determination in accordance with the requirements of Schedule 7A is considered below

7.2. **Environmental Impact – Schedule 7A Screening Determination**

7.2.1. The permitted windfarm development was accompanied by an EIAR and the Board carried out EIA on the said project.

7.2.2. The proposed alterations will not in itself give site to a development of a type/class listed in Schedule 5 of the 2001 Regulations (as amended) in either parts 1 or 2. Furthermore the amendments sought will not result in an increase in the size of the permitted windfarm development by greater than 25% or an increase in size equal to 50% of the appropriate threshold (ie 5 turbines or 5 megawatts of electricity output). The proposed amendments does not alter the electrical output or layout of the

windfarm turbines. As part of the documentation submitted with the application the applicant has submitted An Environmental Impact Assessment Screening – Schedule 7A Information Report and a separate Environmental Report (including annexes). The information contained in both reports have been assessed and my own independent conclusions in relation to same are set out in below. In short it is my opinion, no new considerations arise in relation to the impact on the environment which were not considered in the assessment of impacts for the windfarm development for which EIA (and AA) was conducted.

Population and Human Health

- 7.2.3. The nature of the alternations are such that no significant environmental impacts will arise in respects of population trends, tourism, or local economy etc. In terms of impact on residential amenity, temporary elevated noise and dust levels may arise particularly in respect to the underground cabling. One house is located along the realigned route for the electricity cable (identified in the EIAR as H78), in terms of impact on amenity, the realigned cable route will result in the route being located further away from the façade/rear facade of the dwelling. As permitted (311565-21) the underground cable passes c.25 m to the rear of the dwelling in question, whereas the amended route moves the trenching for the cable almost 50m from the front façade of the dwelling. The aligned route will not give rise to any increase in impacts on amenity during the construction phase, furthermore any impacts that will be experienced will be temporary and the applicant will be required to carry out all activities in accordance with a CEMP as required by Condition No. 25 of the original permission. Changes proposed in the omission of access tracks, site entrances, the relocation of the HDD works and management of excavated material will have an negligible impact on population and human health. Mitigation measures and good working practices stipulated in the EIAR would ensure that there would no significant dust impacts. I submit that the proposed alterations will not alter the findings of the EIAR and the associated EIA carried out by the Board, in parent application.

Biodiversity

- 7.2.4. A detailed biodiversity assessment was carried out by Woodrow Consultants and is attached to the Environmental Report. It examines the likelihood of effects arising

from the alterations on ecological receptors including habitats, birds, bats, terrestrial mammals and aquatic species. It reasonably concludes that the proposed alterations in the absence of mitigation measures could result in significant effects primarily due to the deterioration in water quality in the water courses in the vicinity. However the EIAR submitted with the original application sets out a schedule of mitigation measures which would ensure that the proposed works will not result in any deterioration of water quality. The report also notes that based on the habitat suitability in the wider area, and the ornithological surveys undertaken, there are no sensitive breeding or wintering avian species occurring along the proposed amended route.

- 7.2.5. I have assessed the information contained in the biodiversity report and I am satisfied that there are no habitats bird species, mammal species or aquatic species which would be adversely affected as a result in the minor amendments proposed to the alignment of the cable route. The Board will note that the amended cable route represents a small portion of the overall route, and lies in close proximity to the permitted route. The underground ducting will run parallel to the original route alignment and will be located within the verge or metalled carriageway of the local access road which in my view would reduce the potential to impact upon or disturb biodiversity rather than the original alignment through private agricultural land. Based on the detailed evaluation undertaken by the applicant in relation to biodiversity together with the relatively minor changes proposed and the mitigation measures to be employed I am satisfied that the proposed alterations will not alter the findings of the EIAR and the EIA carried out by the Board.
- 7.2.6. Any impacts on the peat deposition area will be temporary and will be reseeded and reinstated as part of the natural environment. The area earmarked as a peat deposition area or where the HDD is to take place are not designated as being in anyway sensitive in terms of biodiversity.

Land and Soils

- 7.2.7. The proposed route of the electricity will be within the confines of the existing road where the natural ground conditions have already been altered with man-made ground. The amount of soil to be excavated is very modest and localised and considering the small footprint of the proposed excavation and the mitigation

measures to manage and control waste during construction no significant environmental impacts are anticipated in respect of land and soil. The importation of aggregate to support and strengthen the subgrade of the carriageway will be of benefit for all road users in the area. No material impacts are anticipated due to the alterations in the location of the HDD. I do not consider that the proposed amendments raise any new considerations in this regard and submit that the findings of the EIAR and the EIA carried out by the Board remain unchanged.

Water

- 7.2.8. A critical consideration in relation to the proposed amendments and the potential impact on the water environment is that the proposed alteration will not give rise to works within any watercourse. Thus the potential for the proposed amendments to cause an increase in water pollution is negligible over and above that already evaluated in the original documentation submitted with the application. The surface water management measures set out in the original EIAR and to be enshrined in the CEMP will be employed to ensure that hydrological and hydrogeological waterbodies are appropriately protected. The proposal will not result in any alteration to the groundwater regime. The proposed alterations would not result in any increase in hard surface areas and therefore will not result in any increase in stormwater runoff. The route of the proposed underground electricity line and peat deposition area are not located within a designated flood risk zone. The amendments will have no impact on wastewater or foul effluent. I am satisfied on the basis of the assessment submitted together with my own independent assessment, that the proposed alterations would not give rise to significant effects on surface water and groundwater over and above that assessed in the EIAR and the EIA undertaken by the Board.

Air Quality and Climate

The proposed amendments will not alter the electricity generating capacity of the wind turbines. The only potential impact which could arise would be short-term temporary effects from fugitive dust propagation at the only dust sensitive receptor, namely the one dwelling house fronting onto the roadway where the proposed realignment is to take place. I reiterate that under the proposed alterations the trenching and cabling will be located further away from the façade of this dwelling.

Section 8.4.2 of the EIAR and Condition no's. 1, 2 & 25 requires the applicant to adhere to the mitigation measures to be employed to reduce dust emissions to an acceptable level. It is therefore reasonable to conclude the proposed alterations will not result in any likely significant climate effects or affect the conclusion of the original EIAR for the permitted development.

Landscape

Changes in the landscape environment as a result of the proposed alterations will be negligible. As the proposed cabling will be underground, no discernible landscape changes will take place. In fact it could be argued that with the omission of access tracks and the reduction in the potential to remove hedgerow, the landscape impact could in fact be further reduced as a result of the alteration proposed. The peat deposition area is unlikely to have a significant landscape impact due to the relatively low lying area which is to accommodate the peat. Any impacts arising for the peat deposition will be short-term; as once the construction phase is completed, the area will be levelled and reseeded. While the alterations to the cable alignment and the restrengthening of the access road will result in more machinery and plant and traffic during the construction phase, this likewise will be short term and not material in landscape terms. Landscape impacts will only realistically result if any significant or material alterations were proposed to the turbine element of the windfarm and not the associated underground cabling, peat deposition or change in the location of the HDD.

Cultural Heritage

- 7.2.9. The EIAR noted that while there were two recorded monuments within the overall site boundary of the windfarm, none were recorded along the cabling alignment or the area of the proposed peat deposition. There are no protected structures or structures on the National Inventory of Archaeological Heritage within or in the vicinity of the amended electricity cable route or the proposed peat deposition area. As a result the proposed amendments to the grid route, HDD relocation and proposed peat deposition area will not result in any significant effects on the setting or otherwise of the archaeological, architectural or cultural heritage resource within the area. As in the case of the permitted development, archaeological monitoring of all excavation works associated entire development, including the proposed

amendments will be carried out under licence. This was a condition of the original grant of permission. I submit therefore that the proposed alterations will not alter the findings of the EIAR and no significant environmental impact will arise.

Noise and Vibration

As referred to in the above section on population and human health, one house is located along the realigned route for the electricity cable (identified in the EIAR as H78). In terms of impact on amenity, the realigned cable route will result in the route being located further away from the façade of the dwelling. As permitted, the underground cable passes c.25 m to the rear of the dwelling in question, whereas the amended route moves the trenching for the cable almost 50m from the front façade of the dwelling. In terms of noise and vibration, the impact of amenity experienced at this location is likely to be less than that anticipated in the EIAR, as such no significant impacts are likely to arise as a result of the proposed alterations.

The relocation of the HDD to a location 400m to the south-east which will move the drilling for an original location 140m east of H78 this will be increased to 540m east of H78, accordingly noise impacts will be substantially reduced. The location of the HDD as a result of the proposed amendments will remain c150m from the nearest structures (a dwelling and a cluster of farm buildings) and therefore no significant effects are anticipated in terms of noise and vibration as a result of the revised location of the HDD.

The peat deposition area is also remote from the nearest noise sensitive locations and therefore noise associated with the deposition of material is not anticipated to be a significant issue. With the implementation of appropriate mitigation measures set out in the EIAR, no significant noise and vibration issues will arise as a result of the proposed alterations.

The cable will not emit any noise or vibration emissions during the operational phase.

Material Assets

The main issue in respect of material assets concerns the increase in traffic trip generation as a result of removing and relaying the existing road structure along sections of the L5508 and the L80122. These local roads overlay peat and require

substantial improvement in the structural integrity of the roadway in order to cater for traffic associated with the windfarm and to cater for day to day traffic. The relaying of the carriageway will result in an additional c.2,750 HGV movements during construction which would not otherwise be required as part of the project. This represents a c.30% increase in HGV traffic over that originally envisaged and will result in approximately 30 HGV movements per day (up from c.21 movements per day) during the period of the construction of the road. While it can be argued that this represents a notable increase, any increase in traffic volumes will be for a temporary relatively short period of time, associated with the construction phase only, and in my view would not represent a significant impact particularly when view over the lifetime of the project. The EIAR anticipated in section 13.1.5.1 that certain sections of the roadway, particularly around the entrance to the development site would be required to be widened and strengthened to accommodate abnormal load sizes. Furthermore the EIAR stated that in the event of any deterioration in the road structure or road surface being identified during the post construction pavement condition surveys, it would be fully remediated by the developer. It can be reasonably concluded that the EIAR anticipated that substantial road remediation works were anticipated in its assessment of the project. Finally it can be reasonably argued that the carriageway remediation works anticipated will have a direct positive effect on the road network and the community located along its alignment.

The installation of the cabling along the roadway as well as the structural strengthening of section of the road will inevitably result in some disruption in traffic. This will be confined to the construction period only. Rolling road closures will be implemented with short sections of the road closed off at a time. It should be noted that road closures are anticipated as part of the original permission as a substantial amount of the cabling was originally to be laid within the road network. Again I refer the Board to the provisions of Section 146B(2)(a) states that *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 [my emphasis]***. I would submit that the extension of the period of additional road closures and the amount of the additional traffic disruption arising from the proposed amendments which will be limited to the construction

phase only, will not result in a material alteration in the context of the overall development concerned.

Public Utilities

In terms of public utilities the proposed route of the electricity line has been surveyed and there are no existing services exist with the carriageways of the L5508 or the L80122 or within the roadside verges. While more aggregate will be required for road strengthening, according to the information supplied by the applicant, this aggregate will be sourced from the same quarry that will supply aggregate for the overall development. No material changes are anticipated in this regard.

Interactions of the Foregoing

- 7.2.10. The interaction of impacts does not materially alter those identified in the EIAR and assessed in the EIA carried out by the Board.

Cumulative Impacts

There are no additional developments on 3rd party lands identified, since the lodgement of the application and completion of the EIAR that could give rise to cumulative impacts / in-combination effects since the for the original proposal that would result in any material change in terms of environmental impact.

There is an accompanying file which seeks a separate 146(B) amendment to the Bracklin Windfarm – Ref ABP 320048-24 refers. It relates to the relocation of the permitted substation and ancillary infrastructure approximately 145m to the south east. The footprint of a building within the substation will also be reduced in size by approximately 0.12 ha's (1.54 ha's to 1.42 ha's). I have argued in a separate report attached, that the changes proposed to the substation are minor and not material. The proposed alterations to the substation are located c.3 km from the current site, and therefore a sufficient distance to ensure that in-combination effects / cumulative impacts do not arise.

Conclusion

- 7.2.11. I submit that the alterations sought would not give rise to significant environmental effects beyond those already considered in the original EIAR and the Board's previously completed EIA. The amendments would not result in new or different planning issues to those that were addressed prior to the grant of permission for the

permitted windfarm. Any impact at construction stage, in terms of increased noise and dust would be very unlikely to result in an increase in nuisance at nearest sensitive receptor as the separation distances will increase between the cable laying and receptors. Furthermore any impact would be temporary. No material impacts are anticipated for the relocation of the HDD, omission of the access tracks and entrances or the peat deposition area. The permitted development is subject to the preparation of a Construction Environmental Management Plan which includes matters such as hours of operation, details of construction traffic management, mitigations measures for dust, noise, site lighting and the monitoring of such levels. Thus the proposed alterations would be incorporated into the terms of the permitted development with appropriate mitigation measures as set out in the permission/documentation including the CEMP all of which are required to be implemented. In summary, I am satisfied that the proposed alterations are of a minor nature in the context of the permitted windfarm development, are not material and will not have a significant environmental impact.

Public Consultation

- 7.2.12. I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the inviting of submissions from persons, including the public. Having considered the nature, scale and extent of the alterations proposed, the information on file, the nature, scale and extent of the development approved under ABP 311565-21 and the information on the said original file (including the submissions from the public on file ref. ABP 311565-21), I am of the opinion that inviting submissions from the public in this instance is not necessary and is not required for the purposes of the Board determining the matter.

Appropriate Assessment

- 7.2.13. Under ABP 311565-21 the Board completed an appropriate assessment screening exercise in relation to Natura 2000 sites within the zone of influence of the Windfarm project. The Board then undertook an appropriate assessment in relation to the effects of the development proposed. On foot of the initial Stage 1 Screening, 3 no. sites were identified as having potential ecological/hydrological connections to the permitted development in the absence of mitigation, namely:

- The River Boyne and Blackwater SAC [002299]

- The River Boyne and River Blackwater SPA [004232]
- Lough Derravarragh SPA [004043]

7.2.14. The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of the European Sites in view of the sites' conservation objectives.

7.2.15. As outlined above, I do not consider that the proposed alterations are material nor do they raise any new environmental considerations. Any potential pathways for impacts of the permitted windfarm project have already been assessed under an Appropriate Assessment of the parent application and the proposed amendments do not give rise to any new or different issues or impact pathways that would now need to be assessed. The works will be carried out in the context of the environmental commitments for the permitted road development and will not require any additional measures over and above those already in place.

7.2.16. Having considered the Board's determination on appropriate assessment on ABP 311565-21, section 10 of the Inspector's Report on the said file, the nature, scale and extent of the proposed alterations relative to the development approved under ABP 311565-21, 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.

8.0 Recommendation

I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as approved under ABP 311565-21.

A Draft Order for the Board's consideration provided below.

REQUEST received by An Bord Pleanála on the 27th day of May 2024 from Bracklyn Wind Farm Ltd under section 146B of the Planning and Development Act, 2000, (as amended), to alter the terms of the permission of the Bracklyn Windfarm Development

project subject of an approval under An Bord Pleanála reference number ABP 311565-21.

WHEREAS the Board made a decision to grant approval subject to conditions for the above mentioned development by Order dated the July 7th 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 alterations in respect of the windfarm development is described as follows:

- To alter the route of 1.8 km of underground electricity line in order to place it within the paved carriageway of the L5508 and L80122.
- To omit c.1.8km of access track and 2 site entrances which facilitated the underground electricity line.
- The relocation of the horizontal directional drilling works to a location c400m south east (of the permitted works location) to facilitate the crossing of an unnamed watercourse,
- Excavation of c1,250 m of the L5508 and the c 380m of the L81022 to remove the existing road structure down to firm ground followed by reinstatement and restructuring works.
- Deposition of excavated material from the L5508 and L80122 and a proposed peat deposition area to the north of the L5508 and
- Completion of all associated ancillary works.

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 the 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 alteration would

not result in a material alteration to the terms of the development, 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) 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 27th of May, 2024 for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the development approved under An Bord Pleanála reference number ABP 311565-21 for the Bracklyn Windfarm Development.
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the nature and location of the alterations now proposed,
- (iv) the nature and limited scale of the alterations when proposed in relation to the overall scale of the windfarm development
- (v) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (vi) 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, the Board hereby makes the said alterations.

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.

Paul Caprani

Assistant Director of Planning

27th August 2024