



An
Bord
Pleanála

Inspector's Report

ABP-319890-24

Development	Application for a 146B Amendment to permitted Shronowen Wind Farm planning permission (ref ABP-309156)
Location	Located in the townlands of Ballyline West, Coolkeragh, Dromlivaun and Tullamore, Co. Kerry
Planning Authority	Kerry County Council
Requester	Shronowen Wind Farm Ltd
Type of Application	Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.
Inspector	Bríd Maxwell
Date of Site Inspection	4 th February 2025.

1.0 Introduction

1.1 On the 27th September 2022, the Board under ref no ABP309156-21, granted permission under the provisions of Section 37G of the Planning and Development Act 2000 (as amended) to Shronowen Wind Farm Limited for the following development at Ballyline West, Coolkeragh, Dromalivaun and Tullamore Co Kerry:

- 10no. turbines ¹ (maximum tip height of 150m) with associated foundations and hard stand areas.
- 1 No Permanent meteorological mast (90metres height) and associated foundation and hardstand area.
- New and upgraded internal site service roads (4.43kilometres of existing tracks to be upgraded and 6.85kilometres of new internal tracks to be constructed)
- Underground 33 kV electric cabling systems between turbines within the wind farm site and wind farm substation.
- 6 no. peat deposition areas located across the windfarm site.
- 2 no. site entrances, one permanent and one temporary.
- 225m underground cable connection from the 110kV wind farm substation to the existing 110 kV transmission line due east of the windfarm.
- One number proposed 110 kV substation including: an outdoor electrical yard, two single storey buildings (one for the system operator and one for the wind farm operator) containing associated facilities (control switchgear and

¹ Application sought permission for 12 turbines. This was reduced to 10 by condition of the permission.

metering rooms, welfare facilities, workshop and office) Security fencing and all associated works

- New junction off the L6021 at the north-east of the site to facilitate construction and access.
- New junction off the L1009 on the west side of the site to facilitate construction and access.
- Two number temporary construction site compounds (95 metres x 50metres and 55 metres x 25metres in size)
- Associated surface water management systems.
- Tree felling of c 3.15 hectares of conifer trees to facilitate site development.
- Temporary works on sections of the public road network along the turbine delivery route (including hedge and tree cutting, relocation of power lines/poles, lampposts, signage and local road widening).
- A ten year planning permission and 30-year operational life from the date of commissioning of the entire windfarm.

The application for the development included an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). Permission was granted subject to conditions. The subject application to the Board is for alterations to this permission, under Section 146B of the Planning and Development Act 2000 (as amended).

2. Legislative Provisions

Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of any person who is carrying out or intending to carry out a strategic infrastructure

development, the Board may alter the terms of the development the subject of planning permission, approval or other consent granted.

Under sub-section 2(a), as soon as practicable after making such a request, the Board is required to make a decision as to whether the making of the development would constitute a material alteration of the terms of the development concerned.

Under sub-section (2)(b), before making its decision under sub-section 146B (2), the Board may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.

Under sub-section (3)(a), if the Board decide that the making of the alteration would not constitute a material alteration of the terms of the development concerned, it shall alter the planning permission/approval/consent accordingly and to notify the requester and the planning authority of the alteration.

Under subsection (3)(b), if the Board decide that the making of the alteration would constitute the making of a material alteration, the Board is required to:

- Request the information specified in Schedule 7A, unless it or an EIAR has already been provided by the requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
- Following receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).

Under subsection (4), before making a determination under sub-section (3)(b)(ii), the Board is required to determine whether the extent and character of the alteration

being requested, or being considered by the Board, would be likely to have significant effects on the environment.

Under subsection (5), if the Board determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Board determines that significant effects will arise, the provisions of section 146C apply. These provisions relate to the preparation of an environmental impact assessment report.

Under subsection (7)(a), in making their determination, the Board is required to have regard to:

- The criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,
- The criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- The Schedule 7A submitted by the requester,
- The further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) (summarised above),
- The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- Whether the development is situated in or would have potential to impact on a European site, or a recognised or protected area of natural heritage,

Under subsection (7)(b), the Board is required to include in its determination, the main reasons and considerations, with reference to the relevant criteria listed in

Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

Under subsection (8)(a) before making a determination under subsection (3)(b)(ii) or (4) the Board is required to require the requester to make information about the alteration available for inspection, notify appropriate persons that the information is available and invite submissions or observations from these persons. Further under subsection 8(b) the Board is required to have regard to these submissions in its determination.

3.0 Planning History

309156-21 An Bord Pleanála granted a ten year permission under Section 37E of the Planning and Development Act 2000, as amended, for a windfarm development comprising

- 10 number wind turbines² (maximum turbine tip height of 150m) with associated foundations and crane hard stands. Permanent meteorological mast (90m) and associated foundation and hardstand area.
- New (6.85km) and upgraded (4.43km) internal site service and access tracks.
- Underground 33 kV electric cabling between turbines within the wind farm and wind farm substation.
- 6 no. peat deposition areas located across the windfarm site.
- 2 no. site entrances, one permanent and one temporary.
- 225m underground cable connection from the 110kV wind farm substation to the existing 110 kV transmission line due east of the windfarm.
- One no 110 kV substation including outdoor electrical yard two single storey buildings (one for system operator and one for wind farm operator) containing associated facilities (Control switchgear and metering rooms welfare facilities workshop and office) Security fencing and all associated works.

² Application sought permission for 12 no turbines. The decision of the Board reduced the proposal to a 10 turbine development.

- New junction off the L6021 at the north-east of the site to facilitate construction and access.
- New junction off the L1009 on the west side of the site to facilitate construction and access.
- Two no. temporary construction compounds. (95metres x 50metres and 55metres x 25 metres in size)
- Associated surface water management systems.
- Tree felling of c 3.15 ha of conifer trees to facilitate site development.
- Temporary works on sections of the public road along the turbine delivery route (including hedge/tree cutting, relocation of power lines/poles, lampposts, signage and local road widening).

In its decision the Board attached a number of conditions including Condition 2. Turbine Numbers T1 and T2 and associated infrastructure including road infrastructure and temporary to be omitted. This reduced the proposed development from 12 turbines to a 10-turbine development. The stated reason was to ensure that the identified hen harrier roost site is protected and preserved.

ABP306727 Following consultations under 37B of the Planning and Development Act 2000, as amended, the Board determined that the proposed development comprising 12 turbine windfarm development constitutes Strategic Infrastructure Development and that an application should be made directly to the Board under Section 37E of the Act.

4.0 Background to the Proposed Alterations

It is outlined within the submitted documentation attached to the request that the proposed amendments arise on foot of consultations with Eirgrid regarding technical requirements for grid connection and to meet the latest substation layout requirement for Eirgrid.

5.0 Scope of Request

The applicant is seeking to alter the terms of the development subject of the permission granted under ABP.309156.21, as follows:

- **Alteration to grid connection**

The permitted Shronowen wind farm grid connection (ABP.309156) consists of a double circuit 110kV underground cable (UGC), 225m in length, to an existing 110kV overhead line (OHL). The proposed alteration is to extend the UGC by approximately 30m and relocate the permitted two pylons by the same 30m to an alternative OHL. The permitted unpaved access track that runs on top of the permitted UGC will also be extended 30m as part of the alteration.

- **Internal layout of the substation**

The permitted substation includes an independent power producer (IPP) substation and a 110kV substation. The proposed alteration is to almost mirror image the internal layout of the permitted substation. The buildings will move from one side of the substation to the other. The requirement for the alteration is to have the latest electrical layout required for a windfarm substation. The proposed alteration of the substation will reduce the overall permitted footprint of the substation by approximately 3,000m². A permanent operations compound is also proposed, adjacent to the permitted IPP substation. The proposed operations compound will consist of three 20ft steel containers. The containers will be situated at the end of the permitted access track to the IPP substation. There will be no increase in compound area due to the proposed permanent operations compound as it will be situated on the permitted track.

The construction phase to be carried out in conjunction with construction of the permitted windfarm is envisaged to start in early 2025. Construction phase methodology which matches that outlined for the permitted development is set out in detail at Section 3.3 of the Environmental Report. The construction programme envisages construction of substation first followed by grid connection over a period of 12 months. Total timeframe from construction to handover to Eirgrid is 14 months.

Environmental management measures for the proposed development including with regard to excavations and surface water controls will be in accordance with the Construction and Environmental Management Plan (CEMP) prepared for the permitted Shronowen Wind Farm, substation, grid connection and ancillary site works. Once operational, the proposed development will become an asset on the national grid.

The requester submits that the proposed work do not constitute a significant change to the planning permission. It is outlined that there are no aspects of the proposed changes that would contravene the policies of the Kerry County Development Plan.

The environmental impacts of the proposed development will largely occur during the construction of the development which will be completed in strict accordance with a Construction Environmental Management Plan (CEMP). No significant operational phase environmental impacts arising from the operation of the proposed development were identified. No significant decommissioning phase impacts were identified from the proposed development.

6.0 Applicant's Case

The application is accompanied by the following supporting documentation:

- Environmental Report
- Ecological Impact Assessment (Appendix 1 of Environmental Report)
- Appropriate Assessment Screening Report
- Planning Drawings and Particulars (detailing the permitted and proposed layout)
- Landowner Consent

The following is a summary of the main issues raised by the requester in the reports submitted in support of the Section 146B application.

- The requester submits that the proposed alterations do not result in any mandatory requirement for a new EIAR. Screening assessment considers the proposal as a standalone project and also as a change to an existing permitted development. It is submitted that the proposed development does not fall under any class of development listed in Part 1 or Part 2 of Schedule 5 requiring mandatory EIA.
- The EIA Screening addresses the criteria specified in schedule 7A of the Regulations in examination of the likelihood of the development having significant effects on the environment - characteristics of the proposed development, location of the proposed development and type and characteristics of potential impacts. Table 3.4 set out Schedule 7 Assessment Criteria and appraisal. It is asserted that it is not likely that the development will introduce new or additional effects of a significant or adverse nature such as to have a significant effect on the environment and therefore warrant an EIA. It is therefore asserted that EIA is not required for the proposed development.
- Potential Environmental Effects on Population Human Health and Material Assets.- Loss of 105m² (30m of additional UGC access track) of agricultural land that not significant given the context of a large amount of agricultural land use in the area. The footprint of the substation area will reduce by approximately 3,000m² reducing potential effect. No significant impacts in terms of noise and dust, health and safety, material assets. No risk identified in terms of potential for major accidents with reference to Seveso / Control of Major Accidents Hazards (COMAH) Regulations. Traffic will reduce slightly during the construction stage from volumes described and assessed in the EIAR and no change in the operational stage. No mitigation measures are required in order to minimise effects of the proposed development on population and human health and material assets.
- Potential Environmental effects on biodiversity, based on findings of Ecological Impact Assessment (EcIA) (Appendix 1 to Environmental Report) no additional mitigation measures above those already outlined in the 2021 Shronowen Wind Farm EIAR are required. Pylons are located in improved

agricultural grassland a low value (locally important habitat). No significant direct or indirect habitat loss or important ecological features were identified. No significant effects identified during construction or operational stage. Given the scope, scale, nature and size of the development cumulative or in combination impacts will not act significantly on ecological sensitivities. No additional mitigation is required for the proposed development.

- Regarding Water impact the existing hydrological and hydrogeological environment at the site and surrounding area are detailed and likely impact of the proposed development assessed. All land drains within the site drain to the Tarmon stream. In terms of the flood risk the proposed amendment to the substation location is in flood zone C, where the probability of flooding is low. The relocated grid connection is in flood zone B. The UGC and pylons would be considered less vulnerable and could be flooded with no impact on the infrastructure and negligible impact on downstream flooding. (UGC and pylon foundations would be underground). A stage 3 flood risk assessment (FRA) not necessary. Mitigation measures during construction works comprising Shronowen Construction Environmental Management Plan CEMP (waste management, management of excavated materials, pollution prevention and control, drainage management plan / procedure water quality monitoring and environmental incident and emergency response, surface water runoff controls, silt traps in existing land drains during construction phase, sediment control and drainage system, water quality monitoring programme, sediment/ concrete control measures). With implementation of CEMP mitigation potential effects identified will not have a significant impact on the hydrology or hydrogeology of the surrounding area.
- Regarding air and climate dust impact is negligible to low and short term in duration. No increase in traffic volumes. In terms of climate impact the construction will result in no change in level of assessed CO2 emissions as a result of the proposed amendment. No new environmental impacts arise that were not already considered under the original SID application.
- Regarding noise.- Construction works will be located within the same footprint as previously granted permissions. Theoretical worst case noise

emission level at the nearest receptor is 60dB(A) below the construction noise threshold. Significant vibration impacts are not expected. Grid connection noise and vibration impacts including construction of pylons will be less than that calculated for the substation. Regarding operational phase the predicted noise level associated with the development is not significant. No cumulative effects are predicted. No significant effects on local environment due to noise.

- Regarding landscape and visual impact alterations in the substation compound will be screened from view by the surrounding bund and there will be no impact from substation alteration. The only visible change will be the movement of the two permitted pylons eastwards by 30m. The permitted pylons were assessed as part of the original EIAR and were assessed to have a slight to moderate adverse effect on the area. The relocation of the pylons within the same field to an existing overhead line will not change the original EIAR assessment of slight to moderate adverse effect. Mitigation measures as permitted will be implemented and no additional mitigation measures are required.
- Regarding archaeology and cultural heritage, EIAR for the permitted development noted nothing of archaeological interest at the location of the proposed substation and grid connection. The nearest site or monument is approximately 2km west. No significant impact on archaeology or cultural heritage.
- Regarding traffic - smaller footprint of substation of approximately 3,000m² gives rise to reduced stone requirement thereby lessening the assessed traffic impact. No additional mitigation measures are required.
- No significant impact on land and soils arise from the proposed development and no change to effects already assessed.
- The report concludes that the proposal alterations within the footprint of the permitted substation do not constitute a significant change in the permission currently in place and result in a lower footprint. There are no aspects that would contravene the current Kerry County Development Plan.

- The environmental impacts of the proposed development will largely occur during the construction of the development which will be completed in accordance with a Construction Environmental Management Plan. (CEMP) Mitigation measures set out in the CEMP will apply. No significant construction phase environmental impacts will arise. No significant operational phase or decommissioning environmental impacts arise.
- Appropriate Assessment (AA) screening report concludes that the amendments to the substation and grid connection is not likely to have a significant effect on any Natura sites. Sites considered within a potential zone of influence are :

Lower River Shannon SAC (002165)

Moanveanalagh Bog SAC (002351),

River Shannon and River Fergus Estuaries SPA (004077).

Stacks to Mullaghereirk Mountains, West Limerick Hills and Mount Eagle SPA (004161)

- The Appropriate Assessment screening document is informed by desktop survey supplemented by field survey carried out on 24th April 2024 by MWP ecologists.
- Ecological walkover survey determined the habitats within the study area which comprise predominantly of cutover peat (PB4), wet grassland (WS4) a mosaic of improved agricultural grassland (GA1) and wet grassland, an isolated stand of conifers, drainage ditches, scrub (WS1) and hedgerow (WL1). The habitat at the proposed pylon locations comprised wet grassland and improved agricultural grassland mosaic. A drainage ditch runs along the southeastern boundary of the substation site and flows under the road to meet the Tyshe River through a sluice. A vegetated modified earth bank / spoil heap separates the southern extent of the site from the Tyshe River. The Tyshe river flows into the River Galey circa 0.5km south of the proposed development. Both the Tyshe and River Galey are managed for conveyance by the OPW. These watercourse are highly modified and homogenous in

terms of morphology and are suboptimal habitats for aquatic organisms due to their reduced physical complexity.

- No habitats of intrinsically high ecological value to special conservation Interest (SCI) species identified during the desktop survey were recorded within the proposed site or environs.
- Site is considered ecologically relatively homogenous. Extant plant communities comprise low growing open vegetation with low plant species richness that lacks the variety and complexity required for high macro invertebrate productivity. The site lacks the characteristics synonymous with high value foraging, roosting or breeding habitats for any animal species particularly avifauna.
- No third schedule listed (invasive species) were noted within the site. Himalayan Balsam was present on the banks of the Tyshe River however this was outside the proposed development boundary and is not anticipated that works will interfere with this species.
- There are no additional likely construction phase impacts from the construction of the substation due to the proposed development above and beyond what was already assessed in the 2021 Shronowen Wind Farm EIAR.
- Works proposed do not include any element that has the potential to significantly affect the conservation objectives for which the European sites are designated.
- The only mechanism by which the Lower River Shannon SAC could be affected is via water quality impacts affecting aquatic biota of the Tyshe and Galey Rivers. Given that there will be no significant water quality impacts on these channels no habitat loss and or alteration disturbance and or displacement of species or habitat or species fragmentation the conservation objectives of the SAC will not be affected.
- It is concluded that the proposed development, either individually or in combination with other plans or projects will not occur. Stage 2 AA is not required.

7.0 Public Consultation

I note that the Board informed Kerry County Council on 13th June 2024 of the request received and enclosed a copy of the request which, it was advised, may be made available for public inspection at the offices of the local authority. The Planning authority was not invited to make any submission.

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.309156.21 and the information on the said original file (including the submissions from the public on file ref. ABP.309156.21), 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.

8.0 Assessment

8.1 Consideration of Materiality.

The first consideration in relation to this request to alter the terms of the permitted windfarm ABP.309156 is to determine if the alterations sought would result in a material alteration of the terms of the Shronowen Wind Farm. As described above the amendment has two main elements. Firstly, it seeks to alter the grid connection by extending it by approximately 30m and relocating the permitted pylons to an alternative OHL. The permitted unpaved access track above the permitted underground grid connection will also be extended by 30m. Secondly the internal layout of the substation is to be altered by moving the buildings from one side of the substation to the other. Amendments to the layout of the buildings are also noted within the accompanying drawings including elevational amendments and an enlarged IPP building footprint. The IPP building footprint increase is from 10mx11.01m and ridge 6.278m (permitted) to a proposed footprint 11.485mx13.23m and 5.85m ridge). Eirgrid substation proposal includes an increased ridge height

from 8.38m permitted to 8.55m proposed. (finished floor level is reduced from permitted level 27.75m to proposed 27.65m). A permanent operations compound (comprising three 20ft steel containers) is also proposed adjacent to the permitted IPP substation. The application documentation outlines that the amendments arise following discussions with Eirgrid with regard to their technical requirements.

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. The materiality of the alteration should be assessed in the context of the overall permitted development, in this case a windfarm development involving the construction of 10 turbines and an underground grid connection (double circuit 110kv cable 225m in length) to link into the existing 110kV overhead electricity transmission line. The proposed extended cable route (30m extension) to the alternative overhead line would not in my view have any material amendments on rural or residential amenity over and above that permitted under the original scheme. The loss of agricultural land 105m² is not significant in the context of the large amount of agricultural land in the area. The alterations to the cable route would arise during the construction phase and would have no material impact in the operational phase. As regards the relocated pylons I consider that their relocation will not give rise additional significant impacts over and above those contained in the EIAR. The pylons link to the existing overhead line in my view the changes are not material in the context of the overall development.

Regarding the amendments to the internal layout of the substation, this alteration will reduce the overall permitted footprint of the substation by approximately 3,000m² therefore lessening the assessed environmental impact. Addition of the operations compound comprising three 20ft steel containers is located on the permitted track is not in my view material. I note that the compound is surrounded on three sides by a screening bund comprising an earth berm of 4.5m planted with a mix of native trees which will screen the substation from public views. I note that views of the substation

will be highly localised and confined to the immediate environs and therefore no material visual impacts will arise as a result of the proposed amendments.

In conclusion with regard to the consideration of materiality I consider that in the context of the approved windfarm development the proposed alterations under the submitted 146(B) application are not material. The original application (ABP 309156) was accompanied by an EIAR. I do not consider that the proposed alterations give rise to any additional significant impacts over and above those contained in the EIAR, which were considered as part of the EIA of the development as approved.

8.2 The Potential for Significant Environmental Effects

I refer to Forms 1 and 3 appended which inform the EIA Screening determination as follows:

Having regard to: -

- The parent permission granted under ABP 309156, which the subject alterations seek to amend,
- The examination of environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application
- The modest nature and scale and location of the proposed alterations
- The absence of any significant new or additional environmental concerns arising as a result of the proposed alterations
- The pattern of development in the surrounding area,
- the absence of any significant environmental sensitivity in the vicinity,
- the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

It is concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

8.3 Natural Heritage

The proposed development is not located in or near any European site or site of natural heritage interest (listed in section 146(7)(vi)(I) to (VII)). Effects on European sites are considered in the appropriate assessment section of this report below.

8.4 Appropriate Assessment Screening

The original application ABP-309156-21 was subject to 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 with regard to the possibility for significant effects 3 European Sites were identified as to have potential ecological / hydrological connections to the permitted development in the absence of mitigation namely:

- Lower River Shannon SAC (Site 002165),
- River Shannon and River Fergus Estuaries SAC (Site Code 004077),
- Stack to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161).

The Board considered the Natura Impact Statement and all other relevant submissions and carried out a stage 2 appropriate assessment of the implications of the proposed development for the European sites in view of the sites' conservation objectives. The Board concluded that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and to allow them reach complete, precise and definitive conclusions for appropriate assessment. The Board was satisfied that the proposed development by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives and there is no reasonable doubt remaining as to the absence of such effects.

Compliance with Article 6(3) of the EU Habitats Directive.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Screening

As outlined at section 8.1 above, I do not consider that the proposed alterations are material nor do they raise any new environmental considerations which were not considered in the assessment of impacts for 309156-21 for which AA (and EIA) were conducted. Any potential pathways for impacts of the permitted windfarm project have already been assessed under the 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 accordance with the environmental commitments for the permitted development and will not require any additional measures over and above those already in place.

Having considered the Board's determination on appropriate assessment on ABP-309156-21, 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.

In Combination Effects

Given the scope, scale, nature and size of the proposed alteration cumulative or in combination impacts will not act significantly on ecological sensitivities and will not affect European sites in view of the sites' conservation objectives.

Mitigation Measures

The mitigation measures that form part of the permitted parent permission, will apply to the subject development. Notwithstanding this, no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

9.0 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 309156-21. Draft Order for the Board's consideration provided below.

REQUEST received by An Bord Pleanála on the 10th day of June 2024 from Shronowen Wind Farm Ltd under section 146B of the Planning and development Act, 2000, as amended, to alter the terms of the permission of the Shronowen Windfarm Development project subject of an approval under An Bord Pleanála reference number ABP 309156- 21.

WHEREAS the Board made a decision to grant approval subject to conditions for the above mentioned development by order dated September 27th, 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:

- **Alteration to grid connection**

To extend the permitted double circuit underground grid connection cable (UGC) by approximately 30m and relocate the permitted two pylons by the same 30m to an alternative existing 110kV overhead Line (OHL). The permitted unpaved access track that runs on top of the permitted UGC will also be extended 30m as part of the alteration.

- **Alteration to Internal layout of the substation**

To relocate and alter the permitted independent power producer (IPP) substation and 110kV substation and provide a permanent operations compound adjacent to

the permitted IPP substation at the end of the permitted access track to the IPP substation.

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 observation 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 6th June 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 309156-21 for the Shronowen 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 ABP-309156-21

(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.

Bríd Maxwell

Planning Inspector

7th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP.319890.24		
Proposed Development Summary	Application for a 146B Amendment to permitted Shronowen Wind Farm planning permission (ref ABP-309156)		
Development Address	Located in the townlands of Ballyline West, Coolkeragh, Dromlivaun and Tullamore, Co. Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	✓	Proposed alterations will not give rise to a development of type/class listed in Schedule 5 (either parts 1 or 2). Amendments will not result in increase in size of the permitted windfarm by greater than 25% or increase in size equal to 50% of the appropriate threshold/ (5 turbines or 5megawatts of electricity output)	No further action required

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	✓	Screening Determination required

Inspector: _____ Date: _____

Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-319890-24	
Development Summary	Application for a 146B Amendment to permitted Shronowen Wind Farm planning permission (ref ABP-309156)	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	N/A	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	“Screening for Appropriate Assessment Report Shronowen Windfarm Planning Amendment, Ballylongford Co Kerry” MWP June 2024
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	No	

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposed development will increase grid connection footprint by approximately 105m2, and decrease substation compound by approximately 3,000m2.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	Land use change from agriculture and peat bog to renewable energy. Overall effect not significant.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Land use change from agriculture and peat bog to renewable energy. Overall effect not significant. Construction materials will be sourced where possible from local quarries. Water will be brought to site during the construction phase. No significant impacts arising from use of resources.	No

1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Use of hydrocarbon containing materials during construction period. Good construction and environmental management practices (CEMP) likely to minimise risk of significant effects	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Excavation of subsoils peat and other spoil. Effects not likely to be significant as reuse on site is part of management control and mitigation measures. Pollution pathways and nuisances for consideration include increases in exhaust emissions to air, noise vibration leaks and spills of hydrocarbon containing materials. Mitigation by good environmental management. Implementation of CEMP Substation noise in operational period. No significant impacts	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	Potential pathways and nuisances addressed by good environmental management CEMP Alteration results in negligible risk.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Construction noise – temporary Operation noise from substation not significant	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction works may cause temporary noise dust traffic. Environmental management practices will minimise risk of water pollution air pollution. Operational noise not significant. No emissions to air in operational period.	No

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	Risk of major accident and/or disasters from alteration during construction not likely. During operational phase due to type of development and design measures risk of causing major accident and/or disaster and vulnerability to potential manmade disaster considered unlikely.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Site is in a rural moderately populated area. Population and employment effects taken into consideration in EIA of Shronowen Windfarm 309156. Unlikely to have significant effect on population.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Cumulative effects of renewable energy projects taken into account in the EIA. Alteration not likely to give rise to perceptible cumulative effects	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	Site is not located in a designated site. 4 European sites - 2 SACs and 2 SPAs within 15km. Refer to Appropriate Assessment Screening report.	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or	No	Area affected by the amendment is considered to be of 'low value (locally important)' and is not of	No

around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?		special importance for any high conservation species or habitats. No important ecological features were identified and no residual effects are likely to remain during the construction or operational phase of the amendment to the development.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	No recorded monuments within the site boundary. No such affects predicted arising from the amendments.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	Site on agricultural land peatlands within the permitted Shronowen Windfarm Boundary.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	Proposed amendment to the substation location is in flood zone C, low probability of flooding. Relocated grid connection in flood zone B. UGC and pylons considered less vulnerable. Negligible impact on downstream flooding. (UGC and pylon foundations underground). A stage 3 flood risk assessment (FRA) not necessary. Site adjacent to Tarmon stream. Proposed development will not impact stream.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Traffic Assessment for Shronowen Windfarm and grid connection concluded no significant impact on traffic.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Agriculture and peat extraction are main land use in the area and a number of energy projects in the area. No potential for cumulative impact arising from proposed amendment.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<i>EG - EIAR <u>not</u> Required</i>			
<p>Having regard to: -</p> <ul style="list-style-type: none"> • The parent permission granted under ABP309156 which the subject alterations seek to amend, • The examination of environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application • The modest nature and scale and location of the proposed alterations 			

- The absence of any significant new or additional environmental concerns arising as a result of the proposed alterations
- The pattern of development in the surrounding area,
- the absence of any significant environmental sensitivity in the vicinity,
- the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____