



An
Bord
Pleanála

Inspector's Report

ABP-319947-24

Development	Amend planning permission Reg. Ref. 17532 to consist of: Replacement of permitted Distribution Network Operator (DNO) substation with an Air Insulation Switchgear (AIS) substation, construction of an underground cable to provide a tail fed connection to the permitted 400kV Coolnabacky Substation (An Bord Pleanála Case Ref. PL11.VA0015) and all associated site development works. A Natura Impact Statement accompanies this application.
Location	Bigbog, Coolnabacky, Esker, Money Lower and Loughteog, Stradbally, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2460005
Applicants	East Laois Solar Farm Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Ratheniska, Timahoe & Spink Action Group
Date of Site Inspection	25 th October 2024
Inspector	Dolores McCague

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1.1. The site is located at Coolnabacky, Stradbally, Co Laois, south west of Stradbally, north of Timahoe esker, east of regional road R426 which connects Portlaoise to The Swan, Co Kilkenny and south of regional road R427 which connects Vicarstown (and the R417) via Stradbally with the R425 near Ballyroan, Co Laois. The site is located between Timahoe (c. 2.4km) and Portlaoise (c. 8.8km). The location is a rural area where the topography is predominantly flat. Eskers are the only features rising above the prevailing ground levels. Historic mapping of the area shows a hillock 'Brockagh' close to the south-west which rose above the prevailing level to a height of 28m. Excavation for the extraction of aggregate has taken place in this area.
- 1.1.2. The Bauteogue River flows northwards, c 300m to the east of the site, to join the River Nore. The River Barrow and River Nore SAC is designated from Stradbally, c5.5km straight line distance to the north-east.
- 1.1.3. The proposed Coolnabrack 400/110Kv substation, part of the Laois Kilkenny Reinforcement Project, permitted by the Board under VA0015, is currently under construction on adjoining land to the north.
- 1.1.4. The proposed development includes a cable connection within the Coolnabrack 400/110Kv substation site.
- 1.1.5. The site is given as 1.324ha.

2.0 Proposed Development

- 2.1.1. The proposal is for amendments to planning permission Reg. Ref. 17532 (for a solar farm) to consist of: replacement of permitted Distribution Network Operator (DNO) substation and all associated infrastructure (Glass Reinforced Polyester (GRP) cabinet, monitoring house, storage shed, auxiliary transformer and WC), with an Air Insulation Switchgear (AIS) substation, comprising a single-storey control building (c.6.28m height and c.133.7sqm) within a palisade-fenced compound (c.2.6m height, c.1,779.8sq.m) and all associated electrical infrastructure and apparatus, and realignment of permitted solar arrays; the construction of a new vehicular entrance and access track connecting to permitted internal vehicular tracks; construction of an underground cable (c.160m length), to provide a tail fed connection to the permitted

400kV Coolnabacky Substation (An Bord Pleanála Case Ref. PL11.VA0015) and all ancillary site development works, including lighting, drainage, temporary construction compound and on-site parking to serve the operational and maintenance needs of the substation.

- 2.1.2. An AA Screening Statement and a Natura Impact Statement accompanied the application.
- 2.1.3. The amendments to the permitted development are required due to grid connection requirements.
- 2.1.4. The proposed AIS (air insulated switchgear) 110kV substation will connect to the permitted 400kV Coolnabacky Substation (ABP Case Ref. PL11.VA0015) via an underground cable. A Letter of Consent from EirGrid was submitted as part of the application. The substation does not comprise transmission as defined under Section 182A(9) of the Planning and Development Act 2000 as the substation at the solar farm is to facilitate power being brought to the approved Coolnabacky substation only, and will not form part of or comprise a new node on the national transmission network (i.e. it is tail fed). The appropriate consent route is therefore, Section 34 of the Planning Act (i.e. application to the Local Authority).
- 2.1.5. The proposal includes a staff area / washroom and a below ground 2800 litre foul water holding tank, vented to the atmosphere with high level alarm.
- 2.1.6. In response to a request for further information a revised Natura Impact Statement, which included additional projects under the heading cumulative impact, was submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to 5 conditions, including:
 - 3) recommendations and mitigation measures set out in the NIS to be implemented in full.

5 a) During the construction stage of the proposed development, the developer shall comply with the document titled 'Best Practice Guidelines for the Preparation of

Resource & Waste Management Plans for Construction and Demolition Projects' published by the Environmental Protection Agency.

b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the adjoining public thoroughfare and properties, in a neat, tidy and safe condition.

c) The developer shall make suitable provision for dust minimisation during construction works, to include measures such as road/access tracks cleaning, dust suppression, and covering of lorries entering and exiting the site.

d) any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense and to the satisfaction of the planning authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The first, planning report, 26th February 2024, recommending a further information request, which issued, includes:

The scale of the new AIS 110kV substation will be larger than the permitted DNO 110kV substation, however the proposed control building will also accommodate ancillary spaces like a washroom, staff area, store / workshop etc, and therefore there will no longer be a need to construct these separately.

- Drainage - drg no 05851-Dr-003-P10 and 05851-Dr-008-P02
- Access to the new AIS 110kV substation and compound will be by construction of access track connecting to the previously permitted internal tract to serve the DNO 110kV substation and associated infrastructure. The extended access tracks will tie into a new vehicular entrance at the AIS 110kV substation compound.
- The NIS is inadequate principally because it gives insufficient consideration to in-combination effects. It should examine all categories of development including the Laois-Kilkenny Reinforcement Project.

3.3. Other Technical Reports

3.3.1. CFO, 15 January 2024 - comply with all relevant Building Regulations and all relevant Building Control Regulations.

3.4. Further Information

3.4.1. A further information request issued 27th February 2024, on three items:

- 1 The Natura Impact Statement - In-combination effects should examine all categories of development including the Laois-Kilkenny Reinforcement Project approved on adjacent lands. Submit a suitably revised NIS accordingly.
- 2 Laois Kilkenny Reinforcement Project - An Bord Pleanála Reference VA0015). Condition No 1a of the aforementioned planning decision requires compliance with documentation submitted on 16th day of August 2013 and documentation submitted at the oral hearing except as otherwise may be required.... In this regard, you are referred to the oral hearing documentation and are asked to clarify how this development complies with Condition No 1a, in particular the connection of a renewable energy proposal into the An Bord Pleanála granted development.
- 3 Re. third party submissions.

3.4.2. A further information response was received 27th March 2024, which included a revised NIS.

3.5. **Prescribed Bodies**

3.6. Uisce Éireann, 22 January 2024 - no objection

3.7. Inland Fisheries Ireland, 2 February 2024:

The proposed development is located in the catchment area of the Stradbally (Laois)_020 surface water body (Bauteogue River), which has an Ecological Status of 'good'. In respect of the above application for planning, IFI wish to make the following observations:

The storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems either directly or indirectly. There should be no interference with the bed, gradient, profile or alignment of watercourses without prior notification and the written agreement of Inland Fisheries Ireland.

All mitigation and pollution prevention measures outlined in the Natura Impact Statement must be strictly adhered to. Works in or adjacent to waters must also comply with IFI's Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters.

Buffer zones should be clearly marked and mitigation measures put in place in advance of works commencing. The proposed buffer zones should apply to any works, including routes for machinery, storage, drilling spoil or other material associated with the works. Machines should not enter these zones except where it is unavoidable, e.g. at crossing points.

Surface water discharges should be managed to replicate green-field run-off rates. Only clean, uncontaminated waters should be discharged to soak-away systems or to surface water. Buffer zones, silt curtains, sediment traps, drains and other surface water management features should be inspected and maintained at regular intervals to ensure their effectiveness. Mitigation measures such as silt curtains should only be removed after works have ceased and re-seeding has become established to prevent soil loss or suspended solids.

Routes of roads and tracks and the location of turning areas should be planned to minimise the potential for environmental disturbance. Drainage associated with road construction should be designed to divert water away from buffer zones. Drainage infrastructure should be installed during dry ground conditions. All drainage channels, including roadside drains, should taper out before entering the buffer zone. Works should be suspended during heavy rains or when there is high risk of pollutants entering surface waters.

Records should be kept of any water monitoring and inspections of surface water mitigation measures. These records should be available upon request to any person authorised under the Local Government (Water Pollution) Acts.

Before works commence the applicant or the appointed contractor should appoint a suitably qualified person to oversee and implement environmental mitigation measures. Contact details should be provided to Inland Fisheries Ireland. In the event of an environmental incident which threatens an aquatic zone, IFI must be informed immediately.

3.8. Third Party Observations

3.8.1. Third party observations on the file have been read and noted.

4 Planning History

305108 permission granted - Section 146B application for alterations amendments to PL11.VA0015 VA0015 for an electrical transmission infrastructure project (Laois Kilkenny Reinforcement Project); not in the vicinity of this site.

312316- permission granted - Section 146B application for alterations / amendments to PL11.VA0015 for an electrical transmission infrastructure project (Laois Kilkenny Reinforcement Project); not in the vicinity of this site.

PL11.VA0015 permission granted Laois – Kilkenny electricity reinforcement project consisting of interrelated units as follows:

Unit 1: New 400/110kV GIS substation at Coolnabacky townland, Co. Laois.

Unit 2: New connection to Coolnabacky from the existing Moneypoint-Dunstown 400kV line (c.1.4km).

Unit 3: New 110kV connection to Coolnabacky substation from the existing Athy-Portlaoise 110kV line.

Unit 4: New 110kV / 38kV / MV substation in Ballyragget, Co. Kilkenny.

Unit 5: New 110kV overhead line between Ballyragget and Coolnabacky (c.26km).

Unit 6: Uprate of the existing Ballyragget Kilkenny overhead line (c.22km).

Unit 7: New Bay in the Existing Kilkenny 110kV station.

Unit 8: Modifications to existing Athy Portlaoise 110kV line.

17532 permission granted for construction, operation and decommissioning of a photovoltaic solar farm comprising photovoltaic panels on ground mounted frames, inverter stations, 1 no DNO / Customer substation, switchgear substations, field transformers, auxiliary transformers, GRP cabinet, monitoring house communications building, single storey storage shed, battery containers, transformer containers, WC, fencing, temporary construction compound, access tracks, cabling, CCTV cameras, landscaping, creation of a new access and all associated ancillary

development works. The application noted that the 110kv cables linking the Eirgrid substation and the proposed solar farm would be installed by Eirgrid and did not form part of the application.

5 Policy Context

3.9. National Planning Framework (NPF), 2018-2040

- 3.9.1. This sets out a strategic national planning framework for the country. It recognises the need to move toward a low carbon and climate resilient society, to harness the country's renewable energy potential, achieve a transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, and promote new energy systems & transmission grids.

The National Planning Framework (NPF) National Strategic Outcome 8 - Transition to a Low Carbon and Climate Resilient Society, includes:

New energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy. State-owned commercial enterprises are significant players in the energy market, which is subject to an EU regulatory framework. Promotion of renewable energy is supported by policy in the form of a public service obligation levy.

The diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid.

Outcomes include - reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres.

3.10. National Development Plan, 2021-2030

- 3.10.1. This underpins the NPF and sets a framework for investment priorities.

3.11. National Energy and Climate Plan (NECP), 2021-2030

3.11.1. This outlines Ireland's energy and climate policies in detail, for the period from 2021 to 2030 and looks onwards to 2050. The NECP is a consolidated plan which brings together energy and climate planning into a single process. It envisages a target of at least 55% renewable energy as a proportion of electricity by 2030.

3.12. Climate Action Plan, 2023

3.12.1. This seeks to tackle climate breakdown and it commits Ireland to a legally binding target of net-zero greenhouse gas emissions by 2050, an emissions reduction of 75%, and up to 80% of electricity demand to be from renewables by 2030. Large scale deployment of renewables, both onshore and offshore, will be critical to decarbonising the power sector as well as enabling the electrification of other technologies.

3.13. Climate Action and Low Carbon Development (Amendment) Act, 2021

3.13.1. This establishes a framework to develop the transition towards a low carbon economy.

3.14. Climate Action and Low Carbon Development Act 2015

3.14.1. Section 15 requires a relevant body to have regard to the approved national mitigation plan, adaptation framework and sectoral adaptation plans, national transition objectives, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

3.15. Regional Economic & Spatial Strategy

3.15.1. The Regional Economic & Spatial Strategy (RSES) for the Eastern, & Midlands Region 2019-2031 seeks to facilitate the sustainable development of additional electricity generation capacity throughout the region and to support the sustainable expansion of the transmission network. The Regional Authority seeks to ensure that future strategies and plans for the development of renewable energy, and associated

infrastructure, will promote the development of renewable energy resources in a sustainable manner.

There are three key themes, one of which is specifically targeted at Climate Action and includes six connected outcomes including: '4. Support the transition to low carbon and clean energy'.

The diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid.

Objectives:

RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process

RPO 10.23: Support EirGrid's Implementation Plan 2017 – 2022 and Transmission Development Plan (TDP) 2016 and any subsequent plans prepared during the lifetime of the RSES that facilitate the timely delivery of major investment projects subject to appropriate environmental assessment and the outcome of the planning process including:

Support the Laois-Kilkenny Reinforcement Project to strengthen the network in large parts of the Midlands and provide additional capacity for potential demand growth in the wider region and strengthen the Region's transmission network by improving security and quality of supply and ensuring there is the potential for demand growth.

3.16. Other Policy Documents

EU Energy Directives and Roadmaps and associated national targets for renewable energy by sector.

Strategy for Renewable Energy 2012-2020.

Ireland's Transition to a Low Carbon Energy Future, DCENR, 2015-2030.

Renewable Energy Policy and Development Framework, DCENR, 2016.

3.17. Development Plan

3.17.1. Laois County Development Plan 2021 – 2027 is the operative plan. It includes:

Chapter 2 Core and Settlement Strategy

2.2 Strategic Aims

h) To support the development of key infrastructure such as telecommunications, electricity, gas to enable economic development.

Chapter 3 Climate Action & Energy

3.2.3 National - Ireland's first national policy to address the impacts of climate change was introduced in 2012 with National Climate Change Adaptation Framework (NCCAF) with the National Policy Position on Climate Action and Low Carbon Development 2014 reiterating the policy position. The National Policy Position 42 establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050, guided by a long-term vision based on:

an aggregate reduction in carbon dioxide (CO₂) emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation, built environment and transport sectors; and

in parallel, an approach to carbon neutrality in the agriculture and land-use sector, including forestry, which does not compromise capacity for sustainable food production.

3.4 Integrating Climate Action into the Plan

Action Area 4 – Energy

National target - Increase electricity generated from renewable resources to 70%-indicatively comprised of up to 1.5 GW of Grid scale solar energy.

Local County target - Support the development of solar energy that has been permitted to date within the county by 2030.

Objectives

CM RE 8 Promote solar energy projects at appropriate locations.

3.6.1 Electricity and Gas

3.6 Eirgrid is the national body responsible for the management of the electricity transmission network. EirGrid's Grid Development Strategy (2017) sets out to ensure that the transmission network has the capacity to provide for growth in electricity demand between now and 2025, with the Implementation Plan 2017 – 2022 and Transmission Development Plan 2016 directing investing to upgrading and reinforcement of the transmission network: the Laois-Kilkenny Reinforcement Project proposes a new 400/110kV substation situated to the south east of Portlaoise at Coolnabacky. RPO 10.23 of the RSES recognises the importance of supporting the timely delivery of such major investment projects to strengthen the network in the midlands region.

Objectives

NRE 1 Support the reinforcement of the electricity transmission grid to improve energy supply to the county. Where strategic route corridors have been identified, the Council will support the statutory providers of national grid infrastructure by safeguarding such corridors from encroachment provided these corridors do not have adverse impacts on residential amenity or the environment.

NRE 2 Support the Laois-Kilkenny Reinforcement Project to strengthen the network in large parts of the Midlands and provide additional capacity for potential demand growth in the wider region and strengthen the Region's transmission network by improving security and quality of supply and ensuring there is the potential for demand growth subject to compliance with normal planning and environmental criteria.

3.18. Natural Heritage Designations

- 3.18.1. The nearest Natura site is Ballyprior Grassland SAC (site code 002256) located more than 4km straight line distance to the east. The River Barrow and River Nore SAC (site code 002162) is located c 5.5km straight line distance to the north-east.
- 3.18.2. The nearest protected site is Timahoe Esker, a proposed Natural Heritage Area, c600m to the south.

3.19. EIA Screening

- 3.19.1. The proposed development is not of a class of development in Schedule 5, Parts 1 and 2. EIA screening is not required. Appendix 1 refers.

4.0 The Appeal

4.1. Grounds of Appeal

- 4.1.1. The third party appeal is made by Ratheniska, Timahoe & Spink Action Group. The grounds include:

- Eirgrid gave oral and written guarantees in the oral hearing into the Laois Kilkenny Reinforcement Project that the project was not for renewables. A quote from the oral hearing is provided. The proposal to connect to the substation is in complete contravention to the commitments given. Appellants question whether other commitments given are to be disregarded. There is no point in a community engaging in an oral hearing if commitments given are not enforced. The PA's further information request in this regard was ignored.

1 They object on the grounds that the PA failed to fully consider the decision VA0015, which includes information to the oral hearing as specified in condition 1(a), '...in accordance with the plans and particulars lodged with the application and submitted on the 16th August 2013, and by the documentation submitted at the oral hearing...' Any further electrical connections to the project would obviously increase the environmental risks. To ignore this would be to disregard the entire public consultation process that underpinned the original decision and bring the planning process into disrepute.

2 East Laois Solar Farm have only submitted one letter of consent. They have not included a consent letter from ESB Networks. Under the planning regulations such consent must be provided or the application invalidated. The 2008 Guidelines and the OPRs guidance are referenced.

3 The current application proposes a connection between the solar farm and the Laois Kilkenny Reinforcement Project, VA0015; applicant Eirgrid.

The proposed development will also consist of development to include construction of an access tracks, fencing, lighting, drainage, on-site parking to serve the operational and maintenance needs of the substation, and approximately 160m of 110kV underground cable to enable a tail fed connection from the proposed substation to the permitted 400kV Coolnabacky substation. Who is going to be working on this sensitive site, given that these projects involve the possibility of significant environmental impacts? East Laois Solar Farm is a different entity to that which applied for the solar farm. The appellants question their authority to amend the previous permissions and query who will be responsible for the previous submissions (commitments).

4 Extracts from the evidence presented by Eirgrid to the oral hearing are given. The planning authority does not have the power to interfere with the decision of An Bord Pleanála.

5 The planning report refers to connection to the Coolnabacky Substation via an under ground cable and that a letter of consent from EirGrid was submitted. There is no letter of consent from EirGrid. The application should be invalid.

6 During the consultation for the solar farm it was stated that the connection would not be to the Coolnabacky Substation. The public consultation commitment should be upheld.

7 The NIS for the current application states that it has considered other plans and projects that could act in combination, but that these have undergone AA themselves and have been either adopted or consented following an AA and cannot pose likely significant effects on European Sites. This is a flawed assumption, and particularly so in the current case. The current solar grid connection application does not consider cumulative impact of this additional works on the Coolnabacky substation site, even though it will directly make alterations on a site for which An

Bord Pleanála are the competent authority for EIA and AA. The NIS does not consider the cumulative impacts of the directly adjacent Laois-Kilkenny reinforcement project and should be rejected as incomplete.

8 The Laois Kilkenny Reinforcement Project has never been subject to EIA /AA in relation to fire/explosion which is a requirement of the EIA Directive. The proposed substation is an additional significant structure in the vicinity of this high risk aspect of the Laois Kilkenny Reinforcement Project. Notably, it will also contain pollutants in proximity to a highly vulnerable aquifer. It will be further north than the permitted DNO 110kV substation and closer to the permitted 400kV Coolnabackey substation. What electrical / fire / pollution risks do these projects pose to each other and to the hydrological systems / environment?

9 The permission: VA0015, is 10 years old, no other project would be allowed to proceed without a new environmental assessment / re-application.

10 If Eirgrid / ESB Networks wish to allow the substation for the connection of renewables, they are legally obliged to make a new planning application for a change of use of the sub-station, to include the connection of renewables; and be subject to public consultation.

11 Consent from Eirgrid to connect the solar farm to the national grid through the sub-station at Coolnabackey has not been submitted.

4.1.2. Extracts from various documents are enclosed with the grounds.

4.2. Applicant Response

4.2.1. The applicant has responded to the grounds of appeal. The response includes:

The issues were previously raised in submissions to the planning authority.

Items 1, 4 and 10 - scope of the Laois Kilkenny Reinforcement Project.

Items 2 and 5 – validity of the application: landowner consent.

Item 3 - validity of the application: right of the applicant to seek permission for development comprising revisions to previously permitted development.

Item 6 – altered grid connection proposals to proposals, of previous solar farm owner.

Item 7 and 9 – appropriate assessment – assessment of cumulative impacts, in particular, in-combination with impacts of the Coolnabacky sub-station.

Item 8 – cumulative risk of fire and pollution due to proximity to Laois Kilkenny Reinforcement Project.

Item 11 – absence of grid connection offer from EirGrid and scope of current permission sought.

Items 1, 4 and 10 relate to the Laois Kilkenny Reinforcement Project. These issues have previously been addressed in response to the submissions made to the planning authority. This appears to be based on a focussed reading of a single statement during the oral hearing and has little regard for the rest of the planning application documentation submitted which explained the rationale for the project and which clearly identified much EU, national and regional policies supporting the generation of renewable energy. They quote, for context, extracts from statements made by third parties and the response statements made by EirGrid. The clarifying statement by EirGrid, that the primary purpose of the Laois Kilkenny Reinforcement Project was to improve the quality and security of supply in the south-east region and particularly across counties Laois and Kilkenny, is not the same as stating that the infrastructure cannot be used for the transmission of electricity generated by renewable energy projects. The permission granted under PL11.VA0015 does not have any conditions which would limit or restrict future operational decisions by EirGrid.

The Laois Kilkenny Reinforcement Project comprises electricity transmission infrastructure comprising two new substations as well as new and updated overhead lines. The proposed connection into the 400kV substation will not alter the permitted transmission use of the 400kV substation. There is no basis for a change of use permission being required.

Items 2 and 5 – validity of the application: landowner consent. This issue has previously been addressed in response to the submissions made to the planning authority. The land the subject of the previous solar farm permission is in the ownership of Josephine Lowry, The underground grid connection linking to the EirGrid Coolnabacky sub-station is in the ownership of ESB. Two letters of consent (LoC) were lodged as part of the application, from Josephine Lowry and ESB. The

Laois Co Co website presents the LoC from Josephine Lowry only. Laois Co Co have stated that the ESB LoC was not published on the website because it contained sensitive information, ie, the folio number. This was clarified in their further information response and in the planner's report. A report accompanying their application referred inadvertently to a LoC from EirGrid, this was an error and has been clarified.

Item 3 - validity of the application: the appeal challenges the right of the applicant to seek permission for revisions to previously permitted development. This issue appears to be on the basis that the applicant, and the applicant in the case of the permitted development, are different legal entities. Statkraft Ireland Limited bought the permitted solar farm project development from Lightsource Renewable Energy Ltd. in 2020. Statkraft Ireland Limited owns 100% of East Laois Solar Farm Ltd, which is a registered company with appropriate standing to apply for planning permission.

Item 6 – the altered grid connection proposals compared to proposals of the previous solar farm owner. The grounds states that the applicant for the parent permission advised the community that it would not be connected to the Coolnabacky sub-station. They note that the planning application documentation for 17/532 stated, as likely, that it would be connected to the Coolnabacky sub-station. Section 5.13 of the Planning and Environmental Report for that application is quoted.

The grid connection did not form part of the application 17/532 as grid connection offers from EirGrid are made after planning permission for the solar farm development is secured. Applicants are not fully certain of the nature of the grid connection that will be provided in the future.

There are no restrictions on 17/532 which control the nature of the potential future grid connection.

The current application will be considered with reference to existing policy and objectives and the proper planning and sustainable development of the area, not discussions between the previous owner and the local community.

Item 7 and 9 – appropriate assessment – assessment of cumulative impacts, in particular, in-combination with impacts of the Coolnabacky sub-station.

That it is a flawed assumption that plans and projects which have undergone an AA themselves and have either been adopted or consented following an AA, then cannot pose likely significant adverse effects on European sites.

Laois Co Co are not the competent authority for making alterations to environmental assessments to amend the ABP assessments.

The NIS does not consider cumulative impact with the project ABP VA0015.

The assessment of VA0015 is 10 years old. No other project would be allowed to proceed without a new environmental assessment / reapplication.

Per paragraph 1.117 of the original NIS, they reassert, that if a project which has undergone AA has received permission, then it cannot pose a likely significant adverse effect on a European Site.

Re. cumulative impacts, a revised NIS was submitted which specifies a method for assessing cumulative effects. It considered a zone of influence / cumulative impact assessment radius of 5km, in line with CIEEM guidance. It concluded that no likely cumulative effects on any Natura 2000 sites are expected.

Laois County Council was the competent authority at that stage in the process.

The Laois Kilkenny Reinforcement Project was previously the subject of AA. It is not the function of LCC or ABP to undertake AA of that decided project.

Item 8 – cumulative risk of fire / explosion and pollution due to proximity to Laois Kilkenny Reinforcement Project.

This was addressed in response to a further information request. The response outlined the low risk of incidents of this nature and set out mitigation measures to eliminate and / or reduce such potential impacts in the Construction, Decommission and Traffic Management Method Statement and Flood Risk Assessment. Conditions 1, 14 and 15 are referred to.

The proposed works contained within the subject amendment application are in line with the established principles of development provided or in the permitted solar farm and therefore unlikely to introduce an increased risk of pollution.

Historically there is a low risk of fire in respect of electrical substations. In the event of fire, the associated knock-on impacts relate mainly to interference with electrical supply and risk of injury to personnel or nearby properties.

Re. interference with electrical supply, this risk is primarily related to the EirGrid 400kV substation, with the proposed solar farm substation having little potential for significantly increasing such risk. The proposed on-site solar farm substation will only have occasional maintenance staff visiting, such that no significant risk arises. Re. impact on surrounding properties / the public, the closest dwelling / farm is 600m away and slightly further in the revised position than as originally permitted. No significant adverse likely impacts are predicted.

Item 11 – re. the claim of absence of grid connection offer from EirGrid and scope of current permission sought: that the developer has not submitted a grid connection offer and that this is partial planning.

The applicant is in receipt of a grid connection offer from EirGrid under ECP2.2 to connect an 80MW generation facility to the transmission grid at Coolnabackey substation.

The grid connection offers from EirGrid and planning permission are two entirely separate consent processes. There is no requirement under planning legislation or the development plan for grid connection agreements to be in place prior to lodgement of planning applications.

4.3. **Planning Authority Response**

4.3.1. No response.

6 Assessment

4.3.2. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the principle of the development, the validity of the application and application process, VA0015 and its use, commitments given regarding the solar farm, environmental impact, Eirgrid consent to connect, and other issues and the following assessment is dealt with under those headings.

4.4. **Appropriate Assessment**

4.4.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either

on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

- 4.4.2. An Appropriate Assessment (AA) Screening Report and a Natura Impact Statement accompanied the application. Appendix 2 to this report details my assessment under this heading.

Appropriate Assessment Screening

- 4.4.3. I conclude that the proposed development would have a likely significant effect 'alone' on the protected site: The River Barrow and River Nore SAC (site code 002162), in view of its conservation objectives and that appropriate assessment is required.

4.5. AA Stage Two

- 4.5.1. In the NIS potential impacts are set out in table 1-2.

Potential Impacts During the Construction Phase:

Pollution contamination of surface waters,

Poisonous, noxious or polluting matter,

Waste matter (including silt, cement, concrete, oil, petroleum spirit, chemicals, solvents, sewage and other polluting matter),

Other harmful activities.

Impact on the qualifying species otter, which is limited to foraging, as there is no suitable habitat for holts.

- 4.5.2. Pollution prevention measures are set out including those listed under paragraph 1.54.

- 4.5.3. Measures to prevent pollution entering the aquatic environment during construction are set out in section 1.70-1.71. Construction measures to protect otter are set out in section 1.72-1.73.

- 4.5.4. Mitigation measures are also set out in table 1-7

- 4.5.5. Mitigation measures are set out under the headings:

Related to otter
Pollution prevention
Noise and vibration management
Dust management
Drainage management
Emergency spill or pollution response
Clear water diversion
Silt control
Waste segregation and storage
Storage of fuels and chemicals
Refuelling
Excavation and earthworks
Concrete
Monitoring, and
Residual impact

- 4.5.6. I accept that with implementation of integral design measures, mitigation and best practice construction methods, it can be concluded that the construction phase of the proposed development will not have a significant effect upon any qualifying features, and therefore the integrity of the Natura 2000 sites.

Potential Impacts During the Operational Phase:

Pollution contamination of surface waters,
Impact on the qualifying species otter.

- 4.5.7. Measures which mitigate such impact include:

The containment of wastewater for disposal off site,

Discharge of surface water via a petrol interceptor,

The design of the security fencing which provides a gap at the base of the fence for otter.

4.5.8. I accept that with implementation of integral design measures it can be concluded that the operational phase of the proposed development will not have a significant effect upon any qualifying features, and therefore the integrity of the Natura 2000 sites.

Potential Impacts During De-commissioning:

4.5.9. Condition no 5 of the parent permission refers.

4.5.10. Similar measures to those proposed during the construction phase would be implemented during de-commissioning.

Consideration of Cumulative Effects:

Plans:

4.5.11. NPF, RSES, and the County Development Plan were assessed for the likelihood of cumulative effects and it was noted that AA screening and AA was carried out in each case.

Projects:

4.5.12. The vast majority of developments / planning applications within 5km relate to agricultural development and residential development - dwellings and extensions. Due to small scale and lack of connectivity, it is unlikely that any of these would result in significant cumulative effects on designated sites.

4.5.13. A list of larger developments within a 5km radius is given in table 1-8 of the NIS. It includes:

17532 permission granted for construction, operation and decommissioning of a photovoltaic solar farm comprising photovoltaic panels on ground mounted frames, inverter stations, 1 no DNO / Customer substation, switchgear substations, field transformers, auxiliary transformers, GRP cabinet, monitoring house communications building, single storey storage shed, battery containers, transformer containers, WC, fencing, temporary construction compound, access tracks, cabling, CCTV cameras, landscaping, creation of a new access and all associated ancillary development works (including a composting toilet for operations and maintenance staff and for tours of the site by community groups schools or councillors. The toilet is waterless, chemical free and self composting, made from sustainably logged wood thus it is compatible with the environmental aims of the development. The toilet uses

a dehydration process resulting in an odour free compost which is collected annually for further processing off-site. (5.13: it is proposed to connect to the national electricity grid via a direct connection into the recently approved 400kV to 110kV EirGrid substation to be built at Coolnabracky).

312316 -21 - this is a S146 amendment to VA0015 Unit 6: Uprate of the existing Ballyragget – Kilkenny overhead line (c. 22km). The proposed alteration comprised End Mast (BK 1 (EM)) is to be relocated c. 50m westward, 1 No. new double wooden Intermediate Poleset (IMP 2) will be required along the existing alignment to the east of the substation’, and ‘Associated minor realignment of structures up to Angle Mast 4 (‘AM 4’). Decision - would not result in a material alteration to the terms of the development and therefore the decision is altered accordingly.

305108-19 - Proposed alterations at Kilkenny 110kV substation, consisting of: the replacement of the existing strung busbar and gantries with tubular busbars; the replacement of the existing Ballyragget 38kV end mast with a new 15m high lightning monopole; the installation of a new sectionalising cubicle; and a new internal wall within the control building to accommodate a battery room and a new ramp at the entrance. Decision - would not result in a material alteration to the terms of the development and therefore the decision is altered accordingly.

11.VM0012 - Proposed alterations consisting of an additional temporary angle mast structure and localised diversion of the existing Athy-Portlaoise 110 kV overhead lines and the use of an existing farmyard as a temporary compound for materials storage and site offices. Decision - would not result in a material alteration to the terms of the development and therefore the decision is altered accordingly.

11.VA0015 - Laois Kilkenny Reinforcement Project, which comprised development consisting of 8 No. inter-related elements:

1: New 400kV/110kV GIS substation in the townland of Coolnabracky, Co. Laois.

2: New connection to the Coolnabracky substation from the existing Moneypoint-Dunstown 400kV line (c. 1.4km).

3: New connection to the Coolnabracky substation from the existing Athy / Portlaoise 110kV line.

4: A new 110kV/38kV/ MV substation outside Ballragget, Co. Kilkenny.

5: A new 110kV overhead line between Ballyragget and Coolnabracky substation (c. 26km).

6: Uprate of the existing Ballyragget – Kilkenny overhead line (c. 22km).

7: A new bay in the existing Kilkenny 110kV substation, and

8: Modifications to the existing Athy – Portlaoise 110kV line (c. 3.6km)

4.5.14. No significant effect on a Natura site was anticipated in any of these cases and therefore in-combination effects are unlikely to arise.

4.5.15. Residential development of between 2.31km and 4.94km distance away – (2292, 17403, 22695).

4.5.16. No likely cumulative effects are expected.

4.6. Conclusion

4.6.1. It can be concluded, with a high degree of certainty, that the proposed development will not have a significant effect on any qualifying features, and therefore the integrity of the Natura 2000 site: the River Barrow and River Nore SAC (site code 002162), or any other site.

4.7. The Principle of the Development

4.7.1. A substation is part of the currently permitted solar farm development, Reg. Ref. 17532. The subject application is for amendments to that permission for the alterations listed in the public notices and for the construction of an underground cable (c.160m length), to provide a tail fed connection to the permitted 400kV Coolnaback Substation.

4.7.2. Both the substation and connection to the national grid at Coolnaback Substation are acceptable in principle.

4.8. Validity of the Application and Process

Interest in the land and consent to make the application:

4.8.1. The Planning and Development Regulations 2000 and guidance provided by the Planning Regulator are referred to in the grounds of appeal, in relation to the necessity for letters of consent to be included with the application, when the

applicant is not the landowner. It is stated that the necessary letters of consent have not been included with the application.

- 4.8.2. The applicant response is that the land the subject of the previous solar farm permission is in the ownership of Josephine Lowry. The underground grid connection linking to the EirGrid Coolnabacky sub-station is in the ownership of ESB. Two letters of consent (LoC) were lodged as part of the application: from Josephine Lowry and ESB.
- 4.8.3. They accept that a report accompanying their application referred, in error, to a LoC from EirGrid.
- 4.8.4. They also note that the ESB LoC was not published on the Laois Co Co website because it contained sensitive information, ie the folio number. They state that this issue was previously addressed in their response to the submissions made to the planning authority.
- 4.8.5. I am satisfied that the application details included two letters of consent from the relevant parties: Josephine Lowry and ESB and that all landowners have consented to the making of the planning application.

The ability of the applicants to implement a permission not granted to them:

- 4.8.6. The appellants question the ability of the applicants to implement a permission not granted to them. The applicant response explains the current ownership and outlines the transfer of ownership which occurred since planning permission for a solar farm was granted.
- 4.8.7. Planning permission enures¹ with the land, and is capable of being implemented, irrespective of change of ownership or applicant.

4.9. VA0015 and its use

- 4.10. Commitments given in VA0015:

¹ Planning and Development Act 2000 Section 39.—(1) Where permission to develop land or for the retention of development is granted under this Part, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land and of all persons for the time being interested therein.

- 4.10.1. It is stated that the proposal to connect to the substation is ‘in complete contravention to commitments given’ in VA0015.
- 4.10.2. Evidence, said to have been given at the oral hearing, in the case ABP Case Ref. PL11.VA0015, for the Laois – Kilkenny electricity reinforcement project, is referred to in the grounds, in relation to the intended use of the Coolnabackey sub-station. It is stated that a representative of EirGrid gave evidence that the Coolnabackey sub-station was not being developed to facilitate renewable energy projects.
- 4.10.3. The Laois – Kilkenny electricity reinforcement project is a major infrastructural project for the entire region. The overall project and Coolnabackey sub-station are referred to in the Regional Economic & Spatial Strategy (RSES) for the Eastern, & Midlands Region 2019-2031 and the Laois County Development Plan 2021 – 2027.
- 4.10.4. Regional Policy Objective 10.23 in the RSES includes:
- Support EirGrid’s Implementation Plan 2017 – 2022 and Transmission Development Plan (TDP) 2016 and any subsequent plans prepared during the lifetime of the RSES that facilitate the timely delivery of major investment projects subject to appropriate environmental assessment and the outcome of the planning process, in particular, including:
- Support the Laois-Kilkenny Reinforcement Project to strengthen the network in large parts of the Midlands and provide additional capacity for potential demand growth in the wider region and strengthen the Region’s transmission network by improving security and quality of supply and ensuring there is the potential for demand growth.
- 4.10.5. The Laois County Development Plan 2021 – 2027, includes a related objective: NRE 2 - Support the Laois-Kilkenny Reinforcement Project to strengthen the network in large parts of the Midlands and provide additional capacity for potential demand growth in the wider region and strengthen the Region’s transmission network by improving security and quality of supply and ensuring there is the potential for demand growth subject to compliance with normal planning and environmental criteria.
- 4.10.6. It is not apparent that there is any contradiction between the subject proposal and the quoted oral hearing evidence, which the appellants refer to as stating that the

Laois-Kilkenny Reinforcement Project and Coolnabacky sub-station were not being developed to serve renewables.

- 4.10.7. Neither the Board's decision nor the inspector's report on that file include any suggestion that they placed any weight in the assessment of that project on a statement that the project including Coolnabacky sub-station was not being developed to serve renewables. The inspector's report on that file, under the heading 'alternatives', refers to alternative locations considered in the selection process for the substation site and the criteria by which those alternative sites were evaluated. There is no reference to a solar farm as a criterion.
- 4.10.8. The contents of the extract of the oral hearing transcript presented with the grounds is noted, however I do not accept that it represents any commitment that the Laois-Kilkenny Reinforcement Project or Coolnabacky substation would not be used for 'renewables'. The selected extract states that 'renewables' was not the purpose for which the project was being carried out. It does not and could not commit to the future use of either the network or substation, to exclude acceptance of energy from 'renewables'. As set out in the 'Policy Context' section, earlier in this report, an important policy objective at national, regional and local level is to facilitate the development of renewable energy sources.
- 4.10.9. In his report on that case (conclusion section, page 112), the inspector refers to his 'suspicion' that a fear of what might be facilitated by the proposed Coolnabacky substation had been a prime driver behind the objections to the application. He explained that he was referring to the possibility that it might facilitate windfarm development. His report states that during the oral hearing, there appeared to be concern that the proposed development would facilitate one of the larger wind farms designed to export electricity to the United Kingdom. 'It was clarified towards the end of the oral hearing that this would not be the case and that these projects are standalone and would export electricity via their own power lines rather than through the national grid and the East – West Interconnector'.
- 4.10.10. It should be noted that there is no restriction in the permission granted by the Board on the use of the sub-station.
- 4.10.11. Coolnabacky sub-station was not developed for the purpose of facilitating a connection for the subject solar farm to the national grid. The sub-station forms a

node on the national / regional infrastructure, currently being developed by Eirgrid², who have determined that this is a suitable point of connection for the solar farm. The use of Coolnabacky sub-station as the proposed connection location falls to be assessed on its own merits.

4.10.12. The grounds of appeal states that if EirGrid / ESB Networks wish to allow the substation for the connection of renewables, they are legally obliged to make a new planning application for a change of use which would be subject to public consultation. In my opinion there is no planning basis for seeking to control the use of the substation. The subject application represents the only planning application required.

4.11. Commitments given regarding the Solar Farm

4.11.1. The ground of appeal states that the solar farm proposers (17/532) stated that the connection to the grid would not be at Coolnabacky sub-station. The appellants regard this as public consultation commitments. The applicant response states that the planning application documentation for 17/532 stated, as likely, that it would be connected to the Coolnabacky sub-station.

4.11.2. The Planning and Environmental Report (e.g. page 4 Executive Summary, digital documents on Laois County Council's website for 17/532) refers to likely connection to the Coolnabacky sub-station. As pointed out in the applicant's submission, a grid connection offer from EirGrid is a separate consent process. Prior to this offer the details of the connection cannot be determined. Since the matter could not previously be determined this application is the result.

4.11.3. In my opinion there are no permitted development commitments which suggest that permission should not be granted for the proposed development.

² EirGrid is the national body responsible for the management of the electricity transmission network, (the Transmission System Operator (TSO))². ESB Networks is the Distribution System Operator (DSO)

4.12. Environmental Impact

4.13. Grounds of appeal concerns:

in relation to fire/explosion risk; that the Laois Kilkenny Reinforcement Project has never been subject to EIA /AA in relation to fire/explosion which is a requirement of the EIA Directive;

in relation to the length of time since the EIA for the Laois Kilkenny Reinforcement Project was carried out;

continuing concerns about Coolnabacky Substation Project, in particular Risk to Public Water Supply and that any further connections to the substation would increase the environmental risks.

4.13.1. Re. EIA, the subject development does not require Environmental Impact Assessment. It is not a modification to a development which required Environmental Impact Assessment. A screening and preliminary report for EIA is attached to this report as appendix 1.

4.13.2. Re. EIA for the Coolnabacky Substation Project, Coolnabacky substation is part of the Laois Kilkenny Reinforcement Project approved by the Board under VA0015. Neither the approval for that project or it's Environmental Impact Assessment, then carried out, are subject to review.

4.13.3. Regarding fire risk arising from the proposed development, and cumulative risk in combination with Coolnabacky substation, the applicant states that this was addressed in response to a further information request.

4.13.4. The response outlines the low risk of incidents of this nature and sets out mitigation measures to eliminate and / or reduce such potential impacts in the Construction, Decommission and Traffic Management Method Statement and Flood Risk Assessment, and conditions 1, 14 and 15 are referred to.

4.13.5. They point out that historically there is a low risk of fire in respect of electrical substations. In the event of fire, the associated knock-on impacts relate mainly to interference with electrical supply and risk of injury to personnel or nearby properties. Interference with electrical supply is a risk primarily related to the EirGrid 400kV substation, with the proposed solar farm substation having little potential for significantly increasing such risk. The proposed on-site solar farm substation will only

have occasional maintenance staff visiting, such that no significant risk arises. Regarding impact on surrounding properties or the public, the response points out that the closest dwelling / farm is 600m away and that it is slightly further in the revised position than as originally permitted. The Applicant for the solar farm provided clear assurances outlining the low risk of incidents of this nature, and what mitigation measures were included. The current application submission concludes that, with regard to the modest nature, scale and extent of the proposed development, the proposed works do not have the potential to give rise to any significant revised planning or environmental impacts and that the proposed development remains in accordance with the principles established under the permitted development (Reg. Ref. 17532) and in accordance with the proper planning and sustainable development of the area as set in the Laois Development Plan.

- 4.13.6. A substation is part of the currently permitted solar farm development Reg. Ref. 17532. A cable connection to Coolnabackey substation does not appear to generate any significant additional fire risk. I accept that interference with electrical supply and risk of injury to personnel, are the risks associated with a fire. There are no other structures in the vicinity which would be at risk. Security of electrical supply is a matter for EirGrid and ESB Networks; and safety of personnel is a matter for the Health and Safety Authority. Since water cannot be used to fight a fire at a substation, containment of firewater is not an issue.
- 4.13.7. In my opinion fire risk should not be a reason to refuse or modify the proposed development.

4.14. Eirgrid Consent to Connect

- 4.14.1. It is stated as grounds for the appeal that consent for connection from Eirgrid has not been submitted. The applicant response is that there is no requirement under planning legislation or the development plan for grid connection agreements to be in place prior to lodgement of planning applications, and that grid connection offers from EirGrid and planning permission are two entirely separate consent processes.

4.14.2. The applicant also states that they are in receipt of a grid connection offer from EirGrid under ECP2.2 to connect an 80MW generation facility to the transmission grid at Coolnabacky sub-station.

4.14.3. I accept that grid connection offers from EirGrid and planning permission are separate processes and that EirGrid's connection consent is not required for the assessment of this appeal.

4.15. **Other**

4.15.1. The grounds of appeal states concerns in relation to the various permissions and queries who is going to be working on this sensitive site;

4.15.2. Implementation of planning permission(s) by one or more developers is a matter for construction management by the developer(s) and control by the planning authority.

5.0 **Recommendation**

5.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

6.0 **Reasons and Considerations**

Having regard to the provisions of the Laois County Development Plan 2021 - 2027, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the amenities of the area, would not be prejudicial to public health, would be consistent with the Climate Act and would be in accordance with the proper planning and sustainable development of the area.

7 **Conditions**

1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of March 2024, except as may otherwise be required in order to comply with the following conditions.

Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2 Save for the changes authorised by this permission, the proposed development shall comply with all relevant conditions of previous planning permission granted under PL Ref 17/532. This permission shall not extend the expiry date of that permission, which is 10 years from the date of grant, ie 29/07/2028.

Reason: In the interest of the proper planning and sustainable development of the area.

3 The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

4 Prior to commencement of development, details including a layout plan of the site drainage system, to include the location of the proposed class 1 full retention separator, shall be submitted for the written agreement of the planning authority.

Reason: To protect surface waters.

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.

Planning Inspector

10th December 2024

Appendix 1 EIA Screening

Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319947		
Proposed Development Summary	Proposed amendments planning permission Reg. Ref. 17532 to consist of: replacement of permitted Distribution Network Operator (DNO) substation and all associated infrastructure (Glass Reinforced Polyester (GRP) cabinet, monitoring house, storage shed, auxiliary transformer and WC), with an Air Insulation Switchgear (AIS) substation, comprising a single-storey control building (c. 6.28m height and c. 133.7sqm) within a palisade-fenced compound (c. 2.6m height and c. 1,779.8sq.m) and all associated electrical infrastructure and apparatus, and realignment of permitted solar arrays, (note per 3(b) of part 2 of schedule 5, the lines connecting to the substation are 150kv i.e. the voltage would not be 200 kilovolts or more).		
Development Address	Coolnabacky, Stradbally, Co Laois		
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	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	/		Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	Comment (if relevant)	Conclusion
No	/	N/A		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	/	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319947
Proposed Development Summary	Proposed amendments planning permission Reg. Ref. 17532 to consist of: replacement of permitted Distribution Network Operator (DNO) substation and all associated infrastructure (Glass Reinforced Polyester (GRP) cabinet, monitoring house, storage shed, auxiliary transformer and WC), with an Air Insulation Switchgear (AIS) substation, comprising a single-storey control building (c. 6.28m height and c. 133.7sqm) within a palisade-fenced compound (c. 2.6m height and c. 1,779.8sq.m) and all associated electrical infrastructure and apparatus, and realignment of permitted solar arrays, (note per 3(b) of part 2 of schedule 5, the lines connecting to the substation

	are 150kv i.e. the voltage would not be 200 kilovolts or more).	
Development Address	Coolnabacky, Stradbally, Co Laois	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>		No No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>		No No
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in</p>		No No

the area, including any protected structure?		
Conclusion		
<p>Having regard to the limited nature and scale of the proposed development, the absence of any significant environmental sensitivity in the vicinity and the absence of connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.</p> <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

1.0 Appropriate Assessment

1.1. Introduction

- 1.1.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

1.2. Screening for Appropriate Assessment

- 1.2.1. An Appropriate Assessment Screening Report and a Natura Impact Statement accompanied the application.

A revised Natura Impact Statement, which included additional projects under the heading cumulative impact, was submitted in response to the planning authority's request for further information.

Description of the project

The site is located in a rural area south west of Stradbally in the townland of Colnaback, Co Laois.

The proposed development comprises:

Proposed amendments to planning permission Reg. Ref. 17532 to consist of: replacement of permitted Distribution Network Operator (DNO) substation with an Air Insulation Switchgear (AIS) substation.

It includes the following:

Replacement of permitted Distribution Network Operator (DNO) substation and all associated infrastructure (Glass Reinforced Polyester (GRP) cabinet, monitoring house, storage shed, auxiliary transformer and WC), with an Air Insulation Switchgear (AIS) substation, comprising a single-storey control building (c. 6.28m height and c. 133.7sqm) within a palisade-fenced compound (c. 2.6m height and c. 1,779.8sq.m) and all associated electrical infrastructure and apparatus, and realignment of permitted solar arrays.

Construction of a new vehicular entrance and access track connecting to permitted internal vehicular tracks; construction of an underground cable (c. 160m length), to provide a tail fed connection to the permitted 400kV Coolnabacky Substation (An Bord Pleanála Case Ref. PL11.VA0015) and all ancillary site development works, including lighting, drainage, temporary construction compound and on-site parking to serve the operational and maintenance needs of the substation.

Potential impact mechanisms from the project are indirect impacts that could occur during construction and operation:

- Impacts to occur during construction / operation
- Surface water pollution from construction works resulting in changes to environmental conditions such as water quality / habitat degradation.
- Surface water pollution from operation resulting in changes to environmental conditions such as water quality / habitat degradation.
- Cumulative impacts.

Step 3: European Sites at risk from the proposed development

River Barrow and River Nore SAC, Ballyprior Grassland SAC and River Nore SPA

The nearest Natura site is Ballyprior Grassland SAC (site code 002256) located c 4km to the east.

Ballyprior Grassland SAC

Specific conservation objectives have been developed for Ballyprior Grassland SAC which are to restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites), which is defined by a list of attributes and targets.

The SAC is designated for terrestrial habitats and is approximately 3.73km from the application site. Considering the terrestrial nature of the habitats and that there are no river or surface waterbodies connecting the SAC to the application site, it can be concluded that no hydrological or ecological connectivity exists, such that no impact is possible.

River Barrow and River Nore SAC

The River Barrow and River Nore SAC (site code 002162) is located c 5.5km to the north-east.

Specific conservation objectives have been developed for River Barrow and River Nore SAC, which include:

To maintain the favourable conservation condition of Desmoulin's whorl snail,

To maintain the favourable conservation condition of White-clawed crayfish,

To restore the favourable conservation condition of Sea lamprey,

To restore the favourable conservation condition of Brook lamprey,

To restore the favourable conservation condition of River lamprey,

To restore the favourable conservation condition of Twaite shad,

To restore the favourable conservation condition of Salmon,

To maintain the favourable conservation condition of Estuaries,

To maintain the favourable conservation condition of the Mudflats and sandflats not covered by seawater at low tide,

To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand,

To restore the favourable conservation condition of Atlantic salt meadows,

To restore the favourable conservation condition of Otter, this includes the extent of freshwater (river) habitat, and Fish biomass available,

To restore the favourable conservation condition of Mediterranean salt meadows,

To maintain the favourable conservation condition of Killarney Fern,

To restore the favourable conservation condition of the Nore freshwater pearl mussel,

To maintain the favourable conservation condition of Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachium* vegetation,

To maintain the favourable conservation condition of European dry heaths,

To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels,

To maintain the favourable conservation condition of Petrifying springs with tufa formation (*Cratoneurion*),

To restore the favourable conservation condition of Old oak woodland with *Ilex* and *Blechnum*,

To restore the favourable conservation condition of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).

It is possible that the conservation objectives of the SAC, which are dependent on maintenance of water quantity and quality could be undermined by unmitigated impacts from construction and operation on surface water, arising from the effects of the project 'alone'.

It is possible that otter could be impacted by a reduction in its commuting territory.

River Nore SPA

Conservation objectives:

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Kingfisher.

The River Nore SPA is of high ornithological importance for supporting a nationally important population of Kingfisher. Kingfisher territories typically cover at least 1km of river, although they can extend over 3-5km depending on food availability. Given the distance between the Application Site and the SPA (14.32km), it is considered that there is no ornithological connection to the Application Site. The confluence the River Nore and the River Barrow, is north of New Ross, but the SPA extends only to Clonamery, south of Inistioge Co Kilkenny, upstream and well in excess of 5km from its confluence with the River Barrow. There is therefore no ornithological connection to the River Barrow SPA and the possibility of impact on Kingfisher of the River Nore SPA can be discounted.

Overall Conclusion, Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development is likely to have a significant effect on the qualifying features of River Barrow and River Nore SAC 'alone' in respect of effects on surface water arising from the project, which are dependent on good water quality either for themselves or their prey species and on the territory of commuting otter. It is therefore determined that Appropriate Assessment (stage 2) is required on the basis of the effects of the project 'alone'.

Assessment of in-combination with other plans and projects, is not required for screening.

Summary table			
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European Site	Site Code	Relevant QI & SCI	Potential for Impact
River Barrow and Nore SAC	002162	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonizing mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>European dry heaths</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Petrifying springs with tufa formation</p> <p>Old sessile oak woods with Ilex and Blechnum in British Isles</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior.</p> <p>Desmoulin's Whorl Snail Freshwater</p> <p>Pearl Mussel*</p> <p>White-clawed Crayfish</p> <p>Sea Lamprey</p> <p>Brook Lamprey</p> <p>River Lamprey</p> <p>Allis Shad</p> <p>Twaite Shad</p> <p>Salmon</p> <p>Otter</p> <p>Killarney Fern</p> <p>Nore Pearl Mussel (Margaritifera durrovensis)</p>	<p>Yes</p> <p>C4.8km straight line distance to the north-east and downstream at Stradbally via the Bauteogue River,</p> <p>Potential impacts via surface water at the site during construction, operation or decommissioning.</p> <p>Potential impacts on foraging otter.</p> <p>AA stage two required.</p>
River Nore SPA	004233	Kingfisher	<p>No</p> <p>14.32km southwest. The River Nore SPA extends to south of Inistioge, County Kilkenny where the designation ends prior to its confluence with the River Barrow. Therefore there is no downstream hydrological impact possible on the SPA. The distance means that there is no ecological</p>

			connectivity, (beyond the range of Kingfisher). No impact possible on the SPA.
Ballyprior Grassland SAC	002256	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	No The 3.73 km distance (east) and lack of hydrological connectivity indicates no impact possible on the SAC.

1.4. Appropriate Assessment (Stage 2).

1.4.1. Further to the foregoing assessment:

The applicants NIS includes conclusions that the proposed development is not likely to have a significant effect on the European site:

River Barrow and Nore SAC

and that the proposed development will not adversely affect the integrity of any European site.

These conclusions are based on the mitigation measures set out in paragraphs 1.69 to 1.112, and in Table 1-7 of the NIS.

1.4.2. The River Barrow and River Nore SAC has limited hydrological connectivity to the Application Site. The Application Site's potential for ecological connectivity has also been assessed. One qualifying feature of the River Barrow and River Nore SAC, otter, has the potential to utilise the site as a commuting corridor due to it being a highly mobile semi-aquatic species. It has been determined that the Application Site has potential for ecological connectivity to the River Barrow and River Nore SAC. Given the potential for ecological and hydrological connectivity between the proposed development and the River Barrow and River Nore SAC, there is potential for significant impacts on the qualifying features of the SAC, in the absence of mitigation.

1.4.3. Potential impacts (per 1.47 of the report) on ecological features associated with a Natura 2000 designated site from the construction, operation and decommissioning of a substation may occur from the contamination of surface and/or ground waters.

Species which are ecologically connected to a development site, and are mobile, may be impacted upon through disturbance as well as loss of habitat through contamination of surface waters. Aquatic systems and the species / habitats which are dependent on these systems are sensitive to pollution / contamination of surface waters. Pollution can result from any of the following entering a body of surface or groundwater:

Poisonous, noxious or polluting matter;

Waste matter (including silt, cement, concrete, oil, petroleum spirit, chemicals, solvents, sewage and other polluting matter);

Other harmful activities detrimentally affecting the status of a waterbody

1.5. **Appropriate Assessment (Stage 2).**

1.5.1. Further to the foregoing assessment:

The applicants NIS includes conclusions that the proposed development is not likely to have a significant effect on the European site The River Barrow and River Nore SAC. These conclusions are based on the mitigation measures set out in the NIS including in table 1-7.

For 'otter' the 'integral design measures' to address exclusion from foraging habitat during construction is for security fencing to have mammal gates or a 10cm gap at the base to allow free movement of otter through the site.

For 'otter' the 'standard best practice measures' for accidental trapping within excavations during construction is that all excavations should be securely covered, or a suitable means of escape provided at the end of each working day. Excavations must be checked prior to the commencement of construction each day.

'Standard best practice measures' for the aquatic environment during construction to address pollution is: best practice pollution prevention measures implemented prior to and throughout the construction phase to prevent contaminants entering surrounding environment via surface waters as outlined. Best practice biosecurity measures are to be implemented throughout the construction phase.

Mitigation measures - for disturbance to otter - pre-construction - pre-commencement survey with measures dependant on survey findings. The pre-

construction otter survey must be undertaken within 48 hours of the start of construction. Otter surveys can be carried out at any time of year but should be avoided following periods of prolonged heavy rainfall when spraints and other signs of otter may be washed away.

Revant guidance will be adhered to prior to and throughout the construction phase to prevent contaminants entering the aquatic environment. The following CIRIA (Construction Industry Research and Information Association) Guidance Documents have been considered:

CIRIA Technical Note 138 'Planning to Reduce Noise Exposure in Construction' – a good source of guidance on design and assessment for noise control (ISBN 0 86017 317 8);

Control of Water Pollution from Construction Sites (C532);

Control of Water Pollution from Linear Construction Projects:

Technical Guidance (C648); Environmental Good Practice on Site (C692).

Pollution Prevention:

Plant and equipment will be stored on dedicated hardstanding within the construction compound. This will minimise the risk of pollution caused by leakages occurring out of hours. Drip trays will be used where appropriate.

All plant and equipment will utilise biodegradable hydraulic oil.

Spill kits will be readily available to all personnel. The spill kits will be of an appropriate size and type for the materials held on site.

Diesel fuel will be stored in a bunded diesel bowser which will be located within a fenced off area in the construction compound.

Refuelling and maintenance of vehicles and plant will take place in designated areas of hardstanding.

All other chemicals will be stored within a storage containment with an accompanying COSHH Datasheet.

Wastewater from the temporary staff toilets and washing facilities will be discharged to sealed containment systems and disposed via licensed contractors.

Early seeding of embankments near watercourses would be undertaken to reduce the potential for sediment run-off.

Other specific measures are outlined under the headings:

Measures to control Noise and Vibration, paragraph 1.83

Measures to control Dust, paragraph 1.85.

The Drainage Management Plan, paragraph 1.86 and following. This includes:

Emergency Spill or Pollution Response, paragraph 1.87.

Clean Water Diversion, paragraph 1.91.

Silt Control, paragraph 1.95.

Waste Segregation and Storage, paragraph 1.98.

Storage of Fuels and Chemicals, paragraph 1.101.

Refuelling, paragraph 1.105

Excavation and Earthworks, paragraph 1.107, and

Concrete, paragraph 1.109.

No residual impact is expected during the construction phase, following implementation of mitigation measures.

Operational Phase:

The proposal includes a gap under the security fence to facilitate the movement of otter.

The proposal includes a below ground 2800L foul water holding tank, vented to the atmosphere with high level alarm with removal of wastewater for off-site disposal for the staff area / washroom.

A class 1 full retention separator is proposed for surface water discharge.

No residual impact is expected during the construction phase, following implementation of mitigation measures.

Consideration of Cumulative Effects

Other plans and projects that could act in combination with the Proposed Development and its associated future elements, have been considered, in paragraphs 1.118 and following, and in table 1.8, to identify if they pose likely significant effects on European sites. No significant cumulative effects on European sites are likely.

The NIS concludes that if these other Plans and Projects have undergone an AA themselves and have either been adopted or consented following an AA then it cannot pose likely significant adverse effects on European sites.

Conclusion

In my opinion no reasonable scientific doubt remains that there will be no adverse effects on site integrity.

1.6. **Appropriate Assessment Conclusion**

- 1.7. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, I am satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site No. 002162 in view of the sites' Conservation Objectives.