



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320048-24

<b>Development</b>	Alteration Request in accordance with Section 146B regarding Permitted Development ABP-311565-21
<b>Location</b>	Ballagh, Billistown, Ballynacor & Bracklin, Co Westmeath and Coolronan, Co Meath
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	Not applicable
<b>Applicant(s)</b>	Bracklyn Windfarm Limited.
<b>Type of Application</b>	Section 146B request for amendments to Bracklyn Windfarm granted under ABP 311565-21.
<b>Planning Authority Decision</b>	Not Applicable
<b>Date of Site Inspection</b>	16 <sup>th</sup> August 2024.
<b>Inspector</b>	Paul Caprani

## **1.0 Introduction**

- 1.1. The Board granted approval under the provisions of 37G of the Planning and Development Act 2000 (as amended) for a windfarm development comprising of 9 turbines and all associated works at Ballagh, Billistown, Ballynacor and Bracklyn in County Westmeath on July 7<sup>th</sup> 2022, under ABP Reg Ref 311565-21.
- 1.2. The applicant is now submitting a request to the Board, pursuant to Section 146B of the Act for alterations/amendments to the terms of that permission. The proposed alterations comprises of the relocation of 110kV on site substation, relocating it approximately 145 m south-east of the permitted location.

## **2.0 Legislative Provisions**

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

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

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

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

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

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

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

(I) make the alteration,

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

(III) refuse to make the alteration.

(3A) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

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

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

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

(b) any alternative alteration it is considering under subsection (3)(b)(ii)(II) are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

Section 146B(5) provides that if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii) –

- (a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or
- (b) is likely to have such effects, the provisions of section 146C shall apply.

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

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

### **3.0 Planning History**

- 3.1. In its decision dated July 7<sup>th</sup> 2022 the Board granted a 10 year permission for a windfarm comprising of 9 turbines and all associated works, including substation, meteorological mast and underground cables and two end lattice masts connecting to the 110kV Corduff – Mullingar overhead electricity mast. Included as part of the proposal was on-site electrical and communication cables to be placed underground and following the alignment of the on-site access tracks insofar as practicable. The proposed depth of the cable trench is intended to be 1 metre with a width of 0.5 metres. An electrical site control building is located along the access road to Turbine 11 in the eastern part of the site.

- 3.2. The 110kV electricity substation will export electrical power generated by the proposed development to the National Grid via the existing Mullingar – Corduff 110kV overlying electricity transmission line. It will comprise of a loop-in/loop-out air-insulated switchroom and other electrical equipment. The permitted location is within a forested area to the immediate south of the main access road serving the site. The proposed on-site electricity substation is located c.5.3 kilometres from the proposed end mast which will link into the existing Mullingar – Corduff 110kV overhead electricity line. It is proposed to install 6.3 kilometres of 110kV underground electricity cabling. 4.4 kilometres of which will be located within agricultural lands/forestry area and 1.9 kilometres will be located within the carriageway/verges of the L5508 and L80122 local roads along the northern boundary of the windfarm development. This cabling link the substation to the national grid.
- 3.3. The parent application is the only application of specific relevance to this 146(B) amendment application.

#### **4.0 Background to the Proposed Alterations**

- 4.1. A covering letter submitted with the S 146(B) application states that following the grant of permission by the Board, detailed civil engineering site investigations were undertaken in relation to the design of the development, including investigations at the electricity substation. The investigations at the substation indicated that there exists a c.3m deep layer of peat at the site of the proposed substation and this is underlain by a 3 to 6m deep layer of organic silty material. It was therefore concluded, on the basis of the soil and subsoil characteristics that a substantial volume of material, greater than that anticipated in the original EIAR would be required to be excavated and removed in order to provide a solid foundation to the substation. The site of the permitted substation would also involve the felling of 3 ha of forestry. On this basis and following consultations with Eirgrid, it was concluded that the relocation of the substation to the south-east on arable crop land would fulfil the technical and safety requirements while minimising the amount of tree felling and excavation requirements.

## **5.0 Scope of Request**

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

- The relocation of the permitted 110kV electricity substation to a point 145m to the south east of the permitted site location.
- A reduction in the total footprint of the electricity substation including the Eirgrid control building and Independent Power Producer (IPP) control building.
- A change in the IPP building from a block built structure to a modular structure and a reduction in the gross floor area from 172 m<sup>2</sup> to 80m<sup>2</sup>.
- Revised access arrangements including a dedicated access point to the electricity storage system.
- Revised alignment of electricity cables and 110kV line to facilitate connection to relocated substation.
- The storage of excavated material at the spoil deposition area and completion of associated works.

## **6.0 Applicants Case**

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

- A Cover letter which sets out the legislative provisions, the background to the request, the scope of the request, and details of the EIA and AA screening which was undertaken as part of the 146(B) assessment.
- A separate Environmental Impact Assessment Screening (Schedule 7A Information)
- An Addendum Natura Impact Statement
- An Environmental Report assessing the alteration to the Permitted Development in terms of potential environmental impact
- Plans of the permitted site layout and the proposed amendments to the site layout are contained in a pouch to the rear of the file.

- The request for submits that the proposed alteration does not result in any mandatory requirement for a new EIAR, standing this as required pursuant to section 146B(3)(b)(i) of the Act. The applicant submitted an EIA screening which includes the information specified in schedule 7A of the Regulations. EIA screening exercise undertaken concludes that the proposed alteration on its own or cumulatively with other developments will have no likely significant effect on the environment and that the proposed alterations does not warrant or necessitate the preparation and submission of an EIAR pursuant to section 146(C) of the Act.
- The Documentation submitted assesses the likelihood of effects on the environment arising from the proposed alterations, with particular assessment focusing on those impacts of the environment most likely to arise from the proposed alterations namely potential impacts on biodiversity, land and soil, water, noise and vibration and transport and access. The documentation submitted with the application has concluded that the proposed alterations and amendments sought, having regard to the characteristics of the proposed alterations, the characteristics of the receiving environment, the conclusions of the EIA Screening Report, the AA Addendum Report and Environmental Report would not result in any significant effects on the environment, above and beyond those previously assessed in the original application.

## **7.0 Assessment**

### **7.1. Consideration of Materiality**

The first consideration in relation to this request to alter the terms of ABP-311565-21 is to determine if the alterations sought would result in a material alteration of the terms of the permitted Bracklyn Windfarm. As stated above the amendment seeks relocate the substation c.145m to the south-east of the permitted location, together with reducing the footprint of the substation, incorporating some alterations to the layout of the substation including reducing the size of the IPP building and other ancillary works. The relocation of the works are predicated on desire to reduce the amount of excavation required in order to construct the substation.

- 7.1.1. The Board will note that Section 146B(2)(a) states that *the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned*. The materiality of the alteration should therefore be assessed in the context of the overall development, namely the construction of 9 turbines and an underground grid connection to link into the existing Mullingar – Corduff 110kV overhead electricity transmission line.
- 7.1.2. The original substation location was located centrally within the windfarm site, approximately 650m from the access road to the north of the site. The relocation is relatively marginal in terms of distance from the permitted development (145m), within the context of the overall windfarm development (273 ha). The new location straddles an area of forestry and arable land. The relocated substation will remain screened for the vantage points along the public roadways in the vicinity. The proposed substation will be reduced in overall footprint and the buildings with the substation will also be reduced in size. The relocation of the substation over such a modest distance in the context of the overall development cannot be considered material.
- 7.1.3. The EIAR submitted with the original application envisaged total excavations in the region of 4,500m<sup>3</sup> while this has increased substantially to c22,000 m<sup>3</sup> under the amendment, it is considerably less than the actual estimated volume of 72,200m<sup>3</sup> at the permitted location. More importantly it represents less than 17.3% of the estimated total volume of materials associated with the overall project<sup>1</sup>. Table 6.7 of the EIAR indicates that a total of 102,668m<sup>3</sup> of peat and spoil would be excavated<sup>2</sup>. Having regard to the volumes of excavated spoil involved I don't consider the additional amounts of spoil produced to be material. The fact that the spoil is to be deposited on site, adjacent to the revised substation, will ensure that no additional trips on the public road network will accrue as a result of the excavation. The spoil will be located centrally within the site and will not be visible. This will also substantially reduce any material impact arising from the proposed amendments.

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<sup>1</sup> When the original 4,500m<sup>3</sup> is included in the calculation

<sup>2</sup> See Page 6.13 of the original EIAR.



- 7.1.4. Changes to the substation layout and footprint (amounting to a reduction of 0.12ha) and the alterations to the layout and reduction in the GFA of buildings within the substation, changes to the underground ducting etc are minimal and negligible in terms of materiality, particularly having regard to the substation's location (both permitted and sought) centrally and concealed within the extensive site. No material visual impacts will accrue as a result of the changes sought.
- 7.1.5. The proposed alterations under the current 146(B) application will have no material impacts during the operational phase.
- 7.1.6. In conclusion and in the context of the approved windfarm development I consider the proposed alterations under the current 146(B) application are not material and somewhat inconsequential in the context of the overall development. The original windfarm application (APB 311565-21) was accompanied by a EIAR, as discussed in further detail below, I do not consider that the proposed alterations give rise to any additional significant impacts over and above those contained in the EIAR for the scheme, which were considered as part of the EIA of the scheme as approved.

#### Conditions

- 7.1.7. The works are to be carried out in accordance with the conditions attached to the approval as well as the environmental commitments associated with same. The applicant has also indicated in the covering letter that the proposed amendments sought will have no material impact on the conditions attached to the original decision by the Board under ABP 311565-12. Having consulted the conditions attached to the original decision, I am of the view that proposed amendments under the current 146(B) application will not necessitate amendments to any conditions attached to ABP 311565-21.

#### **7.1.8. EIA Screening Schedule 7 Criteria**

- 7.1.9. **Characteristics of the Proposed Development** – The nature and scale of the proposed alterations to the permitted development including the relocation of the substation 145m within the site are not considered to have likely significant effects on the environment. The scale of the proposed works, when viewed individually and cumulatively, is small amounts to only 3.5 ha in the context of the overall windfarm site. Cumulative impacts with other developments will not arise having regard to the substations central location within the site. In terms of use of natural resources,

aggregate will be required to be imported for the substation, but no more than the original permitted development which has already been assessed in terms of EIA. Likewise no additional waste material will be generated over and above that associated with the original development. The works will be undertaken according to construction methodologies designed to reduce/eliminate the potential for environmental impacts including pollution and nuisances. In terms of major accidents and disasters construction and maintenance of the substation will be fully in accordance with best practice. Condition No. 1 of the extant Approval in relation to mitigation will apply in equal force and effect to the proposed alterations. Any waste arising on site will be deposited, regarded and reseeded on lands adjacent to the substation. Any noise and nuisance associated with the proposed works will be short-term and are far removed from noise sensitive receptors and will be subject to appropriate best practice procedures.

7.1.10. **Location of Proposed Development** – There will be no significant direct or indirect impacts by virtue of the location of the proposed alteration to the approved development on the receiving environment, over and above those considered and assess in the extant Approval. The environmental sensitivity of the receiving lands have been robustly assessed in the EIAR submitted with the parent application. Agriculture will remain the predominant land-use post construction. The relative abundance quantity and regenerative capacity of the natural resource will not be affected. Given the location of the substation within the site the existing environment has the absorption capacity to accommodate the substation. The site is not located in a sensitive habitat of the type listed in Schedule 7 of the Regulations. Condition No 1 of the extant Approval in relation to mitigation will apply with equal force and effect to the proposed alterations.

7.1.11. **Characteristics of Potential Impacts** – The characteristics of the proposed impacts arising from the proposed alterations to the permitted windfarm development have been assessed in the EIAR submitted with the parent application. The magnitude and spatial extent of the impact arising from the relocation of the substation will be minor. The impact arising from the modest relocation cannot be considered especially complex or intense. Furthermore the impact will be relatively short term 15-18 months. The potential for any direct or indirect impact on habitats and

protected species is low and the likelihood of any significant effects occurring as a result of the alteration works can be excluded.

7.1.12. A more detailed screening determination is considered below

## **7.2. Environmental Impact**

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

7.2.2. The proposed alterations will not in itself give site to a development of a type/class listed in Schedule 5 of the 2001 Regulations (as amended) in either parts 1 or 2. Furthermore the amendments sought will not result in an increase in the size of the permitted windfarm development by greater than 25% or an increase in size equal to 50% of the appropriate threshold (ie 5 turbines or 5 megawatts of electricity output). As part of the documentation submitted with the application, the applicant has submitted An Environmental Impact Assessment Screening – Schedule 7A Information Report and a separate Environmental Report as part of the proposed alterations to the permitted development. The information contained in both reports have been assessed and my own independent conclusions in relation to same are set out in below. In short it is my opinion, no new considerations arise in relation to the impact on the environment which were not considered in the assessment of impacts for the windfarm development for which EIA (and AA) was conducted.

### *Population and Human Health*

7.2.3. The nature of the alternations are such that no significant environmental impacts will arise in respects of population trends, tourism, or local economy etc. In terms of impact on residential amenity, no additional impacts are envisaged, the nearest residential receptor is c. 1.5km<sup>3</sup> from the permitted substation. The proposed located of the revised substation is approximately 40m closer to the residential receptor which is considered to be negligible. The additional spoil generated will be managed within the confines of the site and will not result in additional traffic generation outside the site. Changes to the layout and size of the substation will have no impact on population or human health. Mitigation measures and good working practices

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<sup>3</sup> Nearest sensitive receptor not involved in the project.

stipulated in the EIAR would ensure that there would no significant dust impacts. I submit that the proposed alterations will not alter the findings of the EIAR and the associated EIA carried out by the Board.

### *Biodiversity*

- 7.2.4. A detailed biodiversity assessment was carried out by Woodrow Consultants in relation the AA issues, this is dealt with under a separate heading below. The environmental report submitted examines the likelihood of effects on ecological receptors including habitats birds, bats, terrestrial mammals and aquatic species. In terms of habitats the relocated substation will result in the loss of some arable land, mixed conifer woodland, conifer woodland and improved agricultural grassland. However the surveys undertaken did not identify any sensitivities at the location of the habitats of the proposed alteration. Furthermore these habitats are in abundance in the wider area and are not rare or unique in the context of the wider environment. The footprint of the substation is slightly reduced and therefore a reduction of habitat loss will result, albeit marginal. The proposed alteration will also reduce the amount of conifer and mixed use woodland to be felled on site. The EIA or submitted with the original application sets out a schedule of mitigation measures which would ensure that the proposal amendments will not result in any deterioration of habitats.
- 7.2.5. The report also notes that based on the habitat suitability in the wider area and the ornithological surveys undertaken there are no sensitive breeding or wintering avian species occurring in the vicinity of the substation. The surveys undertaken in the EIAR indicate that the site is not important for avian species with little or no activity recorded in and around the site. Surveys also undertaken in the EIAR indicate that the site is not important for bat activity. No bat roosting features were identified in the woodland. Furthermore this woodland is to substantially remain intact. Thus there will be no additional risk posed to bats as a result of the relocation and reconfiguration of the substation. While some displacement of bird or bat species could potentially occur during the construction phase, these are not likely to be significant, on the basis of surveys which show little avian or bat activity in the vicinity. The construction activity will be no greater than that proposed in the original application and the assessment of that application.

- 7.2.6. In terms of impacts on aquatic species, there are no waterbodies in the vicinity of the permitted for proposed substation. Nevertheless all mitigation measures set out in the EIAR associated with the permitted development will be employed and therefore no significant adverse impacts are anticipated to result from the alterations proposed.
- 7.2.7. In terms of mammals, no material or additional ecological impacts are identified. The proposed alteration will increase the separation distance between the substation and badger sett [identified in Annex 5.8 of Vol. II of the EIAR]. Terrestrial mammals that may use the area in the vicinity of the site for commuting for foraging purposes may be inconvenienced for a temporary period during the construction phase, however given the relatively modest size of the substation area together with the wide expanse of similar type foraging and commuting habitat surrounding the site, no significant impacts are anticipated.
- 7.2.8. I have assessed the information contained in relation to biodiversity and I am satisfied that there are no habitats, bird species, mammal species or aquatic species would be adversely affected as a result in the minor amendments in respect of the relocation of the substation and ancillary works. Based On the detailed evaluation undertaken by the applicant in relation to biodiversity together with the relatively minor changes proposed and the mitigation measures to be employed I am satisfied that the proposed alterations will not alter the findings of the EIAR and the EIA carried out in respect of the original application before the Board.

#### *Land and Soils*

- 7.2.9. The amended proposal currently before the Board will result in a greater quantity of excavated material than originally calculated in the EIAR, it is considerably less than the amount of spoil that would be produced if the substation were to be developed in-situ under the permitted approval. The material to be excavated is of no geological significance. Excavated material will be deposited nearby in a designated soil deposition area nearby that will be graded and reseeded post construction. Again mitigation measures set out in the original EIAR will ensure that contamination of soil will not arise. Any loss of crop producing land either short term or longer term is negligible in the context available arable land. I do not consider that the proposed

amendments raise any new considerations in this regard and submit that the findings of the EIS and the EIA carried out by the Board remain unchanged.

#### *Water*

- 7.2.10. A critical consideration in relation to the proposed amendments and the potential impact on the water environment is that the proposed alteration is not located within 150m of any watercourse. Thus the potential for the proposed amendments to cause an increase in water pollution is negligible over and above that already evaluated in the original documentation submitted with the application. The surface water management measures set out in the original EIAR and to be employed in the CEMP will be employed to ensure that hydrological and hydrogeological waterbodies are appropriately protected. The proposal will not result in any alteration to the groundwater regime. The proposed alterations would not result in any increase in hard surface areas (in fact there will be a marginal decrease in the footprint of the substation) and therefore there will be no increase in stormwater runoff. The amendments will have no impact on wastewater or foul effluent. On the basis of the assessment submitted together with my own independent assessment, that the proposed alterations would not give rise to significant effects over that assessed in the EIAR and the EIA undertaken by the Board.

#### *Air Quality and Climate*

The proposed amendments will not alter the electricity generating capacity of the wind turbines. The only potential impact which could arise would be short-term temporary effects from fugitive dust propagation however these are unlikely to be any different than those assessed associated with the permitted substation location. Section 8.4.2 of the EIAR and Condition no's. 1, 2 & 25 requires the applicant to adhere to the mitigation measures to be employed to reduce dust emissions to an acceptable level. It is therefore reasonable to conclude the proposed alterations will not result in any likely significant climate effects or affect the conclusion of the original EIAR for the permitted development.

#### *Landscape*

Changes in the landscape environment as a result of the proposed alterations will be negligible. The permitted and proposed location of the substation are in close proximity and any potential visual impacts will be similar from any vantage points

around the site. As already stated, the substation location (permitted and proposed) are a substantial distance from vantage points along the public road (650m to 850m from the nearest roadway) and both locations are well screened. Landscape impacts will result from turbines associated with the windfarm and not the associated not the substation. I would conclude therefore the impact in landscape terms from the proposed amendments will be negligible and imperceptible.

### *Cultural Heritage*

7.2.11. The EIAR noted that RPM014-019 [Ringfort] is located approximately 350m south west of the location of the substation under the proposed amendments sought. This is slightly closer than the permitted substation (370m). The RMP is described in the EIAR as follows: *"It takes the form of a sub-circular shaped area (approximate diameter 30m north/south x 28m east/west) enclosed by three earthen banks, two intervening fosses and an outer fosse. The outer bank and fosse are poorly preserved, and have been levelled at the east and south. There is an entrance gap in the inner bank at the south west, and a second possible entrance at the south east. The monument is covered in a plantation of conifers"*.

7.2.12. The RMP in question is not readily discernible on the landscape and as such the slight alterations in location of the substation will not alter the context or setting of RPM014-019. The location of the proposed alteration has been assessed and there are no previously recorded archaeological, architectural or cultural heritage features located therein. The alterations proposed will, as in the case of the permitted development, archaeological monitoring of all excavation works associated entire development, including the proposed amendments will be carried out under licence. This was a condition of the original grant of permission. I submit therefore that the proposed alterations will not alter the findings of the EIAR.

### *Noise and Vibration*

As referred to in the above section on population and human health, there are no dwellings in close proximity to the substation. The nearest dwelling is c.1.5 km away. The change in location of the substation will have no impact on this receptor in terms of noise and vibration.

While the substation will give rise to noise, the separation distance is such that no adverse impacts will arise for sensitive receptors. Given the substations location

centrally within the site, the modest change in location will result in no material change in terms of noise and vibration. No environmental impacts over and above those already assessed in the EIAR submitted with the parent application will occur.

#### *Material Assets*

None of the works proposed will involve additional/ alteration in traffic during either the construction or operational phases. It will not involve any change in traffic/HGV using the public road network surrounding the site. In this regard no change in impacts are anticipated. There will be no material change in the assessment carried amendments which will be limited to the construction phase only, will not result in a material alteration in the context of the overall development concerned.

#### *Public Utilities*

In terms of public utilities, the proposed location of the substation has been surveyed and there are no existing services in proximity or beneath the proposed substation. No material changes in the context of the original EIAR assessment are identified.

#### *Interactions of the Foregoing*

- 7.2.13. The interaction of impacts does not materially alter those identified in the EIAR and assessed in the EIA.

#### *Cumulative Impacts*

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

There is an accompanying file which seeks a separate 146(B) amendment to the Bracklin Windfarm – Ref ABP 319825-24 refers. It relates to the

- relocation of 1.8 km of underground cabling between the substation and the interface masts from private agricultural land to the public road (L5508 and L80122),
- omission of access tracks,
- the relocation of horizontal directional drilling for the crossing of a watercourse and



- the provision of a peat deposition area.

I have argued in a separate report attached that the changes proposed to underground cabling are minor and not material. The proposed alterations set out above are located c.3 km from the current site, and therefore are a sufficient distance to ensure that in-combination effects / cumulative impacts do not arise.

### *Conclusion*

- 7.2.14. I submit that the alterations sought would not give rise to significant environmental effects beyond those already considered in the original EIAR and the Board's previously completed EIA. The amendments would not result in new or different planning issues to those that were addressed prior to the grant of permission for the permitted windfarm. Any impact at construction stage, in terms of increased noise and dust would be very unlikely to result in an increase in nuisance at nearest sensitive receptor as the separation distances considerable, c1,5 km away. The permitted development is subject to the preparation of a Construction Environmental Management Plan which includes matters such as hours of operation, details of construction traffic management, mitigations measures for dust, noise, site lighting and the monitoring of such levels. Thus the proposed alterations would be incorporated into the terms of the permitted development with appropriate mitigation measures required to be implemented. In summary, I am satisfied that the proposed alterations are of a minor nature and even in combination with other alterations proposed in the context of the permitted windfarm development and are not material.

### **Public Consultation**

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

## **Appropriate Assessment**

7.2.16. Under ABP 311565-21 the Board completed an appropriate assessment screening exercise in relation to Natura 2000 sites within the zone of influence of the Windfarm project. The Board then undertook an appropriate assessment in relation to the effects of the development proposed. On foot of the initial stage 1 screening, 3 sites were identified as have potential ecological/hydrological connections to the permitted development in the absence of mitigation, namely:

- The River Boyne and Blackwater SAC [002299]
- The River Boyne and River Blackwater SPA [004232]
- Lough Derravarragh SPA [004043]

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

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

7.2.19. Having considered the Board's determination on appropriate assessment on ABP 311565-21, section 10 of the Inspector's Report on the said file, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP 311565-21, and the information on file which I consider adequate to carry out appropriate assessment screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives.

## 8.0 Recommendation

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

Draft Order for the Board's consideration provided below.

**REQUEST** received by An Bord Pleanála on the 27th day of May 2024 from Bracklyn Wind Farm Ltd under section 146B of the Planning and development Act, 2000, as amended, to alter the terms of the permission of the Bracklyn Windfarm Development project subject of an approval under An Bord Pleanála reference number ABP 311565-21.

**WHEREAS** the Board made a decision to grant approval subject to conditions for the above mentioned development by order dates the July 7<sup>th</sup> 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:

- The relocation of the permitted 110kV electricity substation to a point 145m to the south east of the permitted site location.
- A reduction in the total footprint of the electricity substation including the Eirgrid control building and Independent Power Producer (IPP) control building.
- A change in the IPP building from a block built structure to a modular structure and a reduction in the gross floor area from 172 m<sup>2</sup> to 80m<sup>2</sup>.
- Revised access arrangements including a dedicated access point to the electricity storage system.
- Revised alignment of electricity cables and 110kV line to facilitate connection to relocated substation.
- The storage of excavated material at the spoil deposition area and completion of associated works.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or 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 1<sup>st</sup> July, 2024 for the reasons and considerations set out below.

## **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the development approved under An Bord Pleanála reference number ABP 311565-21 for the Bracklyn Windfarm Development.
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the nature and location of the alterations now proposed,
- (iv) the nature and limited scale of the alterations when proposed in relation to the overall scale of the windfarm development

(v) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and

(vi) the report of the Board's inspector, which is adopted,

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Paul Caprani

Assistant Director of Planning

26<sup>th</sup> August 2024