



An
Bord
Pleanála

Inspector's Report

ABP-320832-24

Development

Section 146B application for amendments to An Bord Pleanála Case Reference PL11.VA0015 Laois-Kilkenny Reinforcement Project, 400kV/110kV Gas Insulated Substation.

Location

Coolnabacky, Co Laois

Planning Authority

Laois County Council and Kilkenny County Council

Requester

Eirgrid Plc

Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

Date of Site Inspection

21st October 2024

Inspector

David Ryan

1.0 Introduction

- 1.1. On the 23rd April 2014, the Board under case ref. PL11.VA0015, granted approval under section 182A of the Planning and Development Act 2000, as amended (the Act), to Eirgrid for the following development in County Laois and County Kilkenny:

Laois – Kilkenny electricity reinforcement project consisting of interrelated units, summarised as follows:-

- Unit 1: New 400kV/110kV GIS substation at Coolnabacky townland, Co. Laois.
- Unit 2: New connection to the Coolnabacky substation from the existing Moneypoint-Dunstown 400kV line (c.1.4km).
- Unit 3: New connection to Coolnabacky substation from the existing Athy-Portlaoise 110kV line.
- Unit 4: New 110kV / 38kV / MV substation outside Ballyragget, Co. Kilkenny.
- Unit 5: New 110kV overhead line between Ballyragget and Coolnabacky substation (c.26km).
- Unit 6: Uprate of the existing Ballyragget-Kilkenny overhead line (c.22km).
- Unit 7: New Bay in the Existing Kilkenny 110kV substation.
- Unit 8: Modifications to existing Athy-Portlaoise 110kV line (3.6km)

- 1.2. The application for the development included an Environmental Impact Statement (EIS) and a Natura Impact Statement (NIS). The development was approved subject to conditions. The subject application to the Board is for alterations to this approval, under section 146B of the Act.

2.0 Legislative Provisions

- 2.1. Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of any person who is carrying out or intending to carry out a strategic infrastructure development, the Board may alter the terms of the development the subject of planning permission, approval or other consent granted.

- 2.2. Under sub-section 2(a), as soon as practicable after making such a request, the Board is required to make a decision as to whether the making of the development would constitute a material alteration to the development concerned.
- 2.3. Under sub-section (2)(b), before making its decision under sub-section 146B (2), the Board may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.
- 2.4. Under sub-section (3)(a), if the Board decide that the making of the alteration would not constitute a material alteration, it is required to alter the planning permission/approval/consent accordingly and to notify the requester and the planning authority of the alteration.
- 2.5. Under subsection (3)(b), if the Board decide that the making of the alteration would constitute the making of a material alteration, the Board is required to:
- Request the information specified in Schedule 7A, unless it or an EIAR has already been provided by the requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
 - Following receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).
- 2.6. Under subsection (4), before making a determination under sub-section (3)(b)(ii), the Board is required to determine whether the extent and character of the alteration being requested, or being considered by the Board, would be likely to have significant effects on the environment.
- 2.7. Under subsection (5), if the Board determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Board determines that significant effects will arise, the provisions of section 146C

apply. These provisions relate to the preparation of an environmental impact assessment report.

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

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

2.9. Under subsection (7)(b), the Board is required to include in its determination, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

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

3.0 Planning History

3.1. 'Parent' Section 182A Approval (PL11.VA0015)

The requester was granted approval by the Board on 23rd April 2014 for the Laois-Kilkenny Reinforcement Project, which comprised development consisting of 8 No. inter-related elements, summarised as follows:

- Unit 1: New 400kV/110kV GIS substation in the townland of Coolnabracky, Co. Laois.
- Unit 2: New connection to the Coolnabracky substation from the existing Moneypoint-Dunstown 400kV line (c. 1.4km).
- Unit 3: New connection to the Coolnabracky substation from the existing Athy-Portlaoise 110kV line.
- Unit 4: A new 110kV/38kV/ MV substation outside Ballragget, Co. Kilkenny.
- Unit 5: A new 110kV overhead line between Ballyragget and Coolnabracky substation (c. 26km).
- Unit 6: Uprate of the existing Ballyragget – Kilkenny overhead line (c. 22km).
- Unit 7: A new bay in the existing Kilkenny 110kV substation.
- Unit 8: Modifications to the existing Athy – Portlaoise 110kV line (c. 3.6km).

Construction of the development has commenced at the site of Unit 1.

3.2. Previous Section 146B Alterations to PL11.VA0015

ABP-312316-21

On the 28th February 2022 the Board decided that proposed alterations in the vicinity of the approved Ballyragget 110kV/38kV substation, consisting of: the relocation of existing End Mast ('BK 1 (EM)') c. 50m westward into the area of the approved Ballyragget 110kV/38kV substation; provision of 1 No. new double wooden Intermediate Poleset ('IMP 2') along the existing 110kV overhead line alignment to the east of Ballyragget substation; and associated minor realignment of structures up to Angle Mast 4 ('AM 4') would not result in a material alteration to the terms of the development and therefore altered the decision accordingly.

ABP-305108-19

On the 6th November 2019 the Board decided that 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 would not result in a material alteration to the terms of the development and therefore altered the decision accordingly.

ABP 11.VM0012

On the 31st August 2017 the Board decided that 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 would not result in a material alteration to the terms of the development and therefore altered the decision accordingly.

3.3. Additional Planning History onsite/adjacent

ABP ref: PL11.319947 and PA reg. ref. 2460005 includes a pending appeal to 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 the application.

PA Reg. Ref. 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.

4.0 Background to the Proposed Alterations

- 4.1. The requester outlines that the alterations being sought relate only to elements of Unit 1 of the approved SID, including the Coolnabackey 400kV/110kV substation compound and associated electrical apparatus which do not extend outside the identified area of the approved substation compound, with the exception of a slight realignment of an approved access track outside the compound, which is within the original redline boundary. 5 No. alterations are being sought, which the requester outlines derive from the design process undertaken by ESB Networks in its statutory function as Transmission Asset Owner. The requester states the construction of the overall approved SID is in progress.
- 4.2. The Requester outlines **Alteration No. 1 *Changes to 400kV Substation Building*** which entails its relocation arises from reconfiguring the transformer bunds (Alteration No.3). Its revised location will ensure safe access between structures for maintenance and operation.
- 4.3. **Alteration No. 2 *Changes to 400kV Gantry*** is due to the revised position of the substation building, with the revised position of the gantry ensuring an appropriate and safe separation distance between it and the 400kV substation building and other electrical apparatus.
- 4.4. For **Alteration No. 3 *Changes to Transformer and Reactor Bunds***, it is outlined that the approved substation included 2 no. transformer bunds and 2 no. reactor bunds, and it is now sought to omit the 2 no. approved reactor bunds entirely, as the reactors are no longer required due to technical specifications that have altered since the approval of the SID. It is outlined that the remaining 2 no. transformer bunds will be slightly resized, relocated, and arranged back-to-back, and this is necessary due to a change in the internal configuration of the transformers, which has shifted from GIS (gas-insulated switchgear) termination to AIS (air-insulated switchgear) termination. It is further outlined the transformers will now be positioned separately to comply with updated electrical standards regarding separation introduced since the original SID approval and will accommodate 200% of the transformer oil capacity.
- 4.5. Alterations No. 1 and No. 2 will require the approved internal road layout within the substation compound to be slightly reconfigured, and this is proposed under

Alteration 4 (a) *Changes to the Internal Road Layout*. **Alteration 4 (b)** is seeking a slight realignment of a section of the access track which links the substation compound to the main access road. While this adjustment is outside of the substation compound, it is within the redline site boundary of the approved development.

- 4.6. **Alteration No. 5** *Changes to Drainage* includes for a slight reconfiguration of the approved surface water collection network, sought in response to the alterations sought to the internal road layout within the substation compound.

5.0 Scope of the Request

- 5.1. The applicant is seeking to alter the terms of the development, subject of the approval granted under PL11.VA0015, as follows:

- *Alteration No. 1 – Changes to 400kV Substation Building* – Relocation of the approved 400kV substation building within the substation compound approximately 2 metres north of its approved initial location
- *Alteration No. 2 – Changes to 400kV Gantry* – Relocation of the approved 400kV gantry slightly southwest of its approved initial location, also requiring a slight re-arrangement of the overhead line structures entering the substation connecting to the gantry
- *Alteration No. 3 – Changes to Transformer and Reactor Bunds* - 2 no. reactor bunds sized to hold a minimum of 110% of the oil capacity of its respective plant item will be omitted, with the remaining 2 no. transformer bunds to be slightly resized (26.15m x 25.93m x 12m high each, replacing approved bunds approximately 80.9m x 11.15m x 12m high), relocated, and arranged back-to-back, and positioned separately and accommodate 200% of the transformer oil capacity. The remaining bunds will remain largely in the same location as previously approved
- *Alteration No. 4 (a and b) – Changes to Internal Road Layout* – 4 (a) includes a slight reconfiguration of approved road layout within the substation compound, 4 (b) seeks a slight realignment of a section (approximately 10 metres long) of the access track linking the substation compound to the main access road.

- *Alteration No. 5 – Changes to Drainage* – To include a slight reconfiguration of the approved surface water collection network

- 5.2. The requester considers that the scale and nature of the alterations are minor and modest and would not result in a material change to the terms of the approved SID, and therefore satisfies the legislative requirements set out in Section 146B (1) and (3)(a) of the Act.
- 5.3. The requester considers there is no significant potential for additional environmental impact due to the minor size and scale of the alterations, with no new ground to be disturbed since the alterations are confined within the substations approved footprint. It is therefore considered no additional adverse effects on the surrounding environment are anticipated beyond that previously assessed (including EIA and AA), with the EIAR and NIS undertaken remaining valid, and no supplemental EIAR, Environmental Statement or NIS is required nor has been submitted. The requester outlines the committed mitigation and monitoring measures from the approved SID will continue to be applied during the construction of the alterations being sought as appropriate and relevant.
- 5.4. The requester concludes that the minor alterations are considered to be non-material with no additional environmental impacts.

6.0 Applicants Case

Submitted in support of the alteration request are the following:

- Drawing schedule and drawings.

7.0 Public Consultation

- 7.1. I have considered the provisions of S.146B(2)(b) which provides for the invitation of submissions at the Board's discretion. Having considered the nature, scale and extent of the proposed alterations, the information on file and the nature, scale and extent of the development approved under PL11.VA0015, I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of determining the matter.

8.0 Assessment

8.1. Consideration of Materiality

- 8.1.1. As noted in the documentation accompanying the request the proposal entails 5 no. alterations within and immediately adjacent the approved Coolnabacky 400kV/110kV substation compound, as indicated on the submitted drawing numbers IE000752-RPS-00-XX-DR-T-DG0010 and IE000752-RPS-00-XX-DR-T-DG0011.
- 8.1.2. The 2 no. transformer bunds (**Alteration no.3**) to remain onsite are to be relocated, separated and resized (26.15m x 25.93m x 12m high each). The new resized transformer bunds will replace a number of approved bunds, which were approximately 80.9m x 11.15m x 12m high, comprising 2 no. transformer bunds and 2 no. reactor bunds. The initial bund height will be retained. While the bunds will remain largely within the same location as previously approved, their siting and reconfiguration will result in the relocation of the 400kV substation building by approx. 2m (**Alteration no.1**) to the north from its initial approved location, to ensure safe access between structures for operation and maintenance. The proposed alterations required to the internal configuration of the transformers has arisen due to a shift from GIS (gas-insulated switchgear) termination to AIS (air-insulated switchgear) termination, with their separation requirements arising to comply with updated electrical standards.
- 8.1.3. The relocation of the 400kV substation building will result in the relocation of the approved 400kV gantry approx. 23 metres southwest of its initial approved location (**Alteration no.2**), which in turn will require a slight re-arrangement of the overhead line structures entering the substation and connecting to the gantry. It is stated the revised gantry location will ensure for safe separation distances between it and the substation building and other electrical apparatus. I note that no alterations to the height or size of the substation building or gantry are being sought.
- 8.1.4. It is stated alterations no.1 and no.2 will require a slight reconfiguration of the internal road layout within the substation compound (**Alteration no. 4a**), with a slight realignment of 10 metres to a section of the access track (**Alteration no. 4b**) which links the substation compound to the main access road also being sought. Alteration no. 4a will result in a slight reconfiguration of the approved surface water network (**Alteration 5**).

- 8.1.5. With regard to potential impacts on residential or visual amenity, I note the site of the proposed alterations are located c.700m from the nearest dwellings to the northeast and southwest. The repositioning of the gantry and substation are considered to be minor, given their distance to the nearest dwellings, public roads, and there will be no discernible visual change arising from these alterations when viewed from these locations. I also note that all proposed alterations aside from the reconfiguration of the access track will be located within the initial approved substation compound, with the short section of realigned access track located within the internal red line boundary. Having regard to the siting of the bunding and road alterations within the initial site red line, these changes are also not likely to be noticeable when viewed from outside the site.
- 8.1.6. Given the scale and nature of the proposed alterations which will all occur within the initial approved substation compound, aside from a short section of realigned access track, it is considered that the proposed works would not likely give rise to increased environmental emissions by way of noise or dust of a material nature. Having regard to the separation distance to the nearest residential properties, it is therefore considered that material impacts on residential amenity would not arise.
- 8.1.7. Aside from a short section of realigned access track serving the substation site the access to the site will remain unaltered. Having regard to the scale and nature of the proposed alterations and their location within the initial site red line boundary, it is considered that any additional traffic movements arising would not be material. The proposed alterations would have no discernible impact on vehicular movements during the operational stage.
- 8.1.8. The proposed alterations would have no discernible new/additional impact on surface water runoff. A drainage stream is located along the north/northwestern redline boundary of the site, to the north of the substation compound site and while a reconfiguration of the approved surface water collection network is sought to accommodate the new internal road layout, the overall design of the drainage system is not altered. Having regard to the nature of the approved development and nature and scale of the proposal alterations, I do not consider that any new impacts on water of a material nature are likely to arise.

- 8.1.9. In terms of biodiversity, the proposed alterations are located on hardstanding within the substation compound which is of low ecological value. A short section of the realigned access track will be located in grassland within the initial site redline boundary to the southwest of the compound site. Having regard to the scale and nature of the proposed alterations and the approved development, I consider that impacts of a material nature arising on biodiversity are unlikely. I note that the Stradbally River located c.4.7km to the northeast of the site is within the River Barrow and River Nore SAC and issues in relation to Appropriate Assessment are dealt with in section 8.3.
- 8.1.10. In relation to impacts on other receptors, Timahoe Esker is located c. 300 metres to the south of the site, which is a proposed Natural Heritage Area and also a National Nature Reserve and it supports broad leaved woodlands. Having regard to the nature and scale of the approved development, I consider there will be no discernible visual change arising from the proposed alterations when viewed from this location within the receiving landscape. Having regard to the minor nature and scale of the alterations and their separation distance to the pNHA and Nature Reserve, I consider that impacts of a material nature arising on these woodlands are unlikely.
- 8.1.11. There are no recorded monuments within or in the vicinity of the substation.

Conclusion

I submit that the alterations sought would not give rise to significant environmental effects beyond those already considered in the Environmental Impact Statement that accompanied the original application and the Board's assessment of same.

Findings in Respect of Materiality

- 8.1.12. I am satisfied that the proposed alterations will not alter the character of the approved development. I am of the opinion, having fully considered the proposed alterations and the development as approved under PL11.VA0015, that the Board would not have determined the proposal differently had the alterations now proposed formed part of the said application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as approved under PL11.VA0015, and altered under ABP 312316-21, ABP 305108-19 and ABP 11.VM0012.

8.2. The Potential for Significant Environmental Effects

Schedule 7 Criteria

Schedule 7 Criteria and Assessment
Characteristics of the proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).
Assessment <p>The proposed development in a rural area involves alterations to an approved 400kV/110kV Substation which forms part of the Laois—Kilkenny Reinforcement Project. The proposed alterations are not regarded as being of a scale or character significantly at odds with the approved development.</p> <p>Use of natural resources will include land within the initial approved redline boundary. The extent of land use is minimal in the context of the rural area, which relates to the realignment of a section of access track 10 metres in length.</p> <p>Having regard to the minor nature and scale of the alterations, they will not give rise to additional production of wastes, pollution and nuisance, or a risk of accidents/disasters and to human health.</p> <p>Having regard to the minor nature and scale of the alterations, it is considered that there is no likelihood of significant cumulative effects having regard to other existing, permitted or proposed developments in the area.</p> <p>Having regard to the foregoing, I am satisfied in principle, that the proposed alterations will not give rise to significant environmental effects by virtue of the characteristics of the development.</p>
Location of proposed development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).
Assessment <p>The site of the alterations is located within the approved development entailing a substation site. The extent of land use is minimal in the context of the approved site and rural area, which relates to the realignment of a section of access track 10 metres in length.</p> <p>The nearest European sites are listed in Section 8.3 of this report. The proposed development would not result in significant impacts to any protected sites.</p> <p>Having regard to the minor nature and scale of the alterations and separation distance to Timahoe Esker located 300 metres to the south, which is a pNHA and a National Nature Reserve, significant environmental effects on this pNHA and nature reserve are unlikely.</p> <p>There is no evidence of archaeological features on the site.</p> <p>The development would not increase risk of flooding.</p> <p>Having regard to the foregoing, I am satisfied in principle, that the proposed alterations will not give rise to significant environmental effects by virtue of the location of the development.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).

Assessment

Having regard to the nature and scale of the alterations significant environmental effects would not arise.

Having regard to the foregoing, I am satisfied that the proposed alterations, which essentially comprise alterations to an approved substation, **will not** result in any significant effects on the environmental parameters considered in the original application and EIS, over and above those already assessed and considered to be acceptable in the parent permission (PL11.VA0015).

Since the Board determined the parent permission, other developments have been permitted or proposed in the area of the site, including PA Reg. Ref. 17532, and ABP ref: PL11.319947/PA Reg. Ref. 2460005. However, given the minor nature of the proposed alterations and absence of likely significant environmental effects arising from these, I am satisfied that there is no potential for significant cumulative, in-combination or interactive effects as a consequence of the proposed alterations.

8.3. Appropriate Assessment

- 8.3.1. The parent permission for the subject development PL11.VA0015, was subject to Appropriate Assessment Stage 2, with a Natura Impact Statement submitted for the Laois-Kilkenny Reinforcement Project. The Board completed an Appropriate Assessment screening exercise for the River Nore SPA (site code 004233), Lisbigney Bog cSAC (site code 000869) and Ballyprior Grassland cSAC (site code 002256). The Board concluded that the proposed development, in itself or in combination with other plans or projects, would not be likely to have a significant effect on these European sites. The Board completed an Appropriate Assessment of the potential impacts of the proposed development on the River Barrow and River Nore SAC (Site Code 002162), and concluded that, subject to the implementation of the identified mitigation measures, the proposed development, in itself or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore SAC, in view of the conservation objectives for this site.
- 8.3.2. The requester considers there is no significant potential for additional environmental impact due to the minor size and scale of the proposed alterations, with no new ground to be disturbed since the alterations are confined within the substations approved footprint. The requester considers no additional adverse effects on the surrounding environment are anticipated beyond that previously assessed (including

the AA), with the NIS undertaken remaining valid, and no supplemental NIS is required nor has been submitted. The requester outlines the committed mitigation and monitoring measures from the approved SID will continue to be applied during the construction of the alterations being sought as appropriate and relevant.

- 8.3.3. I note the Ballyprior Grassland SAC (site code 002256) is the nearest European Site located c.3.7km to the east of the development site, is outlined as an SAC in the NPWS Conservation Objective Series document dated 11th November 2021, and the likelihood of significant effects on this European site was screened out by the Board in PL11.VA0015. As outlined the River Barrow and River Nore SAC is located c.4.7km to the northeast of the site. The qualifying interests of this SAC are Estuaries [1130]; Mudflats and sandflats not covered by seawater at low tide [1140]; Reefs [1170]; Salicornia and other annuals colonising mud and sand [1310]; Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]; Mediterranean salt meadows (*Juncetalia maritimi*) [1410]; Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation [3260]; European dry heaths [4030]; Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]; Petrifying springs with tufa formation (*Cratoneurion*) [7220]; Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]; Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]; *Vertigo moulinsiana* (Desmoulin's Whorl Snail) [1016]; *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]; *Austropotamobius pallipes* (White-clawed Crayfish) [1092]; *Petromyzon marinus* (Sea Lamprey) [1095]; *Lampetra planeri* (Brook Lamprey) [1096]; *Lampetra fluviatilis* (River Lamprey) [1099]; *Alosa fallax fallax* (Twait Shad) [1103]; *Salmo salar* (Salmon) [1106] *Lutra lutra* (Otter) [1355]; *Trichomanes speciosum* (Killarney Fern) [1421]; *Margaritifera durrovensis* (Nore freshwater pearl mussel) [1990].
- 8.3.4. I note the site of the proposed alterations is hydrologically connected to River Barrow and River Nore SAC by way of a drainage stream, the Bauteogue Stream and the Stradbally River. Mitigation measures outlined in the NIS to apply to the Coolnabacky substation site at the construction stage in the approved development included the installation of drainage and runoff controls, covering of excavated material and open excavations during heavy rainfall, use of silt fencing at areas of excavated material, use of settlement ponds for sediment control and containment

and the protection of watercourses, discharge of surface water from the site to existing vegetated drainage ditches to provide settlement and filtering prior to discharge to the adjacent watercourse, bunding of chemicals, fuels and oils, and Sustainable Drainage Systems (SuDS). At the operation stage mitigation included for storage of bunding of oil storage and treatments of foul waste.

- 8.3.5. Condition no.2 of PL11.VA0015 made provision for the implementation of the mitigation measures identified in the NIS under the supervision by suitably qualified and experienced environmental personnel.
- 8.3.6. Having considered the Boards determination on appropriate assessment in PL11.VA0015, and having regard to the minor nature, scale and extent of the proposed alterations relative to the approved development subject of PL11.VA0015, the separation distance to the River Barrow and River Nore SAC (Site Code 002162), and the distance to the nearest European Site Ballyprior Grassland SAC (site code 002256), 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 any European Sites in view of the sites conservation objectives.

9.0 Recommendation

- 9.1. I recommend that the Board decides that (a) 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 PL11.VA0015, and (b) the proposed modifications will not give rise to significant environmental effects or significant effects on the integrity of any European site, for the reasons stated below.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 13th day of September 2024 from Eirgrid Plc under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development, approved under PL11.VA0015 comprising an Electricity Transmission Infrastructure Project,

referred to as the Laois-Kilkenny Reinforcement Project, in Counties Laois and Kilkenny.

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 23rd day of April, 2014,

AND WHEREAS the proposed alteration is described as follows:

- *Alteration No. 1 – Changes to 400kV Substation Building* – Relocation of the approved 400kV substation building within the substation compound approximately 2 metres north of its approved initial location
- *Alteration No. 2 – Changes to 400kV Gantry* – Relocation of the approved 400kV gantry slightly southwest of its approved initial location, also requiring a slight re-arrangement of the overhead line structures entering the substation connecting to the gantry
- *Alteration No. 3 – Changes to Transformer and Reactor Bunds* - 2 no. reactor bunds sized to hold a minimum of 110% of the oil capacity of its respective plant item will be omitted, with the remaining 2 no. transformer bunds to be slightly resized (26.15m x 25.93m x 12m high each, replacing approved bunds approximately 80.9m x 11.15m x 12m high), relocated, and arranged back-to-back, and positioned separately and accommodate 200% of the transformer oil capacity. The remaining bunds will remain largely in the same location as previously approved
- *Alteration No. 4 (a and b) – Changes to Internal Road Layout* – 4 (a) includes a slight reconfiguration of approved road layout within the substation compound, 4 (b) seeks a slight realignment of a section (approximately 10 metres long) of the access track linking the substation compound to the main access road.
- *Alteration No. 5 – Changes to Drainage* – To include a slight reconfiguration of the approved surface water collection network

AND WHEREAS having regard to the issues involved, the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to the matter,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would not result in the making of a material alteration to the terms of the development, the subject of the approval,

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)(b)(ii)(I) of the Planning and Development Act, 2000, as amended, the Board hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 13th day of September 2024, for the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) The nature and scale of the proposed alterations,
- (b) The documentation on file, and
- (c) The report of the Inspector.

Having regard to:

- the nature and scale of the development approved by An Bord Pleanála under Case Reference PL11.VA0015,
- the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- the limited nature and scale of the alterations when considered in relation to the overall permitted development

- the location of the proposed alterations, within the footprint of the existing PL11.VA0015 site,
- the absence of any significant new or additional environmental impacts arising as a result of the proposed alterations, and
- 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, as amended, 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.

David Ryan

Senior Planning Inspector

22nd October 2024