



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321061-24

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<b>Development</b>	Proposed alterations to permitted 110kV underground grid connection (ABP-313139-22)
<b>Location</b>	Bendinstown, Gilbertstown, Kellistown East, Kellistown West, Ballycurragh, Ardbearn and Ballynunnery, Co. Carlow
<b>Applicant(s)</b>	Garreenleen Solar Farm Limited
<b>Type of Application</b>	Section 146B – request to alter development approved under section 182A of the Planning and Development Act, 2000, as amended.
<b>Date of Site Inspection</b>	n/a (previously undertaken on 19 <sup>th</sup> August 2022)
<b>Inspector</b>	Alaine Clarke

## 1.0 Introduction

- 1.1. By Order dated 2<sup>nd</sup> November 2022, the Board under ref. no. 313139-22, granted permission under section 182A of the Planning and Development Act 2000, as amended, to Garreenleen Solar Farm Limited for approval granted in November 2022 for a 110kV substation and 110Kv underground Grid connection c. 4km in length between proposed substation and the existing Kellis 220Kv substation at Bendinstown, Gilbertstown, Kellistown East, Kellistown West, Ballycurragh, Ardbearn and Ballynunnery in Co. Carlow. The application for the development included a Natura Impact Statement (NIS). Permission was granted subject to 13 conditions.
- 1.2. HW Planning submitted this request on behalf of Garreenleen Solar Farm pursuant to section 146B of the Planning & Development Act 2000, as amended, for alterations to ABP ref. 313139-22. The proposed alterations to the permitted scheme are limited to the substation compound element of the permitted substation and grid connection development.
- 1.3. The permitted electricity substation and underground grid connection are to serve a permitted solar farm, permitted by the Board under reg. no. ABP 3017891-20.

## 2.0 Legislative Basis

- 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

**ABP 320265-24:** Permission sought for alterations to ABP Ref. 313139. Alterations relate to the grid route construction method.

**ABP 318526-23:** Permission granted for alterations to ABP Ref. 313139, subject to amendment of Condition no. 4 relating to additional environmental controls - bunding and noise controls. The permitted alterations relate to the substation element of the permitted development.

**ABP 313139-22:** Approval granted in November 2022 for a 110kV substation with underground grid connection as follows:

- 110kV substation with 110kV Eirgrid compound and 33kV customer compound;
- Two control buildings, lighting protection, perimeter security fencing and security lighting;
- Grid connection between proposed substation and the existing Kellis 220Kv substation comprising 110kV underground electricity cables of c.4.099km including river, watermain and culvert crossings, including horizontal directional drill crossings of the River Burren and Garreenleen Stream;
- On exiting the site, the proposed cable connection will follow the path of the L-7112, L-3046 and L-3053 and L-3053 public roads to the boundary of the Kellis substation. Before the junction of the L-7112 and L-3046, the cable route will cross under the River Burren and Garreenleen River.
- Temporary construction access (from L-7111) and permanent operational access (from L-7112, via an existing agri-entrance) including 4m access track within the site.
- Temporary construction compound;
- Surface water drainage, water services (bored well) and foul holding tank (for removal off site by licensed contractor);
- Site reprofiling and formation of berms;
- Site restoration and landscaping.

**Carlow Co. Co. Reg. Ref. 22/199:** Permission granted for an underground electricity interconnector 33kV cable. The development is a revision to the approved layout of the solar farm previously permitted under ABP 307891-20.

**Carlow Co. Co. Reg. Ref. 22/163:** Permission granted for a solar farm of c.128 ha and includes amendments to a neighbouring solar farm (ABP ref. 307891-20).

**ABP 307891-20 (Carlow Co. Co. reg. ref. 20/143):** Permission granted for a solar farm of 127 ha.

## 4.0 Background to the Proposed Alterations

4.1. The basis for the change, according to the application documentation, is to meet technical specification requirements of EirGrid, and on review the oil capacity of the transformer necessitates inclusion of a fire wall as part of design requirements. The fire wall will protect the IPP building from damage in the event of any issues arising with the transformer.

## 5.0 Scope of Request

5.1. The requested alterations relate to the substation element of the permitted development are detailed in the cover letter accompanying the application and are set out below.

5.2. The proposed changes are:

- The insertion of a fire wall, c. 7.11 m (height) x 12.86 m (length) south of the permission 110kV substation transformer, to be located between this main transformer and the permitted earthing/auxiliary transformers.
- The fire wall will include 2 no. lighting masts (3m in height) to replace 1 no. consented lighting mast in the substation compound which has to be omitted to provide the subject fire wall.

5.3. There are two potential construction methods:

- In-situ construction methodology: use of formwork system to cast the wall on site using ready mix concrete.
- Pre-cast construction methodology where panels are made off site, the panels will be brought to site and erected.

## 6.0 Applicant's Case

6.1. The requester considers that the alteration sought does not constitute the making of a material alteration of the permitted development and would not give rise to significant environmental effects beyond those already considered in the original application.

6.1.1. The submission can be summarised as follows:

- The firewall is required due to the proximity of the transformer to the IPP building and specifically due to the increased capacity of oil in the transformer. Regulations requires the inclusion of a firewall as part of standard precautionary design measures. The firewall will protect the IPP building from damage in the event of any issues arising with the transformer. The two lightning masts will be provided in lieu of one of the consented lightning masts in the substation compound (LM 5).
- The function of the substation will remain unchanged.
- The design changes are localized within the permitted substation.
- The works will not alter the construction program for the substation.
- With respect to landscape and visual impact, the proposed alterations will not result in any visual impact. The firewall will be marginally higher than the transformer which sits behind it and lower than some other infrastructure in the compound. The firewall will not result in a significant discernible visual change on that permitted and will not alter the landscape character of the area.
- With respect to archaeological heritage, a program of pre-development testing has been completed with no notable archaeology identified.
- With respect to residential amenity, having regard to the distance to the nearest residential property c. 260 meters away, intervening boundary hedgerows and landform means there will be no discernible impacts on residential amenity.
- With respect to flood risk, the substation is not located in an area of flood risk and no changes to the permitted drainage methods are proposed.
- With respect to ecology, the proposed alterations to the substation do not alter the findings of the parent application that the development is acceptable from an ecological perspective.
- With respect to construction management, an updated construction management plan which includes the methodology related to fire wall

construction. It will be agreed with Carlow County Council. It confirms that the proposed changes do not give rise to any notable construction-related impacts.

### *EIA Screening*

The original application was accompanied by EIA Screening. The proposed alterations do not alter the basis on which the requirement for EIA was screened out.

### *AA Screening*

Ecology Ireland were retained by the requester to review the proposed amendments. An addendum statement to the NIS accompanies the section 146B application which concludes that the proposed design alterations are localised to the substation area, are technical in nature and relatively limited in extent. The proposed alterations will not result in the permitted project being materially or significantly different to that approved.

6.1.2. The application for amendments is accompanied by a number of documents:

- Addendum to Natura Impact Statement report, prepared by Ecology Ireland,
- A copy of the NIS submitted with ABP 313139-22,
- Proposed altered plans, sections and technical details,
- Planning Cover Statement,
- Fire Wall Construction Methodology, by MWP.

## **7.0 Public Consultation**

7.1. In accordance with Section 146B(2)(a) and (b), before the Board makes 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 it may invite submissions in relation to the matter. I am of the opinion given the minor nature of the proposed alterations that submissions are not necessary.



## 8.0 Assessment

### 8.1. Consideration of Materiality

8.1.1. The first consideration in relation to this request to alter the terms of the development approved under ref. ABP 313139-23 is to determine if the alteration would constitute the making of a material alteration of the terms of the approved substation and underground grid connection development. I note the function of the substation will remain unchanged i.e. to transport renewable energy generated by permitted adjacent solar farms to the national grid.

8.1.2. The permitted scheme comprises the development of a substation and an underground grid connection, c. 4km in length, to connect a permitted solar farm to the Kellis substation. The proposed amendments relate to the substation element only and I note the overall scale of the substation remains unchanged.

8.1.3. The specific alterations to the scheme are:

- The insertion of a fire wall, c. 7.11 m (height) x 12.86 m (length) south of the permission 110kV substation transformer, to be located between this main transformer and the permitted earthing/auxiliary transformers.
- The fire wall will include 2 no. lighting masts (3m in height) to replace 1 no. consented lighting mast in the substation compound which has to be omitted to provide the subject fire wall.

8.1.4. I have reviewed the drawings and accompanying documents submitted with the application and in my opinion, the proposed alterations are relatively minor in nature based on the following:

- The design changes are localised within the southern area of the permitted substation only.
- The nature of alterations proposed.
- There are no alterations to the site boundary.
- It is stated that construction works will not alter the construction programme for the substation as the proposed alterations represent a relatively small subset of work within the larger construction programme.

- 8.1.5. I consider (below) the materiality of alterations having regard to the environmental sensitivities and potential effects of the proposed alterations. The environmental sensitives in this instance are landscape and visual impact, archaeology, residential amenity, flood risk and drainage and, ecology.
- 8.1.6. In terms of landscape impact, I note that as per the submitted plans, at 7.11m in height, the fire wall will be marginally higher than the transformer which sits behind it, it will be lower than some other attendant infrastructure including the Eirgrid building and lighting masts. I accept the requester's assertion that the proposed alterations, within a busy compound layout, will not result in a discernible visual change to that permitted.
- 8.1.7. With respect to archaeology, there are no recorded archaeological sites within the development site. I note that Condition no. 12 of ABP 313139 requires the applicant to engage a suitably qualified archaeologist to carry out pre-development testing in areas of proposed ground disturbance and to prepare and submit an updated Archaeological Impact Assessment (AIA) report. The applicant states an AIA report on foot of condition no. 12 was submitted to Carlow Co. Co. and that no notable archaeology was identified.
- 8.1.8. With respect to residential amenity, having regard to the distance of residential properties and the nature of the works proposed, I am satisfied that the proposed alterations will be indiscernible in this regard.
- 8.1.9. With respect to flood risk and drainage, I note that the substation is not located in an area of flood risk and that no changes to the permitted drainage methods are proposed.
- 8.1.10. With respect to construction methodology, the Fire Wall Construction Methodology report submitted with the application indicates that the fire wall will be either pre-cast or constructed on site to be finalised on appointment of the contractor. The report sets out standard pre-cast and in-situ methodologies and refers to the approved Construction Environmental Management Plan (CEMP) for environmental controls. I am satisfied that there are no changes to standard construction methodologies from that permitted which would give rise to any material effect.
- 8.1.11. With respect to ecology, I am satisfied that the proposed amendments, being minor in scale and within the permitted substation compound, will not have a significant

impact on ecology. Matters relating to impact on Natura 2000 sites are considered in section 9.0 of this Inspector's report.

## **8.2. EIA Screening**

8.2.1. I note that an EIA was not undertaken in respect of the permitted substation and underground connection, ABP 313139 refers, as no element of the permitted development fell into a class of development contained in Schedule 5, Parts 1 or 2. I am satisfied that the proposed amendment development does not therefore constitute a development which requires a mandatory EIA, nor screening for EIA. An EIA Pre-screening Form is attached as Appendix 1.

## **8.3. Conclusion on Materiality**

8.3.1. I consider that the alterations sought do not constitute the making of a material alteration of the permitted development and would not give rise to significant environmental effects beyond those already considered in the Board's assessment of ABP ref. 313139.

## **9.0 Appropriate Assessment**

### **9.1. Introduction**

9.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000, as amended), are considered fully in this section. The areas addressed in this section are as follows:

- Screening the need for appropriate assessment (See Appendix 2 of this Report)
- Appropriate Assessment Screening Determination
- The Addendum to Natura Impact Statement
- Appropriate assessment of implications of the proposed development on the integrity of identified European site.

## 9.2. The Addendum to the Natura Impact Statement

- 9.2.1. The permitted development, application ref. ABP ref. 313139, included a NIS (Ecology Ireland, March 2022) which examined and assessed potential adverse effects of the development on the River Barrow River and River Nore SAC (site code 002162). The NIS concluded that proposed development will not adversely affect the integrity of the Natura 2000 site, and that best practice measures and mitigation measures have been identified to ensure that potential pollutant sources are not released during the proposed development (particularly during the laying of the underground grid cable) to the receiving environment such that there will be no risk of adverse effects on the qualifying interests of the SAC within the project's zone of influence.
- 9.2.2. The requester has submitted an "Addendum to Natura Impact Statement" prepared by Ecology Ireland Wildlife Consultants Ltd, dated October 2024. A copy of the NIS submitted with the application ABP ref. 313139 is also submitted with the amendment application.
- 9.2.3. The addendum report describes the proposed design amendments and provides a brief assessment of the proposed amendments stating that the potential hydrological connectivity with the River Barrow and River Nore SAC via the grid connection route was the principal trigger for 'screening in' this SAC and the requirement for the preparation of the NIS, noting that the permitted underground grid route from the Bendistown substation to Kellis substation crosses watercourses within the River Barrow catchment and in the absence of appropriate environmental control, it was concluded that there is some potential for the contamination of watercourses through the mobilisation of contaminants during construction and a mitigation strategy was designed to address such risks.
- 9.2.4. The addendum report states that the proposed changes are localised to the substation, are technical in nature and relatively limited in extent and that there is no element of the proposed changes which give rise to any significant changes in the associated environmental risks with respect to potential effects on the River Barrow and River Nore SAC, or any other European designated site. The addendum report states that there is no change in the residual risks as assessed in the NIS prepared for the permitted substation and grid connection, and that there is no expectation that

the proposed amendments have any potential to result in any adverse effects on the integrity of the River Barrow and River Nore SAC in light of the site's Conservation Objectives.

9.2.5. Having reviewed the NIS, all supporting documentation and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the abovementioned European sites alone, or in combination with other plans and projects.

### 9.3. **AA Screening Determination (Appendix 2 of this Report)**

9.3.1. In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on River Barrow and River Nore SAC (site code: 002162) in view of the site's conservation objectives and qualifying interests.

9.3.2. This conclusion is based on:

- The development to be altered was subject to Appropriate Assessment;
- The applicant has submitted an Addendum to the NIS previously prepared in respect of ABP ref. 313139.

9.3.3. Having regard to the foregoing, it is with an abundance of caution that an Appropriate Assessment (Stage 2) is required of the implications of the project on the qualifying interests of the River Barrow and River Nore SAC in light of its conservation objectives. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

### 9.4. **Appropriate Assessment (Stage 2)**

9.4.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

9.4.2. The following Guidance has been adhered to in my assessment:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service, Dublin
- EC (2021) Assessment of plans and projects significantly affecting Natura 2000 sites. Revised Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC 11.6.3.

9.4.3. The following site is subject to Appropriate Assessment:

- River Barrow River Nore SAC (002162)

9.4.4. There will be no direct impact on the SAC, as the construction work does not fall within the SAC. In my opinion, having reviewed the development proposals, the main aspect of the proposed development that could affect the conservation objectives of the European site arises from:

- Impacts to water quality /surface water pollution/ siltation during the construction phase and;
- Potential disturbance and or displacement of species listed as qualifying interests during construction.

9.4.5. Table 9.1 details the Appropriate Assessment and site integrity test. The conservation objectives for the European Site have been examined and assessed with regard to the identified potential significant effects and all aspects of the project (alone and in combination with other plans and projects). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of European site.

9.4.6. In the absence of suitable controls and measures there is the possibility that the construction phase of the proposed development to be altered, could give rise to in-combination effects related to water quality pollution, including sedimentation and siltation and potential for ex-situ species displacement. There are a number of

related and permitted solar farm developments in the general region of the permitted project, including Carlow County Council (CCC) reg. ref. 22/163 which was authorised by CCC, post the decision on ABP ref. 313139 for a 128ha solar farm and included amendments to the solar farm which the permitted substation will serve (i.e. ABP ref. 307891 refers) which application also contained a NIS. Having reviewed development proposals in the vicinity I do not consider there are any specific in-combination effect on the River Barrow and River Nore SAC that arises from other plans or projects in the vicinity.

- 9.4.7. The Addendum to NIS refers to the mitigation strategy which was designed to address the risks upon sensitive habitats and species of the SAC. The mitigation strategy is set out in section 4 of the NIS (March 2022, submitted with ABP ref. 313139), a copy of which is appended to the Addendum NIS and details the measures to be employed during construction, including environmental management, duties, and responsibilities of personnel. These mitigation measures are set out in Table 9.1.
- 9.4.8. In consideration of the outlined mitigation measures which shall be implemented to prevent any potential impact on the qualifying interests of the River Barrow and River Nore SAC, I am satisfied that no residual impact is anticipated as part of this proposal.

**Table 9.1 Appropriate Assessment of implications of the proposed development on the integrity of European Sites alone and in combination with other plans and projects in view of the sites' Conservation Objectives.**

<b>River Barrow River Nore SAC (002162) - Key issues that could give rise to adverse effects:</b>					
<ul style="list-style-type: none"> <li>• Water quality impacts due to pollutants or soil/silt run-off during construction phase</li> <li>• Disturbance of QI species</li> </ul>					
<b>Appropriate Assessment</b>					
<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded?</b>
Estuaries [1130]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	No - Located > 40km downstream, considered to be outside the zone of influence of this project	Not applicable / none necessary	None	Yes
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 (Glaucopuccinellietalia maritimae) [1330]	Only generic Conservation Objectives are defined for this SAC, with no published targets or attributes.				
Mediterranean salt meadows (Juncetalia maritimi) [1410]					
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]		No - the typical species of the tufaceous sub-type is located in the Kings tributary of the Nore.	Not applicable / none necessary	None	Yes
Petrifying springs with tufa formation (Cratoneurion) [7220]		Yes; distribution of habitat is unknown; rely on permanent irrigation, usually from upwelling groundwater sources or seepage sources.	Best practice pollution prevention methods are set out in the Construction Methodology Statement and section 4.2 of the NIS, and include:	No likely significant in-combination effects	Yes No doubt as to the effectiveness or implementation

		Possible water quality impact arising from accidental surface water pollution.	-Provision of 50m exclusion zones and barriers (silt fences) between any excavated material and any surface water features to prevent sediment washing into the receiving water environment;		of mitigation measures proposed to prevent indirect effects.
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]		Yes -the Barrow catchment is identified as previously recording of this species. Current status is unknown / under review.  Possible water quality impact arising from accidental surface water pollution or siltation arising from construction.	-Concrete or concrete contaminated water run-off will not be allowed to enter any watercourses. Any pouring of concrete (delivered to site ready mixed) will only be carried out in dry weather;	No likely significant in-combination effects	Yes, No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent indirect effects.
Austropotamobius pallipes (White-clawed Crayfish) [1092]		Yes – occurs in the River Barrow downstream of the project site.  Possible water quality impact arising from accidental surface water	-Reception and launch pits for the directional drilling process shall be excavated a minimum of	No likely significant in-combination effects	Yes, No doubt as to the effectiveness or implementation of mitigation measures

		pollution or siltation arising from construction.	20m from the stream banks;  -Wash-down water from		proposed to prevent indirect effects.
Petromyzon marinus (Sea Lamprey) [1095]		Yes – occurs downstream of project site. Lamprey are sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.	exposed concrete surfaces will be trapped to allow sediment to settle out and reach neutral pH before clarified water is released to the drain system or allowed to percolate into the ground;  -Ecological Clerk of Works to be appointed to monitor	No likely significant in-combination effects	Yes; No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent indirect effects.
Lampetra planeri (Brook Lamprey) [1096]		Yes – lamprey species recorded downstream at Rathoe Bridge (River Barrow Catchment Survey, 2015, IFI).	compliance with mitigation measures and conditions.	No likely significant in-combination effects	Yes; No doubt as to the effectiveness or implementation of mitigation measures proposed to
Lampetra fluviatilis (River Lamprey) [1099]		Lamprey are sensitive to indirect effects from pollution of watercourses with chemicals, silt,			

		contaminants etc. during construction phase.			prevent indirect effects.
Salmo salar (Salmon) [1106]		Yes - Widespread distribution throughout SAC. Salmon are sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.		No likely significant in-combination effects	Yes; no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent indirect effects.
Lutra lutra (Otter) [1355]		Yes- Widespread distribution throughout SAC. Otters may be sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants, noise, etc. during construction phase.	In addition to the mitigation measures referenced above as detailed in the NIS, a pre-works survey will be carried out by a qualified ecologist to identify the presence of any protected fauna on-site	No likely significant in-combination effects	Yes; no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent indirect effects

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]		No - not subject to potential hydrological Impacts	Not applicable / none necessary	None	Yes
European dry heaths [4030]		No - not subject to potential hydrological Impacts	Not applicable / none necessary	None	Yes
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]		No - Located > 40km downstream, considered to be outside the zone of influence of this project.	Not applicable / none necessary	None	Yes
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]		No – while periodic flooding is essential to maintain alluvial woodlands along river flood plains in some instances, this habitat is located > 20km downstream and is considered to be outside	Not applicable / none necessary	None	Yes

		the zone of influence of this project			
Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]		No - occurs >40km downstream; outside zone of influence for this project	Not applicable / none necessary	None	Yes
Alosa fallax fallax (Twaite Shad) [1103]		No – occurs >30km downstream; outside of zone of influence	Not applicable / none necessary	None	Yes
Trichomanes speciosum (Killarney Fern) [1421]		No - occurs >40km downstream; outside zone of influence for this project	Not applicable / none necessary	None	Yes
Margaritifera durrovensis (Nore Pearl Mussel) [1990]		No – not downstream of project; in the Nore Catchment.	Not applicable / none necessary	None	Yes
<p><b>Overall conclusion: Integrity test</b></p> <p>Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Barrow River Nore SAC (002162) in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.</p>					

## 9.5. **Appropriate Assessment Conclusion**

- 9.5.1. The proposed alterations to the permitted scheme have been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Barrow River Nore SAC (002162).
- 9.5.2. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of River Barrow River Nore SAC in light of its conservation objectives.
- 9.5.3. Following the Appropriate Assessment, it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of the River Barrow River Nore SAC (002162) or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project, including an assessment of in combination effects with other plans and projects, and there is no reasonable doubt as to the absence of adverse effects.

## 10.0 **Recommendation**

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 to the terms of the development as granted permission under ABP ref. 313139 and that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 14<sup>th</sup> October 2024, 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 14<sup>th</sup> day of October, 2024 from HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Co. Cork on behalf of Garreenleen Solar Farm Limited under section 146B of the Planning and

Development Act, 2000, as amended, to make alterations to the permitted 110kV substation and underground grid connection, a strategic infrastructure development the subject of a permission granted under An Bord Pleanála reference number 313139-22.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated 2<sup>nd</sup> November 2022, AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- The insertion of a fire wall, c. 7.11 m (height) x 12.86 m (length) south of the permission 110kV substation transformer, to be located between this main transformer and the permitted earthing/auxiliary transformers.
- The fire wall will include 2 no. lighting masts (3m in height) to replace 1 no. consented lighting mast in the substation compound which has to be omitted to provide the subject fire wall.

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)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above mentioned development so that the permitted development shall be altered, in accordance with the plans and particulars received by An Bord Pleanála on the 14<sup>th</sup> October 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:

- (i) the limited nature and scale of the alterations,
- (ii) the documentation on file,
- (iii) the report of the Inspector.

The Board was satisfied that the information before it was adequate to undertake a screening for appropriate assessment in respect of the proposed alteration.

### **Appropriate Assessment - Stage 1**

The Board considered the Addendum to Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European site in respect of which the proposed development has the potential to have a significant effect is the River Barrow and Nore SAC (Site Code 002162).

### **Appropriate Assessment – Stage 2**

The Board considered the Addendum to Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the European Site, namely, the River Barrow and Nore SAC (Site Code 002162), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an

appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives.

### **Conclusions on Proper Planning and Sustainable Development**

Having regard to:

- the nature and scale of the 110kV substation and underground grid connection development permitted under ABP-3313139-22,
- 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 substation 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.

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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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Alaine Clarke  
Senior Planning Inspector

12<sup>th</sup> December 2024

## **Appendix 1**

### **EIA Pre-screening Form**

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	321061-24		
<b>Proposed Development</b> <b>Summary</b>	proposed alterations including the assertion of a firewall to permitted 110KV underground grid connection ABP 31313922		
<b>Development Address</b>	Bendinstown, Gilbertstown, Kellistown East, Kellistown West, Ballycurragh, Ardbearn and Ballynunnery, Co. Carlow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	Tick if relevant and proceed to Q2.	
	<b>No</b> <b>X</b>	Tick if relevant. No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	Tick or leave blank		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X  Tick/or leave blank	<b>Pre-screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix 2**

### **Appropriate Assessment Screening**

## Appendix 2 – AA Screening Determination

### Screening for Appropriate Assessment

#### Finding of likely significant effects

I have considered the proposed windfarm development comprising the erection of 18 no. wind turbines in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development site is located in a rural and agricultural area in Co. Carlow. The site of the proposed substation lies partly within lands to be developed as Garreenleen Solar Farm. The substation site adjoins and slopes towards a tributary of the River Barrow, the river Burren\_040.

The proposed development comprises minor modifications to a permitted 110kV substation are proposed:

- The insertion of a fire wall, c. 7.11 m (height) x 12.86 m (length) south of the permission 110kV substation transformer, to be located between this main transformer and the permitted earthing/auxiliary transformers.
- The fire wall will include 2 no. lighting masts (3m in height) to replace 1 no. consented lighting mast in the substation compound which has to be omitted to provide the subject fire wall.

A description of the proposed development is set out in section 2.0 of the Addendum to the A Natura Impact Statement (NIS). A NIS was submitted as part of the permitted application, ABP ref. 313139. As part of its assessment of ABP 313139, the Board completed an Appropriate Assessment Screening exercise which resulted in the River Barrow and River Nore SAC, site code 002162, being screened in and brought forward to Stage 2 Appropriate Assessment. 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 this European Site in view of the site's conservation objectives.

The requester has submitted an "Addendum to Natura Impact Statement" prepared by Ecology Ireland Wildlife Consultants Ltd, dated October 2024. The brief report describes the proposed design amendments and provides an assessment of the proposed amendments stating that the potential hydrological connectivity with the River Barrow and River Nore SAC via the grid connection route was the principal trigger for 'screening in' this SAC and the requirement for the preparation of the NIS; that there is some potential for the contamination of watercourses through the mobilisation of contaminants during construction and a mitigation strategy was designed to address such risks.

#### Consultations and submissions

- None. Having regard to the minor nature of work no consultations are considered necessary. See section 7 of the Inspector's Report.

#### Potential impact mechanisms from the project alone or in-combination likely to affect identified European Sites [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

##### Construction Phase:

- **Surface water pollution** - (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- **Noise and disturbance** – An increase in noise levels, disturbance and lighting may result in disturbance to wildlife within the immediate vicinity of the site.



**Operation Phase:**

No potential impacts arising.

**Decommissioning Phase:**

Decommissioning phase effects will be similar to the construction phase but the potential for likely significant effects considerably less.

**In-combination Effects:**

I consider the following plans and projects may contribute to in-combination effects:

- ABP ref. 313139 (substation and 4km grid connection)
- ABP ref. 320265-24 (alterations to 313139)
- ABP ref. 318526-23 (alterations to 313139)
- Carlow Co. Co. Reg. Ref. 22/199: (underground electricity interconnector cable comprising a revision to the approved layout of the solar farm previously permitted under ABP 307891-20).
- Carlow Co. Co. Reg. Ref. 22/163: (solar farm and associated works and includes amendments to ABP ref. 307891-20).
- ABP 307891-20 (solar farm)

**European Sites identified for the screening test**

Considering the source-pathway-receptor model 1 no. European site is located within a potential zone of influence of the proposed development. This is:

River Barrow and River Nore SAC, site code 002162

Potential effects:

A: Surface water pollution, via a hydrological pathway via the Burren\_040 a tributary of the River Barrow.

B: Noise and disturbance, due to proximity of works to a tributary of the River Barrow.

**River Barrow and River Nore SAC, site code 002162**

[https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002162.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf)

Table 1: Could the project undermine the conservation objectives 'alone'			
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
<b>River Barrow River Nore SAC (002162)</b>			
Estuaries [1130]	To maintain the favourable conservation condition	N	N
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition	N	N
Reefs [1170]	To maintain or restore the favourable conservation condition	N	N
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition	N	N
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To restore the favourable conservation condition	N	N

Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	To restore the favourable conservation condition	N	N
Water courses of plain to montane levels with the <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]	To maintain the favourable conservation condition	N	N
European dry heaths [4030]	To maintain the favourable conservation condition	N	N
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	To maintain the favourable conservation condition	N	N
Petrifying springs with tufa formation ( <i>Cratoneurion</i> ) [7220]	To maintain the favourable conservation condition	Y	N
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	To restore the favourable conservation condition	N	N
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	To restore the favourable conservation condition	N	N
<i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]	To maintain favourable conservation condition	N	N
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	Status under review	Y	N
<i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]	To maintain the favourable conservation condition	Y	N
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]	To restore the favourable conservation condition	Y	N
<i>Lampetra planeri</i> (Brook Lamprey) [1096]	To restore the favourable conservation condition	Y	N
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	To restore the favourable conservation condition	Y	N
<i>Alosa fallax fallax</i> (Twaite Shad) [1103]	To restore the favourable conservation condition	Y	N
<i>Salmo salar</i> (Salmon) [1106]	To restore the favourable conservation condition	Y	N
<i>Lutra lutra</i> (Otter) [1355]	To restore the favourable conservation condition	N	Y
<i>Trichomanes speciosum</i> (Killarney Fern) [1421]	To maintain the favourable conservation condition	N	N

Margaritifera durrovensis (Nore Pearl Mussel) [1990]	To restore the favourable conservation condition	Y	N

**Overall Conclusion- Screening Determination**

In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on River Barrow and River Nore SAC (site code: 002162) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- The development to be altered was subject to Appropriate Assessment;
- The applicant has submitted an Addendum to the NIS previously prepared in respect of ABP 313139.

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the River Barrow and River Nore SAC in light of its conservation objectives. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.