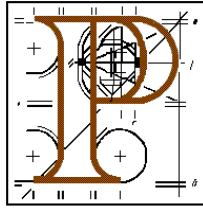


An Bord Pleanála



Inspector's Report

Reference: PL04.VM0009

Title: Clashavoon to Dunmanway 110kV overhead power line –
Alterations to previously approved development

Location: Macroom to Dunmanway, County Cork

Applicant: EirGrid PLC

PA: Cork County Council

Date of Site Visit: 13th November 2015

Inspector: Philip Davis

1. Introduction

This is an application for alterations to the permitted construction of some 40 km of 110kV overhead power line with all ancillary infrastructure, running from Clashavoon substation (north of Macroom) south-west to a substation just east of Dunmanway, where a short section runs underground. The application had been made under Section 182A of the Strategic Infrastructure Act 2006 as amended. An oral hearing into the application was held on the 10th to 13th September 2012 in the Macroom Castle Hotel. The Board subsequently granted permission subject to a number of conditions in October 2012 (**PL04.VA0010**).

The applicant is seeking a number of alterations to this permission in accordance with section 146B of the Planning and Development Act, 2000, as amended – primarily of the positioning of some polesets, but also some route realignments.

The purpose of this report is to advise on whether the requested alterations would constitute the making of a material alteration of the terms of the development– i.e. whether the Board can make a determination under Section 146B(3)(a).

2. Site Description

The permitted power line runs across the rural landscape of west Cork, in a transitional area between the lush rolling pastures of central Cork and the more exposed uplands characterising inland west Cork. It runs from a substation in Clashavoon on the southern foothills of the Boggeragh Mountains, south across the valley of the River Laney, across a ridge overlooking the Lee Valley, running down into the flooded valley, crossing close to a dam on the river at Carrigadroghid, east of Macroom. In this stretch it runs through a moderately well populated area of farms and scattered housing, often on high ground taking advantage of fine views out over the valley.

From the Lee crossing, the landscape south is one of lush farmland and woodland, with rising levels south of the valley. The line runs west from an upland ridge north of Crookstown across to Teerelton, along a series of marshy valley floors and shallow ridges of Old Red Sandstone, before running south into more exposed uplands characterised of exposed rocky bluffs with generally poor farmland, often abandoned to scrub or heath or used for conifer forestry, although the valleys have occasional good quality pasture. The route crosses a series of such ridges in an area with just occasional farmhouses past Kilmichael until it drops in level again to the lush farmland at the valley and lowlands of the Bandon River, where it meets a substation 2-km east of the town of Dunmanway.

3. Proposal

The applicant seeks an amendment of the consent under PL04.VA0010 by means of the provisions of Section 146B of the Planning and Development Act 2000 (as amended). They request that the application be decided under the provisions of Section 146B(3)(a) of the Act – i.e. that it be considered a non-material alteration.

4. Applicants submission

Eirgrid PLC submitted a request to the Board to allow alterations to the approved scheme. It is stated that the alterations have come about following agreements with landowners along the site and primarily involve the relocation of polesets to facilitate reasonable local landowner's requests. The applicant argues that the alterations are non-material, but are not exempted development as the original application was subject to appropriate assessment. It is requested that the Board determines the application under Section 146B(3)(a).

In support of the request, the applicant submits plans and drawings indicating the alterations, in addition to details of the construction methodology, an EIA Screening Report (which concludes one is not required), an ecological assessment of the alterations, and the original NIS and a cultural heritage report.

5. Planning Context

Planning history

The Board, following an oral hearing, approved the proposed development with modifications following a meeting held on the 8th October 2012. The Board attached 7 no. conditions, none of which made any substantive alteration to the design, location of polesets, or route. Condition 4 specified that bird warning markets be provided in the area of Carrigadrohid, and condition 5 set that prior to the commencement for development, the developer shall agree with the NPWS and the planning authority a protocol for surveying relevant areas of habitat for the presence of Kerry Slug in the Kilmichael area.

6. Assessment

- Legislation
- Context
- Summary assessment of the alterations
- Impacts
- Appropriate Assessment and EIA

Legislation

The application for alterations is made under Section 146B of the 2000 Act as amended. It states (my bold):

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

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

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

(3) *If the Board decides that the making of the alteration—*

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

(b) *would constitute the making of such a material alteration, it shall determine whether to—(i) make the alteration,(ii) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or (iii) refuse to make the alteration.*

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

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

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

(5) *If the Board determines that the making of either kind of alteration referred to in subsection (3)(b)—*

(a) *is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b), or*

(b) *is likely to have such effects, the provisions of section 146C shall apply.*

(6) *If, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection*

(3)(b), it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

(7) In making a determination under subsection (4), the Board shall 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.

(8) (a) Before making a determination under subsection (3)(b) or (4), the Board shall—

(i) make, or require the person who made the request concerned under subsection (1) to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period, as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

(b) The Board shall have regard to any submissions or observations made to it in accordance with an invitation referred to in paragraph (a).

(c) The Board shall notify any person who made a submission or observation to it in accordance with that invitation of its determination under subsection (3)(b) or (4).

The purpose of this report is to address the question under Section 1464B(2)(a) if the making of the alterations are material. In order to decide this, it is necessary to come to a view as to whether there is likely to be any material environmental impacts from the proposed alterations. I have based this assessment on the submitted documentation and my knowledge of the area and the original submissions in the S.182A application and oral hearing in addition to the applicant's submission with the request for alterations.

Context

The approved scheme is for the construction of some 40km of 110kV overhead power line running from Clashavoon substation (north of Macroom), south-south-west to a substation just east of Dunmanway. The route crosses the River Lee and runs generally through open countryside from the relatively lush grazing lands around Macroom and Dunmanway through the more barren exposed sandstone hills of west Cork. The route does not run through any Natura 2000 sites, but it was considered at the time that there was a possible impact on the conservation objectives on two such sites, in addition to possible impacts on designated species (most notably swans on the Lee), and as such an NIS was required, but not an EIA. The justification for the project set out by the applicant was the requirement for a third circuit for the

region to ensure supply security, a rise in electricity demand in the area, in addition to a requirement for a stronger grid due to increased wind power generation in the West Cork area.

The original application was subject to the normal consultations for S.182A proposal, and was subject to a lengthy oral hearing. The key statutory consultees during the S182A application and hearing were Cork County Council, the DoAHG (and NPWS), Fisheries Ireland, HSE, and the NRA (now TII). None objected, but all raised specific design and construction related issues. The key issues raised by the statutory consultees, ones which attracted most time and controversy during the oral hearing, were impacts on swans on the Lee reservoir from overhead lines, the impact on watercourses (including the Bandon SAC) of the construction works, and peat slippage. In addition, concerns were expressed at the possible impact on the Kerry Slug (which was subject to a condition set by the Board). There were several dozen public submissions, which raised a wide variety of other concerns, mostly relating to landscape impacts, public health, livestock health and welfare, and the impact on watercourses and individual species (birds and invertebrates and badgers).

Summary description of the alterations

It is proposed to alter the location of 65 out of some 227 structures (polesets and angle masts). The majority of these alterations are along the approved route – i.e. the alteration is for the location of the supporting structure, without affecting the line route by more than 1 metre. Almost all these have arisen from landowner requests – the others are for constructability issues. In a number of locations there are alterations to the line route, normally of less than 6 metres from the permitted route. The single largest shift is between tower 178 and 182, where the lateral alteration is about 16 metres.

Clashavoon substation to poleset no. 39

This section runs from the substation to the crossing of the River Lee at the dam at Carrigadrohid. It runs through relatively unpopulated areas, crossing the River Laney (a tributary of the Lee), then across a 100 metre ridge before dropping in level rapidly to the reservoir. For much of the length it runs parallel to an existing 110Kv line. The alterations along this stretch are minor, consisting of shifting poleset no. 9 closer to a boundary (not altering the route and very minor alterations from poleset 21 onwards. The most significant alteration is poleset 28, which is moved 54 metres closer to a private access track. This alteration is not visible from the nearest public road (R618). There is no proposed alteration on either side of the Lee crossing.

Poleset 40 to 60

Poleset 44 is to be moved 23 metres in an area not visible from any public roads. Poleset 48 is moved forward 19 metres at a point where it crosses a farm track (not part of the public highway) on a ridge which is visible, but the alteration is not significant in visual terms. A minor shift of poleset 57 is hidden from public view behind a belt of trees next to a minor country road. A

21 metre relocation of poleset 59 brings it closer to a farm track, but the visual impact from the public road to the south would be minimal.

Poleset 61 to 90

This section occurs after the line doglegs to the west, running more or less parallel to the Lee Valley along a series of foothills of the higher mountains to the south. From poleset 64 to 72 the line is relocated by several metres to the south. I consider this immaterial in visual terms. Polesets 69 to 71 have been substantially relocated along the route, in an area generally not visible from public areas. Poleset 72 is shifted about 9 metres south close to a minor third class road at the base of a shallow valley. I do not consider this to be significant. After poleset 74 the new proposed line shifts 4 metres to the north of the approved line. This section runs through the flat low boggy valley of the Buingea River. It crosses the N22 at the flat base of this valley, and poleset 77 is shifted 12 metres along the new alignment, to a point very close to the river bank. While it is not ideal to move the poleset so close to the river bank, the existing permitted poleset is within the floodplain, and the permission with conditions addressed in some detail pollution issues relating to excavation works within flood areas. I therefore do not consider that the impact of shifting this poleset is significant.

From poleset 77 to 81 the line is proposed to be shifted around 3 metres to the north, with minor relocations of polesets. Poleset 81 is to be shifted closer to a farm access track, but this has little impact on the visual impact from nearby dwellings or the public road. Poleset 88 is to be shifted slightly closer to a third class road, but this is at a well vegetated low-lying area, so I do not consider that it would be visually significant.

Poleset 91 to 135

This section continues to run west towards Kilmichael. It runs across a series of valleys and foothills in an area with generally poor quality farmland interspersed with forestry. Poleset 100 shifts 11 metres along the line crossing a farmtrack, not in view of any public areas. Poleset 104 is moved some 24 metres closer to a minor road running along the valley of the Cumminer River – this area is heavily wooded so the impact would not be particularly noticeable from the road. Poleset 108 is on an open field about 80 metres from a minor road, but shifts a little further away. Poleset 116 is to be shifted 9 metres at a point where two third class roads meet – the landscape is quite open, with a number of rocky/furze covered outcrops, but I do not consider that the alteration would be material. The remaining alterations along this section area are along the existing permitted route and are out of sight from any public views or dwellings.

Poleset 135 to 160

From angle tower 136 the route turns more or less directly south towards Dunmanway. Poleset 143 is at an exposed area of landscape just east of a third class road close to the valley of the Cooldorragha River. The new location, 40 metres south of the permitted one, takes it close to a hedge and a farm track, but has no implications for visual impact from the nearby third

class road. Poleset 146 is to be moved 55 metres further north, next to a farmtrack, about 50 metres west of a third class road near a junction with another road and a quarry access. The line at this point will be quite visually intrusive as it crosses the Cooldorrageha River and the road. Notwithstanding this, I do not consider that the new location for the poleset would be significant – as it is moved away from the river it may actually be less intrusive than that permitted. Poleset 152 is shifted slightly closer to a farmtrack at the end of a cul-de sac road, and would not be visible from any public areas, apart from the nearby farmhouse. Poleset 156 is to shift slightly closer to a minor stream, in an area where it would be slightly visible from a nearby minor road, but is in a better location, partly screened by a hedgerow.

Poleset 160 to 182

This stretch takes a slight dogleg east before going directly south again. From 171 the line shifts to some 6 metres west of the permitted route. Polesets 172 and 173 are at a very visible section of rough land just north of the R585 close to a junction with a minor road, but I do not consider that the alterations are material in visual terms. South of here it runs along the floor of the valley of the Owenbawn Stream, across drained land. Poleset 174 is to be shifted about 10 metres closer to the watercourse, but the permitted poleset is already well within the floodplain, so I consider that as any conditions set before apply the impact is not material and would not have an impact on flooding or aquatic ecology. Likewise, minor alterations to polesets 176 and 188 are also within the floodplain, but are not material.

Angle tower 178 is located just past the stream at quite a visually prominent location close to a third class road. The change in location brings it slightly away from the river, but is not material in visual terms. At this point, there is a new alignment of up to 16 metres further south (narrowing up to poleset 182) as it runs along higher ground crossing the watershed. At poleset 181, it is proposed to be shifted slightly further away from a stream. This section is out of the visual envelope of any public roads, but is visible from a small number of farmhouses.

Poleset 182 to 215

This section runs largely south into an area characterised by low exposed hills between the 100 and 180 metre contour, mainly crossing a series of narrow valleys. The area is characterised by low quality grazing land, conifer plantation and open exposed hilltops. The line maintains its permitted alignment with just minor alterations to the siting of polesets. Poleset 192 is shifted slightly closer to a minor farmtrack in an area of exposed sandstone hills, out of sight of the nearby third class road. Poleset 197 is shifted slightly closer to a third class road as it declines in level to a river valley. The new location is closer to a high hedge so may be slightly less intrusive and visible. Polesets 203 to 210 run about 100 metres west of a third class road along a valley, but the alteration to the poleset locations are 10 metres or less so not significant visually. There are alterations to polesets 207 to 209 at a point where they cross a minor road twice. This area is characterised by rough uneven ground with scrub and trees and as such would not be significant,

although poleset 209 is some 14 metres closer to the road. This does shift it slightly further away from a tributary of the Glasheenacauha Stream. Further minor alterations to polesets further south are minor and well out of view of public roads.

Poleset 215 to Dunmanway 110Kv station

This section runs from the base of the uplands down to the lush valley floor of the Bandon River (much of which is SAC). There are no proposed alterations to the route, with just a number of minor changes to poleset locations. The most significant of these are at 222, where it is to be shifted 11 metres close to a minor third class road, in a well wooded valley. The road along this section is bounded by high mature trees, so I do not consider that it would have a significant visual impact. Minor alterations across the open agricultural would not be noticeable from any public areas. At poleset 227 the route is to be undergrounded for the last few hundred metres to the 11kV substation. There are no proposed alterations for this final section.

Impacts

I am familiar with the route from my original site visits and the hearing and I have visited the key sites again to confirm the details of the proposed alterations. I am satisfied from an assessment of the information submitted that the alterations are quite minor in nature and do not materially alter the environmental impact of the route, and that the documentation in the applicants submission are sufficient to allow for a full assessment. I consider that the proposed alterations do not materially impact upon any Natura 2000 site, above and beyond the impacts already addressed in the NIS submitted with the original application, and do not have a material impact on the local landscape, local amenities, cultural heritage, or aquatic ecology.

The alterations to the route or new poleset locations do not in my opinion have a significant impact which would warrant consulting with the NPWS, the NRA (TII), Cork County Council, or any of the other statutory consultees in the original S.182A application in accordance with S.146B2(b).

Appropriate Assessment and EIA

The applicants have included an EIA Screening Report, an Ecological Assessment and a general environment report and cultural heritage report. The EIA screening report concludes that EIA is not required, and I concur with this conclusion for the general reasons outlined above – I consider the alterations non-material and there are no specific environmental impacts likely that have not been addressed previously. The ecological report is comprehensive and includes an appropriate assessment section – this concludes that the proposed ‘structure moves’, alone or cumulatively, will not lead to any adverse impacts on European Sites in the surroundings. The issue of impacts on European Sites and specific species was addressed in the original application in some detail and I concur with the conclusion of the ecological report that there would not be a significant effect on a European Site arising from the proposed alterations, hence a stage 2 AA is not required.

7. Conclusions and Recommendations

I conclude that that the proposed alterations are not material, and that the alterations do not impact upon any designated Natura 2000 sites, a national road, a recorded ancient monument or any other sensitive environmental sites, local amenities, and have no significant visual or other impacts. I therefore conclude that the impacts are not material that it is not necessary to invite any submissions before making a final declaration under Section 146B(3) of the 2000 Act, as amended.

I therefore recommend that the Board alter approval reference VA0010 made under Section 146B of the Planning and Development Act, 2000, for the reasons and considerations set out below.

REQUEST received by An Bord Pleanála on the 28th September 2015 from Eirgrid plc under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development that includes the installation of a 110kV overhead power line from Clashavoon to Dunmanway in County Cork.

DECISION

In accordance with its powers under section 146B(3)(a) of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, the Board concluded that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned and decided to alter the approval accordingly.

REASONS AND CONSIDERATIONS

Having regard to the terms of the development approved under section 182A of the Planning and Development Act, 2000, as amended, under An Bord Pleanála reference number 04.VA0010 dated the 11th day of October, 2012 and to the nature and limited scale of the changes now proposed, it is considered that the proposed alteration would not be likely to have any significant effect on the environment or on any European site or on the proper planning and sustainable development of the area that had not been considered prior to the granting of the said approval for the development. Therefore the proposed alteration would not constitute a material alteration of the terms of the development concerned.

Philip Davis,
Inspectorate.
7th December 2015