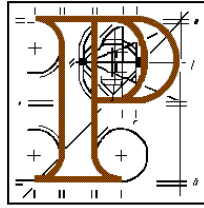


## An Bord Pleanála



### Inspector's Report

**05.VM0010** – Amendment to Strategic Infrastructure Development – Alterations to the Donegal 110kV Project under Section 146B of the Planning & Development Act 2000, as amended by the Planning and Development (Strategic Infrastructure) Act 2006.

**Development** - Relocation of the previously permitted switching station located at Tievebrack to a new site at Drumnalough. Construction of four additional polesets and one end mast on the Ardnagappary – Tievebrack 110kV line and two additional angle masts on the Binbane – Letterkenny 110kV line, as well as three temporary angle masts to divert the live Binbane – Letterkenny 110kV line during construction. Minor movements of structures on the permitted Ardnagappary – Tievebrack 110kV line.

<b>Location:</b>	County Donegal
<b>Type of Application:</b>	Request to alter previously approved Strategic Infrastructure Project
<b>Planning Authority:</b>	Donegal County Council
<b>Applicant:</b>	ESB Networks Ltd. and EirGrid plc.
<b>Date of Site Inspection:</b>	No inspection carried out (preliminary report)
<b>Inspector:</b>	Dolores McCague

# 1 INTRODUCTION

- 1.1 The project, which the Board approved in November 2009, ref. no. VA0003, under the Strategic Infrastructure Development provisions of the legislation, comprised:
1. A 110 kV overhead electricity line approx. 68km in length from Binbane (south east of Glenties) to Letterkenny.
  2. A 110 kV overhead electricity line approx. 33km in length from Ardnagappary (at Gweedore Business Park) to Tievebrack.
  3. A switching station at Tievebrack to connect the Ardnagappary Tievebrack line with the Binbane Letterkenny line.
  4. A new 110 kV/38 kV station at Ardnagappary.
    - Works to facilitate the looping of the 38kV line into the new substation at Ardnagappary, (loop line 520 metres length)
  5. Additional electrical apparatus at the existing Letterkenny 110kV substation.

The project was jointly sponsored by EirGrid, the Transmission System Operator (TSO), and ESB, the Networks the Distribution System Operator (DSO)

- 1.2 On 19<sup>th</sup> October 2015, the Board received a request under section 146 of the Planning and Development Act 2000, as amended, to make a number of alterations to this development.
- 1.3 Pre-application discussions had taken place between the applicant and the Board in relation to these alterations (file ref. 17.VC0071) between January 2014 and May 2015. The record of the final meeting indicates that the prospective applicant was advised of three options for progressing the case, which were set out for the Board; with the Board issuing a direction that a request be made under option 2.
- 1.4 Option 2 states

*'Without prejudice to future decisions of the Board, that the prospective applicant be advised that it is the view of the Board that a request for amendments could be submitted under section 146B of the Act. The Stage 1 Appropriate Assessment Screening Report and the Natura Impact Statement would be required to be submitted with the request for consideration. The Board would consider whether the proposed*

*alterations were material or not. If the proposed alterations were considered to be material, the Board would invite submissions from the public, including in relation to the submitted Stage 1 Appropriate Assessment Screening Report and the Natura Impact Statement and potential significant effects on European sites. Following advertising and receipt of any submissions the Board would proceed to assess the proposal in the normal way with a report from the Inspector, consideration by the Board and completion of an appropriate assessment. As part of its consideration, the Board would have to determine whether the alterations would be likely to have significant effects on the environment. It is not necessarily considered that because a Natura Impact Statement is submitted that there would be de facto be considered to be a significant effect on the environment, however, this is a decision which would have to be made as part of any assessment under section 146B. If it is determined that the proposed alteration would be likely to have significant effects on the environment, the Board would invoke the provisions of section 146C and require the requester to submit an environmental impact statement. If it is determined that the proposed alteration would not be likely to have significant effects on the environment, the requester would not be required to submit an environmental impact statement. The Board would proceed to decide whether or not to make the proposed alteration.'*

- 1.5 The record of the final meeting further states that *'having regard to the information submitted as part of this process, it was the Board's representatives views that the Board is likely to consider the proposed alteration to be material and would invite submissions from the public in relation to the request'*.
- 1.6 That pre-application consultation request was subsequently withdrawn by the applicants who stated their intention to lodge a 146B amendment application.
- 1.7 The Board approved a previous alteration to the scheme in 2013 (ref no VM0004), in relation to the relocation of eight polesets and one angle mast and the change of one angle mast to a poleset.

## **2 LEGISLATIVE BASIS**

- 2.1 Section 146B (1) of the Planning Acts 2000 to 2011, allows a person who intends to carry out a strategic infrastructure development to request the Board to alter the terms of the approved development. The

Board must decide whether to do so would constitute a material alteration in the terms of the development. If it decides that it would not be material the Board must alter the permission. Prior to making this decision the Board may invite submissions and have regard to those submissions.

- 2.2 If the Board decides that it would be material, it may make the alteration, make an alteration that would be different to that requested or refuse to make the alteration, after determining whether such alteration would be likely to have significant effects on the environment. The Board must engage in public notification/consultation prior to making a determination in relation to the likelihood of significant effects on the environment.
- 2.3 If the Board decides that there is a likelihood of significant effects on the environment, the proposer will be required to prepare an Environmental Impact Statement and a consultation process must precede Environmental Impact Assessment by the Board.
- 2.4 This report is intended to address the first step in the process which requires the Board to determine whether or not the alteration proposed to VA0003 is a material alteration.

### **3 PROPOSAL**

- 3.1 The proposal is to make amendments to development consented under PL05.VA0003. The alterations to the approved scheme comprise:
- Relocation of the previously permitted switching station located at Tievebrack to a new site at Drumnalough, (Fig 3.1)
  - Construction of four additional polesets (177, 178, 179 and 180) and one end mast (181) on the Ardnagappary – Tievebrack 110kV line and two additional angle masts (130a, 130b) on the Binbane – Letterkenny 110kV line to facilitate the new switching station location. Three temporary angle masts are also required (T1, T2 and T3) during construction to divert the live Binbane – Letterkenny 110kV line; as it is not permitted to work under a live line; these structures will be removed once construction is completed.

- Minor movements of structures (27, 29, 82, 117, 160, 166, 169, 172 and 176) on the permitted Ardnagappary – Tievebrack 110kV line route. These moves will be along the same alignment and will not alter the route corridor.

## **4 APPLICATION DOCUMENTS**

- 4.1 The application for approval is accompanied by two bound volumes.
- 4.2 Volume 1 sets out the planning context, legislative context, location context; the reason for the proposed amendments; a description of the locations; construction methodology and mitigation measures; evaluation of proposed amendments; and a conclusion section. There are 10 appendices:
- Appendix 1 - Copies of Board orders VA003 and VM0004;
  - Appendix 2 - Construction Methodology;
  - Appendix 3 - EIA Screening;
  - Appendix 4 - Appropriate Assessment (AA) Screening;
  - Appendix 5 – NIS;
  - Appendix 6 - Copy of documentation submitted to the DAU and their response;
  - Appendix 7 - Landscape and Visual Assessment;
  - Appendix 8 - Flood Risk Assessment;
  - Appendix 9 - Cultural Heritage Report;
  - Appendix 10 - Noise assessment.
- 4.3 Volume 2 contains drawings
- 4.4 Volume 1 at 2.2, in referring to the legislative context, states that the proposers understand that the amendments, would, as proposed, having regard to their nature and scale, constitute a material alteration of VA0003.
- 4.5 The proposed development as described is:

The proposed switching station site at Drumnalough is located approximately 1km south east of the original Tievebrack site, see Figure 1-1 in Appendix 2 of the documentation provided.

The relocation site is within the same river valley, but south rather than north (as in the existing scheme) of the Stracashel river: a samlonid river where freshwater pearl mussel there present.

This site was selected because it includes an area of shallow peat, in which the peat depth is less than 0.5 metres on which the switching station could be constructed.

Drumnalough site is an existing conifer plantation, in which a mature forest compartment was clear-felled in 2009/10 and re-planted within two years. The site is accessed via an existing forest road. The road was extended by some 100m into the site to facilitate felling and timber extraction in 2009/10. A network of forest drains and cross drains is present within the site.

The proposed switching station construction and its associated ancillary works entail the use of heavy machinery over difficult terrain in an environment which is naturally wet and which contains an extensive drainage network. The switching station will require excavation in order to provide foundations for the structures. Two areas are proposed for the secure deposition of excavated materials: an area adjoining the switching station to the north and east, with a stone berm to be constructed to provide containment, and Material Deposition Area (MDA), to be provided at an existing borrow pit from which rock has been excavated previously, at a location approximately 1.3km to the east on the existing forest access road to the proposed switching station site.

To facilitate the station relocation it is necessary to extend the Ardnagappary to Tievebrack 110kV line by approximately 1km in order to connect with the Binbane to Letterkenny 110kV line at the proposed Drumnalough switching station, as it previously connected at Tievebrack. Four additional polesets will be required: IMP 177, IMP 178, IMP 179, IMP 180 and one additional angle mast (AM181) located at the northern side of the proposed switching station site.

Two additional angle masts are required on the Binbane to Letterkenny 110kV line to break the overhead line at the Drumnalough site: one

immediately to the north of the switching station (BL\_AM 130a) and one immediately to the south (BL\_AM 130b).

Since the Binbane to Letterkenny line has already been constructed and energised, it will also be necessary to construct three temporary angle masts (T1, T2 & T3) in order to divert the line away from the switching station construction site, for safety reasons.

- 4.6 The relocation of the switching station, and the other consequential alterations, arise from detailed confirmatory site investigations at the Tievebrack site, subsequent to the Board's approval of the project. The re-evaluation of the site in accordance with an updated risk evaluation methodology adopted by ESBI since 2008, placed the Tievebrack site in the significant risk category, due to the depths of peat present at the site, the prevailing ground conditions, and an updated approach to peat stability site risk assessment. Having considered a number of options, including amended proposals for developing the Tievebrack site, and relocating to other potential sites; relocation to the Drumnalough site was identified as the most suitable option.
- 4.7 Additional moves are proposed to structures, not associated with the switching station relocation, on the Ardnagapparry – Tievebrack 110 kV Line; similar to the moves agreed by the Board in relation to VM0004 (July 2013). These structures will be moved along the alignment. The previously permitted line route will not be affected. The moves range in distance from 10m to 46m as detailed in Table 3-1. In a number of these locations unforeseen construction hazards, ecological hazards or clearance issues have been identified.
- 4.8 The proposed switching station site, which will be accessed by an existing forest road, covers, in total, an area in the region of 208m x 178m, (almost 4ha). The fenced compound within this area is 55.4m x 78.2m.
- 4.9 Two areas are proposed for the secure deposition of excavated materials: an area adjoining the switching station to the north and east, with a stone berm to be constructed to provide containment (to take 80% of the storage requirement (max 5,600m<sup>3</sup>)), and a Material Deposition Area (MDA), to be provided at an existing borrow pit from which rock has been excavated previously, at a location approximately 1.3km to the east on the existing forest access road to the proposed switching station site (to take 1400m<sup>3</sup>, 20% of the storage requirement).

- 4.10 Stone for the switching station and associated structures will be taken from a borrow pit (previously referred to) owned by Coillte; and this borrow pit will also be used as a materials deposition area.
- 4.11 In the documentation provided to the Board, water and sediment control, and the avoidance of peat slippage is strongly emphasised; with detailed construction management proposals in this regard.

## **5 BOARD CORRESPONDENCE**

- 5.1 The request was received on the 19<sup>th</sup> October 2015.
- 5.2 The Board wrote to Donegal County Council on the 22<sup>nd</sup> October stating that the request had been received and enclosing a copy of the request, which, they were advised, may be made available for public inspection.
- 5.3 The planning authority was not invited to make any submission at this stage.

## **6 ASSESSMENT**

- 6.1 This assessment is confined to considering, based on the documents on the files and on other files in the Board's possession, whether or not the alterations proposed constitute a material alteration.
- 6.2 **Approved Project**
- 6.3 On the 27<sup>th</sup> October the Board's decided to approve the 110kV line development, VA0003, in accordance with 6 conditions. The conditions included condition no. 1 which required the development to be carried out in accordance with the plans and particulars lodged and with the mitigation measures proposed in the EIS.



#### 6.4 **Significance of Alterations**

- 6.5 A switching station at the currently proposed site at Drumnalough did not arise for consideration either by the proposers, in their pre application examination of options, or by the Board.
- 6.6 The proposed switching station occupies a site of some 3.7ha in addition there are ancillary developments including improvements to the access road and materials extraction and deposition. The proposed revised switching station location and all the related and unrelated line alterations take place in an area of natural heritage significance.
- 6.7 The proposer carried out a stage 1 screening report on the revisions, and based on that report prepared a natura impact statement; the process therefore indicated the likelihood that the project would have significant effects, individually or in combination with other plans and projects, on a European site (or sites), in view of the site's conservation objectives. Natura 2000 sites identified as overlapping with, being in the vicinity of, or being downstream and hydrologically linked to the proposed amendments to the project are: West of Ardara/Maas Road SAC, Cloghernagore Bog and Glenveagh National Park SAC, Derryveagh and Glendowan Mountains SPA and Gweedore Bay and Islands SAC
- 6.8 The Board must carry out a stage 2 appropriate assessment, before consenting to the revisions.
- 6.9 It is worth noting for the Boards information that the record of the final pre-application consultation request meeting records that the Board's representatives stated their view that the Board is likely to consider the proposed alteration to be material and would invite submissions from the public in relation to the request. It is also worth noting for the Boards information that the proposers (at page 2 of the planning report, in volume 1 of the documentation submitted) state that they understand that the amendments, having regard to their nature and scale, would constitute a material alteration of the approved project.

### 7 **CONCLUSION**

There is provision in the legislation for the Board, if it so wishes, to invite submissions by persons, including the public, prior to making a decision in relation to whether the proposed alterations constitute material alterations to the approved scheme

If the Board decides that the alterations are material, notice must be given and information relating to the request must be made available

either by the Board or by the referrer. Submissions must be invited in relation to whether or not the alteration would be likely to have significant effects on the environment. In this regard I wish to advise the Board that it is not likely that an alternative alteration will emerge during the course of examining the subject request.

A full report, following a site inspection, will be prepared at the expiry of the submission period.

## **8 RECOMMENDATION**

Based on the information on this file I recommend that the Board should decide that having regard to their nature and scale the proposed alterations constitute material alterations to the approved scheme.

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Dolores McCague

Inspectorate

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Date