

+353 (0)49 555 5050

Clondargan, Stradone, Cavan, H12 NV06, Ireland

www.galetechenergyservices.ie



The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

16 February 2026
Our Ref: 258WHI
Your Ref: ABP-322078-25

Dear Sir/Madam,

Re: Request in accordance with Section 146B of the Planning and Development Act 2000 (as amended) regarding development permitted pursuant to An Coimisiún Pleanála Reference ABP-322078-25.

Location: Shankill and Ballygorteen, County Kilkenny; and Moanmore, Lackan and Baunreagh, County Carlow.

1.0 INTRODUCTION

On behalf of our client, White Hill Wind Limited (hereafter referred to as 'the Requester'), we hereby submit a request to An Coimisiún Pleanála ('the Commission') pursuant to Section 146B of the Planning & Development Act 2000 (as amended) ('the Planning Act') to alter the terms of the above-referenced Strategic Infrastructure Development (SID).

The documentation furnished to the Commission as part of this request comprises:-

- Cover Letter;
- Drawings including site location plans and site layout plans;
- Environmental Impact Assessment Screening; and,
- Addendum Natura Impact Statement.

2.0 LEGISLATIVE PROVISIONS

Section 146B(1) of the Planning Act provides that, upon the request of any person who is carrying out or intending to carry out a SID permitted pursuant to Section 37 of the Planning Act, the Commission may alter the terms of the permitted development. In determining whether, or not, to approve the proposed alteration, the Commission must first consider whether or not the proposed alteration is material i.e. significant (Section 146B(2)(a)). Before making this determination, the Commission may invite submissions from any third parties it considers appropriate. If the Commission determines that the proposed alteration would not constitute a material alteration, it shall alter the terms of permission accordingly.

If, however, the Commission determines that the proposed alteration would constitute a material alteration (Section 146B(3)(b)), it shall require the Requester to submit the

Environmental Impact Assessment (EIA) Screening information specified at Schedule 7A of the Planning and Development Regulations 2001 (as amended) ('the Planning Regulations') unless the Requester has already provided such information. This information shall be accompanied by any further relevant information on the characteristics of the proposed alteration and its likely significant effects on the environment including, where relevant, the results of any other assessments carried out pursuant to European Union (EU) legislation (Section 146(3A)) and any mitigation measures to avoid or prevent likely significant adverse effects on the environment (Section 146(3B)).

If, having assessed this information, the Commission determines that the proposed alteration would have no likely significant effects on the environment, it may make the proposed alteration, make an alternative alteration or refuse to make the alteration.

If the Commission determines that the proposed alteration would be likely to have a significant effect on the environment, the provisions of Section 146C shall apply and the Requester shall be required to submit an Environmental Impact Assessment Report (EIAR).

3.0 RATIONALE FOR THIS REQUEST

On 18 March 2025, the Requester submitted a SID planning application to the Commission for the development of the following:-

- A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electricity substation, including 2 no. single-storey control buildings (with a total gross floor area of 622 square metres [m²]); transformers, busbars, insulators, circuit breakers, and lightning poles, within a secure compound (with a total footprint of approximately 10,600m²);
- 2 no. lattice-type interface masts, each of which will be 16m in height, and approximately 320m of underground electricity line between the electricity substation and the interface masts to facilitate connection of the electricity substation to the existing Kellis-Kilkenny 110kV overhead electricity transmission line;
- A new site entrance from the L66732 and approximately 1.1km of access track to facilitate access to the electricity substation and interface masts;
- The demolition of an existing agricultural shed (with a total gross floor area of 210m²) to accommodate the access track leading to the electricity substation;
- The widening of the carriageway of the L66732 by approximately 1.5m over a distance of approximately 130m;
- An electrical control unit with a total gross floor area of 42m² located at the permitted White Hill Wind Farm (An Bord Pleanála Reference ABP-315365-22);
- A new site entrance from the L7117 and approximately 250m of access track to facilitate access to the electrical control unit;
- Approximately 8.8km of underground electricity line between the electricity substation and the electrical control unit to be installed within private lands and the carriageways of the L6673, L6738, L7117 and L71172 public roads; and,

- All associated and ancillary site development, excavation, construction, landscaping and reinstatement works; including a temporary construction compound and the provision of site drainage infrastructure and surface water protection measures.

On 5 September 2025, the Commission granted planning permission for the development subject to conditions ('the permitted development').

Following the decision of the Commission to grant planning permission for the permitted development, the Requester commenced the post-consent detailed design process. As part of this process, all involved landowners were again consulted in respect of the design of the permitted development and, during consultations, it became apparent that it would be necessary to alter a short section (c. 795m) of the route of the underground electricity line due to land ownership considerations.

Site location and site layout plans of the permitted development are enclosed at **Annex 1**; while plans of the proposed alteration are provided at **Annex 2** and further described at **Section 4.0** below.

4.0 SCOPE OF THE PROPOSED ALTERATION

Having regard to the above background rationale, the proposed alteration being sought by the Requester comprises:-

- 1) The rerouting of approximately 795m of underground electricity line from private lands and its installation predominately within the paved carriageways of the L6738 and L6673 local roads;
- 2) The installation of the underground electricity line beneath the Shankill Stream via horizontal directional drilling; and,
- 3) All associated and ancillary site development, excavation, construction and reinstatement works.

4.1 REROUTING OF UNDERGROUND ELECTRICITY LINE

In the townland of Shankill, to the northwest of the L6738, the permitted underground electricity line is located within private lands before crossing beneath the L6738 and continuing along its permitted route within private lands.

Immediately to the northwest of the L6738, it is proposed to reroute the underground electricity line. From this location, the electricity line will continue within private lands in a southwesterly direction for a distance of approximately 70m before entering the L6738 and being installed within the paved carriageway of the local road. The electricity line will continue within the L6738 for a distance of approximately 280m to its junction with the L6673.

The underground electricity line will then follow the L6673, in a southeasterly direction, for a distance of approximately 490m before crossing beneath the Shankill Stream and re-entering private lands.

Having entered private lands, the electricity line will rejoin the route of the electricity line as permitted.

The permitted route of the underground electricity line to be rerouted extends to approximately 795m while the proposed route has an overall length of approximately 870m

It should be noted that the design of the underground electricity line will remain

precisely as permitted; with five (5) sets of cable ducts installed within a trench c. 2.2m in width and c. 1.2m deep. As committed to in response to a submission received from Kilkenny County Council in relation to the permitted development, the cable ducts will be installed within the public road such that the depth of cover above the ducts is 950mm.

All other design features and environmental protection measures set out in the EIAR and Natura Impact Statement (NIS) for the permitted development shall be implemented in full, as relevant.

4.2 CROSSING OF SHANKILL STREAM

As described above, the revised route of the underground electricity line will pass beneath the Shankill Stream as it enters private lands from the L6673. As is the case with all other stream crossings along the route of the permitted underground electricity line, the Shankill Stream will be crossed via horizontal directional drilling (HDD). The use of this methodology will avoid any in-stream works or any direct or indirect effect on the morphology of the stream.

Launch and receptor pits will be excavated at either side of the stream; a minimum of 10m away from the stream; to accommodate the drilling rig. The bore will be at a minimum depth of 2.5m below the stream channel to ensure that there are no impacts on the respective channels. Following the installation of the ducts, the launch and receptor pits will be fully reinstated. Marker posts will be placed at either side of the stream to indicate the location and alignment of the electricity line.

The methodology, and environmental control and mitigation measures, will be precisely as described in the EIAR for the permitted development.

4.3 ANCILLARY SITE DEVELOPMENT WORKS

Construction methodologies; including excavations, spoil management, drainage control and noise control; shall be identical to those of the permitted development.

5.0 MATERIALITY TEST

As described in **Section 2.0** above, in accordance with Section 146B of the Planning Act, the Commission must first determine if the proposed alteration constitutes a material alteration. If it is determined that the proposed alteration is not material, then the Commission must proceed to issue an order altering the permission accordingly.

If, however, the proposed alteration is determined to be material, then the Commission shall require the environmental information as specified in Section 146B(3)(b), (3A), (3B) and/or (3C) to be submitted, unless that information has already been provided by the Requester. Following an assessment of this information, the Commission may determine to make the alteration, make the alteration in different terms or refuse to make the alteration.

The classes of development where an EIA is mandatory are set down in Schedule 5 of the Planning Regulations, pursuant to Article 93. Schedule 5 consists of two parts; Part 1 corresponds to Annex I of the EIA Directive and an EIA is mandatory for all projects listed therein. Part 2 corresponds with Annex II of the EIA Directive and, where a listed project meets or exceeds the specified threshold, an EIA is also a mandatory requirement.

The SID planning application for the permitted development was accompanied by

an EIAR, and the permitted development was subject to EIA by the Commission, as the development comprises the connection of a wind energy development, which was also subject to EIA, to the national electricity network¹.

As the proposed alteration relates to a permitted development which has previously been subject to EIA, the Requester submits that Schedule 5, Part 2, Paragraph 13, 'Changes, extensions, development and testing', is the applicable criteria for assessing whether an EIA is required and which states at paragraph (a):-

"Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this schedule, and*
- (ii) result in an increase in size greater than –*
 - 25 per cent, or*
 - an amount equal to 50 per cent of the appropriate threshold,*

whichever is the greater"

In the first instance, the proposed alteration is not a change or extension referred to in Part 1 (of Schedule 5) and will also not give rise to a development of a type listed at Part 1 of Schedule 5 of the Planning Regulations. Secondly, the permitted development has previously been subject to EIA and the proposed alteration will not result in a development listed at paragraphs 1 to 12 of Part 2 of Schedule 5.

Thirdly, the proposed alteration will not result in an increase in the size of the permitted development by greater than 25% or engage any of the thresholds set out at Schedule 5, Part 2.

Accordingly, the Requester submits that the proposed alteration does not fall for mandatory assessment under the EIA Directive and, given that the proposed alteration is very minor in nature, it does not constitute the making of a material alteration to the permitted development.

Strictly without prejudice to the above, in the event that the Commission determines that the proposed alteration is material, a sub-threshold EIA Screening has been prepared by the Requester pursuant to Section 146B(3)(b)(i) and is enclosed at **Annex 3**.

The EIA Screening includes all the information specified in Schedule 7A of the Planning Regulations and concludes that the proposed alteration, on its own or cumulatively, will have no likely significant effects on the environment.

Moreover, no further mitigation measures are required above and beyond those included in the original EIAR for the permitted development.

The Requester therefore submits that the environmental information submitted further supports the conclusion that the proposed alteration is not material. However, in the event that the Commission determines that the proposed alteration is material, all the required environmental information has already been provided which concludes that the preparation and submission of an EIAR pursuant to Section 146C is not required. Accordingly, the Commission can proceed to make the proposed alteration.

¹ O'Gianna & Ors. v. An Bord Pleanála [2014] IEHC 632

6.0 HABITATS DIRECTIVE APPROPRIATE ASSESSMENT

Section 146B(3A) of the Planning Act provides that where the Requester is submitting to the Commission the information referred to in Section 146B(3)(b)(i), that information shall also be accompanied by any further relevant information including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to EU legislation, other than the EIA Directive, have been taken into account.

Following the completion of a Stage 1 Appropriate Assessment Screening, a full Natura Impact Statement (NIS) pursuant to the EU Habitats Directive (92/43/EEC) was prepared in respect of the permitted development and submitted as part of the SID planning application. In its assessment of the development, the Commission determined that the permitted 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.”

As described above, the Requester submits that the proposed alteration is very minor in nature and does not constitute the making of a material alteration to the permitted development. Accordingly, the Commission is not required to proceed to assess this request pursuant to Section 146B(3A).

Nevertheless, and strictly without prejudice to the above and having regard to the precautionary principle and the Commission’s general obligations pursuant to the Habitats Directive, in the event that the Commission determines that the proposed alteration is material, an *Addendum to Appropriate Assessment Screening and Natura Impact Statement* (‘Addendum NIS’) has been prepared to support this request and to assess whether the proposed alteration could result in any likely significant effects on European designated nature conservation sites (Natura 2000), both individually and in combination with other existing, permitted and proposed developments. The Addendum NIS, enclosed at **Annex 4**, concludes beyond all reasonable scientific doubt that the proposed alteration, either alone or in combination with any other plans and projects, will not undermine the integrity of any European (Natura 2000) sites having regard to their conservation objectives.

7.0 COMPLIANCE WITH CONDITIONS OF CONSENT

As discussed above, Section 146B(3B) of the Planning Act provides that, where the Requester is submitting to the Commission the information referred to in Section 146B(3)(b)(i), that information may be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise be significant adverse effects on the environment of the proposed alteration.

Again, as described above, the Requester submits that the proposed alteration is very minor in nature and does not constitute the making of a material alteration to the permitted development. Accordingly, the Commission is not required to proceed to assess this request pursuant to Section 146B(3B).

Nevertheless, and strictly without prejudice to the above, in addition to the information provided at **Annex 3**, which assesses that the proposed alteration will have no likely significant effect on the environment and that no further mitigation measures are required above and beyond those included in the original EIAR for the permitted development, the Commission attached a total of twelve (12) conditions of consent to the grant of planning permission. We have examined each condition to

assess whether the proposed alteration can be achieved without affecting compliance with same.

In summary, it can be confirmed that the proposed alteration can be implemented in full compliance with all extant conditions of the consent. A selection of key conditions which are considered specifically relevant to this request are further addressed in the following sections.

7.1 CONDITION No. 1

The proposed development shall be carried out and completed in accordance with the plans and particulars, lodged with the application to An Coimisiún Pleanála on the 18th day of March 2025 and the undertaker's response to submissions to the proposed development received by the Commission on the 16th day of July 2025, as it relates to the construction phase access to the substation site, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the undertaker shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity and to protect the amenities of properties and sensitive receptors in the vicinity

The Requester can confirm that, other than the proposed alteration which is the subject of this request (or any future request which may be approved by the Commission pursuant to Section 146B), the permitted development shall be carried out and completed in full accordance with the plans and particulars lodged with the planning application on 18 March 2025 and the Requester's response to submissions on the proposed development received by the Commission on 16 July 2025.

7.2 CONDITION No. 3

The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment and the undertaker's response to submissions to the proposed development received by the Commission on the 16th day of July 2025, shall be implemented.

Reason: In the interests of clarity and to protect the environment.

The Requester can confirm that the mitigation and monitoring measures as set out in the EIAR and the Requester's response to submissions on the proposed development will be implemented in full.

No further mitigation measures are required above and beyond those provided for in respect of the permitted development.

7.3 CONDITION No. 4

The mitigation and monitoring measures contained in the submitted Natura Impact Statement and the undertaker's response to submissions to the proposed development received by the Commission on the 16th day of July 2025, shall be implemented.

Reason: In the interests of clarity and to protect the integrity of European Sites

The Requester can confirm that the mitigation and monitoring measures as set out in the NIS and the Requester's response to submissions on the proposed development

will be implemented in full.

No further mitigation measures are required above and beyond those provided for in respect of the permitted development.

7.4 CONDITION No. 6

A suitably qualified Project Ecological Clerk-of-Works and Licenced Ecologist shall be retained by the undertaker to undertake pre-construction surveys at the various project elements, including any river crossings, immediately prior to commencing work in order to check for the presence of protected species in the vicinity (including badgers, otters, nesting birds, bats and common lizard). The mitigation measures contained in Annex 1.9 of Volume II of the submitted Environmental Impact Assessment Report shall be implemented in their entirety. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record. Where necessary, the project ecologist shall have 'Cease Works' powers

Reason: In the interests of nature conservation and the protection of ecology and wildlife in the area.

The Requester can confirm that the requirements of this condition shall be implemented in full; the proposed alteration will not affect the ability of the development to comply with the condition; and the scope of pre-construction surveys shall incorporate the proposed alteration and, in particular, to the crossing of the Shankill Stream.

7.5 CONDITION No. 7

- (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authorities for such works in respect of both the construction and operation phases of the proposed development.*
- (b) All works in the vicinity of watercourses shall be in accordance with the recommendations in Inland Fisheries Ireland's Guidance Document on Protection of Fisheries during Construction Works in and adjacent to Waters, 2016, shall be referred to in the Construction and Environmental Management Plan (CEMP) and shall be supervised by an Ecological Clerk of Works.*
- (c) Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.*
- (d) The undertaker shall ensure that all soil and water quality related mitigation measures are implemented in full and monitored throughout the life cycle of the construction works and monitored throughout the operational phase*

Reason: In the interests of environmental protection and public health.

It is assessed that the proposed alteration will not affect the ability of the development to comply with this condition and the Requester can confirm that all requirements shall be adhered to in full.

7.6 CONDITION No. 8

All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to

the satisfaction of the planning authorities at the undertaker's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authorities prior to commencement of development.

Reason: In order to protect the road network

It is assessed that the proposed alteration will not affect the ability of the development to comply with this condition and the Requester can confirm that all requirements shall be adhered to in full.

In particular, the revised route of the underground electricity line; including road surfaces, culverts, watercourses, verges and public lands; shall be protected and reinstated in the event of any damage occurring. The relevant sections of the L6738 and L6673 shall be subject to a road condition survey.

7.7 CONDITION No. 9

Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to, and agreed in writing with, the planning authority, generally in accordance with the Preliminary Construction Environmental Management Plan and Construction Traffic Management Plan submitted with the application. The Construction Environmental Management Plan shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a community liaison officer, construction hours and the management, transport and disposal of construction waste;*
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;*
- (c) traffic management and road safety procedures and measures for the duration of underground cabling works under public roads;*
- (d) an emergency response plan, and*
- (e) proposals in relation to public information and communication. A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.*

Reason: In the interests of environmental protection and orderly development.

The scope of the proposed alteration will be fully incorporated within the Construction Environmental Management Plan; and particularly in respect of construction methodologies, construction programme, traffic management, road safety procedures and public information and communications. Accordingly, the proposed alteration will have no effect of the ability of the overall development to comply with this condition.

7.8 CONDITION No. 10

The undertaker shall facilitate the archaeological appraisal of the site, and shall

provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the undertaker shall:

- (a) notify the relevant planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the undertaker shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

The land take of the proposed alteration will be fully incorporated within the archaeological appraisal and monitoring proposals. Accordingly, the proposed alteration will have no effect of the ability of the overall development to comply with this condition.

8.0 CONCLUSION

As described at **Section 2.0** above, Section 146B of the Planning Act provides for immaterial and material alterations to be made to developments permitted under Section 37 of the Planning Act. In this instance, the proposed alteration to the permitted development comprises the rerouting of a permitted underground line and associated ancillary development.

Having regard to the characteristics of the proposed alteration, the characteristics of the receiving environment, the conclusions of the EIA Screening and the findings of the Addendum NIS; the Requester submits that the proposed alteration does not constitute a material alteration to the permitted development and will not result in any likely significant adverse effects on the environment. Accordingly, the Commission can proceed to alter the permission.

If, however, the Commission is of the opinion and determines that the proposed alteration is a material alteration to the permitted development, the Requester submits that all of the relevant information required under Section 146B(3)(b)(i) has been provided to the Commission. In particular, an EIA Screening in accordance with Schedule 7A of the Planning Regulations has been provided with this request and includes all of the information required pursuant to Section 146B(3A) and Section 146B(3B) which concludes that the preparation and submission of an EIAR pursuant to Section 146C is not necessary. Accordingly, the Commission can proceed to make the proposed alteration.

The Requester therefore respectfully requests the Commission to alter the terms of the

planning permission to provide for:-

- 1) The rerouting of approximately 795m of underground electricity line from private lands and its installation predominately within the paved carriageways of the L6738 and L6673 local roads;
- 2) The installation of the underground electricity line beneath the Shankill Stream via horizontal directional drilling; and,
- 3) All associated and ancillary site development, excavation, construction and reinstatement works.

We trust that this information is in order, but should the Commission require any further information please do not hesitate to contact us.

Yours sincerely,

Galetech Energy Services

Galetech Energy Services

ANNEX 1 – DRAWINGS OF PERMITTED DEVELOPMENT



ANNEX 2 – DRAWINGS OF PROPOSED ALTERATION



ANNEX 3 – ENVIRONMENTAL IMPACT ASSESSMENT SCREENING



ANNEX 4 – ADDENDUM NATURA IMPACT STATEMENT

