

Planning Department
Monaghan County Council
Council Offices
No.1 Dublin Street
Monaghan
Co. Monaghan

MON. CO. CO.
PLANNING SECTION

24 MAY 2022

Date: 23 MAY 2022

Re: Amendments to An Bord Pleanála case reference ABP-309119-21 for a 110kV loop-in/loop-out substation including substation compound, associated electrical plant and apparatus

Drumanan and Cornwall, Newbliss, County Monaghan

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case.

A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.leanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Tell	Tel	(01) 858 8100
Gao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.leanala.ie
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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
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Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

MM12

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Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

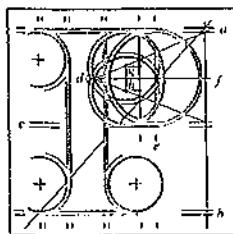
General information on judicial review procedures is contained on the following website, www.judicialreview.ie

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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An
Bord
Pleanála

Board Order
ABP-312710-22

Planning and Development Acts, 2000 to 2021

Planning Authority: Monaghan County Council

(Associated application reference number: ABP-309119-21)

REQUEST received by An Bord Pleanála on the 11th day of February 2022, from Drumlins Park Wind Farm Limited, care of Jennings O'Donovan & Partners Limited, Finisklin Business Park, County Sligo under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development comprising a 110kV loop in-loop out substation with underground transmission cables and associated works in Drumanan and Cornwall, Newbliss, County Monaghan, the subject of an approval under An Bord Pleanála reference number ABP-309119-21.

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by Order dated the 4th day of November 2021,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the proposed alteration is described as follows:

- Alter the terms of condition number 3(a) and number 3(c),

AND WHEREAS having regard to the limited extent of the changes proposed, the Board decided, in accordance with section 146B(2)(b) of the Planning and

Development Act 2000, as amended, not to invite submissions or observations in relation to the matter from other persons,

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

AND WHEREAS having considered all 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 abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 11th day of February 2022, for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the terms of the development approved under section 182B of the Planning and Development Act, 2000, as amended, under An Bord Pleanála reference number ABP- 309119-21 on the 4th day of November 2021 and to the nature and limited scale of the changes now proposed, it is considered that the proposed alterations, either individually or in combination with other plans or projects, would not be likely to have any significant effect on the environment, or on any European Site having regard to their conservation objectives, 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. The proposed alterations, therefore, would not constitute a material alteration of the terms of the development concerned.

CONDITIONS

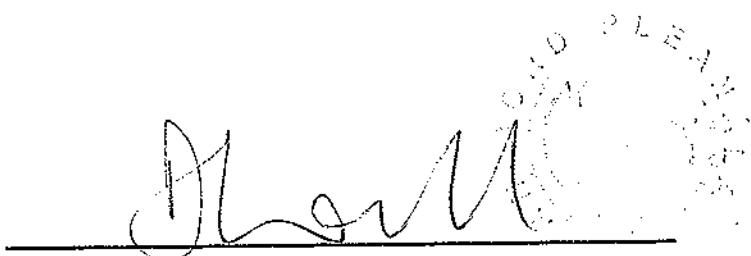
Condition number 3 shall be amended as follows:

1. Amend Condition number 3(a):

No artificial lighting shall be installed or operated on site, except for manually operated night time lighting in the event of an emergency, unless otherwise authorised by a prior grant of permission.

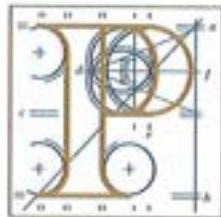
2. Retain Condition number 3(c).

Reason: in the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.



Dave Walsh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 20th day of May 2022



Chief Executive Officer
Monaghan County Council
Council Offices
No.1 Dublin Street
Monaghan
Co. Monaghan

MONAGHAN CO. COUNCIL

04 MAY 2022

CORPORATE AFFAIRS

MON. CO. CO.
PLANNING SECTION

04 MAY 2022

Date: 03 May 2022

Re: Amendments to An Bord Pleanála case reference ABP-309119-21 for a 110kV loop-in/loop-out substation including substation compound, associated electrical plant and apparatus
Drumanan and Cornwall, Newbliss, County Monaghan

Dear Sir / Madam,

Please be advised that the Board has received a request in accordance with section 146B of the Planning and Development Act 2000, as amended, to alter An Bord Pleanála case reference number ABP-309119-21.

A copy of the said request is enclosed herein for your information and may be made available for public inspection at the offices of the local authority.

Please be advised that, at this stage, you are not invited to make any submissions in relation to the matter to the Board.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Yours faithfully,

Sarah Caulfield

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

MM02

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The Secretary,
 An Bord Pleanála,
 64 Marlborough Street,
Dublin 1.

6592/401/005/BC

21st April 2022

**Re: Non-Material Alteration to a Strategic Infrastructure Development (SID) APB
 Reference 309119-21)**

Dear Sirs,

On behalf of our Client, Drumlins Park Limited, we hereby submit an application for a Non-Material Alteration to a Strategic Infrastructure Development (SID) following the grant of planning permission by An Bord Pleanála (ABP) for a 110kV "loop in-loop" out substation with underground transmission cables & associated works in Drumanan and Cornawall, Newbliss, Co. Monaghan. (APB Reference 309119-21).

Accordingly, we enclose the following items for your consideration:

1) Planning Report which includes the following appendices:

- ABP Decision 309119-21
- Planning Drawings
- Ecological Impact Assessment Amendment Report
- Natura Impact Assessment Amendment Report

We look forward to receiving your formal acknowledgment of this Non-Material Alteration in due course.

Please note that the requisite fee will be paid under separate cover via Electronic Fund Transfer.

In the meantime, do not hesitate to contact Ms Breena Coyle should you require any further clarification or information on the application.

Yours faithfully,

Breena Coyle

For: Jennings O'Donovan & Partners Ltd.

Encl./



6592/401/005/BC

27th April 2022

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Re: **Non-Material Alteration to a Strategic Infrastructure Development (SID) APB**
Reference 309119-21)

Dear Sir/Madam

It has come to my notice that there is an error in Section 4 of the planning report submitted for the above application for a Non-Material Alteration (Application Reference 313410-22).

Paragraph 4.1 of the planning report states "*There is one S146B application currently pending consideration under APB Reference ABP-309119-21 for the site. This is due to be determined on the 20 May 2022.*"

However, the incorrect planning reference is cited above. Paragraph 4.1 should state that following:

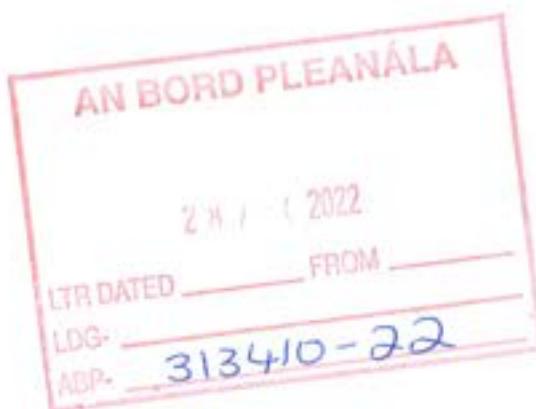
*"There is one S146B application currently pending consideration under APB Reference **ABP-312710-22** for the site. This is due to be determined on the 20 May 2022."*

In the meantime, do not hesitate to contact Ms Breena Coyle should you require any further clarification or information on the application.

Yours faithfully,

Breena Coyle
For: Jennings O'Donovan & Partners Ltd.

Encl./



DRUMLINS PARK LIMITED

DRUMLINS PARK WIND FARM, CO. MONAGHAN

PLANNING REPORT S146B APPLICATION

APRIL 2022

AN BORD PLEANÁLA

23 APR 2022

LTR DATED _____ FROM _____

LDG- _____

ABP- 313410-22

Drumlins Park Limited,
The Liberty Building,
Blanchardstown Retail Park,
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DOCUMENT APPROVAL

PROJECT	Drumlins Park Wind Farm, Co. Monaghan	
CLIENT / JOB NO	Drumlins Park Limited	6592
DOCUMENT TITLE	S146B Application to An Bord Pleanála	

Prepared by

Reviewed / Approved by

Document Final	Name Breena Coyle	Name David Kiely
Date April 2022	Signature 	Signature

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- (b) By release of the report to the Third Party, that Third Party does not acquire any rights, contractual or otherwise, whatsoever against JENNINGS O'DONOVAN & PARTNERS LIMITED and JENNINGS O'DONOVAN & PARTNERS LIMITED, accordingly, assume no duties, liabilities, or obligations to that Third Party; and
- (c) JENNINGS O'DONOVAN & PARTNERS LIMITED accepts no responsibility for any loss or damage incurred by the Client or for any conflict of JENNINGS O'DONOVAN & PARTNERS LIMITED's interests arising out of the Client's release of this report to the Third Party.

Directors: D. Kiely, C. McCarthy
 Regional Director: A. Phelan
 Consultants: C. Birney, R. Gillan

Senior Associates: R. Davis, S. Gilmartin, J. Healy, S. Lee,
 J. McElvaney, T. McGloin, S. Molloy
 Associates: M. Forbes, A. Garley, D. Gullfoyle,
 L. McCormack, M. Sullivan

Company Reg No. 149104 VAT Reg. No. IE6546504D



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1 INTRODUCTION

1.1 Proposed Development

Jennings O'Donovan & Partners Ltd., Consulting Engineers, have prepared this Planning Statement ("the Statement") on behalf of The Applicant "Drumlins Park Wind Farm Ltd" for a non-material alteration to a Strategic Infrastructure Development (SID) following the grant of planning permission by An Bord Pleanála (ABP) for a 110kV "loop in-loop" out substation with underground transmission cables & associated works in Drumshan and Cornwall, Newbliss, Co. Monaghan. (APB Reference 309119-21).

2 LEGISLATIVE FRAMEWORK

2.1 Introduction

Section 146B (1) of the Act provides that on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, An Bord Pleanála can alter the terms of the development, the subject of a planning permission, approval or other such consent granted under the Act.

Sections 146B(3A) and (3B) of the Act outline the requirements for the information to be submitted by the requester under Section 146B3(b)(i). Section 146B (4) requires that before making a determination under subsection (3)(b), the Board must determine whether the extent and character of the alteration requested or any alternative alteration it is considering would be likely to have significant effects on the environment.

Section 146B of the Act is a two-stage process. The first stage is for the Board to consider whether or not the proposed alterations would constitute 'the making of a material alteration of the terms of the development concerned' under Section 146B(2)(a). If the decision is that the making of the alteration would not constitute the making of a material alteration, then ABP must alter the planning permission under Section 146B(3)(a).

The second stage only arises if the Board decides that the proposed alterations would constitute such a material alteration under Section 146B(3)(b). Clearly, if the outcome of stage one is a decision that the proposed alteration would not constitute a material alteration, then there is no basis for addressing the matters referred to in stage two.

In this instance the changes to planning application reference 309119-21 are considered to be immaterial and as such will allow the Board to alter the terms of the Development.

3 PLANNING HISTORY

3.1 Planning History

Planning permission was granted by ABP on the 04/11/2021 for Strategic Infrastructure Development (SID) under application reference ABP-309119-21 for a 110kV "loop in-loop" out substation with underground transmission cables & associated works in Drumanan and Cornwall, Newbliss, Co. Monaghan. A copy of the Order is set out at **Appendix A**.

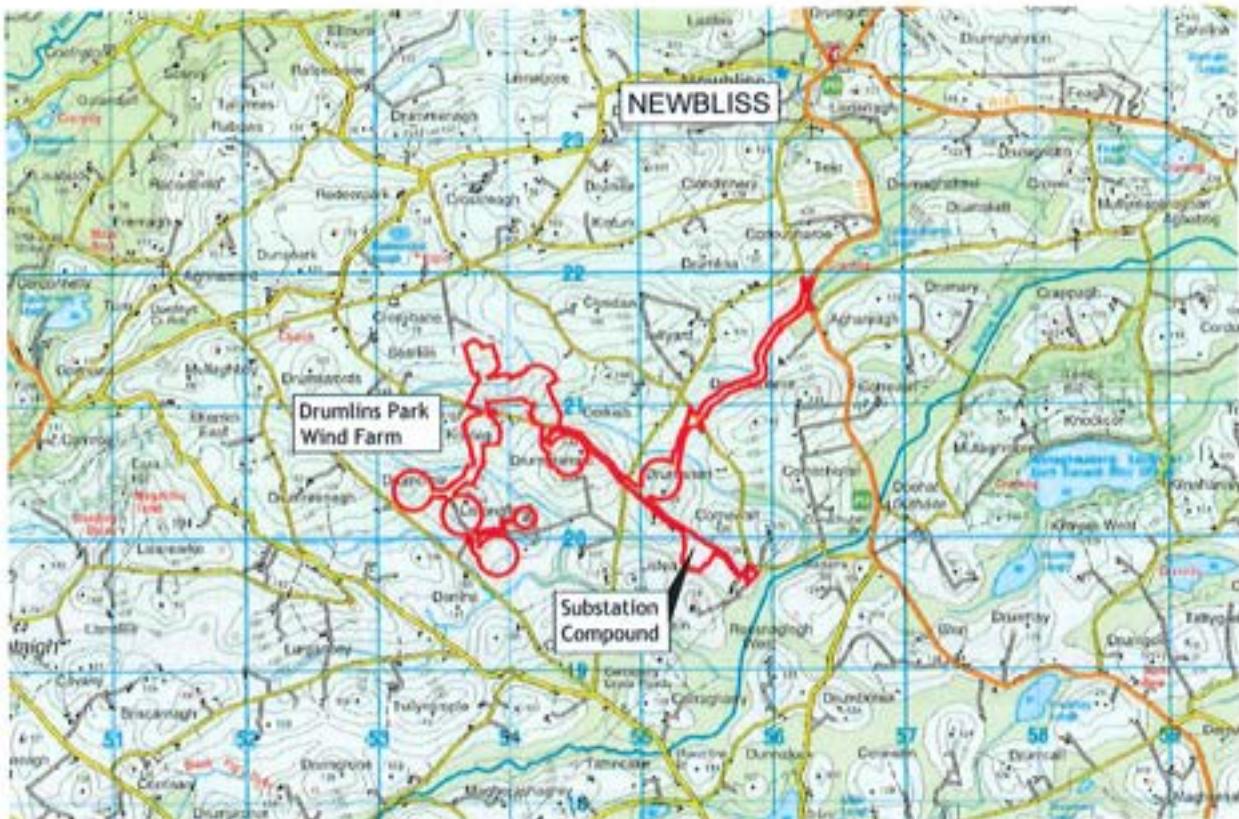


Figure 3.1: Site location plan showing the location of the consented substation

The proposed development would comprise:

- A 110kV air insulated switchgear (AIS) substation including control buildings, transformers, associated electrical equipment, security fencing & lighting.
- A battery storage compound with associated buildings.
- Ancillary site works including 2 x site entrances & on-site access tracks, and 700m of 110kV underground electricity lines
- An underground 110kV transmission line to the existing 110kV overhead transmission lines to the E (Lisdrum-Shankill) including replacement pole set with 2 x lattice-type end masts (c. 18m)

The planning application was accompanied by the following documents:

- EIAR (Vols. 1 & 2)

- *Non-Technical Summary*
- *Natura Impact Statement (NIS)*
- *Planning Report*
- *Engineering & Architectural drawings*

3.2 Planning Conditions

There were 13 planning conditions associated with the planning permission. A copy of those conditions is enclosed at Appendix A.

4 PREVIOUS 146B APPLICATIONS

4.1 ABP Reference ABP-309119-21.

There is one S146B application currently pending consideration under ABP Reference ABP-309119-21 for the site. This is due to be determined on the 20 May 2022.

5 THE PROPOSED NON-MATERIAL ALTERATION

5.1 Alteration

A Request is made to ABB to amend the terms of an approved development under section 146B of the Planning and Development Acts 2000 (As Amended). The substation will contain 2 no. control buildings; one of which, the Independent Power Provider (IPP) building, will be operated and maintained by the Applicant while the Transmission System Operator (TSO) building will be operated and maintained by Eirgrid.

The approved IPP building measures approximately 20.1m x 8.6m (gross floor area of c. 173m²) and will have an overall height of 5.5m to ridge height. The building will be constructed of blockwork and will be finished in sand and cement render, slate roof covering and steel doors. The IPP building will house switchgear and associated equipment such as incoming and outgoing circuit breakers, earth fault, protection devices, metering equipment, computers and servers while also providing welfare.

The building design will incorporate a rainwater harvesting system. Wastewater arising will be stored in a sealed foul holding-tank and will be tankered off-site as required by a local licensed waste collector. Potable water will, as required, be delivered to site by an approved local provider. Water supply and wastewater management proposals of this nature are common practice for developments of this type located in remote/rural areas with infrequent usage.

It is The IPP building that the Applicant is seeking to alter the terms of the planning permission by changing the substation design as approved under the present planning permission from an-

onsite build to a modular off-site design build and the provision of an internal compound fence line.

Figure 5.1 shows an extract of the modular design along with the approved substation footprint and the addition of an internal compound fence line

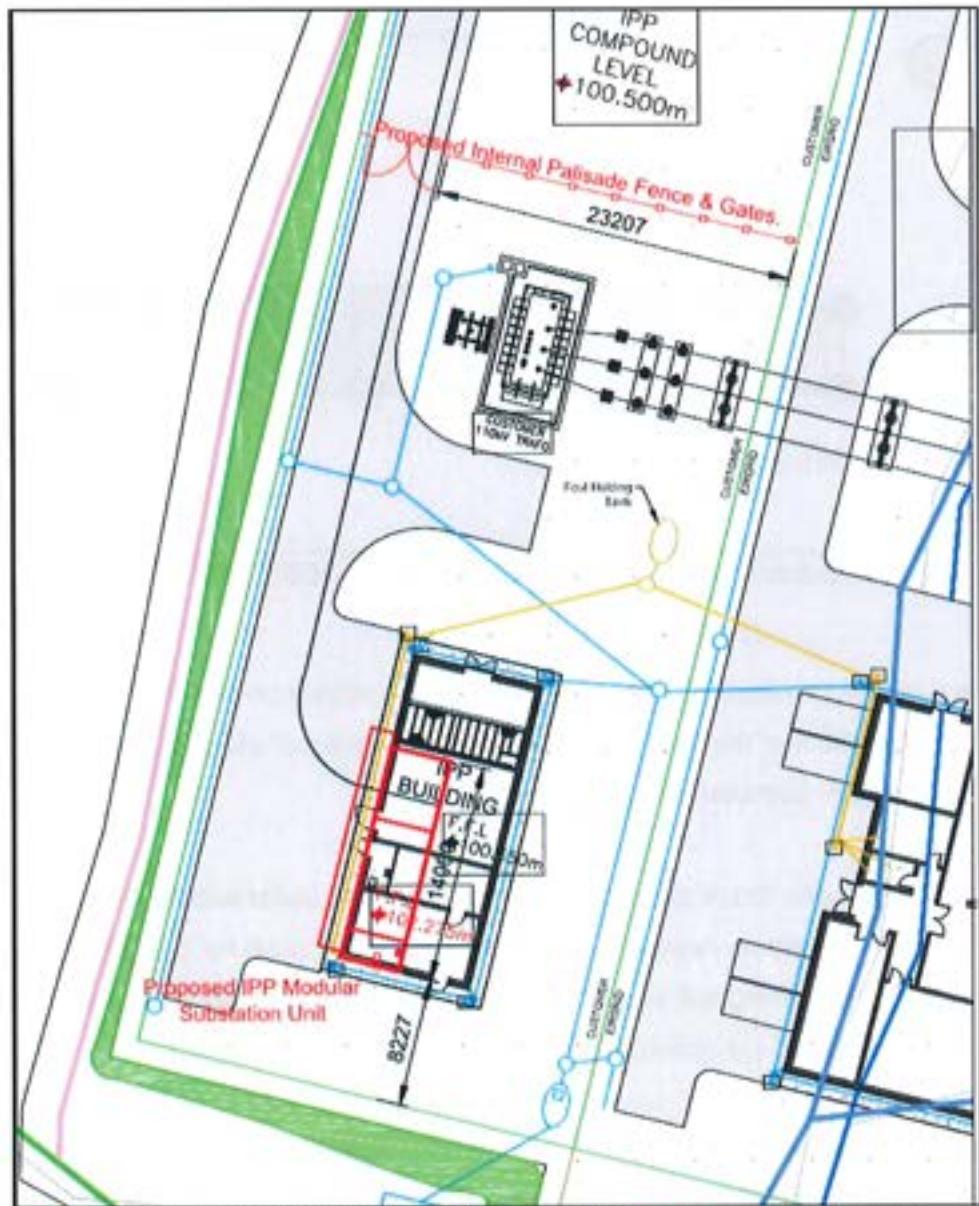


Figure 5.1: Extract from Drawing No: 6592 PL/MODSS-101

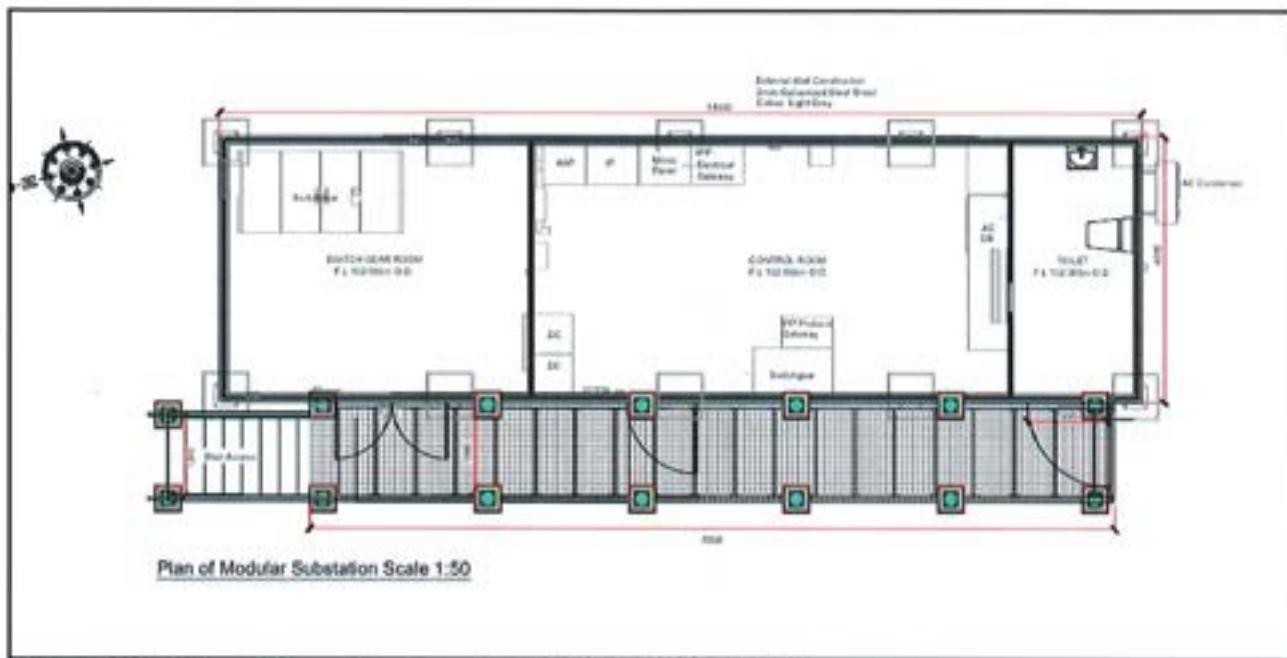


Figure 5.2: Extract from Drawing No: 6592 PL/MODSS-103

The dimensions of proposed modular design are shown on Figure 5.2 and are 14m x 4m, which is less than 50% of the footprint of the substation granted planning consent. The dimensions of the approved substation are 20.8m x 8.575.

In terms of scale, the ridge height of the proposed modular substation is 670mm lower than the consented substation design. The parameters of IPP modular design are set out in Table 5.1. The modular building will sit 1200 mm above the finish compound ground level. The planning drawings showing the non-material alteration are set at **Appendix B**.

5.2 Appearance and Materials

The consented building had a masonry finish as shown in **Figure 5.3**. The light grey finish of the proposed modular substation would be comparable in appearance but with a virtually flat roof (2.86-degree pitch).



Figure 5.3: Extract from the photomontages submitted with the EIAR

Table 5.1 provides the dimensions of the approved IPP building and the proposed modular design.

Table 5.1: Comparison between Approved and Proposed Layout

Proposed Layout	Approved Layout
Depth: 4m	Depth: 8.575
Length: 14m	Length: 20.080
Height: 4.875	Height: 5.542
Overall Floor Area: 56sqm	Overall Floor Area: 172sqm

5.3 Rationale for Change of Design

The Rationale for seeking amendments to the substation layout and design is twofold and are summarised below:

5.3.1 Reduction in Carbon Footprint

The Applicant is committed to reducing carbon footprint on projects. The primary driver for using a prefabricated structure constructed off-site and dropped onto supporting columns. This approach is more environmentally friendly than a conventional on-site build.

5.3.2 Reduction in on-site Construction Period

The modular off-site design will also save significant time in construction materials consumables.

5.3.3 Quality

The IPP Module Substation will be constructed in factory controlled conditions.

5.3.4 Internal Compound Fencing and Gates

An additional section of internal compound fencing and associated gates are required for health and safety reasons. The internal fence and gate will segregate the IPP compound, where live electrical equipment is present i.e.: power transformer, from the remainder of the compound. Only suitably trained personal will be permitted within this area. This is in line with IPP / Operator's updated Health & Safety policies.

6 PLANNING CONTEXT

6.1 Project as Approved by ABP

The 110kV substation and loop in grid connection was approved as SID under the Planning and Development Act 2000 (as amended) on the 04th of November 2021. The order contained 13 planning conditions. A copy of the order can be found at **Appendix A**.

6.2 Consideration of Materiality

This submission aims to demonstrate to the Board that the design changes to the IPP building and the provision of internal compound fencing would not constitute the making of a material alteration of the terms of the permitted SID. The first consideration in relation to this request to alter the terms of ABP 309119-21 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the 110kV substation as granted.

6.3 Natura Impact Statement Amendment Report

The parent permission was the subject of a Stage 2 Appropriate Assessment (AA) by the Competent Authority (ABP) and planning conditions were attached in this context. The current application is accompanied by a Natura Impact Statement Amendment Report. The report concludes that:

"There are no sensitive receptors in the vicinity of the Drumlins Park substation. The amendments which are sought are minor and have very little to do with the ecology of the site. In addition, the impacts from the entire project were considered unlikely to occur, yet there was some potential and mitigation was provided as a precautionary measure."

No qualifying interests of the Natura 2000 sites assessed in the NIS occur on the proposed development site. Therefore, it is considered that the proposed non-material amendment application would not result in any additional potential impact on the Natura 2000 network. An

updated NIS does not need to be prepared and the assessment remains the same." A copy of the report can be found at **Appendix C**.

6.4 Environmental Impact Assessment

In the context of EIA, there is a decision of the High Court (South-West Regional Shopping Centre Promotion Association v An Bord Pleanála)¹ that confirms that modifications to an EIA Planning Permission can be screened for EIA and, if they pass the screening test, there is no need to carry out a full EIA. Accordingly, it is submitted that EIA is not required. It is the role of ABP as the Competent Authority to carry out EIA screening.

6.5 Environmental Evaluation of The Alteration

The proposed alterations are minor in nature. An EIAR was submitted as part of the original planning application. The change has been assessed under the original EIAR:

Table 6.1: Evaluation of the EIAR

EIA Topic	Evaluation
Biodiversity	There will be no change in impacts
Population and Human Health	There will be no change in impacts
Lands and Soils	There will be no change in impacts
Water	There will be no change in impacts
Landscape and Visual Impact	There will be an improvement in terms of the landscape and visual impact given the reduction in footprint and overall scale of the building
Air and Climate	There is a potential for improvement to air and climate due to the offsite modular construction
Cultural Heritage	There will be no change in impacts
Traffic	There will be a slight benefit
Material Assets	There will be no change in impacts

No new environmental impacts will arise that were not already considered in the assessment of impacts for the Development under the original planning application. **Table 6.1** shows that there would be a benefit in terms of impact on the landscape, visual amenity and air

¹ [2016] IEHC 84

and climate.

Therefore, the proposed alteration does not constitute the making of a material alteration of the development as granted under ABP 309119-21.

7 CONCLUSION

7.1 Introduction

This Section 146B alteration request is being submitted to An Bord Pleanála to clarify whether or not the alteration proposed constitutes a material alteration to the consented development. The alterations as set out as part of this submission are not considered to be significant.

Although the applicant is of the view that the alteration is not material to the permission, it is recognised that the Board is the sole arbiter in this case. Added to this, the negligible nature of the proposed alteration in the context of the consented development and the findings of the Screening for Appropriate Assessment that accompanies this submission clearly infer that the alteration to the IPP building are in line with the scope and terms of the consented development and, as such, should be considered non-material.

Notwithstanding the above, in the event that the Board consider the change to be material, the details submitted clearly demonstrate that there are no significant environmental impacts arising beyond those previously considered acceptable.

It is therefore respectfully requested that An Bord Pleanála invokes its right under Section 146B of the Planning & Development Act 2000 (as amended) to determine that the alteration is no non-material alteration and as such will allow the Board to alter the terms of the Development.

APPENDIX A: PLANNING DECISION



Planning and Development Acts, 2000 to 2020

Planning Authority: Monaghan County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 8th day of January, 2021 by Drumlins Park Limited care of Galetech Energy Services of Stradone, County Cavan.

Proposed Development:

Approval for a period of ten years comprising of the following:

- (i) A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electrical substation, including 2 number single-storey control buildings (with a gross floor area of 623 square metres); 1 number transformer bay; 2 number line bays; and all associated electrical equipment, services and lighting within an up to 2.95-metre-high fenced compound (with a total footprint of 12,765 square metres),
- (ii) An Electricity Storage System comprising containerised energy storage modules; transformer and inverter modules; heating, ventilation and air condition units; and associated underground electricity cabling,
- (iii) Approximately 300 metres of on-site access tracks with associated site entrances from local public road (LT62013),
- (iv) Approximately 700 metres of 110kV underground electricity lines and communication cabling and all associated infrastructure,

- (v) Replacement of 1 number existing wooden pole-set with 2 number lattice-type end masts, to a maximum height of up to 16 metres, to facilitate connection of the proposed 110kV underground electricity lines to the existing Lisdrum-Shankill 110kV overhead electricity transmission line, and
- (vi) All associated and ancillary site development, excavation, construction, landscaping and reinstatement works, including upgrade works to the LT62013 and the provision of site drainage infrastructure and surface water protection measures.

The site of the proposed development has a total area of circa 7.8 hectares. The proposed development will facilitate the export of renewable energy generated at the permitted 'Drumlins Park Wind Farm' (Monaghan County Council Planning Register Reference 19/486) to the national electricity grid. The proposed development will be located in the townlands of Drumanan and Cornwall, Newbliss, Co. Monaghan.

Decision

APPROVE the proposed development under section 182A of the Planning and Development Act, 2000, as amended, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

DETERMINE under section 182B, as amended, the sum to be paid by the undertaker in respect of costs associated with the application as set out in the Schedule of Costs 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. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) the National Planning Framework – Ireland 2040,
- (b) the Regional Spatial and Economic Strategy for the Northern and Western Region, 2020,
- (c) the policies of the planning authority as set out in the Monaghan County Development Plan 2019 - 2025,
- (d) the distance to dwellings or other sensitive receptors,
- (e) the submissions made in connection with the application,
- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
- (g) the report and recommendation of the Inspector.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the Appropriate Assessment, the Board accepted and adopted the assessment and conclusion carried out in the Inspector's report in respect of the identification of the four European Sites, namely, the Upper Lough Erne Special Area of Conservation (Site Code: UK0016614), the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007), the Upper Lough Erne Special Protection Area (Site Code: UK9020071), and the Lough Oughter Complex Special Protection Area (Site Code: 004049) which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the Sites' Conservation Objectives. The Board was satisfied that the

proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites, in view of the Sites' Conservation Objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and planning authority, and
- (d) the Inspector's report.

The Board considered that the EIAR, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to groundwater, surface water and drainage.
- Noise, vibration, and dust during the construction and/or the operational phases would be mitigated by the implementation of the measures set out in the EIAR

- and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be mitigated by the implementation of the measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP).
 - The impacts on residential amenity during the construction and operational phases would be mitigated by the implementation of the measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself or in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional, and local planning and related policy, would not have an unacceptable impact on the landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the EIAR, NIS and other plans and particulars submitted with the planning application, including the applicant's response submission to the concerns raised by the observers shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interests of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. The developer shall comply with the following general requirements:
 - (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
 - (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
 - (d) Cables within the site shall be located underground.

Reason: In the interests of clarity and of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

4. The developer shall comply with the following nature conservation requirements:

- (a) No felling or vegetation removal shall take place during the period 1st of March to the 31st August.
- (b) A pre-construction mammal survey shall be carried out by a suitably qualified ecologist to check for the presence of any protected species (including otter, birds, bats and common frog).
- (c) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

5. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

7. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

Reason: In the interests of traffic and pedestrian safety.

8. The developer shall comply with the following specific transportation requirements:
 - (a) Omit the western vehicular entrance off the local road to the battery storage compound and internal access track.
 - (b) Amend the layout of the westernmost internal access track to the substation compound to provide for two separate internal access points to the substation compound and adjacent battery storage compound.

Details shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interests of visual amenity, the protection of trees and hedgerows, and the proper planning and sustainable development of the area.

9. The construction of the development shall be managed in accordance with a final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic management, protection of wayleaves, an invasive species management plan and off-site disposal of construction /demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

12. The developer shall comply with the following archaeological requirements:

- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer 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. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord 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.

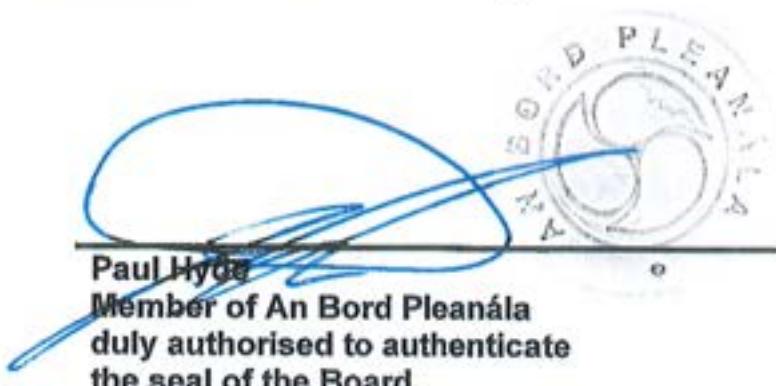
13. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

Schedule of Costs

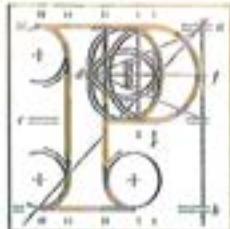
In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is €79,758.

A breakdown of the Board's costs is set out in the attached Appendix 1.



Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 4th day of November 2021



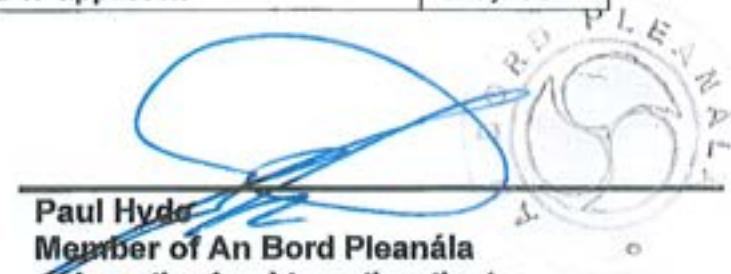
Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-309119-21

Proposed Development: Construction of a 110kV substation and associated site development works in the townlands of Drumanan and Cornwall, County Monaghan.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €1,482 Inspector 2 (application) €19,760	€21,242
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€21,242
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	N/A
	Total	€101,000
	Net amount due to be refunded to applicant	€79,758


Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 4th day of NOVEMBER 2021

APPENDIX B: PLANNING DRAWINGS



APPENDIX C:
NATURA IMPACT STATEMENT REPORT

**110kv Loop-In/Loop-Out Substation Including
Substation Compound, associated Electrical
Plant and apparatus at
Drumlins Park, Wind Farm, Co. Monaghan**

Natura Impact Statement Amendment Report

Version (20-04-2022)



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1. INTRODUCTION

The current document provides an Amendment Report regarding a Natura Impact Statement (NIS) for the Drumlins Park Wind Farm 110kv Loop-In/Loop-Out Substation including Substation Compound, associated Electrical Plant and apparatus. The proposed development (APB-309119-21) was granted permission under several conditions. The client, Galetech Energy Services now wishes to seek a non-material alteration to the planning application. Ecofact Environmental Consultants Ltd. prepared a Natura Impact Statement for the proposed development. This document assessed the likely significant impacts of the project on the Upper Lough Erne Special Protection Area (SPA) and Special Area of Conservation (SAC), the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA.

1.1 Background

Ecofact Environmental Consultants Ltd. prepared a Screening for Appropriate Assessment and NIS in respect of the now permitted Drumlins Park Wind Farm development (Ecofact, 2019a; 2019b) (Planning Reference: 19/486). Following this, there was a proposal for a minor amendment to the development permitted under Monaghan County Council Planning Register Reference 19/486 to revise the alignment of the permitted access track between turbines T2 and T3 at Killyleg & Lislongfield Co. Monaghan. The original NIS for the permitted wind farm concluded that no effects were likely to arise that could adversely affect the integrity of any Natura 2000 Sites. Mitigation measures were provided to ensure the protection of local water quality and biosecurity. The NIS for the minor amendment was an updated version that took all changes under 21/136 into account. It was considered that the realignment section of the access road between T2 and T3 for the permitted wind farm were very minor and would not alter the outcome of the original NIS submitted under 19/486. Furthermore, the proposed electricity substation and grid connection to serve the permitted wind farm (An Bord Pleanála Reference ABP-309119-20) were also assessed within the NIS (Ecofact, 2021). The client sought a non-material alteration to this planning application. Ecofact assessed this in a previous report (Ecofact 2022) and concluded that these minor changes did not affect the outcome of the NIS and no additional mitigation was required.

2. PROPOSED AMMENDMENT

The proposed amendment concerns a non-material amendment application change. These changes include:

"It is The IPP building that the Applicant is seeking to alter the terms of the planning permission by changing the substation design as approved under the present planning permission from an on-site build to a modular off-site design build and the provision of an internal compound fence line.

The dimensions of proposed modular design...are 14m x 4m, which is less than 50% of the footprint of the substation granted planning consent. The dimensions of the approved substation are 20.8m x 8.575.

In terms of scale, the ridge height of the proposed modular substation is 670mm lower than the consented substation design....The modular building will sit 1200 mm above the finish compound ground level."



Table 1: Comparison of measurements for Approved and Proposed IPC building layout.

Measurement	Proposed Layout	Approved Layout
Depth	4m	8.575m
Length	14m	20.080m
Height	4.875m	5.542m
Overall Floor Area	56m ²	172 m ²

The IPP building would be changed to a prefabricated structure constructed off-site for two reasons. Firstly, this alteration will reduce the carbon footprint of the works. The approach is considered more environmentally friendly than a conventional on-site construction. This will also save time in construction materials consumables.

3. IMPLICATIONS FOR NATURA 2000 NETWORK

The NIS for the proposed development identified potential impacts on several Natura 2000 sites including the Upper Lough Erne Special Protection Area (SPA) and Special Area of Conservation (SAC), the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA. The qualifying interests of these sites for which potential impacts were identified include Whooper Swan *Cygnus cygnus*, Natural Eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation, Otter *Lutra lutra*, Natural Eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation, Great Crested Grebe *Podiceps cristatus*, Whooper Swan *Cygnus cygnus*, Wigeon *Anas penelope* and Wetland and Waterbirds. The identified impacts concerned limited water quality and invasive species impacts for all qualifying interests, and potential collision risk for the bird species (Ecofact, 2021). Overall, it was determined that water quality, invasive species and collision risk had limited potential to arise in the absence of mitigation. This was due to the considerable distance between the Natura 2000 sites and the proposed development. It was considered unlikely that any low-magnitude localised impacts that did arise would affect any of the qualifying interests of the Natura 2000 sites. Mitigation was provided as a precautionary measure.

The proposed amendments regarding construction method for the IPC building would have no effect on the existing impact assessment which was carried out. The proposed amendments constitute changes to the construction of the Independent Power Provider (IPP) building. This is considered unlikely to impact any of these habitats. The footprint of the work is decreasing and the structure itself will be built off-site reducing on-site construction time. In addition, less material will be brought on-site as the material needed for construction are no longer required with the prefabricated structure proposed. This will not increase water quality issues, collision risk or invasive non-native species impacts, and no additional mitigation would be required. There are no sensitive ecological receptors in the area and no species of conservation concern occur in the vicinity of the substation. The assessment remains the same.

Regarding the proposed amendments, the only instance where this would have an impact on the Natura 2000 Network is if the footprints of works was significantly increasing or the magnitude of the works was. The closest site is the Upper Lough Erne SPA which is located 7.7km west of the proposed development. There is no suitable roosting habitat for the species associated with the SPA, or Lough Oughter Complex SPA and there is considerable separation between the SPAs and the substation. Lough Oughter and associated Loughs SAC is designated for the protection of Otter and located c. 11.4 km from the site. As stated in the NIS, the potential for water quality and invasive species risks reaching this SAC was unlikely. In addition, there is no potential for disturbance impacts from the works at the



substation to effect otter, due again to distance, and lack of suitable habitat for qualifying interests. There are no important ecological receptors or qualifying interests in the vicinity of the substation. In addition, the proposed amendments involved the reduction in the magnitude of the works and on increase.

The addition of fencing and gating would not change the NIS in any way and will have no impact on the Natura 2000 network. The SPA and SAC are a considerable distance from the substation and there are no additional pathways for impacts identified due to the amendments. The works involved in erecting security fences would not result in any impacts on any SAC or SPA. The assessment remains the same.

4. CONCLUSION

There are no sensitive receptors in the vicinity of the Drumlin Park substation. The amendments which are sought are minor and have very little to do with the ecology of the site. In addition, the impacts from the entire project were considered unlikely to occur, yet there was some potential and mitigation was provided as a precautionary measure.

No qualifying interests of the Natura 2000 sites assessed in the NIS occur on the proposed development site. Therefore, it is considered that the proposed non-material amendment application would not result in any additional potential impact on the Natura 2000 network. An updated NIS does not need to be prepared and the assessment remains the same.



REFERENCES

- Ecofact (2019a) *Drumlin Park Wind Farm Screening for Appropriate Assessment*. A Report to Galetech Energy Services, October 2019. Ecofact Environmental Consultants Ltd.
- Ecofact (2019b) *Drumlin Park Wind Farm Natura Impact Statement*. A Report to Galetech Energy Services, October 2019. Ecofact Environmental Consultants Ltd.
- Ecofact (2021) *Drumlin Park Wind Farm - Updated NIS to include Permitted Wind Farm Layout, Revised Access Track Alignment, and Proposed Electricity Substation and Grid Connection Route*. A Report to Galetech Energy Services, July 2021. Ecofact Environmental Consultants Ltd.
- Ecofact (2022) 110kv Loop-In/Loop-Out Substation Including Substation Compound, associated Electrical Plant and apparatus at Drumlin Park Wind Farm, Co. Monaghan – Natura Impact Statement Amendment Report , February 2022. Ecofact Environmental Consultants Ltd.



APPENDIX D:
BIODIVERSITY CHAPTER AMENDMENT REPORT

**110kv Loop-In/Loop-Out Substation
Including Substation Compound,
associated Electrical Plant and apparatus
at
Drumlins Park Wind Farm, Co. Monaghan**

Biodiversity Chapter Amendment Report

Version (20-04-2022)



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1. INTRODUCTION

The current document provides an Amendment Report regarding a Biodiversity Chapter (Ecological Impact Assessment) for the Drumlins Park Wind Farm 110kv Loop-In/Loop-Out Substation including Substation Compound, associated Electrical Plant and apparatus. The proposed development (APB-309119-21) was granted permission under several conditions. The client, Galetech Energy Services has now complied the final planning submission which differs in minor ways from the original application on which the Biodiversity Chapter was based. The Biodiversity Chapter was prepared by Ecofact Environmental Consultants Ltd. This chapter was prepared in accordance with the requirements of the 2011 EIA Directive as amended by EIA Directive 2014/52/EU. As part of these minor changes there are proposed non-material alterations. Previous amendments were sought regarding lighting and security fencing (Ecofact 2022). These were minor changes and did not change the assessment.

2. PROPOSED AMMENDEMENT

The proposed amendment concerns a non-material amendment application change. These changes include:

"It is The IPP building that the Applicant is seeking to alter the terms of the planning permission by changing the substation design as approved under the present planning permission from an onsite build to a modular off-site design build and the provision of an internal compound fence line.

The dimensions of proposed modular design....are 14m x 4m, which is less than 50% of the footprint of the substation granted planning consent. The dimensions of the approved substation are 20.8m x 8.575.

In terms of scale, the ridge height of the proposed modular substation is 670mm lower than the consented substation design....The modular building will sit 1200 mm above the finish compound ground level."

Table 1: Comparison between Approved and Proposed Layout

	Proposed Layout	Approved Layout
Depth	4m	8.575m
Length	14m	20.080m
Height	4.875m	5.542m
Overall Floor Area	56m ²	172 m ²

The IPP building would be changed to a prefabricated structure for two reasons. Firstly, this alteration will reduce the carbon footprint of the works. The approach is considered more environmentally friendly than a conventional on-site construction. This will also save time in construction materials consumables.



3. IMPLICATIONS FOR BIODIVERSITY ASSESSMENT

The Biodiversity Chapter prepared for the proposed development identified 12 Key Ecological Receptors regarding the proposed development all of which were evaluated as "Local Importance, Higher Value". The habitats identified along with their Fossitt classification were Treelines (WL2), Hedgerows (WL1), Wet Grassland (GS4), Mixed Broadleaved Woodland (WD1) and the River Bunnoe. The fauna identified as key ecological receptors were Hare, Pine Marten, Fox, Fallow Deer, Bats, Birds and Common Frog (Ecofact, 2019). During the construction phase, likely effects regarding habitat loss and fragmentation were identified for Treelines, Hedgerows, Wet grassland, Hare, Pine Marten, Fox, Fallow Deer, Bats and Birds. Disturbance impacts were also identified as likely to arise through increased noise and human activity on site. The River Bunnoe could be affected by reduced water quality through surface water run-off and accidental spillages on site. Invasive species could be brought onto site via vectors such as machinery or personnel. Impacts during the operational phase were identified as water quality impacts arising as oils and chemicals that would be required for maintenance activities. These oils / chemicals could run-off into the River Bunnoe and impact water quality. Bats could be affected by mortality in relation to cumulative impacts with the adjacent permitted Drumlins Park Wind Farm (Ecofact, 2019). The magnitude of these impacts was considered in some cases to be significant, negative and permanent in the local context. This is due to the inevitable habitat loss that will occur. With the implementation of mitigation residual impacts on all key ecological receptors is considered "none", except for bats and birds which are 'slight negative'.

Regarding the substation area the habitat here consists of wet grassland, treelines and improved agricultural grassland with hedgerows and a drainage ditch nearby. The proposed amendments constitute changes to the construction of the Independent Power Provider (IPP) building. This is considered unlikely to impact any of these habitats. The footprint of the work is decreasing and the structure itself will be built off-site reducing on-site construction time. In addition, less material will be brought on-site as the material needed for construction are no longer required with the prefabricated structure proposed. There would be no additional impacts to these habitats from the proposed amendment. As shown in Table 1 the proposed layout all dimensions of the proposed amended IPP building are reduced compared to the approved layout. A prefabricated structure is chosen to reduce the carbon footprint and will likely be less instructive than an onsite build. There will be loss of treeline, hedgerow and wet grassland habitat, all key ecological receptors, however with the proposed mitigation the residual effects are none for these receptors. The proposed amendments will not change this. The surrounding habitat the residual impacts as explained above will not change. The assessment remains the same.

Some mammals may use the surrounding habitat such as treelines and hedgerows to commute and forage. This includes bats, fallow deer, fox, pine marten and hare. The bat species expected to be present at the site as detailed in the biodiversity chapter are common species in Ireland that are widespread and adaptable. Non-volant mammal species present are also common species in Ireland. Similarly, to habitats above the proposed amendments will not change the impacts on fauna. Currently, in the biodiversity chapter the magnitude of impacts regarding mammals in the absence of mitigation is slight negative, temporary – short term and in the local context. The changes in construction mode and compound size would not change this assessment nor would it require any additional mitigation. These changes are considered very minor and may even result in reduced disturbance but will not likely result in more. Common Frog may occur in the wet grassland area or the drainage ditches nearby. Mitigation is provided for frogs during the construction and operational phases. Due to the minimal changes, it is considered that there is no potential for additional impacts on common frog. The assessment remains the same.



The addition of fencing and gating would not change the biodiversity assessment in any way and will have no impact on ecology of the area. There may be some slight disturbance impacts when constructing the security fencing, but this will be done as part of the construction of the substations and in addition to the already approved fencing. This would be a negligible addition to disturbance. Mitigation has already been provided for reducing disturbance impacts during the construction phase, and this would not change with the addition of security fencing. The assessment remains the same.

4. CONCLUSION

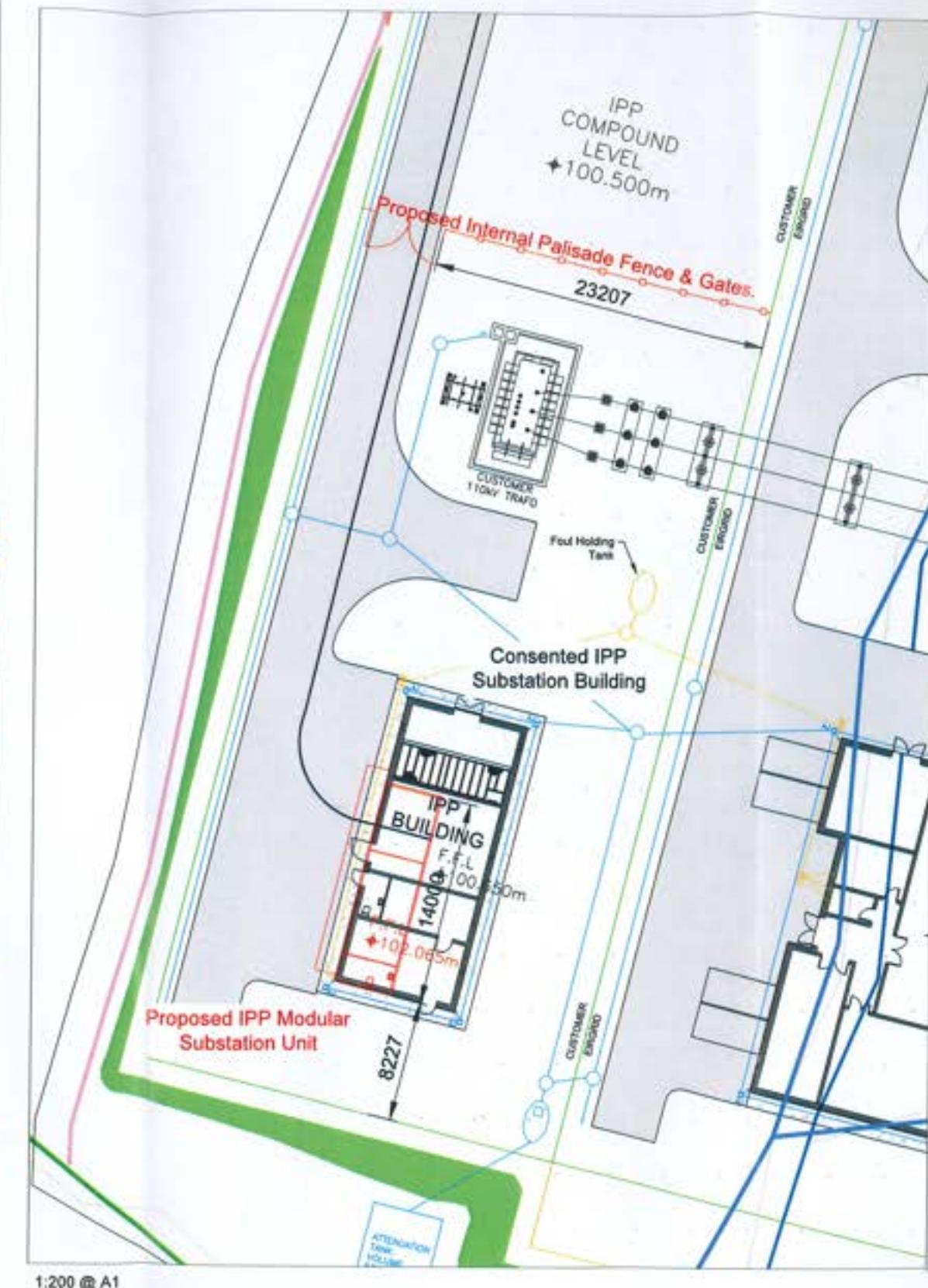
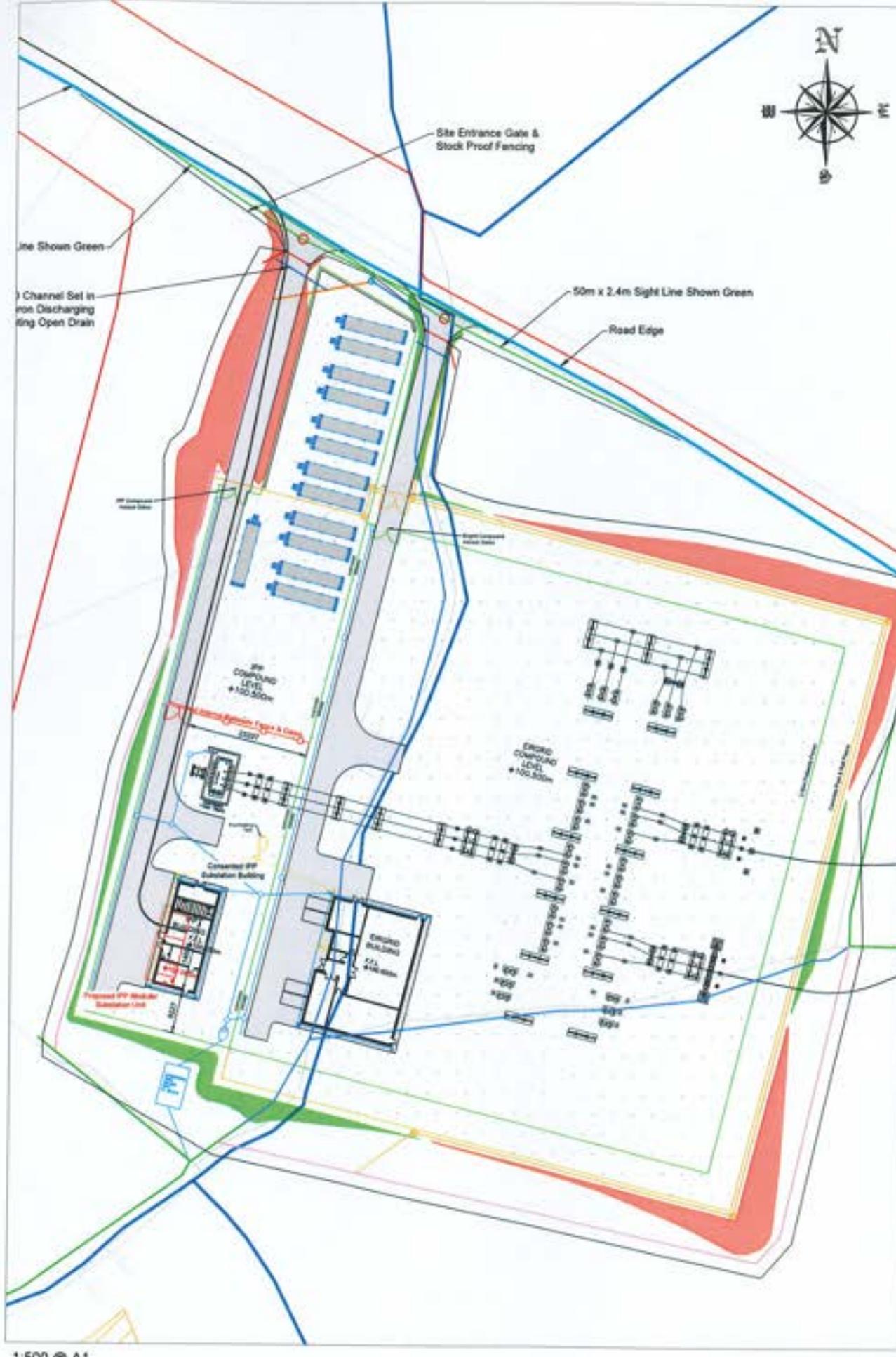
There are no sensitive receptors in the vicinity of the Drumlins Park substation. The amendments which are sought are minor and have very little to do with the ecology of the site. All key ecological receptors that were identified in the biodiversity assessment were of 'Local Importance, Higher Value' and with mitigation the residual impact was mostly 'none' and at most 'Slight negative'. The proposed amendment does not change the original assessment. An updated biodiversity assessment does not need to be prepared.



REFERENCES

Ecofact (2019) *Drumlins Park Wind Farm Substation and Grid Connection Chapter 5: Biodiversity*. A Report to Galetech Energy Services, October 2019. Ecofact Environmental Consultants Ltd.

Ecofact (2022) 110kv Loop-In/Loop-Out Substation Including Substation Compound, associated Electrical Plant and apparatus at Drumlins Park Wind Farm, Co. Monaghan – Biodiversity Chapter Amendment Report , February 2022. Ecofact Environmental Consultants Ltd.



Legend

- PALISADE FENCE
- POST AND RAIL FENCE
- SHEDOUGH EXISTING
- SHEDOUGH DIVERTED
- PROPOSED OPEN DRAIN
- 2450mm TWIN WALL PIPE TO NRA SPECIFICATION
- 8150mm PERFORATED LAND DRAIN WRAPPED IN NON-WOVEN GEOTEXTILE LAYER

AN BORD PLEANALA
LTR DATED 26 APR 2022 FROM
LGD. ABP. 313410-22

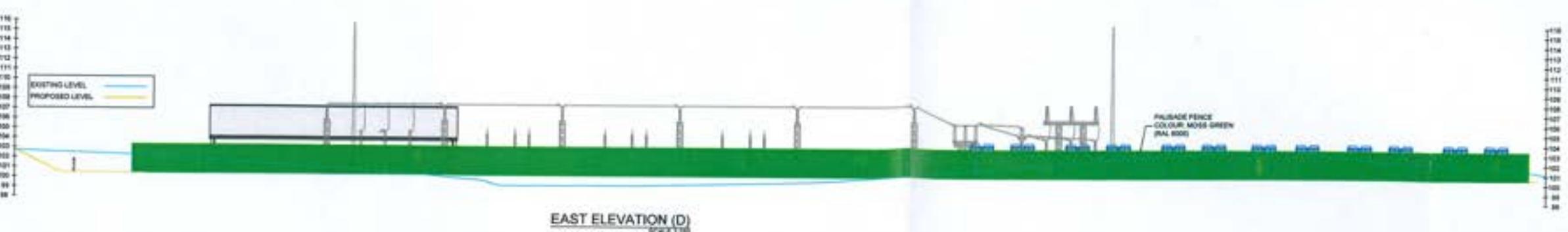
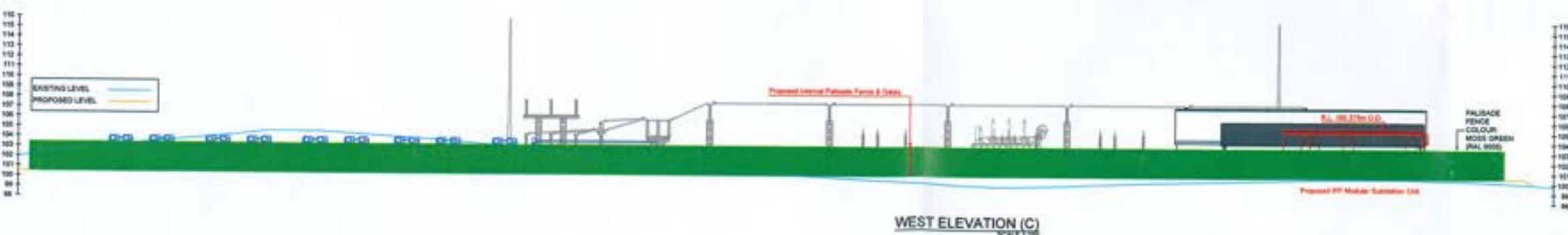
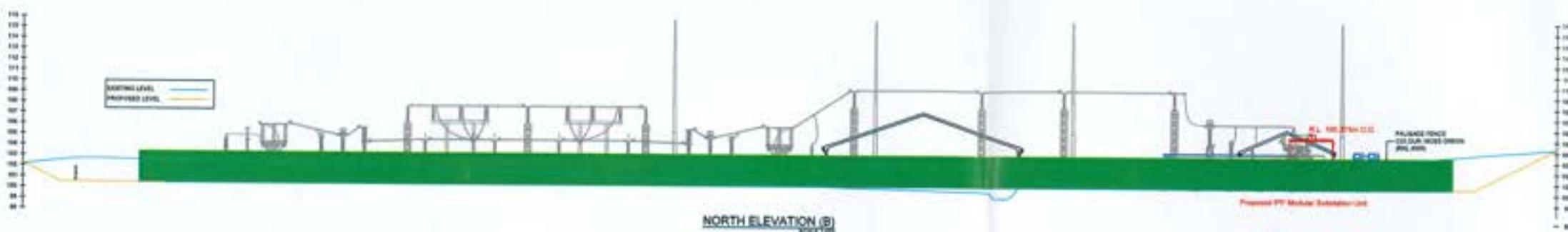
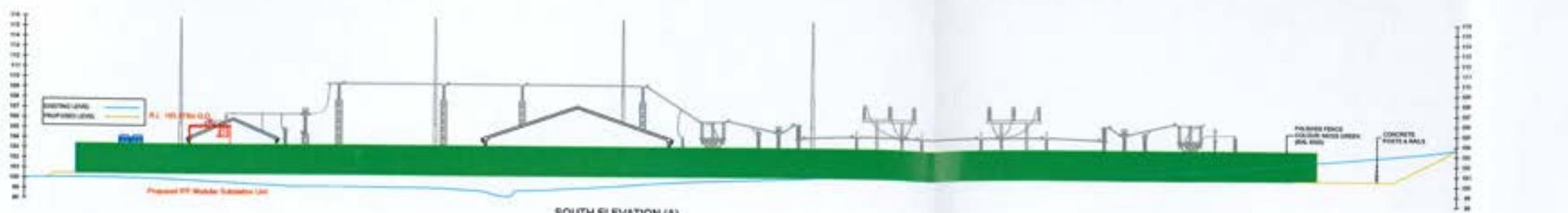
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Client		
DRUMLINS PARK LIMITED		
Project		
Drumlins Park Wind Farm - Substation & Grid Connection: Cornwall, Newbliss, Co. Monaghan		
Stage		
PLANNING		
Title		
IPP Modular Substation Unit - Site Layout Plan		
Scales		
As Shown @ A1		
Surveyed	Prepared By D.G.	Checked B.C.
		Date 08-04-2022

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Legend



AN BORD PLEÁNALA

28/04/2022

LTR DATED _____ FROM _____

LDG-
ABP-
313410-22

1	Issue for Planning	DD	06/04/2022
2	modifications	by	Date

Client
DRUMLINS PARK LIMITED

Project:
Drumlins Park Wind Farm -
Substation & Grid Connection:
Cornwall, Newbliss, Co. Monaghan

Stage **PLANNING**

Title
**IPP Modular Substation Unit -
Site Layout Plan**

Scales
1:250 @ A1

Surveyed **By D.G.** Prepared **By D.G.** Checked **By B.C.** Date **06/04/2022**

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Job No. **6592** Drawing no. **PLMODSS-102** Revision **0**

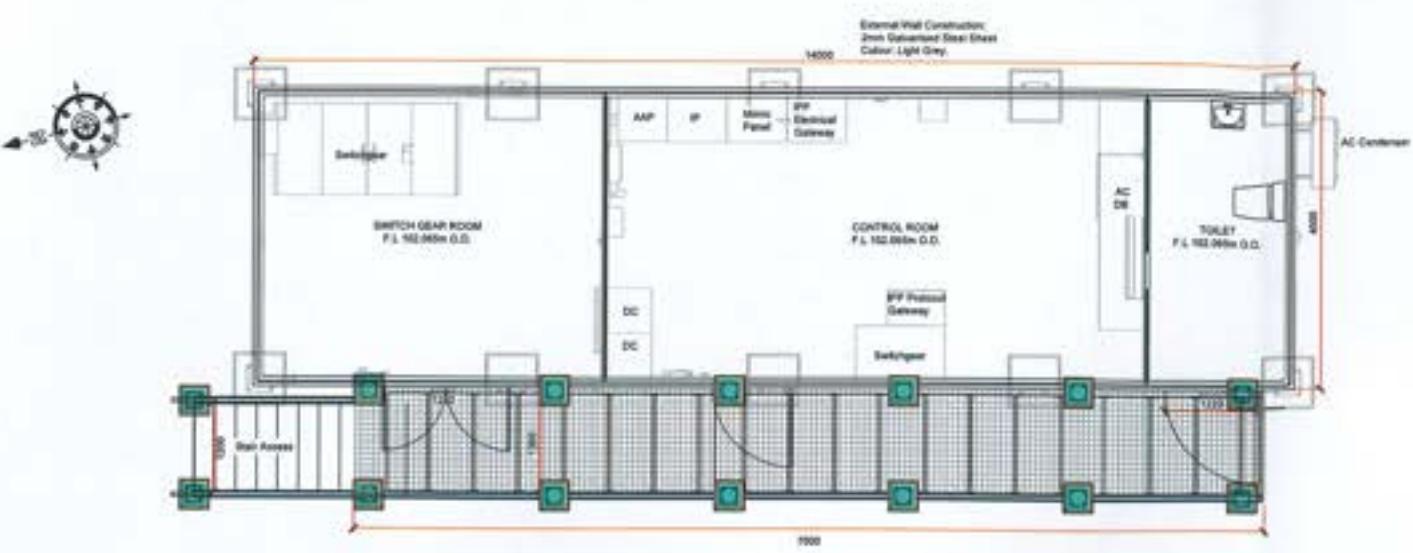
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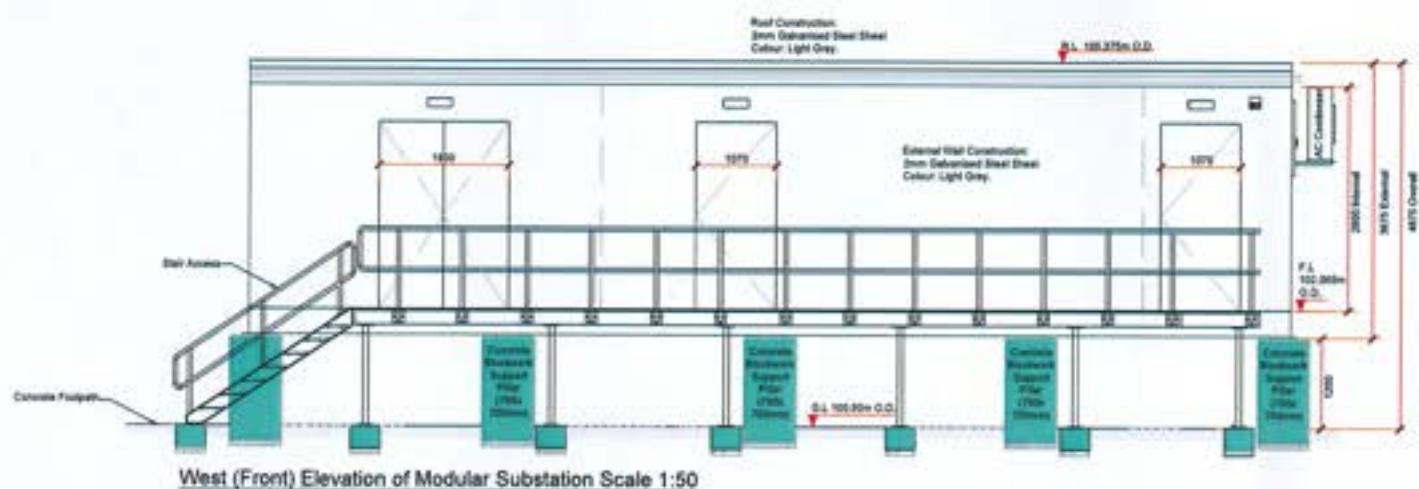
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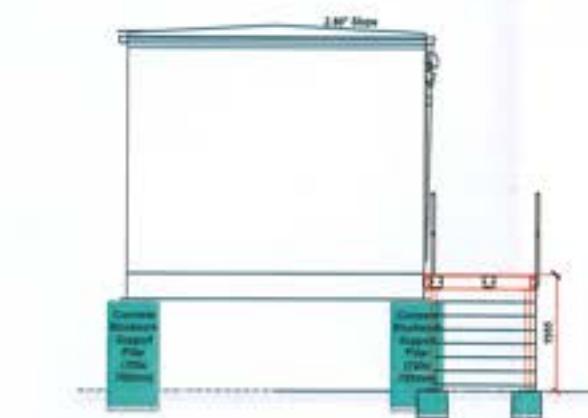
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DRUMLINS PARK LIMITED		
Project:		
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Stage		
PLANNING		
Title		
IPP Modular Substation Unit - Plan & Elevations		
Scales		
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Date 08/04/2022		
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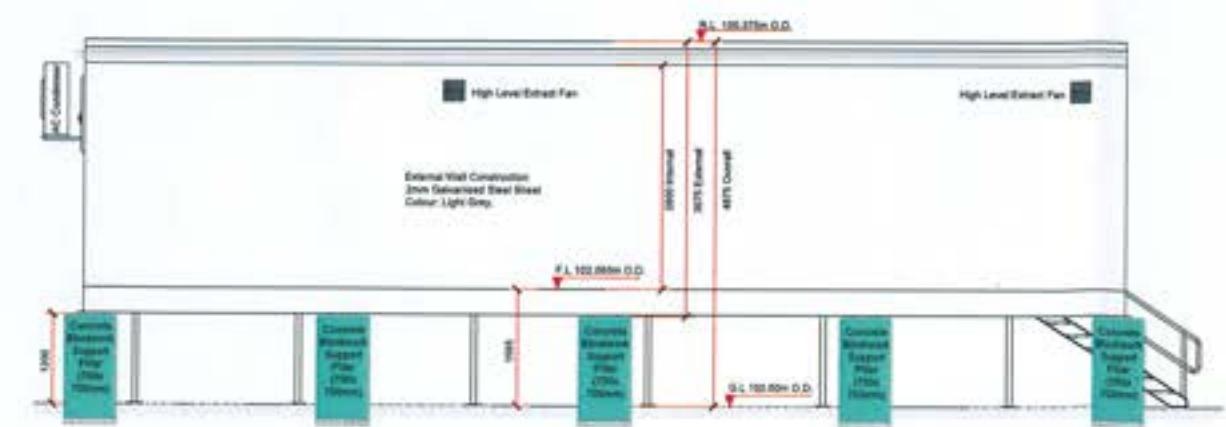
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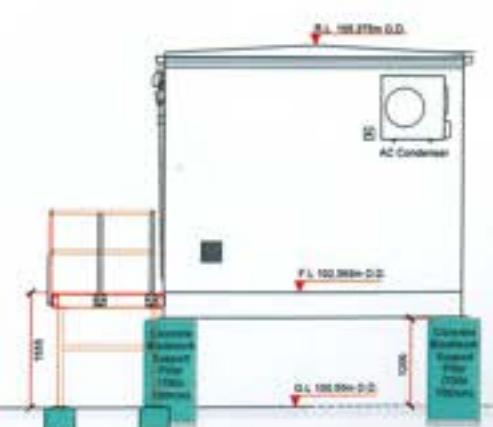
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North (Side) Elevation of Modular Substation Scale 1:50



East (Rear) Elevation of Modular Substation Scale 1:50

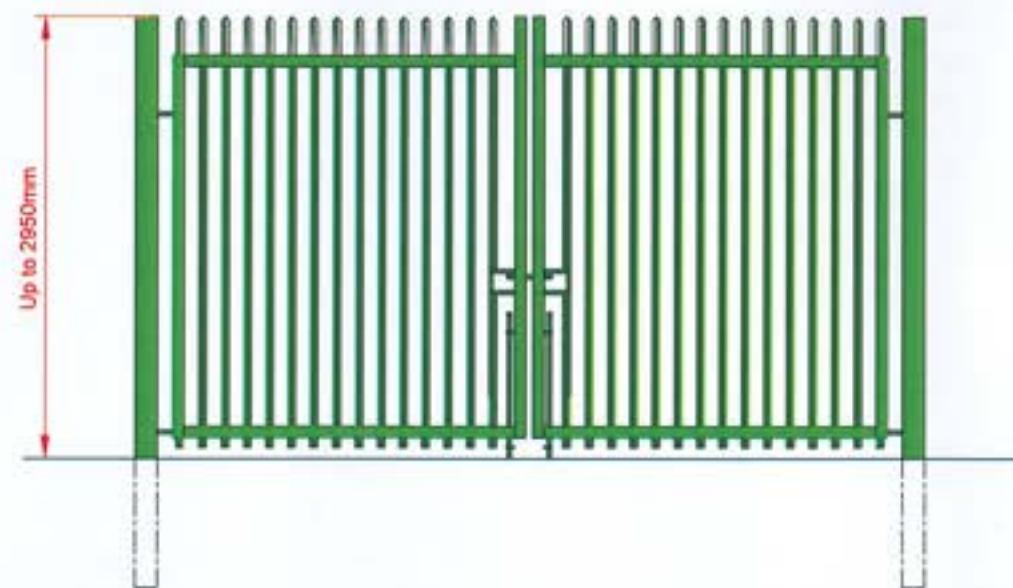


South (Side) Elevation of Modular Substation Scale 1:50

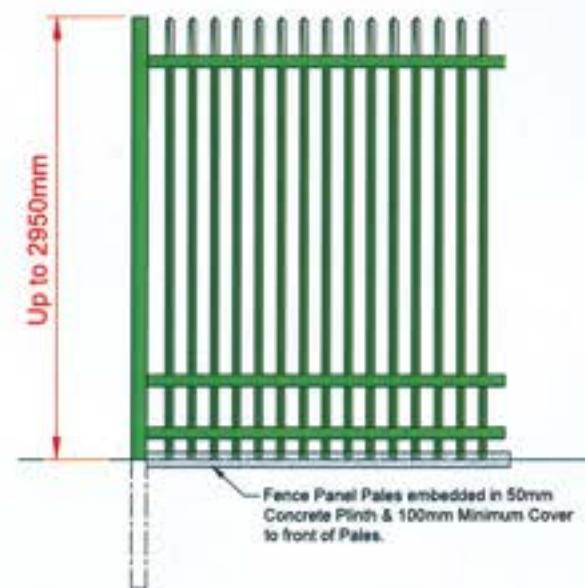
AN BORD PLEÁNALA

2.8 / 1/7/22
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 LO5,
 ABP.
 313410-22

POWDER COATED GALVANISED
 FENCE LINE & GATE.
 COLOUR: DARK GREEN



Internal Palisade Gate Detail
(1:50)



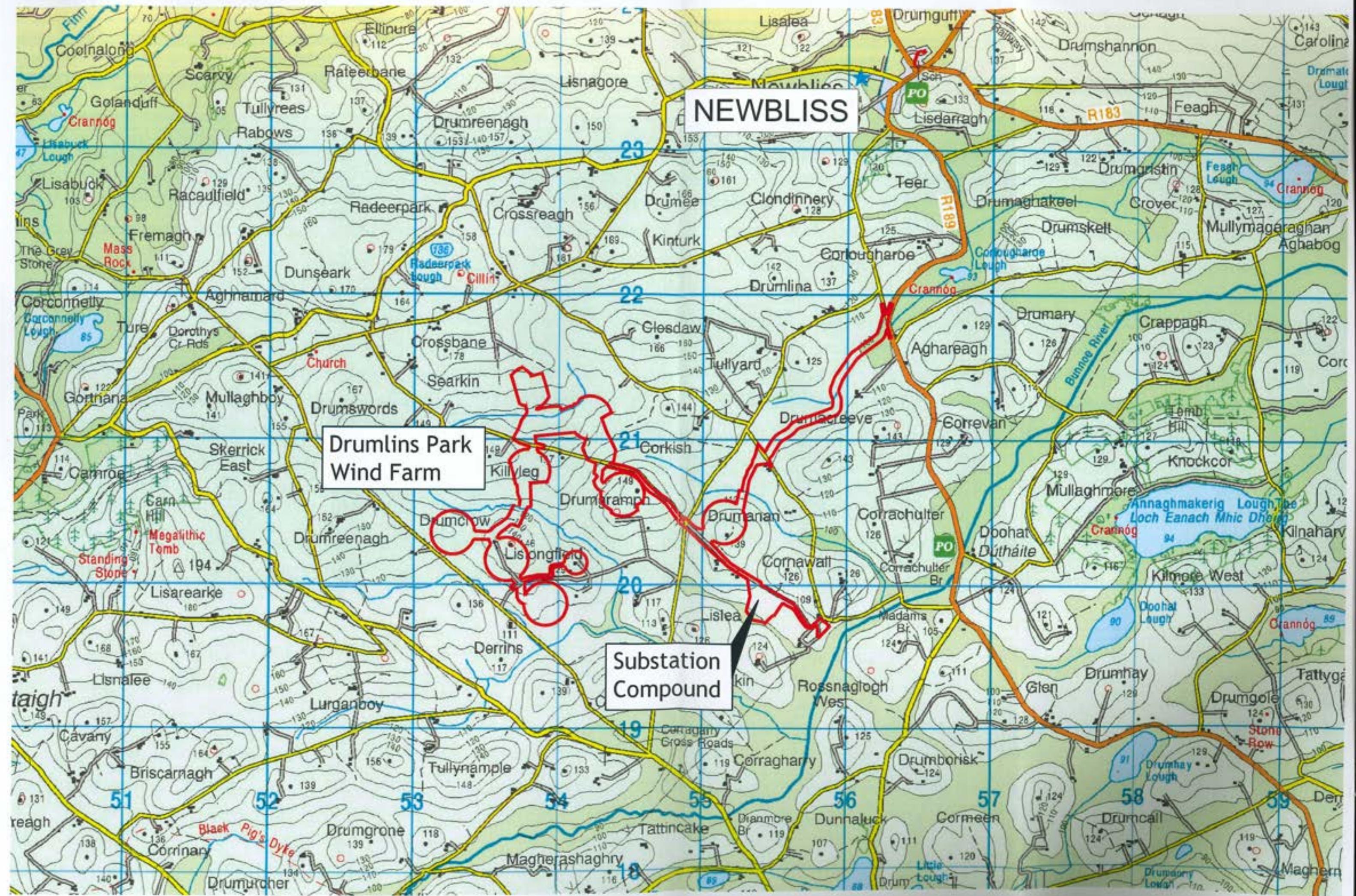
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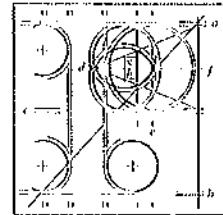
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0	modifications	by	Date
Client: DRUMLINS PARK LIMITED			
Project: Drumlins Park Wind Farm - Substation & Grid Connection: Cornwall, Newbliss, Co. Monaghan			
Stage: PLANNING			
Title: Internal Palisade Fence & Gate Details			
Scales: 1:50 @ A1			
Surveyed	Prepared By: D.G.	Checked By: S.C.	Date: 08/04/2022

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Job No.: 6592	Drawing no.: PLUMODSS-104	Revision: 0
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Chief Executive Officer
Monaghan County Council
Council Offices
No.1 Dublin Street
Monaghan
Co. Monaghan

Date: 04 April 2022

Re: Amendments to An Bord Pleanála case reference ABP-309119-21 for a 110kV loop-in/loop-out substation including substation compound, associated electrical plant and apparatus
Drumanan and Cornwall, Newbliss, County Monaghan

Dear Sir / Madam,

Please be advised that the Board has received a request in accordance with section 146B of the Planning and Development Act 2000, as amended, to alter the terms of the previously approved to alter the previously approved An Bord Pleanála case reference ABP-309119-21 for a 110kV loop-in/loop-out substation at Drumanan and Cornwall, Newbliss, Co. Monaghan.

A copy of the said request is enclosed herein for your information and may be made available for public inspection at the offices of the local authority.

Please be advised that, at this stage, you are not invited to make any submissions in relation to the matter to the Board.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Yours faithfully,

Sarah Caulfield

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

VM02

MON. CO. CO.
PLANNING SECTION

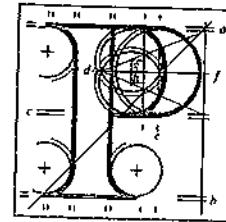
6 APR 2022

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Láithreán Gréasáin Riomphost	Website Email	www.leanala.ie bord@leanala.ie

64 Sráid Maoilbhride
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Our Case Number: ABP-312710-22
Your Reference: Drumlins Park Limited



An
Bord
Pleanála

Breena Coyle
Jennings O'Donovan & Partners Ltd
Finisklin Business Park
Sligo
Co. Sligo
F91 RHH9

Date: 04 April 2022

Re: Amendments to An Bord Pleanála case reference ABP-309119-21 for a 110kV loop-in/loop-out substation including substation compound, associated electrical plant and apparatus Drumanan and Cornwall, Newbliss, County Monaghan

Dear Madam,

An Bord Pleanála refers to the above-mentioned alteration request.

Section 146B(4A)(b) of the Planning and Development Act 2000, as amended, provides that should the Board be unable, within 8 weeks of receipt of information specified under Schedule 7A of the Planning and Development Regulations 2001-2020, to make its determination on whether the alteration to the application, were it to be made, would be likely to have significant effects on the environment, the Board shall give notice to the requester before the expiration of the 8 weeks.

Accordingly, in accordance with Section 146B(4A)(c) of the 2000 Act, An Bord Pleanála serves notice to you that it is not possible to make the determination referred to above within 8 weeks due to a delay in receiving the required fee payment.

The Board intends that the determination shall be made before **20th May 2022**.

Yours faithfully,

Sarah Caulfield

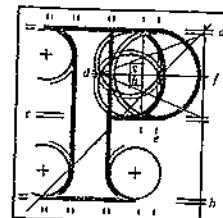
Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

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D01 V902 D01 V902

Our Case Number: ABP-312710-22
Your Reference: Drumlins Park Limited



An
Bord
Pleanála

Breena Coyle
Jennings O'Donovan & Partners Ltd
Finisklin Business Park
Sligo
Co. Sligo
F91 RHH9

Date: 04 April 2022

Re: Amendments to An Bord Pleanála case reference ABP-309119-21 for a 110KV loop-in/loop-out substation including substation compound, associated electrical plant and apparatus
Drumanan and Cornwall, Newbliss, County Monaghan

Dear Madam,

An Bord Pleanála has received your request in accordance with section 146B of the Planning and Development Act 2000, as amended, to alter the previously approved An Bord Pleanála case reference ABP-309119-21 for a 110kV loop-in/loop-out substation at Drumanan and Cornwall, Newbliss, Co. Monaghan.

A receipt for the fee lodged is enclosed.

The Board will revert to you in due course in respect of the matter. If you have any queries in the meantime please contact the undersigned officer of the Board.

Yours faithfully,

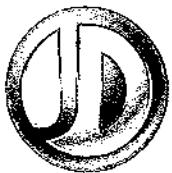
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6592/401/005/BC

APB Reference 309119-21
049076-22 10th February 2022
312710-22

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Re: Non-Material Alteration to a Strategic Infrastructure Development (SID) APB Reference 309119-21)

Dear Sirs,

On behalf of our Client, Drumlins Park Limited, we hereby submit an application for a Non-Material Alteration to a Strategic Infrastructure Development (SID) following the grant of planning permission by An Bord Pleanála (ABP) for a 110kV "loop in-loop" out substation with underground transmission cables & associated works in Drumanan and Cornwall, Newbliss, Co. Monaghan. (APB Reference 309119-21).

Accordingly, we enclose the following items for your consideration:

- 1) Planning Report
- 2) Ecological Impact Assessment Amendment Report
- 3) Natura Impact Assessment Amendment Report

We look forward to receiving your formal acknowledgment of this Non-Material Alteration in due course.

Please note that the requisite fee will be paid under separate cover.

In the meantime, do not hesitate to contact Ms Breena Coyle should you require any further clarification or information on the application.

Yours faithfully,

Breena Coyle

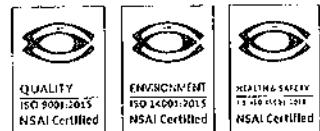
For: Jennings O'Donovan & Partners Ltd.

Encl./

Directors: D. Kiely, C. McCarthy
Regional Director: A. Phelan
Consultants: C. Birney, R. Gillan

Senior: R. Davis, S. Gilmartin, J. Healy, S. Lee,
Associates: J. McElvaney, T. McGloin, S. Molloy
Associates: M. Forbes, A. Ganley, D. Guilfoyle,
L. McCormack, M. Sullivan

Company Reg. No. 149104 VAT Reg. No. IE6546504D

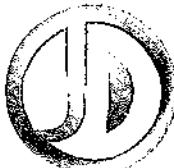


DRUMLINS PARK LIMITED

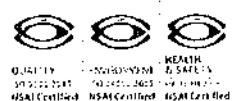
DRUMLINS PARK WIND FARM, CO. MONAGHAN

FEBRUARY 2022

Drumlins Park Ltd,
The Liberty Centre,
Blanchardstown Retail Park,
Dublin 15,
D15 YT2H.



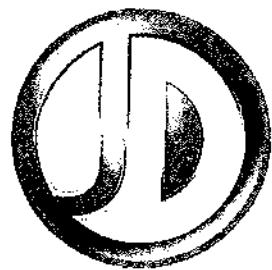
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DOCUMENT APPROVAL

PROJECT	Drumlins Park Wind Farm, Co. Monaghan	
CLIENT / JOB NO	Drumlins Park Limited	6592
DOCUMENT TITLE	S146B Application to An Bord Pleanála	

Prepared by

Reviewed / Approved by

Document Final	Name Breena Coyle	Name David Kiely
Date February 2022	Signature 	Signature

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- (a) JENNINGS O'DONOVAN & PARTNERS LIMITED written agreement is obtained prior to such release, and
- (b) By release of the report to the Third Party, that Third Party does not acquire any rights, contractual or otherwise, whatsoever against JENNINGS O'DONOVAN & PARTNERS LIMITED and JENNINGS O'DONOVAN & PARTNERS LIMITED, accordingly, assume no duties, liabilities, or obligations to that Third Party, and
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 Consultants: C. Birney, R. Gillan

Senior R. Davis, S. Gilmartin, J. Healy, S. Lee,
 Associates: J. McElvaney, T. McGloin, S. Molloy
 Associates: M. Forbes, A. Garley, D. Guilfoyle,
 L. McCormack, M. Sullivan

Company Reg No. 149104 VAT Reg. No. IE6546504D



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APPENDIX A – Planning Appeal Decision

1 INTRODUCTION

1.1 Proposed Development

Jennings O'Donovan & Partners Ltd., Consulting Engineers, have prepared this Planning Statement ("the Statement") on behalf of The Applicant "Drumlins Park Wind Farm Ltd" for a non-material alteration to a Strategic Infrastructure Development (SID) following the grant of planning permission by An Bord Pleanála (ABP) for a 110kV "loop in-loop" out substation with underground transmission cables & associated works in Drumanan and Cornawall, Newbliss, Co. Monaghan. (APB Reference 309119-21).

2 LEGISLATIVE FRAMEWORK

2.1 Introduction

Section 146B(1) of the Act provides that on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, An Bord Pleanála can alter the terms of the development, the subject of a planning permission, approval or other such consent granted under the Act.

Sections 146B(3A) and (3B) of the Act outline the requirements for the information to be submitted by the requester under Section 146B(3)(b)(i). Section 146B(4) requires that before making a determination under subsection (3)(b), the Board must determine whether the extent and character of the alteration requested or any alternative alteration it is considering would be likely to have significant effects on the environment.

Section 146B of the Act is a two-stage process. The first stage is for the Board to consider whether or not the proposed alterations would constitute 'the making of a material alteration of the terms of the development concerned' under Section 146B(2)(a). If the decision is that the making of the alteration would not constitute the making of a material alteration, then ABP must alter the planning permission under Section 146B(3)(a).

The second stage only arises if the Board decides that the proposed alterations would constitute such a material alteration under Section 146B(3)(b). Clearly, if the outcome of stage one is a decision that the proposed alteration would not constitute a material alteration, then there is no basis for addressing the matters referred to in stage two.

In this instance the changes to planning application reference 309119-21 are considered to be immaterial and as such will allow the Board to alter the terms of the Development.

3 PLANNING HISTORY

3.1 Planning History

Planning permission was granted by ABP on the 04/11/2021 for Strategic Infrastructure Development (SID) under application reference ABP-309119-21 for a 110kV “loop in-loop” out substation with underground transmission cables & associated works in Drumanan and Cornwall, Newbliss, Co. Monaghan.. A copy of the Order is set out at **Appendix A**.

The proposed development would comprise:

- *A 110kV air insulated switchgear (AIS) substation including control buildings, transformers, associated electrical equipment, security fencing & lighting.*
- *A battery storage compound with associated buildings. • Ancillary site works including 2 x site entrances & on-site access tracks, and 700m of 110kV underground electricity lines*
- *An underground 110kV transmission line to the existing 110kV overhead transmission lines to the E (Lisdrum-Shankill) including replacement pole set with 2 x lattice-type end masts (c. 18m)*

The planning application was accompanied by the following documents:

- EIAR (Vols. 1 & 2)
- Non-Technical Summary
- Natura Impact Statement (NIS)
- Planning Report
- Engineering & Architectural drawings

3.2 Planning Conditions

There were 13 planning conditions associated with the planning permission. Condition No 3 of the planning permission stipulated that the following:

3. *The developer shall comply with the following general requirements:*

- (a) *No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.*
- (b) *CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.*

(c) *Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.*

(d) *Cables within the site shall be located underground."*

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

4 THE PROPOSED NON MATERIAL ALTERATION

4.1 Alteration

The Applicant is seeking to alter the terms of Condition No 3(a) and 3(c)

4.2 Planning Condition 3 (a)

a) *"No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission."*

4.3 The Rationale for seeking to Remove Condition No 3 (a)

Substation lighting is a requirement under EirGrid/ESB standards for site safety. The EirGrid/ESB specification requires that "illumination shall be provided to allow safe pedestrian travel anywhere in the substation". For the substation, this lighting will only be required on an ad-hoc basis and used when there is someone on site at the substation. The substation will be unmanned and any activities that need to take place at night would be in case of emergency only. Any maintenance works would be carried out during the daytime.

Lighting will be controlled by a two-way switch at the substation entrance and only switched on as required. This lighting for the EirGrid/ESB and IPP compounds will have to be turned on manually by an operator and would only be in use during extended maintenance or fault conditions. There will also be a sensor light at the control building doors which would only light up temporarily for approximately two minutes if the substation was being used at night-time.

Taking consideration of above, a Lux level of 1.0 would be in very close proximity to the perimeter fence which ensures there will be very low level lighting impact on areas outside the compound as there will be no requirement to have permanent lighting at the substation and

any works at the site would occur during daylight hours with the exception of any emergency works, which would only be on the very limited occasion of emergency maintenance works.

We respectfully ask that Condition no 3 (a) be removed so that security lighting can be installed for the reasons outlined above.

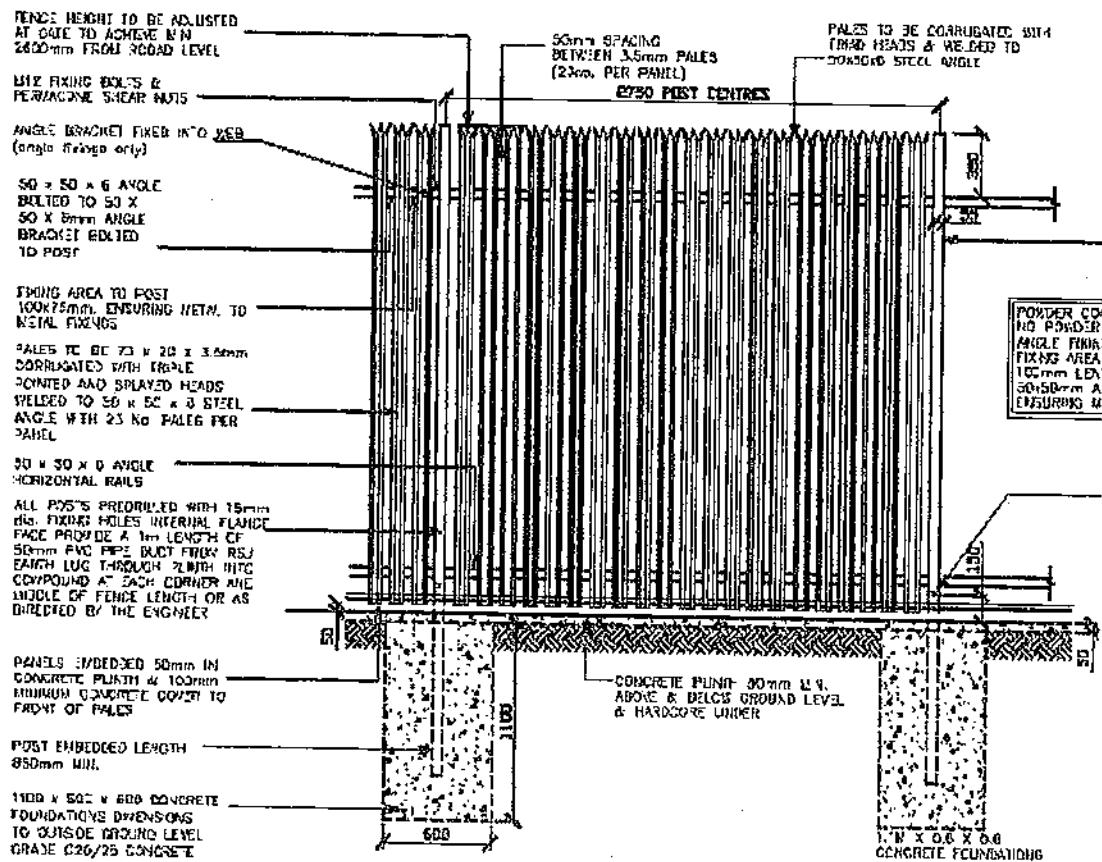
4.4 The Rationale for seeking to Remove Condition No 3 (C)

(c) "Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level."

With regard to condition no 3(C) this planning condition cannot be satisfied from both a health and safety and security point of view. The condition as presently worded poses a security risk and a safety risk to a strategic national asset. EirGrid's role as statutory undertaker have strict requirement for the design and construction of substations and the requirement for the fencing panels to be erected in accordance with the provisions of condition subsection 3(c) would be at odds with their functional specification.

Therefore, the planning condition (3d) is not consistent with the EirGrid Technical Requirements. Set out below is an extract from EirGrid 110kV substation specification which shows the requirements for securing fencing.

The addition of security fencing would not change the biodiversity assessment in any way and will have no impact on ecology of the area. There may be some slight disturbance impacts when constructing the security fencing, but this will be done as part of the construction of the substation itself and would be a negligible addition to disturbance. Mitigation has already been provided for reducing disturbance impacts during the construction phase, and this would not change with the addition of security fencing and lighting. The assessment remains the same.



ELEVATION OF FENCE
SCALE 1:50

Figure 4.1: Extract from EirGrid 110kV Substation Specification

4.5 Consideration of Materiality

This submission aims to demonstrate to the Board that the amendment of condition no 3 would not constitute the making of a material alteration of the terms of the permitted SID. The first consideration in relation to this request to alter the terms of ABP 309119-21 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the 110kV substation as granted.

4.6 Environmental Impact Assessment

The Revised Natura Impact Statement and Biodiversity Report accompanying this Section 146B alteration request provides a detailed description of the nature of the proposal and demonstrates minimal changes to both the overall development and any potential adverse environmental impacts.

No potential negative impacts emanating from the removing of conditions 3 (a) and 3 (c) are identified.

4.7 Amendments to Condition No. 3

We consider that the amendments to condition no 3 would not constitute the making of a material alteration to the terms of the development. The proposed amendments to condition no 3 i.e., removing subsections 3(a) and 3(d), are minor in the context of the development as a whole. The amendments proposed will have any significant impacts on ecology as endorsed in the reports prepared by Ecofact Ecologists.

No new environmental impacts will arise that were not already considered in the assessment of impacts for the Development under the original planning application . Any impact on the landscape, visual amenity and biodiversity would be marginal.

Therefore, the proposed alteration does not constitute the making of a material alteration of the development as granted under ABP 309119-21.

5 CONCLUSION

5.1 Introduction

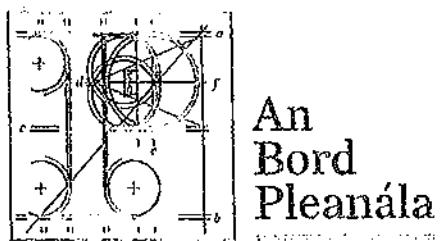
This Section 146B alteration request is being submitted to An Bord Pleanála to clarify whether or not the alteration proposed constitutes a material alteration to the consented development. The alteration as set out as part of this submission are not considered to be significant.

Although the applicant is of the view that the alteration is not material to the permission, it is recognised that the Board is the sole arbiter in this case. Added to this, the negligible nature of the proposed alteration in the context of the consented development and the findings of the NIS and Biodiversity Report that accompany this submission clearly infer that the alterations are in line with the scope and terms of the consented development and, as such, should be considered non-material.

Notwithstanding the above, in the event that the Board consider the change to be material, the details submitted clearly demonstrate that there are no significant environmental impacts arising beyond those previously considered acceptable. The proposed alteration does not require any changes to the layout/footprint of the permitted development or any alteration to the conditions that have been imposed.

It is therefore respectfully requested that An Bord Pleanála invokes its right under Section 146B of the Planning & Development Act 2000 (as amended) to determine that the proposed changes to condition no 3 are non-material alteration and as such will allow the Board to alter the terms of the Development.

APPENDIX A AN BORD PLEANÁLA ABP-309119-21



Board Order
ABP-309119-21

Planning and Development Acts, 2000 to 2020

Planning Authority: Monaghan County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 8th day of January, 2021 by Drumlins Park Limited care of Galetech Energy Services of Stradone, County Cavan.

Proposed Development:

Approval for a period of ten years comprising of the following:

- (i) A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electrical substation, including 2 number single-storey control buildings (with a gross floor area of 623 square metres); 1 number transformer bay; 2 number line bays; and all associated electrical equipment, services and lighting within an up to 2.95-metre-high fenced compound (with a total footprint of 12,765 square metres),
- (ii) An Electricity Storage System comprising containerised energy storage modules; transformer and inverter modules; heating, ventilation and air condition units; and associated underground electricity cabling,
- (iii) Approximately 300 metres of on-site access tracks with associated site entrances from local public road (LT62013),
- (iv) Approximately 700 metres of 110kV underground electricity lines and communication cabling and all associated infrastructure,

- (v) Replacement of 1 number existing wooden pole-set with 2 number lattice-type end masts, to a maximum height of up to 16 metres, to facilitate connection of the proposed 110kV underground electricity lines to the existing Lisdrum-Shankill 110kV overhead electricity transmission line, and
- (vi) All associated and ancillary site development, excavation, construction, landscaping and reinstatement works, including upgrade works to the LT62013 and the provision of site drainage infrastructure and surface water protection measures.

The site of the proposed development has a total area of circa 7.8 hectares. The proposed development will facilitate the export of renewable energy generated at the permitted 'Drumlins Park Wind Farm' (Monaghan County Council Planning Register Reference 19/486) to the national electricity grid. The proposed development will be located in the townlands of Drumanan and Cornwall, Newbliss, Co. Monaghan.

Decision

APPROVE the proposed development under section 182A of the Planning and Development Act, 2000, as amended, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

DETERMINE under section 182B, as amended, the sum to be paid by the undertaker in respect of costs associated with the application as set out in the Schedule of Costs 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. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) the National Planning Framework – Ireland 2040,
- (b) the Regional Spatial and Economic Strategy for the Northern and Western Region, 2020,
- (c) the policies of the planning authority as set out in the Monaghan County Development Plan 2019 - 2025,
- (d) the distance to dwellings or other sensitive receptors,
- (e) the submissions made in connection with the application,
- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
- (g) the report and recommendation of the Inspector.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the Appropriate Assessment, the Board accepted and adopted the assessment and conclusion carried out in the Inspector's report in respect of the identification of the four European Sites, namely, the Upper Lough Erne Special Area of Conservation (Site Code: UK0016614), the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007), the Upper Lough Erne Special Protection Area (Site Code: UK9020071), and the Lough Oughter Complex Special Protection Area (Site Code: 004049) which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the Sites' Conservation Objectives. The Board was satisfied that the

proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites, in view of the Sites' Conservation Objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and planning authority, and
- (d) the Inspector's report.

The Board considered that the EIAR, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to groundwater, surface water and drainage.
- Noise, vibration, and dust during the construction and/or the operational phases would be mitigated by the implementation of the measures set out in the EIAR

and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control of dust and noise.

- The increase in vehicle movements and resulting traffic during the construction and operational phases would be mitigated by the implementation of the measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP).
- The impacts on residential amenity during the construction and operational phases would be mitigated by the implementation of the measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself or in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional, and local planning and related policy, would not have an unacceptable impact on the landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the EIAR, NIS and other plans and particulars submitted with the planning application, including the applicant's response submission to the concerns raised by the observers shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interests of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. The developer shall comply with the following general requirements:
 - (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
 - (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
 - (d) Cables within the site shall be located underground.

Reason: In the interests of clarity and of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

4. The developer shall comply with the following nature conservation requirements:

- (a) No felling or vegetation removal shall take place during the period 1st of March to the 31st August.
- (b) A pre-construction mammal survey shall be carried out by a suitably qualified ecologist to check for the presence of any protected species (including otter, birds, bats and common frog).
- (c) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

5. The landscaping proposals shall be carried out within the first planting season, following commencement of construction of the proposed development. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

7. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

Reason: In the interests of traffic and pedestrian safety.

8. The developer shall comply with the following specific transportation requirements:
 - (a) Omit the western vehicular entrance off the local road to the battery storage compound and internal access track.
 - (b) Amend the layout of the westernmost internal access track to the substation compound to provide for two separate internal access points to the substation compound and adjacent battery storage compound.

Details shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interests of visual amenity, the protection of trees and hedgerows, and the proper planning and sustainable development of the area.

9. The construction of the development shall be managed in accordance with a final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic management, protection of wayleaves, an invasive species management plan and off-site disposal of construction /demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

12. The developer shall comply with the following archaeological requirements:

- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer 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. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord 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.

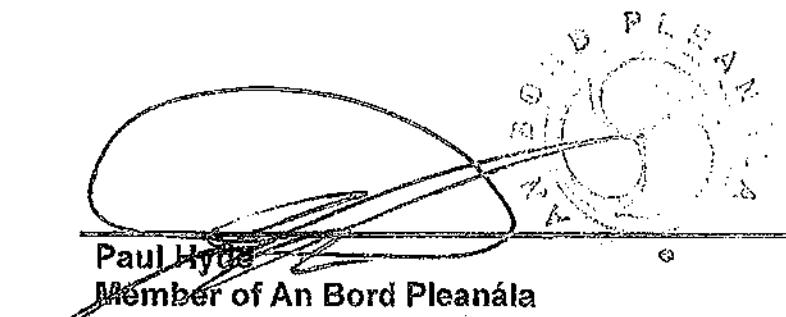
13. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

Schedule of Costs

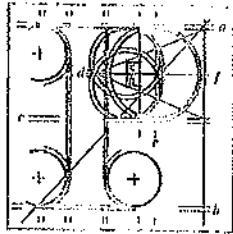
In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is €79,758.

A breakdown of the Board's costs is set out in the attached Appendix 1.



Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 6th day of November 2021



An
Bord
Pleanála

Board Order –
Appendix 1
ABP-309119-21

This document contains neither recommendations nor conclusions of An Bord Pleanála. It is the responsibility of the user to verify the accuracy of the information contained in this document.

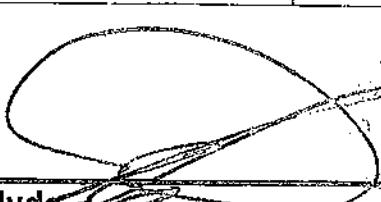
Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-309119-21

Proposed Development: Construction of a 110kV substation and associated site development works in the townlands of Drumanan and Cornwall, County Monaghan.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €1,482 Inspector 2 (application) €19,760	€21,242
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€21,242
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	N/A
	Total	€101,000
	Net amount due to be refunded to applicant	€79,758


Paul Hyde
Member of An Bord Pleanála
Duly authorised to authenticate
the seal of the Board.

Dated this 4th day of November 2021

**110kv Loop-In/Loop-Out Substation
Including Substation Compound,
associated Electrical Plant and apparatus
at
Drumlins Park Wind Farm, Co. Monaghan**



Biodiversity Chapter Amendment Report

Version (07-02-2022)



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1. INTRODUCTION

The current document provides an Amendment Report regarding a Biodiversity Chapter (Ecological Impact Assessment) for the Drumlins Park Wind Farm 110kv Loop-In/Loop-Out Substation including Substation Compound, associated Electrical Plant and apparatus. The proposed development (APB-309119-21) was granted permission under several conditions. The client, Drumlins Park Ltd, now wishes to seek a non-material amendment application to change two sub-conditions of the grant. Ecofact Environmental Consultants Ltd. prepared a Biodiversity Chapter for the proposed development. This chapter was prepared in accordance with the requirements of the 2011 EIA Directive as amended by EIA Directive 2014/52/EU.

2. PROPOSED AMMENDEMENT

The proposed amendment concerns a non-material amendment application change. The conditions which An Bord Pleanála specified were:

"3. *The developer shall comply with the following general requirements:*

- (a) *No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.*
- (b) *CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.*
- (c) *Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level."*

The proposed amendment is regarding condition 3, subsection (a) and (c). The reason for these amendments is that EirGrid have a mandatory requirement to have lighting on substation for health and safety purposes. This is included in the EirGrid standards for site safety which states that "*illumination will be provided to allow safe pedestrian travel anywhere in the substation*". In correspondence with the consulting engineers Jennings O' Donovan it was stated that this lighting would only be used on an ad-hoc basis and used in case of emergencies at night or when extended maintenance occurs. There would also be a sensor light at the control building doors which would light for c. 2 minutes if the substation was in use at night-time. A Lux level of 1.0 would be in very close proximity to the fence ensuring very low light impact on the area outside the compound.

Regarding conditions 3(c) this cannot be satisfied due to security reasons as outlined by Consulting Engineers Jennings O'Donovan. Satisfying this condition would pose a security and safety risk to a strategic asset and this condition is therefore not consistent with the EirGrid Technical Requirements according to consulting engineers Jennings O' Donovan.

3. IMPLICATIONS FOR BIODIVERSITY ASSESSMENT

The Biodiversity Chapter prepared for the proposed development identified 12 Key Ecological Receptors regarding the proposed development all of which were evaluated as "Local Importance, Higher Value". The habitats identified along with their Fossitt classification were Treelines (WL2), Hedgerows (WL1), Wet Grassland (GS4), Mixed Broadleaved Woodland (WD1) and the River Bunnoe. The fauna identified as key ecological receptors were Hare, Pine Marten, Fox, Fallow Deer, Bats, Birds and Common Frog (Ecofact, 2019). During the construction phase, likely effects regarding habitat loss and fragmentation were identified for Treelines, Hedgerows, Wet grassland, Hare, Pine Marten, Fox,



Fallow Deer, Bats and Birds. Disturbance impacts were also identified as likely to arise through increased noise and human activity on site. The River Bunnoe could be affected by reduced water quality through surface water run-off and accidental spillages on site. Invasive species could be brought onto site via vectors such as machinery or personnel. Impacts during the operational phase were identified as water quality impacts arising as oils and chemicals that would be required for maintenance activities. These oils / chemicals could run-off into the River Bunnoe and impact water quality. Bats could be affected by mortality in relation to cumulative impacts with the adjacent permitted Drumlins Park Wind Farm (Ecofact, 2019). The magnitude of these impacts was considered in some cases to be significant, negative and permanent in the local context. This is due to the inevitable habitat loss that will occur. With the implementation of mitigation residual impacts on all key ecological receptors is considered "none", except for bats and birds which are 'slight negative'.

Regarding the substation area the habitat here consists of wet grassland, treelines and improved agricultural grassland with hedgerows and a drainage ditch nearby. The addition of artificial lighting to this substation is not considered likely to impact any of these habitats. There will be loss of treeline, hedgerow and wet grassland habitat, all key ecological receptors, however with the proposed mitigation the residual effects are none for these receptors. The addition of artificial lighting will not change this. It is considered that with the addition of some artificial lighting, which will be focused on the substation and result in very minor light spill to the surrounding habitat the residual impacts as explained above will not change. The assessment remains the same.

Some mammals may use the surrounding habitat such as treelines and hedgerows to commute and forage. This includes bats, fallow deer, fox, pine marten and hare. The bat species expected to be present at the site as detailed in the biodiversity chapter are common species in Ireland that are widespread and adaptable. Non-volant mammal species present are also common species in Ireland. There could potentially be some very minor disturbance impacts from additional lighting in the local context. Currently, in the biodiversity chapter the magnitude of impacts regarding mammals in the absence of mitigation is slight negative, temporary – short term and in the local context. The addition of lighting on the substation, which would only be used on occasion, would not change this assessment nor would it require any additional mitigation. Lux levels proposed are considered to be at a low level at 1 Lux. Common Frog may occur in the wet grassland area or the drainage ditches nearby. Mitigation is provided for frogs during the construction and operational phases. Due to the minimal light spill the additional lighting will cause it is considered that there is no potential for additional impacts on common frog. The assessment remains the same.

The addition of security fencing would not change the biodiversity assessment in any way and will have no impact on ecology of the area. There may be some slight disturbance impacts when constructing the security fencing, but this will be done as part of the construction of the substation itself and would be a negligible addition to disturbance. Mitigation has already been provided for reducing disturbance impacts during the construction phase, and this would not change with the addition of security fencing and lighting. The assessment remains the same.

4. CONCLUSION

There are no sensitive receptors in the vicinity of the Drumlins Park substation. The amendments which are sought are minor and have very little to do with the ecology of the site. All key ecological receptors that were identified in the biodiversity assessment were of 'Local Importance, Higher Value' and with mitigation the residual impact was mostly 'none' and at most 'Slight negative'. The proposed



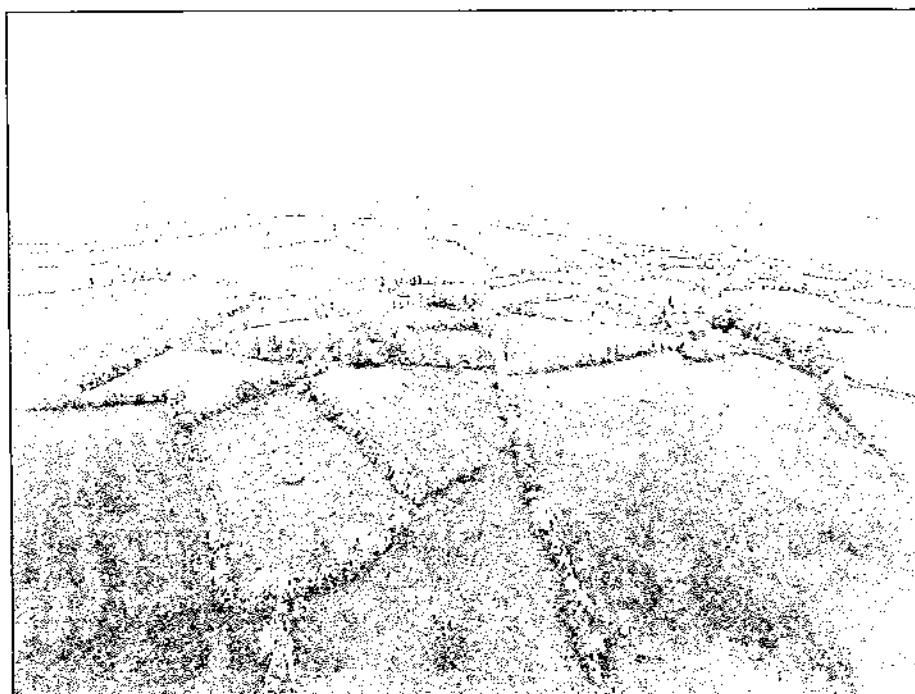
amendment does not change the original assessment. An updated biodiversity assessment does not need to be prepared.



REFERENCES

Ecofact (2019) *Drumlins Park Wind Farm Substation and Grid Connection Chapter 5: Biodiversity*. A Report to Galetech Energy Services, October 2019. Ecofact Environmental Consultants Ltd.

**110kv Loop-In/Loop-Out Substation
Including Substation Compound,
associated Electrical Plant and apparatus
at
Drumlins Park. Wind Farm, Co. Monaghan**



**Natura Impact Statement Amendment
Report**

Version (07-02-2022)



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1. INTRODUCTION

The current document provides an Amendment Report regarding a Natura Impact Statement (NIS) for the Drumlins Park Wind Farm 110kv Loop-In/Loop-Out Substation including Substation Compound, associated Electrical Plant and apparatus. The proposed development (APB-309119-21) was granted permission under several conditions. The client, Drumlins Park Ltd now wishes to seek a non-material amendment application to change two sub-conditions of the grant. Ecofact Environmental Consultants Ltd. prepared a Natura Impact Statement for the proposed development. This document assessed the likely significant impacts of the project on the Upper Lough Erne Special Protection Area (SPA) and Special Area of Conservation (SAC), the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA.

1.1 Background

Ecofact Environmental Consultants Ltd. prepared a Screening for Appropriate Assessment and NIS in respect of the now permitted Drumlins Park Wind Farm development (Ecofact, 2019a; 2019b) (Planning Reference: 19/486). Following this, there was a proposal for a minor amendment to the development permitted under Monaghan County Council Planning Register Reference 19/486 to revise the alignment of the permitted access track between turbines T2 and T3 at Killyleg & Lislongfield Co. Monaghan. The original NIS for the permitted wind farm concluded that no effects were likely to arise that could adversely affect the integrity of any Natura 2000 Sites. Mitigation measures were provided to ensure the protection of local water quality and biosecurity. The NIS for the minor amendment was an updated version that took all changes under 21/136 into account. It was considered that the realignment section of the access road between T2 and T3 for the permitted wind farm were very minor and would not alter the outcome of the original NIS submitted under 19/486. Furthermore, the proposed electricity substation and grid connection to serve the permitted wind farm (An Bord Pleanála Reference ABP-309119-20) were also assessed within the NIS (Ecofact, 2021).

2. PROPOSED AMMENDMENT

The proposed amendment concerns a non-material amendment application change. The subject conditions of the grant which An Bord Pleanála specified were:

"3. *The developer shall comply with the following general requirements:*

- (a) *No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.*
- (b) *CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.*
- (c) *Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level."*

The proposed amendment is regarding condition 3, subsection (a) and (c). The reason for these amendments is that EirGrid have a mandatory requirement to have lighting on substations for health and safety purposes. This is included in the EirGrid standards for site safety which states that "illumination will be provided to allow safe pedestrian travel anywhere in the substation". In correspondence with the consulting engineers Jennings O' Donovan, it was stated that this lighting would only be used on an ad-hoc basis and used in case of emergencies at night or when extended maintenance occurs. There would also be a sensor light at the control building doors which would light



for c. 2 minutes if the substation was in use at night-time. A Lux level of 1.0 would be in very close proximity to the fence ensuring very low light impact on the area outside the compound.

Regarding conditions 3(c) this cannot be satisfied due to security reasons as outlined by Consulting Engineers Jennings O'Donovan. Satisfying this condition would pose a security and safety risk to a strategic asset and this condition is therefore not consistent with the EirGrid Technical Requirements, according to consulting engineers Jennings O' Donovan.

3. IMPLICATIONS FOR NATURA 2000 NETWORK

The NIS for the proposed development identified potential impacts on several Natura 2000 sites including the Upper Lough Erne Special Protection Area (SPA) and Special Area of Conservation (SAC), the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA. The qualifying interests of these sites for which potential impacts were identified include Whooper Swan *Cygnus cygnus*, Natural Eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation, Otter *Lutra lutra*, Natural Eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation, Great Crested Grebe *Podiceps cristatus*, Whooper Swan *Cygnus cygnus*, Wigeon *Anas penelope* and Wetland and Waterbirds. The identified impacts concerned limited water quality and invasive species impacts for all qualifying interests, and potential collision risk for the bird species (Ecofact, 2021). Overall, it was determined that water quality, invasive species and collision risk had limited potential to arise in the absence of mitigation. This was due to the considerable distance between the Natura 2000 sites and the proposed development. It was considered unlikely that any low-magnitude localised impacts that did arise would affect any of the qualifying interests of the Natura 2000 sites. Mitigation was provided as a precautionary measure.

The proposed amendments regarding lighting and security fencing would have no effect on the existing impact assessment which was carried out. It will not increase water quality issues, collision risk or invasive non-native species impacts, and no additional mitigation would be required. There are no sensitive ecological receptors in the area and no species of conservation concern occur in the vicinity of the substation. The assessment remains the same.

Regarding the additional lighting, the only instance where this would have an impact on the Natura 2000 Network is if it was in very close proximity to an SPA or SAC, or if species designated occurred close by. The closest site is the Upper Lough Erne SPA which is located 7.7km west of the proposed development. At this distance there is no potential for lighting impacts on any this or any other Natura 2000 site. Lough Oughter and associated Loughs SAC is designated for the protection of Otter – however this SAC is c. 11.4 km from the site and there is no potential for lighting impacts at this distance. As stated in the NIS, the potential for water quality and invasive species risks reaching this SAC was unlikely. In addition, there is no potential for disturbance impacts from lighting at the substation to effect otter due again to distance, and lack of suitable habitat for qualifying interests. As the lighting will be used at night, roosting birds could be impacted if they occurred in the area. However, again there is no suitable roosting habitat for the species associated with the SPAs and there is considerable separation between the SPAs and the substation. In any case, light spill affecting surrounding habitat will be minimal. There are no important ecological receptors or qualifying interests in the vicinity of the substation. In addition, the lighting will only be used in emergency situations, will be focused on the substation only, with a lux level of 1 at the perimeter and it will not be in operations for extended periods.

The addition of security fencing would not change the NIS in any way and will have no impact on the Natura 2000 network. The SPA and SAC are a considerable distance from the substation and there are



no additional pathways for impacts identified due to the amendments. The works involved in erecting security fences would not result in any impacts on any SAC or SPA. The assessment remains the same.

4. CONCLUSION

There are no sensitive receptors in the vicinity of the Drumlins Park substation. The amendments which are sought are minor and have very little to do with the ecology of the site. In addition, the impacts from the entire project were considered unlikely to occur, yet there was some potential and mitigation was provided as a precautionary measure.

No qualifying interests of the Natura 2000 sites assessed in the NIS occur on the proposed development site. Therefore, it is considered that the proposed non-material amendment application would not result in any additional potential impact on the Natura 2000 network. An updated NIS does not need to be prepared and the assessment remains the same.



REFERENCES

- Ecofact (2019a) *Drumlins Park Wind Farm Screening for Appropriate Assessment*. A Report to Galetech Energy Services, October 2019. Ecofact Environmental Consultants Ltd.
- Ecofact (2019b) *Drumlins Park Wind Farm Natura Impact Statement*. A Report to Galetech Energy Services, October 2019. Ecofact Environmental Consultants Ltd.
- Ecofact (2021) *Drumlins Park Wind Farm - Updated NIS to include Permitted Wind Farm Layout, Revised Access Track Alignment, and Proposed Electricity Substation and Grid Connection Route*. A Report to Galetech Energy Services, July 2021. Ecofact Environmental Consultants Ltd.