

Heritage Council
The Heritage Council
Áras na hOidhreachta
Church Lane
Kilkenny
R95 X264

By email to aharvey@heritagecouncil.ie

Our Ref: P22-211/Ltr/BC/AMW

12 April 2023

Re: Strategic Infrastructure Development (SID) Planning Application for the development of a 110kV Substation within the townland of Clondardis, Co. Westmeath.

ABP Pre-Application Consultation Case Number ABP-314595-22

Dear Sir/Madam,

On behalf of our client, Harmony Solar Mullingar Limited, please find enclosed an application for approval of the proposed construction of a 110kV substation (and all associated infrastructure) in the in the townland of Clondardis, Co. Westmeath.

This application is being made directly to An Bord Pleanála as 'Strategic Infrastructure Development' (SID) under the provisions of Section 182A of the Planning and Development Act 2000 as amended and associated planning regulations.

This position was confirmed by An Bord Pleanála to the applicant on the 14th of March 2023 following pre-application consultations with the Board (Case Number ABP-314595-22), a copy of the Board's determination is enclosed with this letter.

The proposed development will constitute the provision of the following:

- Construction of a 110 kV Substation and associated works within a site of approximately 4.5 hectares. The Substation, comprising a total compound footprint of 1.29 hectares, enclosed by palisade fencing, will comprise:
 - 1 No. single storey substation control building (435 m²);
 - 1 No. single storey customer MV Building (325 m²);
 - Switchgear, Arc Suppression Coil, Cable Sealing Ends, Cable Chair, Circuit Breakers, Current Transformers, Disconnects, Post Insulators, Surge Arrestors, Grid Code Compliance Equipment and Voltage Transformers;
 - 8 No. lightning masts to a height of approximately 18 m;
 - 1 No. telecommunications pole to a height of approximately 22 m;
 - 2.6m high palisade guard railing with perimeter boundary fencing will be erected around the periphery of the compound for security and protection measures;
 - Lighting will be provided by 4 no. lamp posts approximately 3m in height as well as exterior wall mounted lights on the control buildings.



- Erection of 2 no. line-cable interface masts to enable a loop-in/loop-out connection to the existing Mullingar-Lanesborough 110 kV overhead line. The steel lattice masts will extend to heights of 16m and 15m above existing ground level.
- Permanent access road (ca. 1.1 km in length) to allow access to the substation including a short spur (ca. 0.1 km) off the main access track to access to the 2 no. line-cable interface masts. The entrance to the local road (L5802) will be shared with the consented Clondardis solar farm.
- Associated construction works and drainage infrastructure and installation of temporary construction compound.

The proposed substation and associated works are part of a larger renewable solar energy project, identified as Clondardis Solar Farm, sited across sixteen land parcels located at the townlands of Clondardis and Slane More, Walshestown, Mullingar, Co Westmeath. The permitted solar farm (P.A. Reg. Ref.17/6239, ABP-301116-18 and amended under P.A. Reg. Ref. 20/6132) consists of ground-mounted photovoltaic solar arrays and associated ancillary infrastructure. A planning application was lodged to Westmeath County Council on 28th August 2017 and was granted 12th February 2018 by Westmeath County Council. A Third Party Appeal was lodged against this decision, however An Bord Pleanála decided to maintain a grant of permission and amended the grant of permission on 15th February 2019. On 28th of October 2020 Westmeath County Council granted planning permission to amend the design of the permitted Clondardis Solar Farm under P.A. Reg. Ref.17/6239.

An Appropriate Assessment Screening Report (AASR) has been prepared in relation to the project and accompanies this planning application. The AASR has ruled out the requirement for a Natura Impact Statement (NIS). An Ecological Impact Assessment (EclA) has also been prepared in relation to the project. The EclA also accompanies this planning application.

The planning application, AASR and EclA may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such copy) during public opening hours for a period of seven weeks commencing on **21st April 2023** at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1
- Westmeath County Council Áras An Chontae, Mount St, Mullingar, Co. Westmeath

The application may also be viewed /downloaded on the following website: www.clondardissid.ie

This application is being made directly to An Bord Pleanála as 'Strategic Infrastructure Development' (SID) under the provisions of Section 182A of the Planning and Development Act 2000 as amended, and the associated Planning Regulations.

An Bord Pleanála have required that we directly consult with your organisation. As such we have attached a copy of the application documentation on USB drive in line with the preference expressed from earlier contact made with your Organisation on this matter.

The planning application and associated documentation includes:

- The completed An Bord Pleanála SID application form;
- The site notice;
- The letter of consent from the landholders;
- Planning Application Notification Letter to Westmeath County Council;
- Schedule of Drawings ;
- Planning Application Drawings;
- Planning and Environmental Report with 6 no. Appendices;
- The Outline Construction Methodology Report;
- Spatial data: - .dwg CAD file and a GIS 'Shapefile' of the red line application site boundary.

You are advised that the Board may in respect of an application for permission decide to:

(a)

- i. grant the permission/approval, or
- ii. make such modifications to the proposed development as it specifies in its decision and grant permission/approval in respect of the proposed development as so modified, or
- iii. grant permission/approval in respect of part of the proposed development (with or without specified modifications of the foregoing kind), and any of the above decisions may be subject to or without conditions, or

(b)

Refuse permission to grant the permission/approval.

Submissions or Observations may be made only to An Bord Pleanála, 64 Marlborough Street, Dublin 1 relating to:

- iv. The implications of the proposed development for proper planning and sustainable development, and
- v. The likely effects on the environment of the proposed development, and
- vi. The likely significant effects of the proposed development on a European site, if carried out.

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanála (Telephone: 01 8588100).

Any submissions/observations must be received by the Board not later than 5.30 p.m. on the **14th June 2023**.



If you should require any further information please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Cronin", is written above a solid horizontal line.

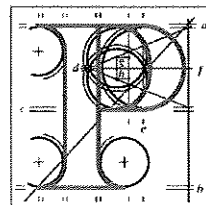
Brian Cronin
for and on behalf of **Fehily Timoney and Company**

Encl

Enclosure: An Bord Pleanála Inspectors Report and List of Prescribed Bodies in Appendix 1.

Our Case Number: ABP-314595-22

Your Reference: Harmony Solar Mullingar Limited



**An
Bord
Pleanála**

Fehily Timoney and Company
Core House
Pouladuff Road
Cork
Co. Cork
T12 D773

FEHILY TIMONEY & Co.

Distribution BC / JH

15 MAR 2023

Job No: P22-211.

Correspondence No: J

Comment:

Date: 14 March 2023

Re: 110kV 'Loop-in/Loop-out' substation.
Within the townland of Clonardis, Co. Westmeath.

Dear Sir / Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act, 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000 as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act, 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

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. 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.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As a meeting was not required / only one meeting was required in this case, a refund of 3,500 will be sent to you in due course.

Please find attached a list of prescribed bodies to be notified of any application being made to the Board.

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.

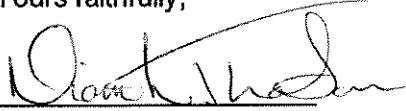
If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Teil	Tel	(01) 858 8100
Glae Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

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

Yours faithfully,



Niamh Thornton
Executive Officer
Direct Line: 01-8737247

VC11

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

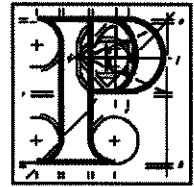
64 Sráid Maoilbhride	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Appendix 1

Prescribed Bodies

The following is a schedule of prescribed bodies considered relevant in this instance for the purpose of section 182(A) (b)(4) of the Act.

- Minister of Housing, Local Government and Heritage.
- Minister for Environment, Climate and Communications.
- Westmeath County Council
- Transport Infrastructure Ireland
- Fáilte Ireland
- An Taisce
- Heritage Council
- Inland Fisheries Ireland
- Commission of Regulation of Utilities, Water and Energy
- Health Service Executive
- Irish water



Electricity Applications Procedures

- The application must be made by way of full completion of application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 182A of the Planning and Development Act, 2000, as amended.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper (A sample public notice is attached). A site notice may be required in certain circumstances in respect of structures such as sub-stations and, where required, should accord with the protocols set out in the Planning and Development Regulations 2001-2011. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
 - Planning Authority – 5 hard copies and 2 electronic copies.
 - An Bord Pleanála – 2 hard copies and 8 electronic copies.
- The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.
- The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and

date for the making of submissions to the Board. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.

- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice (Sample letter to prescribed bodies is attached).
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.
- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application should include a list of the persons served with the application, the date of such service and a sample copy of the notice of service.
- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is a provision in the Planning and Development (Amendment) Act 2010 enabling the Board to recover its costs for processing any application from the applicant. In addition, it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.

The sequencing of the making of the application was summarised as follows:

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

Guidelines for Electronic Copies of Applications (Standalone Website & CD Copies)

1. Each document/drawing should be clearly labelled:
 - EIS and NIS chapters saved individually should be named with the number and title of the chapter e.g. Chapter 2: Ecology, Chapter 3: Human Beings etc., and not just the chapter number.
 - Document names cannot begin or end with a dot, cannot contain consecutive dots and cannot contain any of the following characters: ~ " # % & * : < > ? / \ { | }.
 - Drawings should be saved with the drawing title and/or number, not just the drawing number.
 - Large documents to have 'contents' page e.g. EIS and to be paginated appropriately to allow ease of access to its various sections.
2. Documents/drawings should not be compressed e.g. not Winzipped, and should open directly.
3. Each document/drawing when opened should be clearly legible and any scaling of the drawing clearly and accurately indicated.
4. Each document/drawing when opened should be oriented in the appropriate way (portrait/landscape). It should also be possible to rotate the document/drawing.
5. The documents/drawings should be presented in the same sequence as they appear in the hard copy of the application, in order to make the electronic copy as accessible as possible.
6. All photographs/photomontages shall be in colour, not blurred and clearly legible.
7. All drawings/maps which rely on any colour interpretation e.g. red/blue edging, zoning etc. must be provided in colour.

July, 2015

(iii) any failure to take any action, pursuant to a statutory provision that gives effect to

- (I) a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
- (II) the SEA Directive 2001/42/EC, or
- (III) a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
- (IV) Article 6(3) or 6(4) of the Habitats Directive; or

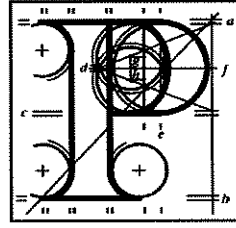
(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies 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, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, 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.citizensinformation.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.



**An
Bord
Pleanála**

Judicial Review Notice

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 amended, 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(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) 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 costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
 - (i) any decision or purported decision made or purportedly made,
 - (ii) any action taken or purportedly taken,