

An
Coimisiún
Pleanála

**Commission Order
ACP-323688-25**

Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 2561152

Appeal by Geraldine Browne against the decision made on the 28th day of August 2025 by Donegal County Council to grant, subject to conditions, a permission to Eirgrid PLC in accordance with plans and particulars lodged with the said Council.

Proposed Development: A period of 10 years for development at the existing ESB networks 110kv Letterkenny substation which will consist of: (1) southward extension of the existing esb networks 110kv substation compound by 0.9 hectares, (2) construction of a 110 kv (kilovolt) gas insulated switchgear (gis) building (approximately 82.5 metres by 18.5 metres) maximum height 18 metres, to replace the existing 110kv air insulated switchgear (ais) substation, (3) construction of 5 number 110 kv line cable interface masts (lcims) to the south and south-west of the existing ais substation compound and proposed replacement GIS building, which will comprise the end point of the existing overhead line circuits accessing the proposed GIS building, (4) connection of existing transmission circuits to the

proposed GIS building by way of underground cables from the new Icims, (5) decommissioning and removal of seven number existing 110 kv towers and three number 110kv h poles, cabling, busbars, switchgears and support structures, (6) erection of three number lightning masts at 11 metres high at the replacement GIS compound, (7) temporary widening (31 metres) of the existing (four metres) field gate entrance off the L1054 to facilitate a temporary construction access track (204 metres), permanent access to the development will continue as existing from the substation entrance off the n13 and (8) all associated and ancillary works, including associated ground cabling and earthgrid, five number car parking spaces, surface water drainage, underground wastewater storage tank, lighting, landscaping and boundary treatment, site preparation, site clearance and levelling, provision of hardstanding, permanent internal access road (505 metres), one number temporary construction compound and one number temporary laydown area with 20 number temporary car parking spaces and all ancillary works, all on an overall site area of 9.3 hectares, Listellian, Letterkenny, County Donegal. (a Natura impact statement (NIS) accompanies this application).

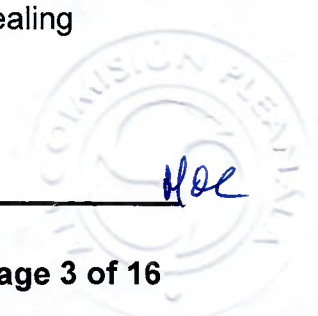
Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

- (a) European legislation, including of particular relevance:
 - (i) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union;
 - (ii) Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning and Development Regulations, 2001 as amended
 - (iii) Directive 2000/60/EC, the Water Framework Directive, and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive;
 - (iv) the Critical Infrastructure Act, 2026 and Critical Infrastructure Act 2026 (Designation)(No.9) Order 2026;
 - (v) Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014;



- (b) National and regional planning and related policy, including:
 - (i) National policy with regard to the transition to a carbon neutral and climate resilient society, particularly the National Planning Framework First Revision 2025 and National Policy Objective 71 (To support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development)
 - (ii) The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- (c) Regional and local planning policy, including:
 - (i) Regional Spatial and Economic Strategy for the Northern and Western Region, 2020 to 2032; and
 - (ii) the Donegal County Development Plan, 2024-2030.
- (d) Other relevant national policy and guidance documents including the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012;
- (e) the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity;
- (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;
- (g) the Natura Impact Statement (NIS) submitted with the planning application;

- (h) the submissions and observations made in connection with the planning application and the submissions on the application;
- (i) the report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment and the Water Framework Directive;
- (j) the development being a project designated as a Critical Infrastructure project on 22nd July 2026 and that Section 15 of the Climate Action and Low Carbon Development Act was not applicable in respect of the performance of relevant functions and duties of the Commission; and
- (k) the planning history of the immediate area, including the adjacent established substation.

Appropriate Assessment: Stage 1:

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and the submissions on file. The Commission agreed with the screening assessment and adopted the conclusion carried out in the Inspector's Report that Lough Swilly Special Area of Conservation (Site Code: 002287) and Lough Swilly Special Protection Area (Site Code: 004075) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for the sites and that Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for Lough Swilly Special Area of Conservation (Site Code: 002287) and Lough Swilly Special Protection Area (Site Code: 004075), in view of the conservation objectives for the sites. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development either individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the conservation objectives of the sites. In overall conclusion, the Commission was satisfied that the proposed development, either by itself or in combination with other plans or projects, would not adversely affect the integrity of Lough Swilly Special Area of Conservation (Site Code: 002287) and Lough Swilly Special Protection Area (Site Code: 004075), in view of the conservation objectives of the sites.

Environmental Impact Assessment

The Commission had regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed substation development, within and adjacent to an established substation site, and
 - (b) the absence of any significant environmental sensitivity in the vicinity.
2. The results of other relevant assessments of the effects on the environment submitted by the applicant including
 - (a) the Appropriate Assessment Screening Report (AASR);
 - (b) the Natura Impact Statement (NIS) and findings of the Local Authority that having fully considered the NIS and having carried out an Appropriate Assessment, the Local Authority is satisfied that the project will not adversely affect the integrity of any European site, alone or in combination with other plans or projects;
 - (c) the Appropriate Assessment (Natura Impact Report) of the Donegal County Development Plan, 2024 to 2030;
 - (d) the Environmental Impact Assessment (EIA) Screening Report, the findings of the Local Authority that as per the EIA Screening Report the proposal does not exceed mandatory thresholds for EIA and that potential effects on population, human health, biodiversity, soil, water, air, climate, material assets, landscape and cultural heritage have been assessed and that no likely significant effects are identified that would warrant an Environmental Impact Assessment Report;
 - (e) the Strategic Environmental Assessment (SEA) of the Donegal County Development Plan, 2024 to 2030.

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified to be provided in the Preliminary Construction and Environmental Management Plan, the Flood Risk Assessment, the Landscape and Visual Impact Assessment, the Eco-Landscape Mitigation Plan, the Construction Traffic Management Plan and the Construction and Demolition Resource and Waste Management Plan.

The Commission considered that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the character of the landscape, would not seriously injure the visual or residential amenities of the area including designated views and prospects and scenic routes, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would not have undue impacts on surrounding land uses, would not have an adverse impact on ecology or on any European Site, would make a positive contribution to Ireland's requirements for renewable energy in accordance with national, regional and local policy, would contribute to the resilience of the energy distribution network and would constitute an acceptable form of development at this location. 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 period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. All of the environmental, construction and ecological mitigation and monitoring measures and set out in the Construction Environmental Management Plan (CEMP), the Flood Risk Assessment (FRA), the Landscape and Visual Impact Assessment (LVIA), the Eco-Landscape Mitigation Plan, the Construction Traffic Management Plan (CTMP), the

Construction and Demolition Resource and Waste Management Plan (CDRWMP) and the following sections of the Planning and Environmental Considerations Report (PECR), Chapter 4 – Environmental Considerations including Section 4.3.1 Biodiversity, Section 4.3.2 Landscape and Visual Impact Assessment, Section 4.3.3 Population and Human Health, Section 4.3.4 Air Quality, Section 4.3.5 Noise and Vibration, Section 4.3.6 Traffic and Transport, Section 4.3.7 Resource Use and Waste Management, 4.3.8 Soils, Geology and Hydrology and Section 4.3.9 Hydrology and appendices to the PECR shall be implemented in full by the developer in conjunction with the timelines set out therein except as may otherwise be required to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment including the integrity of European Sites during the construction and operational phases of the development.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall otherwise comply with submitted Site Specific Flood Risk Assessment. A drainage management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and is to be submitted to the planning authority for approval prior to commencement of development.

Reason: In the interests of environmental protection and flood prevention.

6. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect the road network.

7. Prior to the commencement of development, the developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Such requirements shall require provision of a detailed Traffic Management Plan and shall include the following details:
- (a) consultation with Transport Infrastructure Ireland (TII) and all private and public companies and road authorities;
 - (b) details of haulage routes, control measures for abnormally sized vehicles and an Abnormal Load Assessment;
 - (c) a road condition survey of roads and bridges along the haul route to be carried out at the developer's expense and to the satisfaction of the planning authority;
 - (d) detailed arrangements for construction damage to be made good by the developer to the satisfaction of the planning authority;
 - (e) detailed arrangements for temporary traffic management/controls, to include arrangements for the safe operation of the junction of the L-1054 and N13 and protocols to keep residents informed;

- (f) Construction Route Signage;
- (g) Road Opening Licences that will be required; and
- (h) detailed design of the site entrance onto the L-1054, with provision of sightlines to the satisfaction of the planning authority and recessed entrance gate.

Reason: In the interests of traffic and pedestrian safety.

8. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to, and agreed in writing with, the planning authority, generally in accordance with the Outline Construction Methodology submitted with the application. The CEMP shall incorporate the following:
- (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, vibration, dust and surface water management measures including appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste;
 - (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
 - (c) an Invasive Species Eradication and Management Strategy for the site, to include monitoring post completion of works;
 - (d) an emergency response plan;
 - (e) proposals in relation to public information and communication. A record of daily checks that the works are being undertaken in

accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority, and

- (f) an outline strategy for any future decommissioning phase, to include means to protect and enhance biodiversity.

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

- 9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

- 10. Where there is a requirement to import stone aggregate to the site for development works, the developer shall have regard to the use of recycled aggregates which have achieved End-of-Waste Status in accordance with Environmental Protection Agency (EPA) Criteria and Guidance. The use of recycled aggregates is strictly limited to the

specific uses set out in the EPA's National End-of-Waste Criteria for Recycled Aggregates or a Single Case Decision made in respect of recycled aggregates.

Reason: To maximise the sustainable reuse of construction products and to reduce the extraction of virgin raw materials.

11. Operational noise levels from the proposed development shall not exceed 40 dBA during hours of operation at the nearest noise sensitive receptors. Where noise levels from the proposed development exceed those specified, the development shall submit detailed proposals for ameliorating excessive noise levels to the planning authority for prior written agreement.

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

12. The developer shall comply with the following requirements:
- (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) Cables within the site shall be located underground.
 - (c) External finishes to fencing, gates and exposed metalwork (non-galvanised/subject to EirGrid requirements), roof and external walls of substation, shall comply with the requirements of the planning authority.

Reason: In the interests of clarity, of visual and residential amenity.

13. 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 or 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 amenities of property in the vicinity.

14. The landscaping scheme shown on the 'Eco-Landscape Mitigation Plan' drawing reference number LD.LTTRKNNY-SBST 1.1, dated June 2025, shall be carried out within the first planting season following substantial completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

15. Prior to the commencement of the development, a Gas Management and Emergency Response Plan shall be submitted for the Planning Authority for prior written agreement. The approved plan shall provide precise information as to the use of SF6 (sulphur hexafluoride) technology, where applicable, and full details of any SF6 free technology proposed to be used. The approved plan shall be implemented for the lifetime of the development.

Reason: In the interests of public safety, climate protection and environmental management.

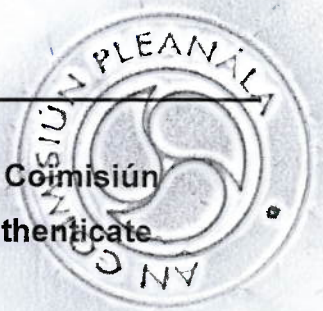
Marie O'Connor

Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 14th day of September 2026