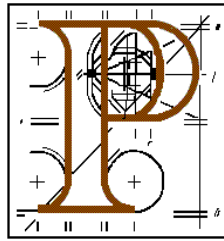


# An Bord Pleanála



## Inspector's Report

**APPLICANT:** SSE GENERATION IRELAND LTD

**PROPOSED DEVELOPMENT:** AIR INSULATED SWITCHGEAR 110Kv  
TRANSMISSION SUBSTATION

**LOCATION:** CARRANSTOWN AND CAULSTOWN,  
PLATIN, DULEEK, COUNTY MEATH

**PLANNING AUTHORITY:** MEATH COUNTY COUNCIL

**DATE OF SITE INSPECTION:** 31<sup>st</sup> OCTOBER, 2019

**INSPECTOR:** KEVIN MOORE

## CONTENTS

	<u>Page</u>
1.0 INTRODUCTION	4
2.0 THE SITE OF THE PROPOSED DEVELOPMENT	4
3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT	4
4.0 PLANNING HISTORY	6
5.0 POLICY CONTEXT	7
6.0 SUBMISSION FROM MEATH COUNTY COUNCIL	9
7.0 SUBMISSIONS FROM PRESCRIBED BODIES	11
7.1 Transport Infrastructure Ireland (TII)	11
7.2 Health Service Executive (HSE)	11
8.0 THIRD PARTY SUBMISSIONS	12
8.1 Helen McEntee TD	12
9.0 ENVIRONMENTAL IMPACT ASSESSMENT	12

	<u>Page</u>
<b>10.0 APPROPRIATE ASSESSMENT</b>	<b>13</b>
<b>10.1 Screening for Appropriate Assessment</b>	<b>13</b>
<b>10.2 Natura Impact Statement</b>	<b>14</b>
<b>10.3 Considerations on Appropriate Assessment</b>	<b>15</b>
<b>11.0 PLANNING ASSESSMENT</b>	<b>18</b>
<b>11.1 Introduction</b>	<b>18</b>
<b>11.2 Policy Context</b>	<b>19</b>
<b>11.3 Location of the Proposed Development</b>	<b>33</b>
<b>11.4 Miscellaneous Issues</b>	<b>36</b>
<b>12.0 CONCLUSION AND RECOMMENDATION</b>	<b>45</b>

## **1.0 INTRODUCTION**

- 1.1 What follows constitutes an addendum report to my previous report of 31<sup>st</sup> October, 2019, primarily assessing the planning and environmental impacts of the proposed Air Insulated Switchgear (AIS) 110kV transmission substation.

## **2.0 THE SITE OF THE PROPOSED DEVELOPMENT**

- 2.1 The 10.72 hectare site is located in the townlands of Carranstown and Caulstown at Platin in County Meath. The site is approximately 4km north-east of the village of Duleek and 4km south-west of the town of Drogheda. The site is located to the east of Regional Road R152 and is in agricultural use. There is a mix of industrial developments in the immediate vicinity. Indaver's waste to energy facility is located to the north-west on the opposite side of the regional road. A commercial vehicle test centre and vehicle service station are located immediately adjoining the site to the north along with a small number of detached houses on both sides of the regional road. Irish Cement Ltd. works and quarry is located a short distance further north of this. Residential development is otherwise scattered in this rural location with frontages on to the regional road.

## **3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- 3.1 The proposed development would comprise an Air Insulated Switchgear (AIS) 110kV transmission substation. It would consist of the following main elements:
- The construction of a 4 bay Air Insulated Switchgear 110kV transmission substation in a compound area (approx. 15,673m<sup>2</sup>), under the existing Corduff-Platin 110kV overhead line and the looping into the proposed substation of the said overhead line;

- A substation control building with a floor area of 375m<sup>2</sup>, measuring 25 x 15m and 6m high;
- The removal of a 500m length of the 110kV overhead line and the diversion of this line by means of underground cables along the western and northern boundaries of the site;
- The installation of 2 no. line to cable interface masts (LCIM) approx. 16m in height in the north-east and south-west corners of the site to convert the overhead line into an underground cable;
- All other site and ancillary works, including a widened and upgraded entrance from the R152, internal road, a temporary construction compound, landscaping, palisade fencing, and the erection of 7 no. 18m high lightning protection monopoles; and
- New road markings, including a deceleration lane approaching the site on the R152.

The development would also include the following temporary works to assist in the programmed diversion of the overhead line to facilitate construction works:

- Restringing of the OHL conductor between the existing 110kV pole set and new line cable interface mast at the south-western end of the site. At the north-eastern side of the site, restringing of the OHL conductor between the existing angle mast and the new line cable interface mast. The addition of a new underground 110kV cable and fibre optic cable (c.500m) between the new LCIMs along the northern and western side of the site;
- Removal of 2 no. 110kV pole sets and the removal of 3 no. spans of OHL conductor; and

- Temporary works for the diversion will include erecting temporary stays on the 110kV pole set to the south-west of the site and the temporary rerouting of the fibre optic cable from the existing 110kV angle mast to the north-east of the site to the 110kV pole set to the south-west of the site via 12 no. 38kV wood poles located along the eastern and southern boundaries of the site.

3.2 The proposed development was planned to serve a proposed Open Cycle Gas Turbine Generation (OCGT) power plant located adjacent to and to the east and north of the proposed substation compound. The planning application for the proposed power plant was subject to appeal under ABP Ref. 305028-19. The Board has decided to refuse permission for this power plant.

3.3 The application includes the submission of a Planning Report, an Environmental Impact Assessment Screening, an Environmental Report, and a Natura Impact Statement (NIS). The application also includes letters from the Commission for Regulation of Utilities relating to protecting electricity supply in the Dublin region, from Eirgrid on the purpose for the development, and from Meath County Council and ESB, as the bodies with control over the lands for the proposed development, allowing the making of the planning application. Details of public consultation engagement were outlined.

#### **4.0 PLANNING HISTORY**

ABP Ref. PL 17.118993 (P.A. Ref. 99/2490)

Permission was granted by the Board for a 400MW Combined Cycle Gas Turbine (CCGT) power generation plant.

ABP Ref. PL 17.204321 (P.A. Ref. SA30213)

Permission was granted by the Board for amendments to the above referenced development that essentially involved the replacement of the water cooling towers and pump house with an air cooled condenser system.

P.A. SA100263

Permission was granted by the planning authority for a 60MW open cycle gas turbine power generation plant.

## **5.0 POLICY CONTEXT**

### **5.1 Meath County Development Plan 2013-2019**

Economic Development Strategy

*Renewable Energy*

In Section 4.4.2 of the Plan, in reference to the requirement to prepare a Thematic Spatial Strategy for Industrial Development, it is stated:

*“The requirement to prepare a Thematic Spatial Strategy for Industrial Development (Objective TRANS OBJ 22 refers) is also considered relevant with regard to meeting the specific needs of renewable energy and general energy related infrastructure projects. As part of the preparation of this Thematic Spatial Strategy, there is particular merit in examining significant landholdings associated with quarrying and extractive industries to develop energy related infrastructure projects. The existing example to support such a clustering argument is Carranstown and Caulstown, Duleek adjacent to Irish Cement operation at Platin – Indaver 70MW waste to energy facility and the permitted Scottish and Southern Energy Plc 60MW open cycle gas turbine power generation plant. The accommodation of such energy related infrastructure*

*projects which tend to absorb large areas of land and cannot be facilitated within traditional industrial zonings in towns around the county is worthy of further detailed consideration.”*

A previous permitted power generation use on the appeal site is, therefore, acknowledged in the Plan.

## Energy

The Plan states in Section 8.1.1:

In relation to power generation, Meath is well placed to encourage and facilitate the development of power generation facilities in the county, for a variety of reasons, namely:

- the county's proximity to Dublin;
- the passage of a number of gas mains and trunk elements of the national grid through Meath; and
- the availability of sites.

Policies include:

### EC POL 1

To facilitate energy infrastructure provision, including the development of renewable energy sources at suitable locations, so as to provide for the further physical and economic development of Meath.

### EC POL 11

To support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County.



## Transportation

Objectives include:

TRAN OBJ 21: To co-operate with the NRA, NTA and other Local Authorities in clarifying and finalising the route of the Leinster Outer Orbital Route (linking Drogheda, Navan, Trim and Naas) proposed in the 'Regional Planning Guidelines for the Greater Dublin Area' and the NTA's draft Transport Strategy. This is particularly important in the vicinity of proposed major junctions along the route in order to protect the identified corridor from development intrusion.

## **6.0 SUBMISSION FROM MEATH COUNTY COUNCIL**

6.1 The Council's submission comprised the report of the Chief Executive and a minute of the County Council meeting relating to the proposal. Considerations include:

### Planning Report

This set out the planning history associated with the lands and referred to planning policy at national, regional and local levels. Reference is made to the applicant's Environmental Report submitted with the application to the Board.

The Board is advised:

- To consider the need for a sub threshold EIA based on environmental issues currently unresolved and the cumulative impact of the substation application with the OCGT generating plant application and other industries in the area.

- Traffic movements comply with the TTA Section in the application and that no HGVs should be permitted to access Duleek village.
- The importation of waste (soil and stones) as fill has implications in relation to mandatory EIA.
- The impact on biodiversity should be considered following an appropriate ecological survey requested by further information.
- Further information should be sought on attenuation and on retention separators and it was noted that Irish Water had identified concerns in relation to water usage and waste water discharge as part of its comments on the OCGT plant application.
- Noting the Environment Section had no objection to the proposal, that Section sought further information in relation to greenhouse gas emissions, source of fuel and alternative fuel options when considering the planning application for the OCGT plant.
- Regard should be had to the comments of the Department of Culture, Heritage and the Gaeltacht in the OCGT plant application, wherein an archaeological impact assessment was sought.
- To consider the proposed development in conjunction with the OCGT plant application and other similar type developments in the area in determining possible cumulative impacts.
- The planning authority is of the view that the proposal, in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on any European site.

The planning assessment referenced the above advice, placed emphasis on the letter in the application from the Commission for Regulation of Utilities, and

considered the proposal is compliant with planning policy and is acceptable in principle. The recommendation to the Board was to seek further information on surface water, ecology, visual impact and EIA. A schedule of recommended conditions was also included.

Reports received from the Environment, Transportation, Conservation and Water Services Sections are attached with the submission. These include requests for further information and recommended conditions to be attached with any grant of permission.

## **7.0 SUBMISSIONS FROM PRESCRIBED BODIES**

### **7.1 Transport Infrastructure Ireland (TII)**

7.1.1 TII submits that the proposal lies within the line of the Leinster Orbital Route and the relationship of the site to the route does not appear to have been assessed in the application. The Board is asked to note the provisions of Objective TRAN OBJ 21 of the Meath County Development Plan. While acknowledging the site's planning history, it was considered that the matter should be addressed by the applicant in consultation with the local authority to demonstrate the application is compatible with the road scheme and that it will not undermine the long term delivery of the route. Section 2.9 of the DoECLG Spatial Planning and National Roads Guidelines are referenced in this context.

### **7.2 Health Service Executive (HSE)**

7.2.1 The HSE reviewed the issues relating to environmental health impact addressed in the application submission. HSE recommended that a copy of the Construction Environmental Management Plan should be included with the Environmental

Report so that it can be assessed, the need for noise monitoring at the construction and operational stages to verify the effectiveness of the proposed mitigation measures and the scale of change of the noise environment, and the implementation of a formal public complaints procedure.

## **8.0 THIRD PARTY SUBMISSIONS**

### **8.1 Helen McEntee TD**

8.1.1 Ms. McEntee raises concern about the proximity of the proposed development to a subsurface Neolithic henge and considers a 25 metre buffer zone to be insufficient. Further concern is expressed about the nature of developments in the vicinity and handling of waste and treatment of waste in the immediate area. It is requested that the Board and Meath County Council should seek the basing of an EPA monitoring station / regional office in Duleek in light of the range of developments with environmental impact potential at this location.

## **9.0 ENVIRONMENTAL IMPACT ASSESSMENT**

9.1 The proposed development constitutes a type of development under the provisions of section 182A and 182B of the Planning and Development Act 2000 (as amended). This application was subject to pre-application consultations between SEE Generation Ireland Limited and An Bord Pleanála. I note that the Board determined during the pre-application consultation stage that the proposed substation would comprise Strategic Infrastructure Development and that the power generation plant would not. Environmental impact assessment is not mandatory for applications of this nature.

- 9.2 I submit to the Board that Environmental Impact Assessment is not required for the proposed development as the project falls well below the threshold of development that would require EIA as defined by either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- 9.3 I acknowledge that the applicant undertook the preparation of an Environmental Report and I note the conclusions. The Board will understand that the development has been proposed to serve an Open Cycle Gas Turbine (OCGT) power plant on land adjoining the site for the substation. This Environmental Report addressed the overall development. My considerations in that report should be understood in the context of the overall development. Suffice to determine, however, that it is reasonable to conclude that, due to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment and that the submission of an Environmental Impact Assessment Report is not required.

## **10.0 APPROPRIATE ASSESSMENT**

### **10.1 *Screening for Appropriate Assessment***

The applicant undertook a Screening for Appropriate Assessment. The following is noted from this Screening:

- The potential sources of impact arising from the proposed development relate to the potential effects of pollutant-laden surface water discharges to downstream European sites during construction, increased foul water discharge during operation, and deposition of airborne emissions during operation.
- The pathways between the proposal and European sites are seen to be the surface water network and air currents.

The applicant analysed the relationship between individual European sites within a zone of influence of 15km and the potential for effects arising from the proposed development, either alone, or in combination with other plans or projects. Based on the presence of source-receptor-pathway links, the nature of the proposed development, and nearby European sites, it was the applicant's submission that it cannot be concluded that the proposed development will not have a likely significant effect on any European sites. The European sites considered in the analysis were the River Boyne and River Blackwater SAC (Site Code: 002299), Boyne Coast and Estuary SAC (Site Code: 001957), River Boyne and River Blackwater SPA (Site Code: 004232), Boyne Estuary SPA (Site Code: 004080), and River Nanny Estuary and Shore SPA (Site Code: 004158).

## 10.2 ***Natura Impact Statement***

The following is noted from the applicant's NIS:

- The applicant determined that European sites within the potential zone of influence of the proposed development are the River Boyne and River Blackwater SAC, Boyne Coast and Estuary SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA, and River Nanny Estuary and Shore SPA.
- The only European site that has a direct hydrological connection with the proposed development is the River Nanny Estuary and Shore SPA, which is 7.7km to the east. Adverse effects are not predicted for special conservation interest species of the SPA in light of their conservation objectives as a result of the proposed development due to:
  - the separation distance and terrestrial and freshwater buffers,
  - habitats within the SAC not being susceptible to increased sediment deposition in light of conservation objectives, and

- any potential effects on water quality would be of short duration and not of sufficient scale to adversely affect wintering birds in the SPA.
- Mitigation measures are to be employed to ensure there will be no adverse effects on the integrity of the SAC downstream, including the provision of an oil interceptor, silt traps, bunding, etc.
- Duleek WWTP has sufficient capacity to accommodate the foul water load that would be generated by the proposed development.
- Regarding potential airborne impacts, a water injection-based NO<sub>x</sub> suppression system would be used as a means of mitigating the potential adverse effects of gaseous emissions.
- Predicted NO<sub>2</sub> and SO<sub>2</sub> deposition at qualifying interest Annex I habitats at European sites and their critical load values with the zone of influence of the proposed development demonstrates that emissions of both substances would be significantly below critical load values. Thus, it can be concluded that deposition of airborne emissions during the operation phase would not result in adverse effects on European sites in terms of their conservation objectives.
- There would be no adverse effects on the integrity of European sites arising from the proposed development in combination with other plans and projects.

### 10.3 ***Considerations on Appropriate Assessment***

#### Introduction

- The Board will note that the proposed development is not directly connected with or necessary to the management of any European Site.

- I note the proposed development would be subject to an IE Licence issued by the EPA.
- I accept that the five European Sites identified by the applicant in its Screening for Appropriate Assessment within 15km radius of the proposed site are those within the potential zone of influence of the proposed development.
- I accept as relevant for consideration in this assessment the potential sources of impact arising from the proposal and the pathways identified by the applicant.
- There is no hydrological pathway directly connecting the site to the River Boyne and River Blackwater SAC, Boyne Coast and Estuary SAC, River Boyne and River Blackwater SPA, and Boyne Estuary SPA. In the absence of mitigation at the screening stage, these European sites are potentially within the range of potential deposition of nitrogen and other airborne emissions during the operation of the proposed development. The possibility of significant effects cannot, therefore, be ruled out entirely.
- The River Nanny Estuary and Shore SPA is located downstream of the proposed development. There is, therefore, a hydrological pathway directly connecting the site to the European site. In the absence of any mitigation, the possibility of significant effects arising from pollutant-laden surface water discharges at the construction stage cannot be ruled out. Also, in the absence of mitigation at the screening stage, this European site is potentially within the range of potential deposition of nitrogen and other airborne emissions during the operation of the proposed development. The possibility of significant effects cannot, therefore, be ruled out entirely.



Having regard to the above considerations, I am satisfied to determine that it cannot be concluded that the proposed development would not have a likely significant effect on any European sites and that AA is required.

### Appropriate Assessment

My considerations are as follows:

- The only European site that has a direct hydrological connection with the proposed development is the River Nanny Estuary and Shore SPA, which is 7.7km to the east. The potential arises for construction-related pollutants and sediments being mobilised to the SPA. The closest surface waterbody to the site is Platin Stream, which is 150m to the east and beyond the site. It is evident, therefore, that there is a buffer of land separating the site from this waterbody. In addition to this, there is a 9.8km freshwater buffer between the site and the SPA. The applicant's range of proposed mitigation measures constitute appropriate construction management provisions and general good housekeeping practices which would further ensure that potential polluting substances are contained on site and contamination of any nearby waterbody would not result.
- Foul waters that would be generated by the proposed development would be directed to Duleek WWTP, which has sufficient capacity to accommodate the proposed small additional load.
- On airborne emissions during the operation of the proposed development, it is noted that a water injection-based NO<sub>x</sub> suppression system would be used as a means of mitigating the potential adverse effects of gaseous emissions, reducing combustion temperature and so reducing the formation of thermally-produced NO<sub>x</sub>.

- Based upon the analysis undertaken, it is a reasonable conclusion that deposition of airborne emissions during the operation phase would not result in adverse effects on European sites in terms of their conservation objectives.
- Regarding in-combination effects, in the case of potential water pollution, it is accepted that there are no known plans or projects within the Nanny-Delvin catchment that would be of sufficient scale to impact water quality and negatively affect the conservation objectives of the wetland bird species for which the SPA is designated. In the case of cumulative effects from airborne emissions, it is accepted that, based on the air dispersion modelling undertaken, there would be no significant effects on European sites.

### Conclusion

Having regard to the above, I am satisfied to conclude that there would be no adverse effects on the integrity of European sites arising from the proposed development in combination with other plans and projects.

## **11.0 PLANNING ASSESSMENT**

### **11.1 Introduction**

11.1.1 The proposed development is required in the event the development of a permitted power plant in the vicinity of this site proceeds. This assessment addresses the planning and environmental impacts relating to the proposed Air Insulated Switchgear (AIS) 110kV transmission substation.

11.1.2 I consider the most significant planning issues of relevance to this proposed development are the policy context and the location for the proposed

development. The considerations received from the planning authority, the prescribed bodies and from the third party also merit review and assessment.

## 11.2 **Policy Context**

### 11.2.1 **Introduction**

The development of a transmission substation as an integral part of the development of a power plant is presented in the planning application as a key component of a support mechanism for the provision of renewable energy, notably as a support in 'downtime' for wind energy. Having regard to this, it is important to seek to establish the relevant policy context for renewable energy from the outset and to attempt to understand how the nature and extent of the proposed transmission substation, as a feature of an overall power plant development, fits with the policies and provisions being espoused at this time.

### 11.2.2 **International Objectives**

#### **The Paris Agreement**

In December 2015, global agreement on climate change was agreed in Paris. The Agreement aims to restrict global temperature rise to well below 2 degrees above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees. Low greenhouse gas emissions development is fostered under the Agreement. Under this Agreement, the EU commits to reduce greenhouse gas emissions by at least 40% by 2030, compared with 1990 levels.

### 11.2.3 **EU Policy**

#### **EU Renewables Directive 2009/28/EC**

This Directive required each Member State to increase its share of renewable energies to 20% by 2020 and a 10% share of energy from renewable sources in each Member State's transport energy consumption by 2020 (Article 3). It established the requirement for Member States to adopt a national renewable energy action plan (NREAP) to set out national targets for the share of energy from renewable sources consumed in transport, electricity and heating and cooling in 2020 (Article 4). It set a series of interim targets, known as 'indicative trajectories', in order to ensure steady progress towards the 2020 targets. Each Member State had flexibility to set targets across the heating, transportation and electricity sectors to meet the overall renewable energy targets. Annex I indicates that the national target for Ireland for the share of energy from renewable sources in gross final consumption of energy in 2020 was set at 16%.

These targets will not be met in Ireland.

### **Renewable Energy Directive (2018/2001) (RED II)**

The Preamble of the recast Directive of 11<sup>th</sup> December 2018 includes the following:

- (2) ... The increased use of energy from renewable sources or 'renewable energy' constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and comply with the Union's commitment under the 2015 Paris Agreement on Climate Change following the 21<sup>st</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (the 'Paris Agreement'), and with the Union 2030 energy and climate framework, including the Union's binding target to cut emissions in the Union by at least 40% below 1990 levels by 2030...

The following is noted from the Directive itself:

Article 1 states that the Directive establishes a common framework for the promotion of energy from renewable sources. It sets a binding Union target for the overall share of energy from renewable sources in gross final consumption of energy in 2030. It lays down rules on financial support for electricity produced from renewable sources, on self-consumption of renewable electricity, and on renewable energy use in the heating and cooling and transport sectors, on regional cooperation between Member States and with third countries, on guarantees of origin, on administrative procedures and on information and training. It establishes sustainability and greenhouse gas emissions savings criteria for biofuels, bioliquids and biomass fuels.

Article 3 requires:

- (1) Member States to collectively ensure that the share of energy from renewable resources in the Union's gross final consumption of energy in 2030 is at least 32%, with a view to submitting a legislative proposal by 2023 to increase it where there are further substantial cost reductions in the production of renewable energy, where needed to meet the Union's international commitments for decarbonisation, or where a significant decrease in energy consumption in the Union justifies such an increase,
- (2) Member States to set national contributions to collectively meet the binding overall Union target set in paragraph 1 of the Article,
- (4) that, from 1 January 2021 onwards, the share of energy from renewable resources in each Member State's gross final consumption of energy shall not be lower than that shown in the third column of the table in Part A of Annex I of the Directive.

Ireland's national target is set at 16% in Annex I.

Article 36 requires Member States to bring into force laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2021.

As can be seen from the obligations under this Directive, there are substantial implications arising for the energy sector in Ireland. Under the recast Directive, there is a binding Union target of a share of at least 32% of renewable energy and this is to be reviewed upwards. It is, therefore, evident that, since the original 2009 Directive, obligations relating to the increase in the share of renewable energies required has become more burdensome, with Member States such as Ireland greatly failing in achieving reductions in greenhouse gas emissions. In light of rapid climate change impacts and the urgency to address such impacts, it is apparent that a duty to proceed with appropriate measures and to achieve minimum targets is paramount. The implications of an obligation to proceed with appropriate measures potentially have significant impacts on consideration of the sustainability of a proposed power plant, with the choice of fuel type being a critical component. A necessary transmission substation can be suitably developed to meet the requirements of a sustainable functioning power plant.

#### 11.2.4 **National Policy**

##### *Climate Action Plan 2019*

I note the Government's recent publication of *Climate Action Plan 2019: To Tackle Climate Breakdown*. The Executive Summary of the Plan refers to a broad range of matters including:

- Agenda 2030 and the Paris Agreement on climate change requiring a transformational shift of our economies and societies towards climate

resilient and sustainable development and the need for the various networks, including energy, to adapt rapidly;

- Ireland supporting the ambition emerging within the European Union to achieve a net zero target by 2050;
- The greatest savings being from known technologies that lie in Transport and Electricity; and
- Specifically on electricity, the objective to increase reliance on renewables from 30% to 70% adding 12GW of renewable energy capacity (with peat and coal plants closing).

Chapter 7 of this Plan specifically addresses 'Electricity'. The following are considered relevant to the proposed development:

- 30.1% of electricity produced was from renewable sources in 2017. The target is to reach 40% by 2020;
- Given our 40% target is based on a percentage of total energy demand, this rising demand makes meeting our 2020 target even more challenging and latest forecasts indicate we may miss this target by 3 to 4 percentage points;
- In 2016, the CO<sub>2</sub>eq. emissions intensity of Ireland's electricity emissions per capita was 13% higher than the EU 28 due to greater use of high-carbon fuels;
- While decarbonising electricity is at the heart of the strategy, this has to be done against a background of very rapid projected growth in electricity demand. EirGrid recently projected that by 2027 as much as 31% of Ireland's electricity could be powering data centres. Demand for electricity is forecast to increase by 50% above existing capacity in the next decade in line with economic forecasts.

- Ensuring we build renewable, rather than fossil fuel, generation capacity to help meet this demand is essential;
- Renewable generation is intermittent and often unpredictable. This creates new challenges for utilities, market participants, and policy makers. Intermittency also creates the need for a range of technology solutions which may include large-scale interconnection, storage, and dispatchable capacity (e.g., natural gas plants that can generate electricity at times where there is no wind). There is no one-size-fits-all answer to supporting 70% renewables. However, we are witnessing rapid improvement in some of the technology that could support higher renewable penetration;
- In the electricity sector, reaching a 70% share of renewable electricity would require 50-55% emissions reduction by 2030 relative to pre-National Development Plan (NDP) 2030 projections;
- Achieving 70% renewable electricity by 2030 will involve phasing out coal- and peat-fired electricity generation plants, increasing our renewable electricity, reinforcing our grid (including greater interconnection to allow electricity to flow between Ireland and other countries), and putting systems in place to manage intermittent sources of power, especially from wind;
- Increased levels of storage and interconnection will be critical to absorbing high levels of renewable generation on to the system, as renewables require back-up which will have to be provided by quick response plant, storage or interconnection;

From the above it is clear that there are a number of determinants that have particular relevance to the proposed development. These may be understood to include:



- (i) There is a distinct emphasis on ensuring a build out of renewable generation capacity in place of fossil fuel generation to meet future electricity demand, and
- (ii) The inherent deficiency of renewable energy in the form of intermittency is recognised. The Plan notes the need for a range of technological solutions to address this, which includes dispatchable capacity. There is a clear emphasis on putting systems in place to manage intermittent sources of power, especially from wind. I note the express reference to natural gas plants generating electricity at times when there is no wind.

Having regard to the above, it is critical that the development of a transmission substation is aligned with a peaker power plant, providing an intermittent source of power, which utilises a viable, sustainable, supportable, and appropriate fuel option at this site in accordance with this national policy guidance.

*Project Ireland 2040 – National Planning Framework*

The Framework's National Strategic Outcomes include the goal: "*Transition to a low carbon, climate-resilient society.*" The NPF notes that new energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system. Chapter 9, 'Realising Our Sustainable Future', sets out environmental and sustainability goals, with reference to a low carbon economy and emphasising the need to accelerate action on climate change.

National Policy Objective 53 supports the bio economy, including the greater use of renewable resources, while National Policy Objective 54 seeks the reduction of our carbon footprint by integrating climate action in the planning system. The NPF supports the reduction of greenhouse gas emissions from the energy sector

by at least 80% by 2050 compared to 1990 levels. To this end, National Policy Objective 55 promotes renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

In the context of the NPF, the proposed development, as part of an essential peaker plant operation utilising a best option fuel supply, would assist in the achievement of the targets expressly set out in the NPF for the reduction of greenhouse gas emissions from the energy sector by 2050.

#### *National Development Plan 2018-2027*

This Plan references the National Strategic Outcomes set out in the NPF and refers to Public Investment Priorities in Chapter 5. It is recognised that Ireland's energy system requires a radical transformation in order to achieve its 2030 and 2050 energy and climate objectives. It identifies measures that include those required to decarbonise energy generation and enhance energy efficiency. It is acknowledged that the main renewable energy technology that companies have invested in to date is on-shore wind and that these companies plan to continue to invest in these technologies over the coming years. The Plan also acknowledges that, given the intermittent nature of wind power technology, a proportion of Ireland's electricity needs will likely continue to be generated from gas over the medium to longer term and that it will, therefore, remain necessary for a certain level of gas fired generation to continue to be available to ensure continuity of supply and the integrity of the electricity grid during the transition towards a low-carbon energy system.

Having regard to the above, it is critically important to recognise that the National Development Plan places emphasis on a proportion of Ireland's electricity needs being met by gas due to the intermittent nature of wind power technology. National policy, therefore, appears to acknowledge a need for a dispatchable alternative fossil fuel in the form of gas. The development of a transmission station as part of a peaker plant utilising natural gas as the fuel supply would be seen to be a sustainable operation meeting with the obligations under the NDP.

### *Climate Action and Low Carbon Development Act, 2015*

This Act provides for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a low carbon economy by 2050 and to provide for the establishment of the Climate Change Advisory Council. It provides for the making of a national mitigation plan and a national adaptation framework on which the Advisory Council advises and makes recommendations. Section 15 of the Act requires a 'relevant body' (i.e. a prescribed body and public body), in the performance of its functions, to have regard to the most recent approved national mitigation plan, the most recent approved national adaptation framework and approved sectoral adaptation plans, the furtherance of the national transition objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State

### *National Mitigation Plan*

The National Mitigation Plan, adopted pursuant to the Climate Action and Low Carbon Development Act 2015, includes details of an overall framework for policy on climate action operating in Ireland within the context of international and EU climate policy objectives and describes the policy context within which action

is being taken in the electricity sector to achieve a low carbon energy sector by 2050. The Plan notes that the 2013 report *Low Carbon Energy Roadmaps for Ireland* explored possible routes towards decarbonisation of the energy system, drawing conclusions that included fossil fuels being incompatible with a low carbon economy and, while their use will be greatly diminished, natural gas may still be required in electricity generation. The Plan places a strong emphasis on viable storage solutions for renewable generation. Onshore wind is also recognised as remaining a key part of Ireland's generation portfolio out to 2030. It is expressly stated: "*Gas will remain the generation back-up technology*" (page 35), while further interconnection with Britain and mainland Europe are anticipated to enhance stability of the grid.

It can be seen from the National Mitigation Plan that there is reference to a continued level of dependence on natural gas as a form of back-up in electricity generation. I note that connectivity to the natural gas system is readily available at this location. The development of a transmission station as part of a peaker plant utilising natural gas as the fuel supply could reasonably be determined to be consistent with the requirements set out in the National Mitigation Plan.

#### *National Adaptation Framework*

This Framework, adopted pursuant to the Climate Action and Low Carbon Development Act 2015, specifies the national strategy for the application of adaptation measures in different public sectors and by local authorities in order to reduce the vulnerability of the State to the negative effects of climate change and to avail of any positive effects that may occur. There are no specific provisions directly applicable to the proposed development.

Further to the above, I refer briefly to the following for the Board's information:

*Draft National Energy and Climate Plan*

I note that the National Energy and Climate Plan is at a draft stage. This sets out a general framework for integrated national energy and climate plans. I note that it references "DS3 System Services – EirGrid – Ireland's Transmission System Operator", i.e. the work focusing on enhanced ancillary services to ensure there is enough energy flow to meet demand continually. The Plan acknowledges that, with the rapid increase of intermittent generation, a different set of equipment and technologies is needed.

*Delivering a Secure, Sustainable Electricity System (DS3) - EirGrid*

The objective of this project is to ensure the power system can be securely operated with increasing amounts of variable renewable generation. The 2020 renewable electricity target means that the amount of non-synchronous generation on the Irish power system has to be increased. The aim of the DS3 Programme is to meet the challenges of operating the electricity system in a secure manner while achieving these 2020 renewable electricity targets. The programme brings together many different strands, including development of financial incentive products for improved plant performance and the development of new operational policies and system tools in order to accommodate increasing levels of renewable generation on the grid in a secure and sustainable manner. The programme involves many different stakeholders, including the Distribution System Operators (DSOs), Regulatory Authorities, Conventional Generators, Renewable Generators, as well as the Transmission System Operators (TSOs).

### 11.2.5 **Overview of EU and National Policy**

I consider that it is reasonable to conclude that at EU and national levels there is a clear understanding of the necessity to make provisions for addressing the intermittency of renewable energy in the pursuit of increased development of sustainable energy infrastructure. I acknowledge that all relevant national policy points towards the use of natural gas as the fossil fuel to be used in support of renewable energy. I consider that the development of a transmission substation, as an integral part of a peaker power plant that respects the intent of EU and national policy, would constitute sustainable development.

### 11.2.6 **Regional Policy**

The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031, in reference to Energy, notes that developing the grid in the region will enable the transmission system to safely accommodate more diverse flows from renewable energy and also to facilitate future growth in electricity demand. The Strategy places particular emphasis on the need to better leverage our natural resources to increase the share of renewable energy.

Regional Policy Objectives include:

*RPO 10.20 – Support and facilitate the development of enhanced electricity and gas supplies and associated networks to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of the Strategy. This includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.*

I consider that the development of a transmission substation, as an integral part of a peaker power plant utilising an available alternative fuel supply seen to be a best option to minimise CO<sub>2</sub> emissions, would reasonably be seen to comply with this Regional Strategy.

#### 11.2.7 **Local Policy**

##### *Meath County Development Plan 2013-2019*

I note the Meath County Development Plan provisions on Renewable Energy. The location of the appeal site is referenced in context of clustering development. The Plan states:

*“The requirement to prepare a Thematic Spatial Strategy for Industrial Development (Objective TRANS OBJ 22 refers) is also considered relevant with regard to meeting the specific needs of renewable energy and general energy related infrastructure projects. As part of the preparation of this Thematic Spatial Strategy, there is particular merit in examining significant landholdings associated with quarrying and extractive industries to develop energy related infrastructure projects. The existing example to support such a clustering argument is Carranstown and Caulstown, Duleek adjacent to Irish Cement operation at Platin – Indaver 70MW waste to energy facility and the permitted Scottish and Southern Energy Plc 60MW open cycle gas turbine power generation plant. The accommodation of such energy related infrastructure projects which tend to absorb large areas of land and cannot be facilitated within traditional industrial zonings in towns around the county is worthy of further detailed consideration.”*

On matters relating to ‘Energy’, the Plan notes:

*“In relation to power generation, Meath is well placed to encourage and facilitate the development of power generation facilities in the county, for a variety of reasons, namely:*

- the county’s proximity to Dublin;*
- the passage of a number of gas mains and trunk elements of the national grid through Meath; and*
- the availability of sites.”*

Policies include:

**EC POL 1**

*To facilitate energy infrastructure provision, including the development of renewable energy sources at suitable locations, so as to provide for the further physical and economic development of Meath.*

**EC POL 11**

*To support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County.*

In the policy context that is being discussed here, it is evident that the specific reference to Carranstown and Caulstown in the County Development Plan relates to the range of established activities in this area and to the previously permitted power plant on the appeal site. It is again worth noting that this previously permitted proposal was a gas fuelled plant. With due regard to the Plan’s acknowledgement of the county’s ability to accommodate power generation facilities, it can be seen that the passage of gas mains through the



county is viewed as a key factor. Carranstown and Caulstown is one such location where such infrastructure is in place. In light of what the County Development Plan is promoting, the proposed development of a peaker plant fuelled by natural gas, inclusive of an integral transmission substation at this location, would be seen to meet with the Plan's provisions.

### 11.3 **Location of the Proposed Development**

#### 11.3.1 **Introduction**

I note that the site for the proposed development is some 4km remote from the village of Duleek and some 4km remote from the town of Drogheda. This is a rural area. In considering the suitability of the site location for the proposed development, a number of factors need to be taken into consideration, including zoning/designation of land use in development plans, the site's planning history, and the development in the context of established neighbouring uses.

#### 11.3.2 **Plan Provisions**

I first note that the Meath County Development Plan and the Duleek Written Statement in Volume 5 of the County Plan do not contain any designations of the location for the proposed development as an area or zone for industrial or energy-generating uses. As noted earlier, the Meath County Development Plan, in reference to 'Renewable Energy', refers to a requirement to prepare a Thematic Spatial Strategy for Industrial Development and alludes to merit in examining significant landholdings associated with quarrying and extractive industries to develop energy related infrastructure projects. The example to support a clustering argument is given as Carranstown and Caulstown, Duleek adjacent to the Irish Cement operation at Platin, Indaver 70MW waste to energy facility and the permitted Scottish and Southern Energy Plc 60MW open cycle

gas turbine power generation plant. The latter was proposed for the current proposed site. It is stated in the Plan that the accommodation of such energy related infrastructure projects, which tend to absorb large areas of land and cannot be facilitated within traditional industrial zonings in towns around the county, is worthy of further detailed consideration.

Having regard to the above, I accept that there is specific plan reference to this location for the nature of development proposed in the County Development Plan. I also accept that development of the nature proposed requires a large land area for its development and that such development cannot readily be accommodated in traditional industrial zoned areas that are frequently located on the periphery of towns. It remains, however, most unsatisfactory from a plan-led perspective that there is no definitive planned approach and associated designation of lands for development of this nature at this location, with aims, policies, and objectives for this area clearly laid out. When one ultimately seeks to consider 'proper planning and sustainable development' for a development of particular strategic importance, this should be subject to plan-led contextualisation and clarity. In isolation of this, the proposed development ultimately remains sited in a rural area and without considered guidance.

### 11.3.3 **The Site's Planning History**

The site of the proposed development has been subject to two previous planning permissions – ABP Ref. PL 17.118993 (P.A. Ref. 99/2490) for a 400MW Combined Cycle Gas Turbine (CCGT) power generation plant and P.A. Ref. SA100263 for a 60MW open cycle gas turbine (OCGT) power generation plant. It is clear that the Board was satisfied previously that this site was suitable to accommodate CCGT plant and associated transmission infrastructure and that the planning authority was satisfied that it is a suitable location to accommodate OCGT plant and associated infrastructure.

#### 11.3.4 **Site Context**

I note once again the proposed siting of this development is in a rural area remote from urban areas. It fronts onto Regional Road R152 which links the M1 Motorway with the N2 and which passes the village of Duleek. Platin quarry and cement works and Indaver waste-to-energy facility are two developments in the immediate vicinity that generate substantial HGV traffic at this location. The siting of such developments at this location can reasonably be understood. In the case of the former, the quarry is sited where the natural resource is available. In the case of the latter, it may reasonably be determined that its siting in close proximity to the M1 motorway, its reliance on delivery of waste by road, its separation from built-up residential areas, the need for a substantial landholding, etc. merit that choice of site.

Having regard to the nature, scale, land area demands, and the industrialised context in which the proposed development now before the Board would be set, it could reasonably be concluded that the established context lends itself to the absorption of the proposed development. Other important factors in the instance of the proposed development may reasonably be seen to include the ability to export power to the national grid via the 110kV line currently traversing the site and its siting relative to the demands currently placed on supply in the Greater Dublin Area.

#### 11.3.5 **Conclusion**

In conclusion on the issue of site location, it is reasonable to determine that the Carranstown / Caulstown area is a suitable location in spatial planning terms for a development of the nature proposed, albeit that there is a clear lack of plan-led guidance.

## 11.4 **Miscellaneous Issues**

### 11.4.1 Introduction

In my opinion, the assessment above has addressed the most significant planning issues arising from the proposed development. I acknowledge that there is a range of other issues that have been raised in the submissions from the planning authority, the prescribed bodies and in the third party submission. I will seek to address the key planning and environmental issues raised as follows.

### 11.4.2 The Proposed Leinster Outer Orbital Route

I note the submission from Transport Infrastructure Ireland (TII). TII notes that the proposal lies within the constraints study area for the Leinster Orbital Route. It is submitted that the relationship of the site to the proposed route appears not to have been assessed in the application. TII considers that the matter should be addressed by the applicant in consultation with the local authority.

In addition to this submission, I note that the proposed route is subject to objective TRANS OBJ 21 in the current Meath County Development Plan, which is as follows:

*TRAN OBJ 21: To co-operate with the NRA, NTA and other Local Authorities in clarifying and finalising the route of the Leinster Outer Orbital Route (linking Drogheda, Navan, Trim and Naas) proposed in the 'Regional Planning Guidelines for the Greater Dublin Area' and the NTA's draft Transport Strategy. This is particularly important in the vicinity of proposed major junctions along the route in order to protect the identified corridor from development intrusion.*

The proposed orbital route is also referred to in the Regional Planning Guidelines for the Greater Dublin Area, the Draft Regional Spatial and Economic Strategy for the Eastern and Midlands Region, and the National Transport Authority's Transport Strategy for the Greater Dublin Area. The applicant has acknowledged that the proposed road scheme is not referenced in the National Planning Framework nor is it included in the current National Development Plan 2018-2027. The applicant refers to the Leinster Orbital Route Corridor Protection Study illustrating the corridor for the proposed road scheme and submits that this Study clearly references the corridor as an 'indicative route corridor'.

While I consider the matter has not been addressed in any comprehensive way in this application by the planning authority, I consider that there are a number of observations worthy of note. The first of these is that this site has been the subject of a number of planning applications for a power plant and ancillary infrastructure. In addition, this is an area that appears to be incrementally developing as a hub for a range of energy-related activities and other such uses, albeit *ad hoc* and in isolation of a plan-led strategy. Furthermore, the understanding of the proposed Leinster Orbital Route is somewhat tentative at this stage, where a very wide corridor is indicatively provided. In light of these observations, I consider that it would be reasonable to determine that this specific location for the power plant and its ancillary infrastructure would place very distinct constraints on the developability of a key piece of national road infrastructure. In my opinion, allowing for the stymying of a development of the nature now proposed for the site, given the indicative nature of the routing the proposed road and the lack of a clear determination on the timing of its delivery, would appear unreasonable at this time. I, therefore, do not consider that the proposed development would merit a refusal of permission based upon the prematurity of the determination of a specific road alignment for the Leinster Orbital Route.

### 11.4.3 Archaeological Impact

I note that a geophysical survey of the site area has revealed a substantial henge-type monument beneath the surface, almost half of which extends into the west side of the lands proposed for the development. There is also a linear feature extending in a north-south direction across the central area of the site. This is aligned with an existing field boundary to the north. It is pre-18<sup>th</sup> century in date and the applicant's submission on archaeology views that as being a possible early field boundary.

The site of the above referenced embanked enclosure was previously classified in the Record of Monuments and Places (RMP) as a redundant record. The Department of Culture, Heritage and the Gaeltacht was notified as a result of the geophysical survey and the monument awaited registration as an embanked enclosure, possible henge. It is apparent that, once registered, this site would be subject to statutory protection. The applicant has recognised that the north-west area of the site can, therefore, be described as an area of high archaeological sensitivity and that any development would have a severe adverse impact on the monument.

The applicant's schedule of proposed mitigation measures include:

- Preservation *in situ*, i.e. avoidance of the embanked enclosure. The layout of the proposed development is designed to avoid it. A buffer zone of 25m would be established around the monument to avoid impact at construction stage.
- The geophysical survey informed on where anomalies exist and these would be subsequently investigated by archaeological test trenching. This would determine if sub-surface features exist and the extent they would be

impacted. The results would be submitted to the National Monuments Service.

- Site investigation works proposed to be undertaken, including boring and silt trenching, are proposed not encroach on the enclosure. An archaeologist would be present at all times during site investigation works.
- All topsoil removal operations would be monitored by a qualified archaeologist.
- The potential to gauge an understanding of the exact nature of the linear feature extending in a north-south direction across the central area of the site would be permitted arising from the above testing and monitoring provisions.

I further acknowledge that the applicant was requested to undertake an archaeological impact assessment and this was submitted by way of further information. The following is noted from this assessment:

- The embanked enclosure has now been classified as an archaeological monument – ME027-078.
- The linear feature extending in a north-south direction across the central area of the site may represent an early field boundary as it is aligned with an existing field boundary to the north.
- 15 archaeological test trenches were excavated throughout the site. A small number of potential archaeological features were identified in the east and south sides of the site. These would be impacted directly by proposed construction works.
- The discovered embanked enclosure to the west of the site has no surface expression. This general location has been subject to considerable infrastructure development in recent years. It is considered that the overall

visual impact of the proposed development on the enclosure would be low.

- A range of pre-construction and construction phase mitigation measures are proposed. These include preservation in-situ, providing a buffer zone, archaeological monitoring, and the investigation of the archaeological features identified within the site at the construction stage.

It is very clear that the recent discovery of a significant archaeological feature at this location places a very substantial physical constraint on the development of a power plant and associated substation. It is reasonable to ascertain that the applicant has undertaken comprehensive assessment of this site and has set out an orderly response to how development would proceed and what measures would be employed to minimise impact on what is now an archaeological monument.

Having regard to the above, it would be remiss of me not to determine that the development as proposed would radically alter the context and siting of this monument. This must be acknowledged, notwithstanding the recent discovery of this monument and the fact that planning permissions have previously been granted for power plants at this location. While there is no evident physical expression of an enclosure at ground level at this location, it still begs the question as to what the appropriate response to a development of the nature proposed should be at such a sensitive location. I consider that, in a context such as this, reliance upon guidance from the Department of Culture, Heritage and the Gaeltacht is reasonable. When the application was with the planning authority, the Department requested that an archaeological impact assessment be undertaken. When this was provided, the Department then proceeded to set out its requirements in the event planning permission is being granted. This took the form of a planning condition. I consider that, in the event of the Board granting planning permission for the proposed development, a similar condition would



appear appropriate to meet with the requirements of the Department and, thus, to meet with the need to adequately protect the monument in situ.

#### 11.4.4 The Planning Authority's Request for Further Information

The planning authority recommended to the Board that further information should be sought in relation to EIA, surface water, control of oil spillage, ecology, and visual impact. My considerations on the matters raised are as follows:

##### *EIA*

I draw the attention of the Board to Section 9 of this report. I am firmly of the opinion that it is reasonable to conclude that, due to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment, that the submission of an Environmental Impact Assessment Report is not required, and that EIA is not required for the proposed transmission substation.

Furthermore, I am satisfied to conclude that the applicant's Environmental Report and associated drawings and reports contained with the application adequately provide details on the likely environmental and planning impact of the proposed substation at its construction and operational phases in order that the Board can adequately assess the potential impacts on the environment.

##### *Surface Water*

The planning authority requested that further information be sought from the applicant on the design for the proposed attenuation system. In seeking to address this issue, I first acknowledge that this site has been subject to two previous applications for a power plant and associated infrastructure. Each were granted permission. The issues of provision for surface water, and attenuation in particular, were not determined to be significant, insurmountable issues that undermined the developability of these projects. I submit to the Board that this

remains the case with the proposed substation. The form of attenuation, its management and limitation of surface water discharge rates from the site can readily be agreed with the planning authority prior to the commencement of development.

#### *Containment of Spillages*

I note the planning authority's request to seek information on specification for retention separators and on procedures to be implemented in the event of an oil spill. I again acknowledge that this site has been subject to two previous applications for a power plant and associated infrastructure, permissions were granted permission, and the issue relating to spillages were not determined to be significant, insurmountable issues that undermined the developability of these projects. This remains the case with the current proposal. This matter can again be agreed with the planning authority prior to the commencement of development.

#### *Ecology*

The planning authority requested the Board to seek an ecological survey. This site has been subject to two previous applications for a power plant and associated infrastructure, permissions were granted permission, and the impact on ecology was not determined to be a significant, insurmountable issue that undermined the developability of these projects. This application has included a substantial Environmental Report that has described the existing environmental context of the development, the nature and extent of the proposed development, the landscape, the lands and soils, and, importantly, biodiversity. There is no need to seek any further details on ecology.

#### *Visual impact*

The planning authority requested the Board to seek a visual impact assessment. This site has been subject to two previous applications for a power plant and

associated infrastructure, permissions were granted permission, and the issue of visual impact was not determined to be a significant, insurmountable issue that undermined the developability of these projects. The applicant has provided an Environmental Report which has assessed the landscape and visual impact of the proposed development. In the context of the setting of this development in the immediate vicinity of Platin Cement and Indaver's waste-to-energy facility and having regard to the extent of visual impact assessment undertaken, there is no need to seek any further visual impact assessments.

Finally, I note the reports contained within the planning authority's submission to the Board and to conditions recommended to be included in the event planning permission is granted. Due regard will be had to these recommendations.

#### 11.4.5 Issues Raised by the Health Service Executive

The following constitute my considerations on the submission from HSE:

- The HSE acknowledge that, if mitigated, the construction impacts of the proposed development should not have any significant impacts on the health of local residents. In the event of a grant of planning permission, it would be reasonable that a condition would be attached that would require the developer to provide a construction management plan that would be agreed with the planning authority, to include matters pertaining to noise, dust, vibration, storage of materials, etc. This would seek to ensure that agreed mitigation measures at this phase of the development would be clearly set out and that the appropriate monitoring provisions are made.
- The operational phase of the development, as part of a peaker plant, would be subject to a licence from EPA. The HSE note that the only environmental emission from the substation would be noise. It is

reasonable to determine that noise monitoring would likely be an inherent feature of the licence requirements and that there can be no particular significant concerns for the wider community arising from operational noise that would be subject to meeting required emission limits.

- The issue of the need for a formal public complaints procedure relating to noise would be a matter for consideration in the licensing of the peaker plant facility.

Finally, I once again note that planning permissions have previously been granted for power plants at this location. The construction and operational phases of developments of this nature have previously been determined to be acceptable. It is my submission that the matters raised by the HSE can reasonably and satisfactorily be addressed to ensure the public health impact on the local community is not significant.

#### 11.4.6 Issues Raised by Helen McEntee TD

I note that the primary issue raised by the Observer related to the archaeological impact of the proposed development. This matter has been addressed earlier. I further note that concerns were raised about the nature of developments in the vicinity, the handling of waste and treatment of waste in the immediate area, and the request for the basing of an EPA monitoring station / regional office in Duleek in light of the range of developments with environmental impact potential at this location. It is my submission to the Board that the siting of an EPA office to oversee the nature of developments in this area is a matter for the EPA and is not an issue for consideration by the Board.

## 12.0 Conclusion and Recommendation

Having regard to my assessment above, I recommend that the Board approves the proposed Air Insulated Switchgear (AIS) 110kV transmission substation as follows:

### Decision

**APPROVE the proposed development under section 182A(1) 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.**

### 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) EU legislation, including, in particular:
- the EU Renewable Energy Directive 2009/28/EC and Renewable Energy Directive (2018/2001) which aim to promote the use of renewable energy,

- the provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directives) which sets out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- (b) National Policy, including:
- the National Planning Framework 2040, in particular the aims related to new energy systems and transmission grids which are necessary for a more distributed renewables-focused energy generation system,
- (c) Regional and Local Policy, including:
- the Regional Spatial and Economic Strategy for the Eastern and Midland Region, which supports the facilitation of new transmission infrastructure to serve the existing and future energy needs of the Region,
  - the Meath County Development Plan 2013-2019, in particular policies which support the development of renewable energy sources and the linking of renewable energy proposals to the electricity transmission network,
- (d) the nature, scale and design of the proposed development, as set out in the planning application, and the pattern of development in the vicinity,
- (e) 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,
- (f) the submissions made to An Bord Pleanála in connection with the planning application, and

- (g) the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening.

### **Appropriate Assessment:**

#### **Stage 1**

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Assessment and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that

- The River Boyne and River Blackwater SAC (Site Code: 002299),
- The Boyne Coast and Estuary SAC (Site Code: 001957),
- The River Boyne and River Blackwater SPA (Site Code: 004232),
- The Boyne Estuary SPA (Site Code:004080), and
- The River Nanny Estuary and Shore SPA (Site Code 004158):

are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

#### **Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely The River Boyne and River Blackwater SAC (Site Code: 002299), the Boyne Coast and Estuary SAC (Site

Code: 001957), the River Boyne and River Blackwater SPA (Site Code: 004232), the Boyne Estuary SPA (Site Code:004080), and the River Nanny Estuary and Shore SPA (Site Code: 004158), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both 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 Board 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 site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

**Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midland Region, the provisions of the Meath County Development Plan 2013-2019, would not have an unacceptable impact on the amenities of properties in



the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed 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 proposed development shall be carried out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission shall be for a period of 10 years from the date of this order.

**Reason:** To allow for a review of the proposed development having regard to the circumstances then pertaining.

3. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application. The developer shall appoint a person with appropriate ecological and construction expertise as an Environmental Manager to ensure that the environmental commitments are implemented in full. Prior to the operation of the proposed development, a report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

**Reason:** In the interest of environmental protection.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping. Landscaping details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This scheme shall include the following:

(a) A plan to an appropriate scale showing –

(i) Existing trees and hedgerows to be preserved and details for the protection of same during the construction and operational phases of the proposed development.

(ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

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 five years from the completion of the proposed 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 the interest of visual amenity.

5. All external finishes to the proposed electricity substation and associated service buildings shall be of a dark grey or matt green colour, or a colour to be agreed with the planning authority prior to commencement of development.

**Reason:** 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 the planning authority for such works in respect of both the construction and operation phases of the proposed development.

**Reason:** In the interest of environmental protection and public health.

7. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan and Traffic 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 proposed development, including noise and dust management measures, surface water management proposals, control and management of accidental spillages, detailed design of watercourse crossings, the management of construction traffic, the means to protect the public road and off-site disposal of construction waste.

**Reason:** In the interest of public safety, the protection of ecology and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between the hours of 0800 to 1400 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.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

10. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 and 2200 hours on any day and shall not exceed 45dB(A) at any other time.

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

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Kevin Moore

Senior Planning Inspector

9<sup>th</sup> January, 2020.