



An  
Bord  
Pleanála

## Inspector's Report ABP-309491-21

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<b>Development</b>	110kV substation, associated 110kV underground grid connection, cabling and associated works.
<b>Location</b>	Srah, Coolcar and Clonin, Rhode, Co. Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Applicant</b>	OBM Solar Ltd.
<b>Type of Application</b>	Application under the provisions of Section 182A of the Planning and Development Act 2000, as amended
<b>Observer(s)</b>	Offaly County Council Transport Infrastructure Ireland Meath County Council
<b>Date of Site Inspection</b>	28 <sup>th</sup> July 2021
<b>Date of Oral Hearing Completion</b>	N/A
<b>Inspector</b>	Niall Haverty
<b>Inspector's Recommendation</b>	Grant Permission with Conditions

## Contents

1.0 Introduction .....	4
2.0 Project Background .....	4
3.0 Site Location and Description .....	4
3.1. Overview .....	4
3.2. Natural Heritage Designations .....	5
4.0 Proposed Development .....	6
5.0 Planning History.....	7
5.1. Application Site .....	7
5.2. Surrounding Area .....	7
6.0 Legislative and Policy Context.....	10
6.1. National Policy .....	10
6.2. Regional Policy .....	12
6.3. Local Policy .....	12
6.4. EIA Screening .....	17
6.5. Local Authority .....	18
6.6. Prescribed Bodies.....	19
6.7. Observers.....	19
6.8. Applicant's Response.....	19
7.0 Oral Hearing .....	20
8.0 Planning Assessment .....	20
8.1. Introduction .....	20
8.2. Principle and Planning Policy .....	21
8.3. Landscape and Visual Impact .....	23
8.4. Flood Risk and Surface Water Management .....	25

8.5. Services .....	26
8.6. Residential Amenity .....	26
8.7. Noise .....	27
8.8. Traffic and Road Safety .....	29
8.9. Biodiversity.....	31
8.10. Archaeological, Architectural and Cultural Heritage.....	32
8.11. Other Issues .....	33
9.0 Appropriate Assessment.....	35
9.1. Introduction .....	35
9.2. Compliance with Article 6(3) of the EU Habitats Directive.....	35
9.3. The Natura Impact Statement .....	36
9.4. Screening the Need for Appropriate Assessment .....	37
9.5. Appropriate Assessment of Implications of the Proposed Development .....	43
9.6. Appropriate Assessment Conclusion .....	51
10.0 Recommendation .....	52
11.0 Reasons and Considerations .....	52
12.0 Conditions .....	54

## **1.0 Introduction**

- 1.1. An application has been made by OBM Solar Ltd. under the provisions of section 182A of the Planning and Development Act 2000, as amended ('the Act'), for the development of a 110kV substation, associated 110kV underground grid connection, cabling and associated works in the townlands of Srah, Coolcar and Clonin, Rhode, Co. Offaly.
- 1.2. The purpose of the proposed development is to facilitate the connection of a permitted solar PV and battery storage development to the national grid.

## **2.0 Project Background**

- 2.1. The applicant made a request to enter into pre-application consultation under section 182E of the Act on 7<sup>th</sup> September 2020 (Ref. ABP-308120-20). Following an assessment and recommendation from the reporting inspector, the Board determined on the 8<sup>th</sup> December 2020 that the proposed development falls within the scope of section 182A, and accordingly would comprise strategic infrastructure. On foot of that determination, the applicant subsequently submitted this application under the provisions of Section 182A of the Act.
- 2.2. A final grant of permission for the solar PV and battery storage development that would be connected to the national grid by the proposed substation development was issued by Offaly County Council on 15<sup>th</sup> June 2021 (Reg. Ref. 20/494).

## **3.0 Site Location and Description**

### **3.1. Overview**

- 3.1.1. The application site, which has a total stated area of 4.29 hectares, is located in the townlands of Srah, Coolcor and Clonin, a minimum distance of c. 1.1km to the north of the village of Rhode, Co. Offaly. The site of the proposed substation development extends to a stated area of 1.59 ha and is irregularly shaped and currently generally undefined within the larger c. 133 ha landholding within which it is located. The substation site and surrounding lands on which the permitted solar PV and battery

development will be located are currently in agricultural use. A number of agricultural structures are located on and in the vicinity of the site.

- 3.1.2. The proposed underground 110kV cabling which would connect the proposed substation to the existing Derryiron 110kV substation in the townland of Clonin incorporates c. 2.71 ha of public road. The 110kV cabling would run southward along the L1009-2, traversing the townlands of Srah, Coolcor and Clonin for c. 2km before running west along an access road which serves the existing Derryiron substation and Rhode Power Station. The proposed cable route would pass through the roundabout junction of the L1009-2 and the R400 Regional Road. The R400 connects to Junction 3 of the M6 Motorway c. 7.3km north west of the roundabout.
- 3.1.3. The surrounding area generally comprises agricultural lands with some forestry plantations. It is relatively flat with well-defined field boundaries comprising mature hedgerows and treelines as well as a network of drainage ditches/watercourses. The wider area features extensive areas where peat extraction was or is undertaken. The L1009-2 and the R400 feature relatively sparse residential ribbon development, which increases in density on the approach to Rhode village.
- 3.1.4. The Clonin River flows northwards along the edge of the L1009-2 and is culverted under the existing agricultural entrance to the site. This river and the drainage ditches on the site and surrounding lands generally discharge into the Yellow River, a tributary of the River Boyne, which flows in a general south west to north east direction, c. 0.4km to the north of the application site.

### 3.2. Natural Heritage Designations

- 3.2.1. The application site is not located within or immediately adjacent to any European Sites. There are 8 No. European Sites designated located within 15km of the proposed development, as identified in the table below:

Site (Site Code)	Distance (Direction)
Raheenmore Bog SAC (000582)	8.5km (SW)
Mount Hevey Bog SAC (002342)	11.4km (NE)
The Long Derries, Edenderry SAC (000925)	12.8km (SE)

Lough Ennell SAC (000685)	14km (NW)
River Boyne and River Blackwater SAC (002299)	14.3km (NE)
Split Hills and Long Hill Esker SAC (001831)	14.8km (NW)
River Boyne and River Blackwater SPA (004232)	14.3km (NE)
Lough Ennell SPA (004044)	14.8km (NW)

3.2.2. There is one pNHA and one NHA within 5km of the site. These are Grand Canal pNHA, 3km to the south, and Black Castle Bog NHA, 2.8km to the east.

## 4.0 Proposed Development

4.1. The proposed development consists of:

- 110kV electrical substation development, including:
  - 1 No. electrical substation compound and access road, palisade fencing and gates (56.6m x 114.8m);
  - 1 No. electrical substation control building (14m x 18m x 6.1m in height);
  - 1 No. Eirgrid switch room building (18m x 25m x 8.55m in height);
  - 4 No. lightning protection monopoles (up to 8.275m high);
  - Associated electrical apparatus, plant and equipment; overhead and underground electrical and communications cabling and ancillary works;
  - Upgrading of existing access road;
  - Site construction compound; and
  - Ancillary works.
- 110kV underground cabling from the proposed substation to Derryiron 110kv substation in Clonin townland, through the townlands of Srah, Coolcor and Clonin, including:
  - 3km of underground 110kV electrical cables and associated communications cables;

- 6 No. underground joint bays; and
- Ancillary works.
- Associated works including road carriageway passing places.

4.2. Permission is sought for a period of ten years.

4.3. The application was accompanied by a number of supporting documents, including a Planning and Engineering Report, Environmental Report, Construction Traffic Management Plan and Preliminary Construction Environmental Management Plan, as well as related drawings, technical appendices and a Natura Impact Statement.

## 5.0 Planning History

### 5.1. Application Site

5.1.1. Reg. Ref. 20/494

5.1.2. Permission granted in June 2021 for development consisting of the construction of: a solar PV development on a c.132 ha site consisting of solar panels on ground-mounted frames, 27 No. single storey electrical inverter/ transformer units, security fencing, CCTV system with pole mounted cameras, upgrading of existing access, landscaping and all associated ancillary development works; an enclosed battery energy storage system compound on a c.0.385 ha site located within the solar PV development site consisting of 18 No. battery storage units (each with associated containerised step up transformer), 1 No. containerised control room and 1 No. containerised switch room and all associated ancillary development works; and a temporary construction compound adjacent to the existing access.

### 5.2. Surrounding Area

5.2.1. Reg. Ref. 19/186: Permission granted in September 2019 for the provision of a new replacement dormer dwelling to replace existing fire destroyed dwelling. This site is opposite the entrance to the SID application site.

5.2.2. Reg. Ref. 21/542: Current planning application for 1 no. new bungalow type dwelling, domestic garage, waste water treatment system, vehicular entrance and new landscaping. This site is opposite the entrance to the SID application site.

- 5.2.3. ABP-307278-20: Withdrawn application by Bord na Mona for substitute consent in relation to peat extraction at bogs in the Derrygreenagh Bog Group.
- 5.2.4. There have been a number of planning applications for energy-related developments in the vicinity of the Derryiron substation and Rhode power station. The most recent are listed below:
- 5.2.5. Reg. Ref.20/238: Permission granted in June 2021 for an energy storage facility designed to provide system support services to the electricity grid on a 2.7 ha site, including: (i) an open area battery energy storage system (BESS) compound containing 16 No. battery enclosures, 16 No. medium voltage power station (MVPS) enclosures, (ii) synchronous condenser compound, containing synchronous condenser building, controls building, associated banded transformers and electrical plant, (iii) electrical substation containing customer building, Eirgrid building, and electrical plant and banded transformer which will electrically connect the development to the existing Derryiron 110kV substation located on lands adjoining the site to the south , (iv) control building, and (v) all ancillary development, including; lighting mast protection, perimeter palisade fencing with access gate at primary vehicle site entrance which will connect to the existing roads of the adjacent Rhode business park providing access to the R400, landscaping, lighting, car parking, internal access roads and all civil engineering works for the disposal of foul and surface water.
- 5.2.6. Reg. Ref. 20/237: Permission granted in June 2021 for development of a combined heat and power generating biomass gasification plant with integrated carbon capture and utilisation technology to provide renewable energy and electrical grid support services on a 2.45 ha site, including: (i) open area feedstock reception bunkers, which will provide for the intake and temporary storage of biomass material for gasification, (ii) office, welfare and control room building, (iii) gasification plant which will convert biomass into synthetic gas (syngas), (iv) gasification control building, (v) methanation unit which will convert syngas into renewable gas (RNG), (vi) RNG filling area, (vii) 2 No. banded thermal energy storage tanks, (viii) gas engine compound containing 5 No. containerised combined heat and power (CHP) gas engines, (ix) electrical substation containing switchyard, ESB substation building, ancillary electrical plant and banded transformer which will electrically connect the development to the existing 110kV Derryiron substation located on lands to the south



of the development site, (x) an open area compound containing solid oxide fuel electrolysis cell (SOFEC) enclosures which will convert carbon dioxide, steam and methane into renewable energy, (xi) 2 No. store containers, containerised steam engine and containerised heat recovery plant, (xii) syngas and fuel storage tanks, and (xiii) all ancillary development, including; perimeter landscaped soil berms with tree screening, perimeter fencing with access gate at primary vehicle site entrance which will connect the development to the existing roads of the adjacent Rhode business park providing access to the R400, car parking, lighting, internal access roads, weighbridge, carbon filter, process water and firefighting water storage tanks and all civil engineering works for the disposal of foul and surface water.

- 5.2.7. ABP-304925-19 (Reg. Ref. 19/194): Permission granted in March 2021, following a first party appeal against refusal by Highfield Solar Ltd., for a solar PV development on a site of 15ha, which was removed by way of condition from a previous grant of planning permission (Reg. Ref. 16/246).
- 5.2.8. Reg. Ref. 19/161: Permission granted in July 2019 for development of an energy storage facility designed to provide 20MW of system support services to the electricity grid on a 0.95 ha site. the development will comprise: (i) an open area battery energy storage system (BESS) compound containing 8 No. battery and control system enclosures, (ii) single storey switchgear building containing electrical plant and control room, (iii) banded transformer which will electrically connect the development via overhead cable to the existing 110kV Derryiron substation located on lands adjoining the site to the south, and (iv) all ancillary development, including; perimeter palisade fencing with access gate at primary vehicle site entrance which will connect to the existing roads of the adjacent Rhode business park providing access to the R400, landscaping, lighting, car parking, internal access roads and all civil engineering works for the disposal of foul and surface water
- 5.2.9. Reg. Ref. 16/246: Permission granted in March 2017 for a period of 10 years to complete the development of a solar PV energy development with a total site area of c. 96.6 ha, to include one single storey electrical substation building and associated compound, electrical transformer and inverter station modules, storage modules, solar PV panels ground mounted on support structures, access roads, fencing and associated electrical cabling, ducting, CCTV and other ancillary infrastructure, additional landscaping as required and associated site development works.

- 5.2.10. RL3503: The Board determined that the provision of a connection between the 110kV substation of the Yellow River Wind farm granted under 19.PA0032 and the National Grid at Derryiron 110kV substation is development and is exempted development.
- 5.2.11. 19.PA0032: In June 2014 the Board granted permission for a windfarm development comprising 29 turbines (reduced from 32 turbines during the planning application) together with a 110kV substation and other associated development.

## 6.0 Legislative and Policy Context

### 6.1. National Policy

#### 6.1.1. National Planning Framework

6.1.2. The National Planning Framework (NPF) is the overarching national planning policy document for Ireland. The NPF is a high-level strategic plan that sets out a vision for Ireland to 2040, expressed through ten National Strategic Outcomes (NSOs).

6.1.3. NSO No. 8 is “the transition to a low carbon and climate resilient society”. The NPF acknowledges that Ireland’s energy policy is focused on the pillars of sustainability, security of supply and competitiveness. It is an action of the NPF under NSO no. 8 to “reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres”.

6.1.4. National Policy Objective 55 states:

“Promote 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.”

#### 6.1.5. Climate Action Plan 2019

6.1.6. The plan stresses the importance of decarbonising electricity consumed, by harnessing the significant renewable energy resources. Ensuring the building of renewable rather than fossil fuel generation capacity to help meet the projected growth in electricity demand is essential. Ensuring increased levels of renewable

generation will require very substantial new infrastructure, including wind and solar farms, grid reinforcement, storage developments, and interconnection.

6.1.7. To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 70% including up to 1.5 GW of grid-scale solar energy (indicative figure).

6.1.8. Energy Policy Framework 2007-2020 – Delivering a Sustainable Energy Future for Ireland (Energy White Paper)

6.1.9. This white paper sets out a strategic energy policy framework to deliver a sustainable energy future for Ireland. One of the key elements is to ensure the delivery of security of supply, which is considered to be essential for all sectors of the economy, for consumers in general and for society as a whole. The key items needed to deliver a secure supply of electricity on a consistent basis are identified as robust networks and electricity generating capacity. To this end, it is an overall objective to strongly support electricity investment programmes in the high voltage transmissions network and the distribution network, in order to facilitate regional development. The white Paper also sets the target of 33% of electricity being produced from renewable generation by 2020.

6.1.10. Ireland's Transition to a low carbon Energy Future 2015-2030

6.1.11. This White paper on Energy policy published by the Department of Communications, Energy and Natural Resources in December 2015 sets out a vision to reduce greenhouse gas (GHG) emissions by between 80% and 95% compared to 1990 levels, by 2050, falling to zero or below by 2100. It states that as new energy solutions such as bioenergy, solar photovoltaic and offshore energy mature and become more cost effective they will be included in the renewable energy mix. The policy document recognises that solar photovoltaic technology is rapidly becoming cost competitive for electricity generation and that the deployment of solar power in Ireland has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs.

6.1.12. Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012

6.1.13. In this policy statement the Government acknowledges the essential need to meet the demand for energy in a safe, secure and continuous manner as it is the lifeblood

of the economy and society. It reaffirms the imperative need for development and renewal of the energy networks, in order to meet both economic and social policy goals. The Government endorses, supports and promotes the strategic programmes of the energy infrastructure providers, particularly EirGrid's Grid 25 investment programme across the regions. The benefits are identified as securing electricity supply to homes, businesses, factories and farms; underpinning sustainable economic growth in the regions and enabling Ireland to meet its renewable energy targets.

6.1.14. Ireland's Grid Development Strategy 2017: Your Grid, Your Tomorrow

6.1.15. This provides a strategic overview for the development of the electricity transmission system. It confirmed the need for investment in the electricity transmission system. All practical technology solutions will be considered with a strategy of optimising the existing grid so as to minimise new grid infrastructure.

**6.2. Regional Policy**

6.2.1. Regional Spatial & Economic Strategy for the Eastern and Midland Regional Assembly

6.2.2. I note that the Regional Strategic Outcomes contained in the Strategy include 'Support the Transition to Low Carbon and Clean Energy' (RSO 9) and 'A Strong Economy supported by Enterprise and Innovation' (RSO 12). I also note Regional Policy Objectives RPO 10.20, 10.22 and 10.23, which support the development and strengthening of the electricity network.

**6.3. Local Policy**

6.3.1. Offaly County Development Plan 2014-2020

6.3.2. The current Development Plan is for the period 2014-2020, however the Offaly County Development Plan 2021-2027 has been adopted and comes into effect on 22<sup>nd</sup> October 2021.

6.3.3. The following enterprise, rural development and energy Policies and Objectives of the current Plan are noted:

- **EntP-11:** It is Council policy to prioritise, facilitate and promote the development of infrastructure that supports and attracts new employment-related investment in County Offaly.
- **RDP-08:** It is Council policy to support the development of renewable energy in rural areas, where it is considered appropriate i.e. where it is demonstrated that such development will not result in significant environmental effects. Such development will be assessed on a case-by-case basis.
- **EP-01:** It is Council policy to support national and international initiatives for limiting emissions of greenhouse gases and to encourage the development of renewable energy sources.
- **EP-02:** It is Council policy to facilitate the continual development of renewable energy sources having regard to the proper planning and sustainable development of the area concerned, the protection of amenities, landscape sensitivities, European Sites, biodiversity, natural heritage, and built heritage, and where such proposals comply with policy contained in the County Development Plan, in the interests of proper planning and sustainable development.
- **EP-09:** To require any applicant for energy generation facility to provide details of all transmission infrastructure associated with the development and to assess the impact of this infrastructure on both the environment and landscape as a material consideration of the planning decision.
- **EO-04:** It is an objective of the Council to support and facilitate the generation of electrical power within the county and the provision of high-voltage electricity infrastructure to cater for natural growth, new and existing large customers. Further, it is an objective of the Council to ensure, insofar as is possible, that the necessary infrastructure is in place to support the existing and future economy in Offaly, to support economic development and to attract investment.
- **EnvP-01:** It is Council policy to reduce emissions to the air of greenhouse gases in order to contribute to a reduction and avoidance of human induced climate change. The Council supports and is committed to the National Climate Change Strategy and, in general to facilitating measures which seek

to reduce emissions of greenhouse gases. In this regard, the Council will support any initiatives taken to provide for more sustainable forms of energy use. Refer to Chapter 3, Energy Strategy for further relevant policies on energy.

6.3.4. Section 3.4.3 relates to renewable energy, and states that:

“Solar energy can provide a sustainable source of energy for buildings and reduces demand for electricity supply from the national grid. Solar energy is achieved by the manner in which glass and other materials and structures are utilised to capture and magnify the sun’s energy. Three basic techniques are used today to harness solar energy and gain maximum benefit of solar energy in buildings:

- Passive Solar
- Solar Thermal
- Solar Photovoltaic (PV) Systems

The Council encourages such methods in the provision of renewable energy, subject to design and other considerations, over the plan period.”

6.3.5. The following Policies relating to natural heritage are noted:

- **NHP-11:** It is Council policy to conserve, protect and enhance where possible wildlife habitats such as rivers, streams, canals, lakes, and associated wetlands including reed-beds and swamps, ponds, springs, bogs, fens, trees, woodlands and scrub, hedgerows and other boundary types such as stone walls and ditches which occur outside of designated areas providing a network of habitats and corridors essential for wildlife to flourish.
- **NHP-18:** It is Council policy to encourage the retention, where possible, of hedgerows and other distinctive boundary treatments in rural areas. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length set back within the site. The hedgerow will be composed of a variety of native species of Irish provenance. This shall also relate to road improvements and realignments carried out by the Local Authorities or other agents on their behalf.

- **NHP-19:** It is Council policy to promote the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees.
- 6.3.6. With regard to landscape sensitivity, the site is located in a 'Low Sensitivity Area'. This is described in Table 7.11.1 of the Development Plan as follows:
- “This class largely encompasses the county’s main urban and farming areas. These areas comprise natural enclosing features (e.g. topography, vegetation) which have the capacity to absorb a range of new development.”
- 6.3.7. Table 7.11.2 states that “these areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures)”. It goes on to state that “due to the rural nature of the area, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible”.
- 6.3.8. Archaeological and architectural Policies and Objectives, including AAHP-08, AAHP-10, AAHP-11, AAHO-04 and AAHO-05 are also noted.
- 6.3.9. The Rhode Village Plan is contained in Volume 2 of the Development Plan. I note that the application site is not zoned.
- 6.3.10. Offaly County Development Plan 2021-2027
- 6.3.11. As noted above, the Offaly County Development Plan 2021-2027 has been adopted and comes into effect on 22<sup>nd</sup> October 2021.
- 6.3.12. The existing Derryiron 110kV substation is located within the designated 'Rhode Green Energy Park'. Objective SO6 seeks to support and promote the development of Rhode Green Energy Park for Green Energy as well as other complementary uses such as Green Enterprise, Food Processing, Manufacturing, Logistics, Engineering and Research and Development.
- 6.3.13. The 2021-2017 CDP contains numerous policies supporting renewable energy and development of energy infrastructure, including:
- **CAEP-01:** It is Council policy to support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required to provide for the future physical and economic development of Offaly.

- **CAEP-07:** It is Council policy to support local, regional, national and international initiatives for climate adaptation and mitigation and to limit emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of all natural resources, including publicly owned lands, in an environmentally acceptable manner.
- **CAEP-08:** It is Council policy to support the transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, by way of reducing greenhouse gases, increasing renewable energy, and improving energy efficiency.
- **CAEP-20:** It is Council policy to require that environmental assessments should address reasonable alternatives for the location of new energy developments, and where existing infrastructural assets such as sub-stations, power lines and roads already exist within the proposed development areas, then such assets should be considered for sustainable use by the proposed development where the assets have capacity to absorb the new development.
- **CAEP-22:** It is Council policy to encourage and facilitate the production of energy from renewable sources, such as from bioenergy, waste material, solar, hydro, geothermal and wind energy, subject to proper planning and environmental considerations.
- **CAEP-23:** It is Council policy to encourage developers of proposed large scale renewable energy projects to carry out community consultation in accordance with best practice and to commence the consultation at the commencement of project planning.
- **CAEP-24:** It is Council policy to ensure that whenever possible, community benefits are derived from all renewable energy development in the county such as near-neighbour benefit funds and general community benefit funds, which may take the form of contributions in kind to local projects, assets and facilities such as public amenities on the renewable energy site, measures to promote energy efficiency or a local energy discount scheme.
- **CAEP-32:** It is Council policy to ensure that the assessment of solar farm proposals will have regard to:



- site selection, by focusing in the first instance on developing solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. Decommissioning and site rehabilitation plans will be required providing for the land to be restored to its previous use.

#### 6.4. EIA Screening

6.4.1. Section 2 of the Environmental Report submitted with the application relates to EIA screening. It contends that the proposed 110kV substation and associated development does not come under Schedule 5 of the Regulations and does not require an EIA.

6.4.2. As noted by the applicant, the prescribed classes of development and thresholds that trigger a mandatory EIS are set out in Schedule 5 of the Regulations. The only classes that I consider to be of potential relevance to the proposed development are as follows:

- **Schedule 5, Part 1, Class 19:** Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
- **Schedule 5, Part 2, Class 3(b):** Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.

6.4.3. I note that an electrical substation is not a class of development contained in Parts 1 or 2 of Schedule 5 of the Regulations, and I further note that the proposed development does not entail the construction of any overhead power lines, regardless of voltage or length. The proposed grid connection to the Derryiron

substation would be of way of underground 110kV cable, and therefore would not come within either of the classes listed above (the class being overhead powerlines, and the threshold being the voltage/length).

6.4.4. As no element of the proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2, I am satisfied that the proposed development does not therefore constitute sub-threshold development and neither a mandatory EIA, nor screening for EIA, is required.

## 6.5. Local Authority

6.5.1. Offaly County Council submitted a report/submission which can be summarised as follows:

- It should be noted that OCC sought further information in relation to archaeology in respect of the associated solar PV development. This included an Archaeological Assessment.
- No recurring flood incidents are identified from a review of OPW flood hazard mapping.
- Road Design Section requires that no surface water discharge from the site onto the public road and that detailed designs be submitted to indicate how existing watercourse crossings/bridges will be crossed.
- Site is in a low sensitivity area in terms of landscape character.
- OCC is satisfied that the proposed development is capable of being absorbed into the landscape without significant impact.
- Road Design Section has no objection subject to conditions (20 No. conditions listed).
- There are no concerns regarding the environmental carrying capacity of the subject site and surrounding area.
- OCC acknowledge the requirement/strategic importance of the proposed development as a critical element of physical infrastructure required to facilitate alternative energy development, as well as responding to issues of climate change in the county and region.

- The applicant has not addressed the matter of community gain. The applicant should provide an amenity plan developing/creating linkages or improvements, with the appropriate funding, to the existing or proposed walking/cycling/amenity infrastructure in the locality.
- Development contribution condition should be included.
- OCC does not seek that any further special contribution conditions be attached.
- Condition requiring a cash deposit or bond to cover damage to the public thoroughfare should be included.
- Fire Services Dept. has no objection, noting the need for a Fire Safety Certificate.

## 6.6. Prescribed Bodies

6.6.1. Submissions were received from Transport Infrastructure Ireland and Meath County Council, which can be summarised as follows:

### 6.6.2. Transport Infrastructure Ireland:

- There are no national road interactions to address and TII has no specific observations to make.

### 6.6.3. Meath County Council:

- The site is 3km from the Meath county boundary and the Board is asked to take note of the Meath Landscape Character Assessment.

## 6.7. Observers

6.7.1. None.

## 6.8. Applicant's Response

6.8.1. The applicant' response to the submissions can be summarised as follows:

- Applicant notes that TII had no specific observations to make.

- The LVIA for both the solar farm and substation considered the landscape and visual policies and designations for all Planning Authorities within 5km, including Meath County Council.
- At 3km away, there is very little potential for the proposed development to influence the landscape character of even the nearest of Meath's Landscape Character Areas (LCA 15 – south west Lowlands).
- A representative viewpoint from Castlejordan (VP1) was included in the assessment and there was no view of the proposed development due to intervening vegetation screening in this predominantly flat landscape.
- ZTV modelling demonstrates almost no potential for visibility from County Meath.
- While the solar PV development and battery storage development was the subject of a RFI at the time of Offaly County Council's submission, a final grant of permission is pending (since granted).
- The granting of permission for the solar PV/battery development will enable the applicant to apply to EirGrid in September 2021 for a generator connection under the ECP-2 grid connection process, subject to SID consent for the substation.

## 7.0 Oral Hearing

- 7.1. The Board directed on the 7<sup>th</sup> May 2021 that an Oral Hearing in respect of the application should not be held.

## 8.0 Planning Assessment

### 8.1. Introduction

- 8.1.1. As noted in Section 1.0, the purpose of the proposed substation, underground cables and associated development is to connect a permitted solar PV and battery energy storage development (Reg Ref. 20/494) on lands adjoining the proposed substation to the existing Derryiron substation, which is located c. 2.1km south west of the

proposed substation. The proposed development will thereby facilitate the export of electricity from the solar farm, when constructed, to the National Grid.

8.1.2. For clarity, the proposed 110kV substation, underground 110kV cabling and associated infrastructure that is the subject of this s182A SID application will hereafter be referred to as the “SID development”, the wider permitted solar PV and battery development will hereafter be referred to as the “solar farm development” and the entire development in combination (i.e. the SID development and the solar farm) will hereafter be referred to as the “overall development”.

8.1.3. I note that much of the technical reports submitted with the application relate to the potential impacts of the overall development, rather than solely to the SID development.

8.1.4. I consider that the main issues in respect of the planning assessment are as follows:

- Principle and planning policy.
- Landscape and visual impact.
- Flood risk and surface water management.
- Services.
- Residential amenity.
- Noise.
- Traffic and road safety.
- Biodiversity.
- Archaeological, Architectural and Cultural Heritage
- Other issues.

## 8.2. Principle and Planning Policy

8.2.1. As set out above, the proposed development comprises a 110kV substation, underground cabling and associated electrical and other infrastructure, which is required to connect a permitted solar PV and battery energy storage development to the national grid. Renewable energy projects are supported ‘in principle’ at national, regional and local policy levels, with the imperative at all policy levels being the need

to reduce greenhouse gas emissions, reduce reliance on fossil fuels and combat climate change.

- 8.2.2. EU Directive 2009/28/EC sets a target of 20% of EU energy consumption from renewable sources and a 20% cut in greenhouse gas emissions by 2020. As part of this Directive, Ireland's legally binding target is 16% energy consumption from renewable sources by 2020. The more ambitious national objective, as expressed in the NREAP, is for 40% of electricity consumption to be from renewable sources by 2020. The White Paper entitled 'Ireland's Transition to a low carbon Energy Future 2015-2030' sets out a vision to reduce greenhouse gas emissions by between 80% and 95% compared to 1990 levels by 2050 and notes that solar photovoltaic technology is rapidly becoming cost competitive for electricity generation and that the deployment of solar power in Ireland has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs.
- 8.2.3. At a local level, the current Offaly County Development Plan 2014-2020 contains a number of Policies to support reductions in greenhouse gas emissions and to facilitate and encourage renewable energy projects, subject to normal planning criteria. Policies EntP-11, RDP-08, EP-01, EP-02, and EnvP-01, which are listed in Section 6.3 above are of particular relevance in this regard. The Offaly County Development 2021-2027 has been adopted and comes into effect on 22<sup>nd</sup> October 2021. The forthcoming CDP contains numerous policies supporting renewable energy and development of energy infrastructure, including CAEP-01, CAEP-07, CAEP-08, CAEP-20, CAEP-22, CAEP-23, CAEP-24, CAEP-32.
- 8.2.4. The application site is located within a large agricultural landholding, upon which permission has been granted for a large solar PV and battery energy storage development. The proposed substation would have significant separation distances from the nearest public roads and residential dwellings and would be adjacent to infrastructure associated with the permitted solar and battery energy storage development (i.e. photovoltaic panels, inverter/transformer stations, battery storage units etc.). There are also a number of other existing energy infrastructure developments in the area, including the Derryiron substation and Rhode power station. The SID development site is not subject to any particular constraints in terms of archaeological, cultural and architectural heritage, landscape designation or land use zoning objectives.

8.2.5. It is clear from the above that there is substantial policy support at national, regional and local level for the development of the electricity network and for renewable energy projects, such as that which would be facilitated by the proposed development. I therefore consider the proposed development to be acceptable in principle, subject to consideration of the key planning issues outlined in Section 8.1 above.

### 8.3. **Landscape and Visual Impact**

8.3.1. Section 9 of the Environmental Report comprises a Landscape and Visual Impact Assessment (LVIA) and relates to the overall development. A series of photomontages of the overall development are also included in Appendix G-1 of the Environmental Report.

8.3.2. The application site, as well as the overall solar PV and battery development and surrounding lands are located within a 'Low Sensitivity Area'. This is described in Table 7.11.1 of the Development Plan as follows:

“This class largely encompasses the county’s main urban and farming areas. These areas comprise natural enclosing features (e.g. topography, vegetation) which have the capacity to absorb a range of new development.”

8.3.3. The Development Plan states that “these areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures)”. It goes on to state that “due to the rural nature of the area, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible”.

8.3.4. Within the wider 5km radius study area utilised in the LVIA there are a number of areas of Moderate and High Sensitivity. The site is c. 3km from the Meath county boundary and Meath County Council, in their submission, ask the Board to take note of the Meath Landscape Character Assessment. The nearest Landscape Character Area within Meath is the LCA 15 – South West Lowlands. This is classified as an area with a 'high' landscape value, 'medium' landscape sensitivity and 'regional' importance with a 'medium' capacity for 'overhead cables, substations and masts'.

8.3.5. There are no protected or designated scenic views within the 5km study area.

- 8.3.6. Having inspected the application site and surrounding area, I would agree with the Development Plan designation of the landscape character as being of low sensitivity. The site sits within a relatively flat landscape, and the surrounding lands, upon which the permitted solar PV and battery development would be developed, is comprised of a series of medium to large size fields defined by boundaries of dense hedgerows and trees. Views to and from the substation site are generally limited as a result of this topography, vegetation and the site's separation distances from the nearest public roads and residential dwellings. The proposed cable route will be underground along the edge of existing roads and will have no visual impact once reinstated.
- 8.3.7. With regard to landscape impacts, I note that while the permitted solar farm development on the surrounding lands is extensive in scale, the proposed substation development has a site area of c. 1.59 ha (of a total c. 4.29 ha site). Having regard to the relatively robust character of the application site and surrounding lands, upon which the Development Plan considers there is capacity to effectively absorb a range of developments in all categories, the high degree of enclosure provided by the established hedgerows and permitted additional landscaping works, and the significant separation distances from public roads and residential dwellings, I do not consider that the proposed development will have a significant adverse effect on landscape or rural character.
- 8.3.8. With regard to visual impacts, the LVIA assesses the impact of the overall development on 9 viewpoints, which I consider to be relatively representative of the various receptor types within the study area. Photomontages have been provided from each of these viewpoints.
- 8.3.9. As set out in Section 4.0 above, the proposed substation development consists of the development of an electrical substation control building with dimensions of 14m x 18m x 6.1m in height, an Eirgrid switch room building with dimensions of 18m x 25m x 8.55m in height, 4 No. lightning protection monopoles, up to 8.275m high and associated development within a fenced compound of 56.6m x 114.8m.
- 8.3.10. Having inspected the application site and surrounding area and having reviewed the viewpoint photographs and photomontages, I consider that the potential for the proposed development to result in any adverse visual impact on sensitive receptors is extremely limited, due to the relatively limited physical scale of the proposed



development, the site topography, the extensive network of hedgerows and tree planting and the significant separation distances between the proposed development and the closest public roads and residential dwellings. I am satisfied that the proposed substation development will not be visible from the majority of viewpoints, and that where elements of the development will be visible, they will be at a significant distance with several layers of hedgerows between the receptor and the application site, serving to lessen the visibility of the proposed development and absorb it without significantly impacting on visual amenities.

- 8.3.11. In conclusion, I do not consider that the proposed development would result in any significant adverse impact on the landscape or visual amenities of the area.

#### **8.4. Flood Risk and Surface Water Management**

- 8.4.1. Section 7 of the submitted Environmental Report provides a Preliminary Flood Risk Assessment (PFRA) for the proposed development. There are a number of watercourses and drainage ditches in the vicinity of the site which drain toward the Yellow River to the north of the site. OPW records do not identify any fluvial or pluvial flood risk on or in the vicinity of the site and the applicant considers the site to be within Flood Zone C (less than 1 in 1000 for river flooding). On the basis of the information available to me I would concur with this assessment.
- 8.4.2. The applicant considers the proposed development to be a 'water-compatible development' for the purposes of the Justification Test criteria contained in the Planning System and Flood Risk Management Guidelines. I would not agree with this classification and consider that the proposed development constitutes 'highly vulnerable development', which is defined as including substations and essential infrastructure. Nevertheless, given the location of the site within Flood Zone C, such development is considered to be 'appropriate' under the Justification Test matrix contained in Table 3.2 of the Guidelines.
- 8.4.3. Therefore, having regard to the location of the proposed development outside of any area identified as being subject to flood risk, I do not consider that the proposed development would be subject to a significant flood risk or would exacerbate the risk of flooding on other lands.

8.4.4. With regard to surface water management, I note that a permeable hardcore surface is proposed on the access road and substation compound which will facilitate infiltration to ground. Rainfall from the roofs of the two control buildings will be collected and discharged to ground via 4 No. soak-pits. Having regard to these sustainable drainage proposals, I am satisfied that surface water management proposals are generally acceptable.

## 8.5. **Services**

8.5.1. It is proposed to connect the IPP and Eirgrid control buildings to the public water supply via the existing watermain which runs along the L1009-2 local road. The applicant states that a pre-connection application has been lodged with Irish Water in this regard. No submission was made by Irish Water, however given the nature of the development and the sporadic occupation of the buildings, the level of water use will be relatively minor.

8.5.2. With regard to foul wastewater, it is proposed to provide a 7,500 litre precast concrete holding tank for the temporary storage of foul water in the north eastern corner of the site. The tank will be periodically emptied by a licenced waste contractor every three months. Having regard to the sporadic and irregular occupation of the IPP and Eirgrid control buildings (estimated to be two people for one day every fortnight), I consider the proposed foul waste management proposal to be acceptable and preferable to a conventional wastewater treatment system, given the particular characteristics of the proposed development. The 7,500 litre capacity of the holding tank would represent c. three times the volume of foul water generated in a three month period, and thus it will have ample capacity to cater for additional use during periods of maintenance or repair works.

## 8.6. **Residential Amenity**

8.6.1. The application site is located within a large agricultural landholding, and the proposed substation would have separation distances in excess of 200m to both the nearest public road and the nearest residential dwellings. I note that no third party observations were made in respect of this application.

- 8.6.2. With regard to potential construction phase impacts on residential amenity, particularly as a result of noise, dust or construction traffic, I note that the applicant has submitted both an outline Construction Environmental Management Plan and a Construction Traffic Management Plan and has stated that construction of the overall development will take c. 1 year. Construction traffic access for the proposed development will be via an existing agricultural entrance off the L1009 local road, and while I have addressed the issue of construction traffic separately below, I note that HGV traffic will be able to access the site via the R400 and L1009 without passing through the village of Rhode. The proposed construction compound is located adjacent to the L1009, but would have a separation distance of c. 140m from the houses to the south.
- 8.6.3. I have addressed the issue of noise separately below, however having regard to the separation distances and the limited duration of the construction period, I do not consider that any significant impacts on residential amenity are likely to occur during the construction phase. Notwithstanding this, given the inter-relationship between the proposed development and the permitted solar farm development, I recommend, should the Board be minded to grant permission, that a condition be attached requiring the submission of a Construction Environmental Management Plan for the agreement of the Planning Authority.
- 8.6.4. Similarly, with regard to the operational phase, noting the separation distances involved, the nature and limited scale of the proposed substation development and its lack of visibility in the wider area, I do not consider that the proposed development is likely to result in any significant adverse impacts on residential amenity during its operational phase.

## 8.7. **Noise**

- 8.7.1. The issue of noise is addressed in Section 8 of the submitted Environmental Report. I note that the assessment relates to the overall development, and that it included baseline noise monitoring and the use of noise modelling software.
- 8.7.2. The applicant has considered whether the locality could be classified as a 'Quiet Area' as per the definition set out in the European Communities (Environmental Noise) Regulations 2018 (SI 549/2018). The locality does not, however, meet the

requirements for a 'Quiet Area', due to its proximity to local industrial premises, motorway and urban areas.

- 8.7.3. 7 No. Noise Sensitive Receptors (NSRs) were identified in the vicinity of the overall site, several of which act as a proxy for groups of houses. Daytime and night-time noise monitoring was undertaken at 4 No. locations, which found that each monitoring location met the criteria for 'Low Background Noise Areas' as defined in the EPA's NG4.
- 8.7.4. With regard to construction stage noise, the applicant proposes a daytime (07:00 – 19:00 Monday to Friday, 07:00 – 13:00 Saturday) noise limit of 65dB<sub>LAeq, 1 hour</sub> in accordance with BS 5228-1. Construction of the overall development is forecast to take c. 52 weeks, with the majority of noise generated during the first 18-24 weeks when activities such as site fencing, installation of panel rigs, deliveries, construction of buildings and cable trenching will be undertaken. The applicant's assessment concludes that all NSRs will experience less than 58dB<sub>LAeq, 1 hour</sub> during the construction phase for the overall development. Notwithstanding the compliance of the construction phase noise with the BS 5228-1 noise limits, the applicant has outlined various noise mitigation measures, which are generally good practice construction methods and procedures, such as deliveries only during permitted hours, use of low-noise rated plant and noise screens, regular maintenance of plant and machinery and powering off of plant, equipment and vehicles, rather than idling engines. Having reviewed the assessment, I consider that there is the potential for temporary nuisance to the local population during the construction period, however given the low density of residential dwellings in the area, the limited duration of works and the separation distances involved, I am satisfied that no significant construction phase noise impacts will arise.
- 8.7.5. Construction of the cable route will primarily be within the road width or verge and will have slight noise impacts on local dwellings as the installation progresses in a linear manner towards the substation. Having regard to the transient and short-term nature of the impact, and the low number of dwellings along the affected roads, I am satisfied that the relatively standard good practice measures listed as mitigation measures in the Environmental Report (e.g. acoustic screens, regular maintenance of machinery, powering off/throttling down machinery when not in use etc.) will be sufficient to address noise issues arising.

- 8.7.6. I consider that matters relating to the management, mitigation and control of construction related noise associated with both the substation development and the cable route can be satisfactorily dealt with by way of condition requiring a Construction Environmental Management Plan to be submitted for the agreement of the Planning Authority.
- 8.7.7. With regard to operational noise, the noise modelling included fixed plant emissions from the overall development, including the substation, step-up transformers, battery storage units and power hubs, primarily related to the use of mechanical fans. The solar arrays were not included as they do not generate noise. The noise modelling assessment concluded that no noise nuisance impacts will occur at surrounding NSRs for both daytime and night-time operations and therefore no specific noise mitigation measures are proposed.
- 8.7.8. Given the separation distance to the nearest NSRs, I do not consider that operational noise arising from the proposed development is likely to be significant. However, given that the final selection of specific items of plant and machinery is subject to procurement, I recommend that a condition limiting operational noise be included, should the Board be minded to grant permission.

## 8.8. **Traffic and Road Safety**

- 8.8.1. A Construction Traffic Management Plan (CTMP) was submitted with the application. This addresses the overall construction programme and construction traffic generation. Construction of the overall development is estimated to take 52 weeks, with the heaviest traffic between weeks 15 – 40. Construction of the passing bays on the L1009-2 local road and installation of cabling and joint bays along the L1009-2 and L1009-3 will take place between weeks 0 – 10 and will generate c. 5 truck movements per day. Peak construction traffic is stated to be 12 deliveries per day from weeks 25 – 35, which are primarily associated with the delivery of photovoltaic panels for the associated permitted solar farm. The construction traffic will generally be associated with deliveries, as is not proposed to remove any surplus soils from the site.

- 8.8.2. Having regard to the scale of the proposed SID development relative to the scale of the permitted solar PV/battery storage development, it is not considered that an excessive volume of construction traffic will be generated.
- 8.8.3. Construction traffic will generally travel from Dublin via the M6 Motorway, taking Exit 3 onto the R400 Regional Road, and taking the first exit at the roundabout junction of the R400 and the L1009, before travelling in a northward direction for c. 1.9km along the L1009 to access the site. I note that this haul route avoids all towns and villages between Dublin and the site, including the village of Rhode which is located to the south of the site.
- 8.8.4. Both the R400 and the L1009 are currently in relatively good condition. The L1009 is, however, relatively narrow and the CTMP proposes the provision of convoy warning vehicle to escort HGV traffic between the R400/L1009 roundabout and the site. It is also proposed to construct a number of passing bays on the L1009 at average spacings of 300m and to provide temporary signage.
- 8.8.5. Given that the proposed development will generate minimal traffic in the operational phase, I consider the approach of providing passing bays on the L1009 to be acceptable, noting that the road is relatively straight and level with good forward visibility.
- 8.8.6. I note, however, that there is confusion in the submitted documentation regarding the number of passing bays proposed, with references to both 4 No. and 6 No. bays. I refer the Board to drawing numbers P880 and P881, which identify 4 No. passing bays. In the interests of clarity, I recommend that this be made clear by way of condition, should the Board be minded to grant permission.
- 8.8.7. With regard to the site entrance, I noted on my site inspection that the sight lines at the existing site entrance are currently inadequate. Works to improve the site entrance and ensure adequate sight lines were permitted as part of the related solar farm development (Reg. Ref. 20/494). I am satisfied that these permitted works will allow for adequate and safe access and egress for the purposes of constructing and operating the proposed development, noting that it will primarily be unmanned during the operational phase.

- 8.8.8. In the interests of clarity and road safety I do, however, recommend that a condition be included to ensure that construction does not commence until the site entrance improvement works permitted under Reg. Ref. 20/494 have been completed.
- 8.8.9. The Road Design Section of the Planning Authority has no objection to the proposed cable route but has identified a series of requirements for the undertaking and reinstatement of road works. These requirements are considered to be reasonable in the interests of road safety and I recommend that an appropriate condition be included to require compliance with these requirements.

## 8.9. **Biodiversity**

- 8.9.1. The issue of biodiversity is addressed in Section 6 of the submitted Environmental Report, while winter bird survey results, a Japanese Knotweed Management Plan and a Biodiversity Management Plan are included in Appendices C, D and E, respectively, of said report. A Natura Impact Statement was also submitted and I have addressed the issue of Appropriate Assessment separately in Section 9 below.
- 8.9.2. A desktop study and a range of field surveys were undertaken on the overall development site, including general habitat survey, badger survey, otter survey and wintering bird surveys.
- 8.9.3. The proposed substation site currently comprises a species poor area of Arable Crops (BC1), as does the majority of the overall permitted solar farm site. Other habitats in the vicinity of the substation site include Hedgerow/Treelines (WL1/WL2), Drainage Ditches (FW4) and Recolonising Bare Ground (ED3) in the vicinity of the site entrance. Field surveys found that badgers and otters are likely to be present, as are a range of generally common bird species. The winter bird survey recorded 26 No. bird species, including 1 No. red listed species (Yellowhammer) and 6 No. amber listed species (Linnet, Robin, Skylark, Snipe, Starling and Tree Sparrow). A flock of diverse species of birds were also recorded foraging in the interior of fields. No Whooper Swans were recorded within or overflying the site. Japanese Knotweed, an invasive species, was recorded within the site, but not along the proposed grid connection route.
- 8.9.4. The proposed substation development will result in the loss of a relatively small area of habitat comprising Arable Crops. This is a common habitat type and is of limited

ecological value. The hedgerows and treelines bounding the substation site, which provide foraging, commuting and breeding habitats for various species will be retained, with a minimum 6m setback from all works.

- 8.9.5. While no significant impacts on biodiversity are predicted, the applicant has submitted a Biodiversity Management Plan. This relates to the overall development, and I note that Condition 4 of the grant of permission for the associated solar farm development (Reg. Ref. 20/494) requires the measures set out in the BMP be implemented in full.
- 8.9.6. The BMP and the Environmental Report contain various measures to protect water quality in the streams and watercourses in the vicinity of the site, as well as measures to mitigate impacts on mammals, hedgerows and breeding birds.
- 8.9.7. I do not consider the proposed substation site and grid connection cable route to be particularly sensitive from a biodiversity perspective and consider that potential impacts can be effectively mitigated through the implementation of the measures set out in the BMP, the Environmental Report and the Japanese Knotweed Management Plan, the majority of which comprise relatively standard good practice construction methods and approaches. I note in this regard that it is proposed to appoint an Ecological Clerk of Works to oversee implementation of the identified measures.
- 8.9.8. Subject to compliance with the identified mitigation measures, I am satisfied that the proposed development will not have a significant effect on the biodiversity of the area. As noted above, the issue of Appropriate Assessment is addressed separately in Section 9 below.

#### **8.10. Archaeological, Architectural and Cultural Heritage**

- 8.10.1. Cultural heritage is addressed in Section 11 of the submitted Environmental Report, while details of an additional winter-time archaeological field survey undertaken in response to a request for further information on the solar farm application are included in Appendix I-2 of the Environmental Report.
- 8.10.2. There are no recorded archaeological, architectural or cultural heritage features within the application site. There is, however, one recorded monument (RMP No. OF00078) immediately to the south of the substation site, within the permitted solar farm site. This is described in the record as “Not visible at ground level. Of doubtful



archaeological interest. Potential site identified as a cropmark on GSI aerial photograph taken in 1973 (GSI N 588/9)". The permitted layout of the solar PV arrays incorporates a circular archaeological exclusion zone around this feature. There are a number of other recorded archaeological features in the vicinity, and along the cabling route to the Derryiron substation. There are also a number of sites included in the NIAH along the cable route on the L1009-2 local road.

- 8.10.3. The proposed substation development will not directly or indirectly impact on any known feature of cultural heritage. Similarly, with regard to the proposed cable route, this will primarily be located within the road margins on previously disturbed ground and is therefore unlikely to result in any significant impact on features of cultural heritage.
- 8.10.4. While I do not consider that the proposed development is likely to have a significant impact on the integrity, setting or character of any known sites of archaeological, architectural or cultural heritage, there remains the potential for impacts on unknown archaeological remains during the construction phase, notwithstanding the relatively low archaeological potential of the site. While the proposed cable route will generally be within previously disturbed ground, I note that it is also proposed to construct underground cable joint bays and road passing bays. Consequently, I consider it appropriate that a condition be included requiring archaeological monitoring during excavation works.
- 8.10.5. I note that Condition 19 of the Planning Authority's grant of permission for the solar farm development (Ref. Reg. Ref. 20/494) requires archaeological monitoring during ground works and I consider that it would be appropriate to attach a similar condition in this instance, should the Board be minded to grant permission.

## 8.11. **Other Issues**

### 8.11.1. Duration of Permission and Decommissioning

- 8.11.2. I note that the applicant is seeking a 10-year permission. This duration would be consistent with the duration of the permission recently granted for the solar PV and battery storage development, and I consider it to be appropriate in the circumstances, should the Board be minded to grant permission.

- 8.11.3. With regard to the lifespan of the proposed development, I note that the permitted solar farm development has a permitted operational lifetime of 35 years, after which the site is to be reinstated, unless planning permission has been granted for a further period. The developer is also required to lodge a deposit/bond with the Planning Authority to ensure the satisfactory reinstatement of the site (Conditions 5 and 21 of Reg. Ref. 20/494 refer).
- 8.11.4. While the proposed development is intended to serve this solar farm development, it will comprise a transmission asset and it is stated in the Planning and Engineering Report that both the substation and cabling will become Eirgrid assets. It is also stated that while the substation will initially be a spur node from Derryron substation, it is designed to be looped into the wider transmission system at a later stage in order to provide system flexibility and add resilience. I therefore do not consider it necessary to limit the lifetime of the proposed substation development to the lifetime of the solar farm development and consequently I do not consider it necessary to attach a decommissioning and reinstatement condition to any grant of permission.
- 8.11.5. Development Contributions and Bonds
- 8.11.6. Section 27 of the Offaly County Council Development Contribution Scheme 2021-2025 sets out exemptions and reductions for certain types of development. I do not consider that the proposed development would fall under any of the exemptions listed. Accordingly, should the Board be minded to grant permission, I recommend that a suitably worded condition be attached requiring the payment of a section 48 Development Contribution in accordance with the Acts.
- 8.11.7. I note that Offaly County Council has requested the imposition of a section 48 development contribution but does not seek that any special contribution be imposed. I would agree that a special contribution is not warranted in this instance having regard to the scale and nature of the proposed development.
- 8.11.8. Offaly County Council has also sought that a cash deposit or bond be imposed by way of condition to cover damage to the public roads. Given the nature of the proposed development, which includes the excavation and reinstatement of sections of public road and the road safety implications of inadequately reinstated road surfaces, I consider this request to be reasonable. I recommend that a condition

requiring payment of a deposit/bond be included, should the Board be minded to grant permission.

- 8.11.9. With regard to community gain, Offaly County Council has requested that the applicant provide an amenity plan and funding for the development/creation of linkages or improvements to the existing or proposed walking/cycling/amenity infrastructure in the locality. I note that condition 22 of the grant of permission for the associated solar farm development requires the creation of a Community Benefit Fund. The applicant also notes, in Section 8 of their Planning and Engineering Report, that a requirement for community benefit arises separately under the Renewable Energy Support Scheme and will be addressed by the applicant on foot of a grant of permission. Given the nature of the proposed development in this instance, and its ancillary function supporting a renewable energy project, I do not consider that additional community gain conditions would be warranted.

## **9.0 Appropriate Assessment**

### **9.1. Introduction**

- 9.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000, as amended, are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive.
- The Natura Impact Statement.
- Screening the need for Appropriate Assessment.
- Appropriate Assessment.

### **9.2. Compliance with Article 6(3) of the EU Habitats Directive**

- 9.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either

individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

- 9.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### 9.3. **The Natura Impact Statement**

- 9.3.1. The application included a Natura Impact Statement (Malone O'Regan Environmental, February 2021), which described the proposed development, the project site and the surrounding area. I note that reference to 'site' within the NIS generally relates to the overall development site (i.e. proposed development and the permitted solar PV and battery energy storage development). The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

- 9.3.2. The NIS was informed by the following studies and surveys:

- A desk-based study, including review of available information sources such as NPWS website, National Biodiversity Data Centre website, EPA Envision website.
- Habitat surveys of the site and surroundings on the 9<sup>th</sup> July 2020 and 28<sup>th</sup> January 2021, including invasive species walkover.
- Otter surveys on 26<sup>th</sup> August and 14<sup>th</sup> September 2020.

- 9.3.3. No reference is made in the NIS to consultation with relevant statutory bodies such as NPWS, IFI etc.
- 9.3.4. No habitat types corresponding with Annex I habitats were recorded within the overall site. The habitats identified within the site of the proposed substation and permitted solar PV/battery development included Arable Crops (BC1; the majority of the site), Dry Meadows and Grassy Verges (GS2), Hedgerow/Treeline (WL1/WL2), Drainage Ditches (FW4), Improved Agricultural Grassland (GA1), Mixed Broadleaf Woodland (WD1), Depositing/Lowland River (FW2), Scrub (WS1), Buildings and Artificial Surfaces (BL3) and Recolonising Bare Ground (ED3). The habitats recorded within the grid connection route included Dry Meadows and Grassy Verges (GS2), Hedgerows/Treelines (WL1/WL2), Artificial Surfaces (BL3) and Amenity Grassland (GA2).
- 9.3.5. The otter survey indicates that the Yellow River and onsite drainage ditches have the potential to support foraging and commuting otters. The Yellow River also provides suitable habitat for couch holt construction along the northern bankside, outside the site.
- 9.3.6. The NIS concludes that the proposed development, alone or in combination with other projects, will not adversely affect the integrity or conservation status of any of the qualifying interests of the River Boyne and River Blackwater SAC and SPA.
- 9.3.7. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

#### **9.4. Screening the Need for Appropriate Assessment**

- 9.4.1. The proposed development is not directly connected to or necessary to the management of any European Site and therefore is subject to the provisions of Article 6(3).
- 9.4.2. The screening contained within the NIS considers European Sites within 15km of the proposed development. Having regard to the nature of the proposed development,

the nature of the receiving environment and the source-pathway-receptor model, I consider this to be a reasonable zone of influence. There are 8 No. European Sites within the zone and Table 9.1 below lists the qualifying interests of these sites, their conservation objectives and identifies possible connections between the proposed development (source) and the sites (receptors).

- 9.4.3. Having regard to: the information and submissions available; the nature, size and location of the proposed development; its likely direct, indirect and cumulative effects; the source-pathway-receptor model; and the sensitivities of the ecological receptors, I consider that the 8 No. identified sites are relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

Table 9.1: Table of European Sites Within a Possible Zone of Influence of the Proposed Development					
European Site (Code)	Distance (Direction)	Qualifying Interest(s)	Conservation Objectives	Connections (Source-Pathway-Receptor)	Considered further in screening
<b>Raheenmore Bog SAC (000582)</b>	8.5km (SW)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	To restore the favourable conservation condition of Active raised bogs, as defined by a list of specific attributes and targets.	<b>No</b> No hydrological connection.	<b>No</b> Due to lack of pathway and distance.
<b>Mount Hevey Bog SAC (002342)</b>	11.4km (NE)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	To restore the favourable conservation condition of Active raised bogs, as defined by a list of specific attributes and targets.	<b>No</b> No hydrological connection.	<b>No</b> Due to lack of pathway and distance.
<b>The Long Derries, Edenderry SAC (000925)</b>	12.8km (SE)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected	<b>No</b> No hydrological connection.	<b>No</b> Due to lack of pathway and distance.
<b>Lough Ennell SAC (000685)</b>	14km (NW)	Alkaline fens [7230]	To maintain the favourable conservation condition of	<b>No</b>	<b>No</b>

			Alkaline fens in Lough Ennell SAC, as defined by a list of attributes and targets.	No hydrological connection.	Due to lack of pathway and distance.
<b>River Boyne and River Blackwater SAC (002299)</b>	14.3km (NE)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	<b>Yes</b> Hydrological connection to SAC via watercourses connecting to the Yellow (Castlejordan) River, which discharges into the River Boyne.	<b>Yes</b> Hydrological connection to SAC could give rise to changes in water quality during construction and/or operational phases. Construction works could impact on qualifying habitats or species through sedimentation, contamination or disturbance.
<b>Split Hills and Long Hill Esker SAC (001831)</b>	14.8km (NW)	Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (*important orchid sites) [6210]	To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) as defined by a list of attributes and targets.	<b>No</b> No hydrological connection.	<b>No</b> Due to lack of pathway and distance.



<b>River Boyne and River Blackwater SPA (004232)</b>	14.3km (NE)	Kingfisher ( <i>Alcedo atthis</i> ) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	<b>Yes</b> Hydrological connection to SPA via watercourses connecting to the Yellow (Castlejordan) River, which discharges into the River Boyne.	<b>Yes</b> Hydrological connection to SAC could give rise to changes in water quality during construction and/or operational phases. Construction works could impact on qualifying habitats or species through sedimentation, contamination, or disturbance.
<b>Lough Ennell SPA (004044)</b>	14.8km (NW)	Pochard ( <i>Aythya ferina</i> ) [A059] Tufted Duck ( <i>Aythya fuligula</i> ) [A061] Coot ( <i>Fulica atra</i> ) [A125] Wetland and Waterbirds [A999]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. To maintain or restore the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it.	<b>No</b> No hydrological connection and application site does not provide suitable habitat for wetland/waterbirds.	<b>No</b> Due to lack of pathway and distance.

- 9.4.4. Based on my examination of the NIS and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European Sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for two of the 8 No. European Sites referred to above, namely the River Boyne and River Blackwater SAC and SPA.
- 9.4.5. The remaining 6 No. sites can be screened out from further assessment because of the scale of the proposed development, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and in particular the lack of a substantive linkage between the proposed development and the European sites.
- 9.4.6. Screening Determination
- 9.4.7. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the possibility of significant effect):
- River Boyne and River Blackwater SAC (002299)
  - River Boyne and River Blackwater SPA (004232)
- 9.4.8. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.
- Raheenmore Bog SAC (000582)
  - Mount Hevey Bog SAC (002342)
  - The Long Derries, Edenderry SAC (000925)
  - Lough Ennell SAC (000685)
  - Split Hills and Long Hill Esker SAC (001831)
  - Lough Ennell SPA (004044)

9.4.9. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

## 9.5. **Appropriate Assessment of Implications of the Proposed Development**

9.5.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

9.5.2. The following sites are subject to Appropriate Assessment:

- River Boyne and River Blackwater SAC (Site Code 002299).
- River Boyne and River Blackwater SPA (Site Code 004232).

9.5.3. A description of the sites, their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in Tables 9.2 and 9.3 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

### 9.5.4. Aspects of the proposed development

9.5.5. In my opinion, having reviewed the development proposals, the main aspects of the proposed development that could adversely affect the conservation objectives of the abovementioned European Sites arise during the construction phase and include:

- Impacts to water quality through construction related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt run-off.
- Disturbance and or displacement of species listed as qualifying interests due to potential water quality impacts during construction or disturbance of foraging routes/habitats.

9.5.6. Tables 9.2 and 9.3 summarise the Appropriate Assessment and site integrity test. The conservation objectives for the two European Sites, which I note are generic, have been examined and assessed with regard to the identified potential significant

effects and all aspects of the project (alone and in combination with other plans and projects). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of European sites.

With regard to the operational phase, considering the nature of the proposed development and the distance from the abovementioned European Sites, I do not consider that the proposed development – once operational – is likely to adversely affect the integrity of the aforementioned European Sites in light of their conservation objectives. The NIS notes that the proposed development will result in a land use change from intensive agriculture, with a reduction in the potential for fertiliser and pesticide runoff and consequently a positive impact on water quality. In light of this, no mitigation measures are therefore considered necessary during the operational phase.

**Tables 9.2 and 9.3: Summary of Appropriate Assessment of implications of the proposed development on the integrity of European Sites alone and in combination with other plans and projects in view of the sites' Conservation Objectives.**

<b>Table 9.2: River Boyne and River Blackwater SAC [002299]</b>					
<b>Summary of Key issues that could give rise to adverse effects:</b>					
<ul style="list-style-type: none"> <li>• Water quality impacts due to pollutants or soil/silt run-off during construction phase</li> <li>• Disturbance of QI species</li> </ul>					
Conservation Objectives: <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf</a>					
<b>Summary of Appropriate Assessment</b>					
<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded?</b>
<b>Alkaline fens [7230]</b>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	<u>No</u> Habitat is not located within likely Zone of Influence of proposed development (nearest records > 40km from site).	N/A	None	<b>Yes</b> Habitat not within Zol
<b>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</b>	Only generic Conservation Objectives are defined for this SAC, with no published targets or attributes.	<u>No</u> Habitat is not located within likely Zone of Influence of proposed development (nearest records > 70km from site).	N/A	None	<b>Yes</b> Habitat not within Zol
<b>Lampetra fluviatilis (River Lamprey) [1099]</b>	Objectives are defined for this SAC, with no published targets or attributes.	<u>Yes</u> Site is hydrologically linked to SAC, and River Lamprey are sensitive to direct or indirect effects from pollution of watercourses with chemicals,	Best practice pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.	No likely significant in-combination effects. The permitted solar PV/battery development will	<b>Yes</b> No doubt as to the effectiveness or implementation of mitigation

		silt, contaminants etc. during construction phase.	Ecological Clerk of Works to be appointed to monitor compliance with mitigation measures and conditions. Buffer zones along watercourses/ditches.	utilise the same mitigation measures. Permitted Yellow River Wind Farm (PL19.PA0032) is in vicinity, but is spread over large area, with no likely in-combination effects.	measures proposed to prevent direct or indirect effects.
<b>Salmo salar (Salmon)</b> <b>[1106]</b>		<u>Yes</u> Site is hydrologically linked to SAC, and Salmon are sensitive to direct or indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.	Best practice pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Ecological Clerk of Works to be appointed to monitor compliance with mitigation measures and conditions. Buffer zones along watercourses/ditches.	No likely significant in-combination effects. The permitted solar PV/battery development will utilise the same mitigation measures. Permitted Yellow River Wind Farm (PL19.PA0032) is in vicinity, but is spread over large area, with no likely in-combination effects.	<b>Yes</b> No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects.
<b>Lutra lutra (Otter)</b> <b>[1355]</b>		<u>Yes</u> Site is hydrologically linked to SAC, and otters may be sensitive to direct or indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.	Best practice pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Pre-construction survey. Mammal gates within security fencing.	No likely significant in-combination effects. The permitted solar PV/battery development will utilise the same mitigation measures.	<b>Yes</b> No doubt as to the effectiveness or implementation of mitigation measures proposed to

		Disturbance to foraging habitats due to highly mobile nature of species. Accidental trapping in excavations.	Measures to prevent trapping in excavations. Measures to prevent noise disturbance. Buffer zones along watercourses/ditches and hedgerows. Ecological Clerk of Works to be appointed to monitor compliance with mitigation measures and conditions.	Permitted Yellow River Wind Farm (PL19.PA0032) is in vicinity, but is spread over large area, with no likely in-combination effects.	prevent direct or indirect effects.
<p><b>Overall conclusion: Integrity test</b> Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SAC in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					

Table 9.3: River Boyne and River Blackwater SPA [004232]					
<p><b>Summary of Key issues that could give rise to adverse effects:</b></p> <ul style="list-style-type: none"> <li>• Water quality impacts due to pollutants or soil/silt run-off during construction phase</li> <li>• Disturbance of QI species</li> </ul> <p><b>Conservation Objectives:</b> <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf</a></p>					
Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
<b>Kingfisher (Alcedo atthis) [A229]</b>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Only generic Conservation Objectives are defined for this SAC, with no published targets or attributes.	<u>Yes</u> Site is hydrologically linked to SPA, and Kingfisher is sensitive to indirect effects from pollution of watercourses with chemicals, silt, contaminants etc. during construction phase.	Best practice pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Measures to prevent noise disturbance. Ecological Clerk of Works to be appointed to monitor compliance with mitigation measures and conditions.	No likely significant in-combination effects. The permitted solar PV/battery development will utilise the same mitigation measures. Permitted Yellow River Wind Farm (PL19.PA0032) is in vicinity, but is spread over large area, with no likely in-combination effects.	<b>Yes</b> No adverse effects on population or distribution of this species due to distance and robust water pollution control measures during construction phase. No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent indirect effects.
<p><b>Overall conclusion: Integrity test</b></p> <p>Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SPA in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					



9.5.7. Mitigation Measures

9.5.8. The proposed mitigation measures are set out in Section 7 of the NIS under the headings of: loss of, or disturbance to, habitats or species; potential impairment of water quality; and potential noise disturbance.

9.5.9. Proposed mitigation measures to mitigate potential disturbance impacts on otters include:

- Pre-construction survey to check for otter holts.
- Implementation of buffers, including 10m riparian enhancement strip, 6m buffer from drainage ditches/streams, 6m buffer from hedgerows/treelines, 5m setback from the perimeter fence.
- Installation of mammal gates on fencing.
- Measures to prevent mammals from entering excavations.
- No construction works outside of daylight hours during site clearance.

9.5.10. Proposed measures to mitigate noise disturbance to otters and kingfisher are also set out for both the main construction site and for the construction of the 110kV cable grid connection. The measures proposed (use of acoustic screens, maintenance of machinery, powering off/throttling down equipment when not in use etc.) are relatively standard good practice construction methods. With regard to otters, the NIS also notes that the proposed hours of construction (07:00 – 19:00 Monday to Friday, 08:00 – 14:00 Saturday) will limit noise impacts on this crepuscular species.

9.5.11. The proposed measures to mitigate impacts to water quality include:

- 12 month pre-construction period to return the land from arable use to grassland to minimise the potential for soil erosion.
- Construction traffic management to ensure site access tracks are used.
- Preventative maintenance on plant and equipment.
- Minimising length of time that excavations are left open.
- Storage of materials at the main site compound rather than the works zone.
- Storage of oils/chemicals in bunded area on hardstanding. Bunds to be sized for 110% capacity of largest tank plus 30mm of rainfall.

- Provision of spill kits on site and training of work force.
- Weather conditions to be considered when planning construction activities to minimise runoff.
- Pouring of concrete only during dry weather conditions, and no washing out of concrete trucks on site.
- Any contaminated sediments to be excavated and stored in sealed containers for disposal offsite.
- Refuelling procedures to be put in place. All fuels, lubricants and hydraulic fluids to be carefully handled to avoid spillages and appropriately stored and secured against unauthorised access.
- Vehicle and equipment maintenance in designated area. Where refuelling is required outside this area a spill tray will be used.
- Where drainage ditches are to be crossed by cables, sediment release will be prevented with silt traps, check dams and/or bunds.
- No surface water runoff onto public roads, foul sewers or adjacent property.

9.5.12. I consider that the proposed mitigation measures for water quality impacts generally comprise relatively standard good practice measures for construction works in the vicinity of watercourses. I consider that the proposed measures, as well as the construction methodology is suitably detailed to remove any lack of clarity regarding potential adverse effects and that they are capable of being successfully implemented. I note that it is also proposed to appoint an Ecological Clerk of Works to ensure that the mitigation measures and best practice measures are fully implemented.

9.5.13. Integrity test

9.5.14. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the River Boyne and River Blackwater SAC (002299) and/or the River Boyne and River Blackwater SPA (004232) in view of the Conservation Objectives of those sites.

9.5.15. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

9.6. Appropriate Assessment Conclusion

9.6.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

9.6.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development alone or in combination with the associated permitted solar PV and battery storage development may have a significant effect on the River Boyne and River Blackwater SAC (002299) and/or the River Boyne and River Blackwater SPA (004232). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

9.6.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC (002299), the River Boyne and River Blackwater SPA (004232), or any other European site, in view of the sites' Conservation Objectives.'

9.6.4. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt as to the absence of adverse effects.

## 10.0 Recommendation

10.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

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

- (a) the nature, scale and extent of the proposed development,
- (b) the characteristics of the site and of the general vicinity,
- (c) the national targets for renewable energy contribution,
- (d) national, regional and local policy support for developing renewable energy, in particular:
  - Government's Strategy for Renewable Energy, 2012-2020,
  - National Planning Framework, 2018,
  - Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007-2020,
  - Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,
  - Climate Action Plan, 2019
  - Regional Spatial and Economic Strategy for the Eastern and Midlands Region
  - Offaly County Development Plan, 2014-2020,
- (e) the location of the proposed development within an area identified in the Development Plan as a 'low sensitivity area' with the capacity to absorb a range of new development,
- (f) the distance to dwellings or other sensitive receptors from the proposed development,
- (g) the planning history of the immediate area including proximity to the permitted solar PV and battery energy storage development (Reg. Ref.

20/494). This development will serve as the grid connection for this generating asset infrastructure,

- (h) the submissions on file including those from prescribed bodies and the Planning Authority,
- (i) the Natura impact statement submitted,
- (j) the report of the Inspector.

### **Appropriate Assessment - Stage 1**

The Board considered the Natura Impact Statement 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 and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European sites in respect of which the proposed development has the potential to have a significant effect are the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232).

### **Appropriate Assessment – Stage 2**

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the European Sites, namely, the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232), 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 sites' 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 accord with European, national, regional and local planning and related policy, it would not have an unacceptable impact on the landscape or biodiversity, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 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. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

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

3. All of the ecological mitigation and monitoring measures set out in the Natura Impact Statement, Biodiversity Management Plan, Environmental Report and other particulars submitted with the application shall be implemented by the

developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. No works permitted by this grant of permission shall commence until such time as the works to upgrade the site entrance and improve sightlines at the existing access onto the L1009-2 local road, permitted under planning permission Reg. Ref. 20/494, have been implemented.

**Reason:** In the interest of traffic safety.

5. A total of 4 No. passing bays shall be provided, as illustrated on drawing numbers P880 and P881 submitted with the application.

**Reason:** In the interests of clarity and road safety.

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 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) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjacent residential properties or public roads. The location of CCTV cameras within the compound shall be agreed with the Planning Authority prior to commencement of work on site.
- (c) Cables within the site shall be located underground.

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

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

**Reason:** In the interest of traffic and pedestrian safety.

9. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the Preliminary CEMP and Construction Traffic Management Plan 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, 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) traffic management and road safety procedures and measures for the duration of underground cabling works under public roads,
  - (d) an emergency response plan; and
  - (e) proposals in relation to public information and communication.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of environmental protection and orderly development.

10. 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 operation (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 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.

11. Site development and building works shall be carried out only between the hours of 0800 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.

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

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

13. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
- (ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with respect of Community Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

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

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

**Reason:** To ensure the satisfactory completion of the development.

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Niall Haverty  
Senior Planning Inspector

22<sup>nd</sup> September 2021