



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314894-22

<b>Development</b>	Proposed development of a 220kV Gas Insulated Switchgear (GIS) substation on lands at Kilshane Road, and an underground 220kV transmission line connection to the existing Cruiserath 220kV substation.
<b>Location</b>	Lands at Kilshane Road, Kilshane, Finglas, Dublin 11.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	Not applicable
<b>Applicant(s)</b>	Kilshane Energy Limited.
<b>Type of Application</b>	Application under the provisions of S182A
<b>Planning Authority Decision</b>	Not Applicable
<b>Submissions</b>	Transport Infrastructure Ireland Development Applications Unit, DHLGH Angela and Kevin Tonge Fingal County Council

**Date of Site Inspection**

April 6<sup>th</sup> 2023

**Inspector**

Paul Caprani

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## 1.0 Introduction

- 1.1. Planning approval is sought under the provisions of section 182A of the Act for the development of a 220kV Gas Insulated Switchgear (GIS) substation and associated Air Insulated Switchgear (AIS) compound on lands at Kilshane Road, Finglas, Dublin 11 and an underground 220kV transmission line connection to the existing Cruiserath 220kv substation within the existing roadways. The Cruiserath substation is located c4.7 km to the south west. 4 submissions were received; one from the planning authority (Fingal Co Council), two from proscribed bodies (TII and DAU) and one third party submission objecting to the proposal.
- 1.2. There is a concurrent application for a new Gas Turbine Power Generation Station with an output of up to 293 Megawatts on lands adjoining the subject site under Reg. Ref. FW22A/0204. This application which was lodged with Fingal County Council is currently the subject of an additional information request. This information was submitted on January 13<sup>th</sup> 2023 and is currently being assessed by the planning authority.

## 2.0 Site Location and Description

- 2.1. The proposed development is located within the townlands of Kilshane, Bay, Hollywoodrath, Tyrrelstown and Cruiserath. The proposed substation is to be located within a large agricultural field to the immediate west of the N2 and to the south of the Kilshane Road (L3120) which runs eastwards towards Kilshane Cross. The site is bounded to the west by an agricultural field beyond which two small commercial enterprises are located namely JW Casey Construction and PD Flaherty Logistics. The Huntstown Roadstone Quarry is located to the south of the field in which the site is situated. The site of the proposed substation is located to the north east of the Ballycoolin Industrial Estate, a large commercial/ industrial area accommodating an array of industrial/ commercial/ office / logistic / warehouse and storage uses.
- 2.2. The proposed 220 kV transmission line linking the proposed substation with the existing substation in Cruiserath will be located within the existing carriageway between both sites. It will run westwards beneath the Kilshane Road, before running along Bay Lane. It will then run beneath the distributor road which runs south westwards through a series of roundabouts before linking up with the R121 and

turning southwards terminating at the Cruiserath substation. The transmission line between the two substations is approximately 4.69 km in length.

- 2.3. The existing Cruiserath substation is located on the southwestern side of the Cruiserath Road (R121) and is bounded to the south and west by this road. The Ballycoolin/ Blanchardstown Industrial / Business Park is located on lands to the east of the site. The lands to the immediate north are currently undeveloped, beyond which the Carlton Hotel – Blanchardstown is located. The Ballentree Residential Estate is located on the western side of the R121 opposite the substation site. Permission was granted by the Board for the substation on the Cruiserath Road under ABP Ref. 306834-20 in October 2020.
- 2.4. In terms of land ownership, the proposed transmission linking the two substations includes lands in private third-party ownership, public roads under the control of the local authority. The lands to accommodate the Kilshane Substation are owned in full by the applicant.

### 3.0 Proposed Development

The proposed development comprises of the following elements:

- A Proposed 220kV gas insulated switchgear (GIS) substation compound and associated AIS substation compound. The proposed 220kV GIS substation will include a proposed GIS substation building with a GFA of 475 sq.m. with a 2.6 m high fence. The substation building is rectangular in shape and has a maximum height of 13.5 m. It will accommodate a switchgear room, control room, battery room, workshop, generator room and staff facilities. An associated 220kV AIS compound, including AIS electrical equipment within the compound will be provided to the east of the GIS substation. 2 car parking spaces will be located within the compound and access will be provided of the Kilshane Road to the north (L3120).
- The proposed 220kV substation at Kilshane will be connected to the Cruiserath substation approximately 3.2km (as the crow flies) to the south-west. As the transmission line will be located within the existing road alignment, the length of the proposed transmission line will be c4.7km in length. The Kilshane to Cruiserath transmission line circuit will include 2 no. cable bays. It will also involve enabling works and service diversions, surface treatments, joint bays and communications

chambers along the transition line route. The proposed development also includes the provision of an associated medium voltage connection to serve the GIS substation building which will extend to the Kilshane Road and proceed southwards to connect with existing ESB services in the area.

## 4.0 Planning History

### **FW22A/0204**

There is a concurrent application which was lodged with Fingal Co Council (FW22A/0204) which was lodged on September 13<sup>th</sup> 2022. It consists of the following:

*The construction of a new Gas Turbine Power Generation Station with an output of up to 293 Megawatts. The proposed station will consist of 1 no. Gas Turbine and 1 no. 28 m high Exhaust Stack partially enclosed by a 12 m high acoustic wall. 1 no. single storey Admin Building and Warehouse (c. 926 m<sup>2</sup>), 1 no. single storey Packaged Electronic/Electrical Control Compartment (PEECC) (c. 72 m<sup>2</sup>), 1 no. single storey Continuous Emission Monitoring System (CEMS) Shelter (c. 14.8 m<sup>2</sup>), 1 no. 16.2m high x 024.4m Fuel Oil Tank, 1 no. 15.3m high x 09.2m Raw/Fire Water Tank, 1 no. 16.2m high x 018.3m Demin Water Tank, and miscellaneous plant equipment.*

2. *The demolition of a detached residential dwelling (c. 142 m<sup>2</sup> GFA) and associated farm buildings (c. 427 m<sup>2</sup> GFA) located in the north west corner of the subject site to facilitate the proposed development.*

3. *Road improvement works to 493.34 m Kilshane Road (L3120), including the realignment of a portion of the road (293.86 m) within the subject site boundary and the provision of new footpaths, off-road cycle ways, together with the construction of a new roundabout linking the proposed realignment of Kilshane Road back to the existing road network to the northeast of the subject site and to the proposed internal road network to serve the proposed development.*

4. *The construction of entrance gates, low wall and railings fronting the realigned Kilshane Road and a private internal road network providing for vehicular, cyclist and*

*pedestrian access to serve the development. Construction of 3 m high security fencing within development.*

*5. Total provision of 26 no. car parking spaces including 1 no. disabled persons parking space and 2 no. EV electrical charging points.*

*6. Provision of security lighting columns to serve the development and the installation of Closed-Circuit Television System (CCTV) for surveillance and security purposes.*

*7. Provision of 20 no. sheltered bicycle parking spaces.*

*8. Provision of hard and soft landscaping works, tree planting and boundary treatments including 3 m high security fence along Kilshane Road and the perimeter of the subject site boundary.*

*9. Provision of new on-site foul sewer pumping station to serve the development.*

*10. Provision of underground surface water attenuation areas to serve the development.*

*All associated site development and excavation works, above and below ground, necessary to facilitate the development.*

*An Environmental Impact Assessment Report has been prepared in respect of the proposed development. This application relates to a development that will require an Industrial Emissions Directive licence from the Environmental Protection Agency. A subsequent application will be submitted for an Above Ground Installation (AGI) compound, underground gas supply installation and a subsequent Strategic Infrastructure Development (SID) Application will also be submitted for a Gas-Insulated Switchgear Substation (GIS), Air Insulated Switchgear Substation (AIS) and grid connection to serve the development.*

*This application was the subject of a further information request on November 7<sup>th</sup> 2022. This information was received on January 13<sup>th</sup>, 2023, and was the subject of further assessment by Fingal County Council. Clarification of additional information was issued on March 13<sup>th</sup> 2023.*

## **FW21A/0250**

*Planning permission was sought for the following;*

- 1) The construction of a Gas Turbine Power Generation Station with an output of up to 293 Megawatts. The proposed station will consist of 1 no. Gas Turbine, 1 no. 28m high Exhaust Stack, 1 no. 2 story Admin Building (c. 680 m<sup>2</sup>), 1 no. single storey Workshop (c. 661 m<sup>2</sup>), 1 no. single storey Plant Room Building (c. 608 m<sup>2</sup>), 1 no. single storey Dew Point Heater Boiler Building (c. 52 m<sup>2</sup>), 1 no. single storey Electrical Module for Fuel Gas Area Building (c. 45 m<sup>2</sup>), 1 no. single storey Packaged Electronic Electrical Control Compartment building (PEECC) (c. 150 m<sup>2</sup>), 1 no. single storey EORoom Building (c. 227 m<sup>2</sup>), 1 no. single storey Fuel Gas Block Building (152 m<sup>2</sup>), 1 no. single storey Continuous Emission Monitoring System (CEMS) Building (c. 9 m<sup>2</sup>), 1 no. single storey Fuel Oil Treatment & Forwarding Building (c.59 m<sup>2</sup>), an Above Ground Installation (AG()) area consisting of 1 no. single storey Instrument Building (c. 28.5 m<sup>2</sup>), 1 no. single storey Regulator Building (47 m<sup>2</sup>), 1 no. single store Boiler Building (c. 28 m<sup>2</sup>), and 1 no. single storey Analyser Kiosk (6 m<sup>2</sup>), 2 no . 20 m high diesel storage tanks and recessed bund area, 1 no. 17 m high Raw and Fire Fighting Water Tank, miscellaneous plant and equipment.*
- 2) 2. The realignment of a portion (263 m) of the Kilshane Road within the subject site boundary, including the provision of new footpaths and offroad cycle ways, together with the construction of a new roundabout linking the proposed realignment of Kilshane Road back to the existing road network to the north west of the subject site and to the proposed internal road network to serve the proposed development.*
- 3) The construction of Entrance Gates, 1 no. single storey security office (40 m<sup>2</sup> GFA) and a private internal road network providing for vehicular, cyclist and pedestrian access to serve the development.*
- 4) Total provision of 20 no. Car Parking Spaces including 2 no. disabled parking spaces and 4 no. Electrical Charging Points.*
- 5) Provision of lighting columns to serve the development and the installation of Closed-Circuit Television System (CCTV) for surveillance and security purposes.*

- 6) *Provision of 20 no. Sheltered Bicycle Parking Spaces.*
- 7) *Provision of hard and soft landscaping works, tree planting and boundary treatments.*
- 8) *Construction of a Wastewater Treatment Plant and Percolation Area together with a Surface Water Attenuation Area to serve the development.*
- 9) *All associated site works necessary to facilitate the development.*

In its decision dated 10<sup>th</sup> of February 2022, Fingal County Council refused planning permission for 6 reasons which are set out in full below:

1. *Insufficient information has been submitted to enable the Planning Authority to complete an Appropriate Assessment. The Planning Authority is not satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of a Natura 2000 site and special conservative interests. The proposed development is therefore contrary to the proper planning and sustainable development of the area.*
2. *Insufficient information has been submitted to enable the Planning Authority to ascertain if the proposed development would require Environmental Impact Assessment in accordance with 172(a) of the Planning and Development Act 2000, as amended or is likely to have a significant effect on the environment within the context of Section 172(b) of the Planning and Development Act 2000, as amended. The proposed development is therefore contrary to the proper planning and sustainable development of the area.*
3. *Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof. The proposed development materially contravene objective DA10 of the Fingal County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.*
4. *In the absence of clear information regarding the impacts of the proposed development and mitigation measures to address these, the proposed development could adversely affect the amenities of adjoining properties and*

*depreciate the value of same. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

- 5. Having regard to the limited nature of information submitted with the planning application, the Planning Authority is not satisfied that the proposed development would not give rise to adverse impacts on the green infrastructure, biodiversity, ecology, archaeology, landscape character and the visual amenities of the area. The proposed development would materially contravene Objectives NH27, GI22, NH20, CH05 and CH06 of the Fingal County Development Plan 2017-2023, would set a poor precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.*
- 6. On the basis of the documentation submitted, it is not clear if the proposed road upgrade works can be accommodated within the lands under control of the applicant, if the proposed road layout would provide adequate sightlines to existing access points and visibility onto the proposed roundabout and would result in the location of an existing entrance to adjacent the new roundabout. In the absence of certainty as to the ability of the applicant to implement the proposed works and the road layout proposed, the proposed development would give rise to a traffic hazard and endanger public safety and would therefore be contrary to the proper planning and sustainable development of the area.*

### **ABP Ref 306834-20**

The Board approved the proposed development under S182B of the Act for provision of a double circuit 220kV transmission line and a 220kV gas insulated switchgear (GIS) substation along with associated and ancillary works to Amazon Data Services Ireland Ltd at Cruiserath, Goddamendy and Bay in Fingal. The decision was made on 09/10/2020.

### **FW21A/0039**

Fingal County Council granted planning permission for the provision of external lighting to the substation buildings and the perimeter fencing at the permitted Cruiserath 220kV substation. The decision was dated June 2<sup>nd</sup> 2021.

## 5.0 Documentation Submitted with the Planning Application

5.1. The application was accompanied by the following documentation:

- Planning application form.
- Letters of consent on landowners affected by the proposal.
- Newspaper notices.
- Covering Letter.
- Application Fee.
- Drawings.

### 5.2. Planning Report

This report sets out details of the site location, the planning history associated with both substation sites, details of the development and the planning policy context regarding the provision of enhanced electricity and gas supplies. It notes that the project is designed to support the current demand and future growth within the area by connecting a proposed new power station to the national grid. The Report concludes that the proposal provides an appropriate use of the subject lands and is fully in accordance with strategic and local planning guidance and is in accordance with the proper planning and sustainable development of the area.

### 5.3. Environmental Report

The Environmental Report assesses the impact of the proposed development on the receiving environment. The main points included in the assessment are briefly summarised below:

- 5.3.1. Biodiversity It notes that the site of the proposed development accommodates low levels of biodiversity and offers little to the ecological value of the area. No Annex 1 habitats were found on site. The site for the substation consists of intensively managed agricultural grassland. Details of the habitats on site are set out in Figure 3.4 of the report. The majority of hedgerows surrounding the site are sparse with little maturity and are of medium to low ecological value. In terms of fauna, it is likely that the badger does not use the site and there was no evidence of any other non-volant mammals found on site. Due to the modest amount of the hedgerow removal,

impacts on local bat populations are deemed to be negligible. A total of 10 bird species were recorded, 8 of which were on the green list, 2 on the amber list and none on the red list. No surveys were carried out for amphibians or invertebrates as, given the nature of the habitat, there were not deemed necessary. No invasive species were encountered on site.

The operational phase is not anticipated to have any impacts beyond the site boundary. Some temporary impacts may arise through elevated noise levels, potential for water pollution through spills and slit-laden discharges to water courses, and excessive artificial lighting during the construction phase.

The potential adverse impacts are identified as

- Removal of hedgerow
- Impacts on water quality
- Impacts on habitats from earthworks
- Pollution from excessive lighting, noise and vibration

A suite of mitigation measures are set out to address potential impacts in respect of this issues. No cumulative or residential impacts are anticipated.

5.3.2. Land, Soils, Geology & Hydrogeology Site investigation works were carried out in 2021. They included 16 trial pits and the drilling of 4 Cable Percussion Boreholes, details of the location of which are set out in Figure 4.2. Details of the soil and subsoil type encountered are set out. The underlying bedrock is dominated by Calcareous Shale and the bedrock aquifer classification is 'Poor'. Regional groundwater flow is south – southeast towards the River Tolka. The Dublin GWB and the Swords GWB which underly the site have both been given the classification status of 'Good' for the last WFD cycle (2013-2018).

The potential impacts on land, soils geology and hydrogeology are identified as:

- Excavation and Filling
- Accidental Spill and leaks
- Loss of agricultural land (operational phase).

The mitigation measures to be employed are set out in the preliminary CEMP and include protocols and controls of soil excavation and well fuel and chemical handling.

Water pollution control measures will also be implemented, and all measures will be strictly monitored. During the operational phase, petrol interceptors will be installed as part of the SuDS to capture any potential oil or hydrocarbon contamination prior to discharge. Cumulative and residential impacts with the employment of mitigation measures and considered both during the operational and construction phase to be imperceptible and negligible.

5.3.3. Hydrology The western section of the proposed route is located in Hydrometric Area No. 9 (Liffey and Dublin Bay). The eastern section of the site lies in the Nanny Delvin Catchment (Hydrometric Area 08) and the Broadmeadow sub-catchment. The Huntstown Stream which flows along the southern perimeter of the landholding and along the northern boundary of the Roadstone Huntstown quarry flows in a north easterly direction to join the River Ward c 4.4km to the north east. The River Ward is a tributary of the Broadmeadow which discharges into Malahide Estuary c.10km to the north east of the site. The transmission line crosses the Mooretown Stream which is culverted beneath the R121. The underground cable will not intervene with this stream. The rivers in the vicinity of the site are classified as being of moderate to poor status. The site is also assessed as 'not being of risk of flooding'.

The potential impacts on land, soils geology and hydrogeology are identified during the construction phase as:

- Increased sedimentation loading in surface water run-off from site
- Accidental Spill and leaks

During the operational phase there will be an increase in hardstanding but the incorporation of a SUDS drainage system within the site layout will have a minor effect on local recharge to the ground. By way of mitigation, a detailed CEMP will be prepared to address any potential impacts from pollution from surface water run-off and protocols will be put in place (inc. bunding) to ensure the safe handling of fuel and chemicals on site. Temporary storage of soil will be carefully managed. All processes will be the subject of strict monitoring. During the operational phase petrol interceptors will be installed as part of the SuDS measures to capture any potential oil or hydrocarbon contamination. No cumulative or residual impacts have been anticipated.

- 5.3.4. Air Quality and Climate The greatest potential impact on air quality during the construction phase is from dust emissions, and the potential for nuisance caused by fugitive dust emissions. The majority of which is deposited within 50m of the site boundary. The potential for dust generation on the subject site comes primarily from earthworks, construction and vehicle movements. Construction vehicles and generators may give rise to CO<sub>2</sub> and NO<sub>2</sub>, however its impact in terms of climate change is considered to be neutral. Mitigation measures will be employed to minimise dust generation, including good housekeeping and watering of roads etc, covering of vehicles etc. No predicted impacts are anticipated during the operational phase. No cumulative impacts are anticipated and the residual impacts from air pollution are assessed as ranging from ‘imperceptible to slight’.
- 5.3.5. Noise and Vibration Noise impacts during the construction phase will be derived from both machinery and traffic. However, this impact can be classified as ‘short term’. The nearest noise sensitive locations are the houses at Bay Meadows residential estate which are located to the immediate north of the proposed underground cable line between Bay Lane and the R121. The predicted noise levels with 3 items of machinery operating simultaneously with a sound power level 81 dB would range from 70dB (L<sub>Aeq</sub> 1hr) at a distance of 15m to 59dB (L<sub>Aeq</sub> 1hr) at 55m. These noise levels are within the adopted construction noise limit of 70 dB (L<sub>Aeq</sub> 1hr). During the operational phase of the development, no noise or vibration will emanate from the underground cable. While some noise generation will occur at the substation. Studies undertaken indicate that noise levels of 43dB(A) are experienced 5m from a typical operational substation boundary. As the nearest noise sensitive location (NSL) is c.150m away. Therefore, noise from the substation as Kilshane is not anticipated to be an issue. On this basis, mitigation measures are not required during the operational phase of the substation. A series of mitigation measures are set out to reduce noise levels during the construction phase including adherence to BS 5228 (Parts 1 and 2) which offer detailed guidance on the control of noise and vibration from demolition and construction activities. Erection of noise attenuation barriers will also be incorporated where appropriate. No cumulative impacts are anticipated.
- 5.3.6. Waste Management It is stated that there will be no demolition associated with the development. Waste will nevertheless be produced from left over construction materials and packaging etc. This will temporarily be stored in the construction

compound pending collection by a waste contractor. Mitigation measures will address excessive waste, based on the principles of the waste hierarchy and in accordance with the with a waste management plan which will be prepared in accordance with EPA best practice guidelines. The various mitigation measures to be implemented are set out in the Environmental Report. No mitigation measures are required during the operational phase. The waste management plan will ensure a high level of reuse, recovery and recycling and as a result, the predicted effect on the environment are considered to be 'short-term imperceptible and neutral'. In terms of cumulative impacts, it is noted that there are multiple permissions in the area which could be developed simultaneously. These specific developments are referred to in the report. However, it is noted that these developments will likewise be managed in accordance with European and National Waste Planning Policy. As such no cumulative impacts are anticipated.

- 5.3.7. Archaeology The archaeological assessment is contained in Appendix 9 of the report. The greenfield site was the subject to a geophysical survey (22R0092). The survey identified an enclosure and other activity of an archaeological nature. Subsequent test trenching revealed the presence of an enclosure complex and preservation by record (excavation) is being carried out at present. The cable line also runs within an archaeologically sensitive area, much of which has been subject to archaeological assessments. The vast majority of the cable line will run within the existing road network. The various archaeological features encountered along the proposed route are set out in the report. There are no protected structures on, or in the immediate vicinity of the site. In order to mitigate the potential impact on the archaeological remains, monitoring of all groundworks should be conditioned within any grant of permission for this development. This should be carried out by an archaeologist working under licence for the Department Housing Local Government and Heritage.

#### **Drainage and Water Services and Design Report**

- 5.3.8. This report summarises the surface water and foul water drainage proposals for the proposed development. The substation will not generally be manned although weekly maintenance checks are anticipated. As a result, potable water demand and foul water loading and discharges associated with the GIS building will be minimal. In terms of surface water, soil conditions within the substation were confirmed to be

unsuitable for discharge of surface water to ground. An alternative solution involving discharge to surface water to existing draining ditches located within the wider development (the power station) site was identified. This will require the drainage network within the site to link into the wider drainage network in the area. This will involve the incorporation of a suitable sized attenuation tank to balance incoming flows. Flow at a restricted rate will then be transferred into the wider drainage system. For the Kilshane substation site, it is proposed that sufficient storage is included such that no above ground flooding occurs for the 1 in 100 year flood event. Hence a total storage volume of 55 m<sup>3</sup> will be required. Although surface water is likely to be relatively clean, some additional controls will be put in place such as silt traps to help improve the quality of the discharges from the site and to reduce the environmental impacts.

- 5.3.9. In terms of foul water, a local gravity collection network is proposed within the GIS compound. This network will collect wastewater from the welfare facilities in the GIS building and convey this to a foul water pumping station which will serve the wider development. The substation site will convey effluent to a foul water pumping station which will serve the wider development.
- 5.3.10. Potable water demand at the new building will be limited. It is estimated that typical water demand would be approximately 330 litres per week. The closest water source, a 150mm diameter water main is proposed to be installed within the local access road that leads to the GIS substation.

### **Environmental Impact Assessment Screening Report**

- 5.3.11. This report makes reference to the relevant project types prescribed for EIA purposes in Schedule 5 of the Planning and Development Regulations. It notes that the development of a substation does not fall within the project types listed for the purposes of EIA. On the basis that the proposed development does not correspond to any Schedule 5 projection type, it does not comprise of 'sub-threshold development'. On this basis it is concluded that it is not required to assess the development against the criteria set out in either schedule 7 or schedule 7A of the Regulations.

## **Flood Risk Assessment**

This report sets out details of the Flood Risk Management Guidelines, details of the existing hydrological environment and the characteristics of the proposed development. The potential flood risks are identified with specific reference made to

- Historical flood events
- Fluvial flooding
- Pluvial flooding
- Groundwater flooding
- Tidal and Coastal flooding

5.3.12. A review of all data indicates that the proposed development site has no historical flood hazard identified in the vicinity. The entire site falls within Flood Zone C and therefore no further justification test is required. While the type of development is classed as a 'highly vulnerable development' no residual risk is anticipated in terms of flooding.

## **Preliminary Construction and Environmental Management Plan**

5.3.13. This report set out details in relation to the proposed development and associated planning applications including the Kilshane Road Alignment and Power Plant facility which is currently the subject of a planning application to Fingal Co Council (FW22A0204). It provides details of the construction methodology and the phasing of the construction. Details of the general site set-up and pre-commencement measures are also set out. Details are provided on:

- Construction exclusion zones,
- Site clearance and preparation
- Topsoil and subsoil excavations
- Watercourse management (including run-off pollution and sediment control).
- Invasive Species Management
- Lighting arrangements

- Noise and vibration control
- Details of all auditing, monitoring and records of compliance during the construction phase are also set out in the report.

### **Lighting Study**

5.3.14. As part of the design works an outdoor lighting study was carried out to evaluate the lux level within the substation compound to facilitate safe pedestrian passage throughout the substation. An assessment of the lux level was modelled which indicated that in no instance the calculated lux level was less than 2 lux, (the minimum requirement for safe pedestrian passage).

### **Tree Survey and Report**

5.3.15. This report notes that there are many ash trees growing along the route and most are showing signs of ash dieback. Many of these trees will die within the next few years and should be monitored and removed as necessary to ensure the safety of the public roads. It is stated that excavations associated with the underground cable route will not affect newly planted trees that are located along the avenues of the newly constructed roads. Those growing within roundabouts will not be at risk. Any trees that are adversely affected can be replanted without materially affecting the landscape. Those trees and hedges growing along Bay Lane are for the most part separated by a deep ditch which acts as an effective root barrier. To ensure that trees are maintained and not damaged during construction, arboricultural method statements will be adopted. Details of the arboricultural method statements are set out in the report. Details of health and safety measures which will be employed by competent tree surgery contractors are also set out.

### **AA Screening Report**

5.3.16. The screening process describes the European sites which exist within the zone of influence of the site. A radius of 2 km has been adopted as the zone of influence and a 15 km radius was adopted as the 'pathway consideration zone' (PCZ). However further considerations were given to hydrological pathways from the proposed development which extended beyond the 15km limit. The assessment criteria used included

- Elements of the proposed development with potential to give rise to effects.

- Identification of potential effects and screening of sites
- Characterising potential significant effects
- Types of effects, these included - reduction of habitat area, disturbance to key species, habitat or species fragmentation, reduction in species density, changes in key indicators of conservation value (water quality), climate change

5.3.17. The European Sites identified as potentially being impacted upon by the proposed development included:

- The Rye Water Valley / Carton SAC (site code 001398).
- South Dublin Bay and River Tolka SPA (site code 004024).
- Malahide Estuary SAC (site code 000205).
- Malahide Estuary SPA (site code 004025).
- North Dublin Bay SAC (site code 000206).
- North Bull Island SPA (site code 004006).
- South Dublin Bay SAC (site code 000210).
- Baldoyle Bay SAC (site code 000199).
- Baldoyle Bay SPA (site code 004016).
- Rogerstown Estuary SAC (site code 000208).
- Rogerstown Estuary SPA (site code 004015).

5.3.18. The report goes on to assess the proposed development in the context of cumulative effects with other plans and projects. A total of 44 projects are identified in the vicinity of the site. It is concluded that the proposed substation, either by itself or in combination with other plan and projects will not result in any adverse impacts on European Sites in the vicinity.

## 6.0 Submissions

### 6.1. Report of Chief Executive of Fingal County Council

6.1.1. The report sets out the procedural background under the provisions of S182A of the Act, details of the proposed development and the site location and description. The report goes on the set-out details of relevant planning history relating to the site and its surroundings and the planning policy context making specific reference to the policies and provisions contain in the:

- The Climate Action Plan 2021
- The National Planning Framework 2018
- The National Development Plan 2021-2030
- The Policy Statement on Security of Electricity Supply (November 2021)
- The Eastern and Midlands Regional Spatial and Economic Strategy 2019-2031.
- Fingal County Development Plan 2017-2023
- Draft Fingal County Development Plan 2023-2029

6.1.2. The report also notes that part of the proposed transmission line passes through the Cherryhound LAP lands. This Plan was adopted in 2012. In October 2017, the Members of Fingal Co Council elected to extend the lifespan of the Local Area Plan to December 8<sup>th</sup> 2022. Thus, at the time of writing this report, the plan has expired.

In terms of evaluating the proposed development the Chief Executive Report states the following:

- Principle of Development It is noted that the land use zoning pertaining to the site permits the provision of utility installations. However, there are a number of outstanding issues to be clarified on the proposed gas turbine power station which is currently the subject of assessment by the Planning Authority under FW22A/0204.
- Access and Transportation It is noted that the proposed underground 220kV will for the most part be within the public road space, the estimated time for the installation of this infrastructure is 12 months. The additional traffic generated during the construction period would not be expected to have any

long-term significant impact on the road network. Construction traffic should be managed to minimise the impact during peak hours and on nearby schools. Should permission be granted for the facility, a construction phase traffic management plan should be agreed with the planning authority.

- Waste Management Should planning permission be granted, the developer should be required to agree a detailed construction and demolition waste management plan prior to the commencement of development.
- Archaeology It is noted that the area of the substation is currently undergoing archaeological excavation. In order to mitigate against any impact on archaeological remains outside the substation area, it is recommended that archaeological monitoring of groundworks take place. There are no specific architectural conservation concerns.
- Water Services There are no objections to the proposed development in terms of surface water management or flooding. It is recommended that comments should be sought from Irish Water in respect of connections or impacts on Irish Water utilities
- Visual Impact and Landscaping the proposed substation forms part of a wider power plant development and will be fully contained within the larger power plant development site. It is noted that the Environmental Report submitted with the application did not include any assessment of the visual impact arising from the proposal. The issue of landscaping was raised in the additional information request in respect of the adjoining power station under Reg. Ref. FW22A/0204
- Other Impacts definitive measures should be included in any preliminary construction environmental management plan if significant adverse impacts during the construction phase are to be avoided. It is noted that noise mitigation measures in the environmental report are not specific. The lighting study submitted does not refer to the appropriateness of the design having regard to the biodiversity on the site. The environmental report refers to lighting during the construction phase but does not reference lighting proposed for the operational phase. Screening for EIA and AA are a matter for the Board as the competent authority.

- Financial Contribution Conditions Having regard to the provisions of Section 182B(6), the Planning Authority would support the imposition of a condition financing a community fund for this area. As per Section 11(p) of the Council's adopted financial contribution scheme, "switch rooms, substations and powerlines are exempted in the scheme". It is however requested that a financial bond be attached to ensure that re-instatement works are undertaken to a satisfactory standard. No special contributions under S48(2)(c) or supplementary contributions under S49 are sought by the planning authority.
- Conclusion In light of the substantial request for additional information sought for the related development for the adjoining power station, which has yet to be fully assessed, the planning authority is not in a position to comment on the acceptability of the proposed development at this stage. Notwithstanding this point, the planning authority have attached a total of 13 condition to be included in the event that the Board consider it appropriate to grant planning permission.

Appendix 1 contains copies of Departmental Reports, including reports from:

- The Water Services Department
- Heritage Officer/Archaeologist
- Environment Section (Waste, Enforcement and Regulation).
- Transportation Planning Section
- Report on the Parks and Green Infrastructure Division.

Details of the planning history and the additional information request in respect of Reg. Ref. FW22A/0204 are also attached to the submission.

## 6.2. **Development Applications Unit – Department of Housing, Local Government and Heritage**

- 6.2.1. This submission concerns archaeological requirements only. It notes that given the location of the proposed development, it is possible that hitherto previously unknown archaeological features/deposits may be disturbed during the course of groundworks required for the development. Geophysical surveys and archaeological test excavations have revealed the presence of substantial archaeological material in the

area. The archaeological impact assessment indicates that all archaeological material within the footprint of the building will be subject to preservation by record. The Department advises that 3 no. conditions should be included in the grant of any planning permission. These conditions align with the sample conditions set out in the OPR Practice advice note PN03 (October 2022). The conditions are set out in full in the submission.

### **6.3. Submission from Transport Infrastructure Ireland**

- 6.3.1. TII will rely on the Board to abide by official policy in relation to development on/affecting national roads outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

### **6.4. Submission on Behalf of Angela and Kevin Tonge**

- 6.4.1. This submission was submitted by O'Shaughnessy + Associates of behalf of the Third Party. The Submission is summarised below:
- The observers reside in Bloomburn Cottage opposite the overall site. The observers have also submitted an objection to the concurrent application for the power station under FW22A/0204.
  - It is argued that site notices should have been erected on the boundaries of the site to alert residents in the area and the general public to the proposed application. In this regard reference is made to drawing number A1071D-MMD-00-XX-DR-C-2223 which indicates the location of the site notices.
  - The access to the site for the proposed buildings / compounds should be way of a proposed realignment of the Kilshane Road. This realignment forms part of a concurrent planning application under FW22A/0204 which has not been approved / determined to date. As such the proposed access is premature.
  - It is considered that in order to become operational, the proposed development relies on the satisfactory outcome of the current application concerning a power station, which is still awaiting a determination from Fingal Co Council. It is contended that the ABP application is being used as a lever in the Council's consideration of the planning application before it.

- In the above basis it is considered that the proposal before the Board would be detrimental to the proper development of the area. Furthermore there has been a total lack of consultation between the applicant and the local residents of the area.

## **7.0 Policy Context**

### **7.1. Climate Action Plan 2023**

- 7.1.1. Chapter 12 of this Plan specifically relates to electricity. It notes that the electricity sector faces an immense challenge to meet its requirements under the sectoral emissions ceilings. Electricity will play an important role in the decarbonisation of other sectors through electrification, including transport, heating, and industry. Considerable progress has been made in decarbonising the electricity sector over the last decade, resulting in electricity emissions falling by 45% between 2005 and 2020. This was possible through the deployment of renewables and their successful integration into the power grid, and the increased use of higher-efficiency gas turbines.
- 7.1.2. Government set out its response to these challenges in the National Energy Security Framework, published in April 2022. This Framework details Government action to manage the impacts for energy users, ensuring continued security of supply, and reducing dependency on fossil fuels in the long term. It also highlights the work required in strengthening the grid to ensure a secure supply of electricity. Section 12.1.3 of the Plan notes that the rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation before the second carbon budget period.
- 7.1.3. Measures to meet the challenge include complete a revised version of 'Shaping our Electricity Future' to define the required new construction and reinforcement of the electricity transmission and distribution system across the country required to achieve sectoral ceilings and carbon budgets. The key performance indicators to delivery abatement in electricity include the provision of at least 2 GW of new flexible gas-fired generation by 2030. Actions for 2023 include ensure electricity generation grid connection policies and regular rounds of connection offers which facilitate

timely connecting of renewables, provides a locational signal and supports flexible technologies (Action number EL23/6).

## **7.2. National Planning Framework Ireland**

- 7.2.1. The NPF supports the strengthening and reinforcement of the electricity transmission and distribution grids in Ireland. National Policy Objective 47 seeks, in co-operation with relevant Departments in Northern Ireland, strengthen all-island energy infrastructure and interconnection capacity, including distribution and transmission networks to enhance security of electricity supply.
- 7.2.2. National Policy Objective 54 seeks to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.
- 7.2.3. National Policy Objective 55 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.
- 7.2.4. National Policy Objective 73c seeks to ensure that planning authorities and infrastructure delivery agencies will focus on the timely delivery of enabling infrastructure to priority zoned land in order to deliver planned growth and development.

## **7.3. Policy Statement on Security of Electricity Supply (November 2021)**

Ensuring continued security of electricity supply is considered a priority at national level and within the overarching EU policy framework in which the electricity market operates. It is expected that the majority of renewable energy generated by 2030 will be from wind and solar. These sources of renewable energy are variable in nature and therefore will require other technologies to both support their operation and provide electricity supplies when they are not generating. This will require a combination of conventional generation (typically powered by natural gas), interconnection to other jurisdictions, demand flexibility and other technologies such as energy storage (e.g. batteries) and generation from renewable gases (e.g. biomethane and/or hydrogen produced from renewable sources). As more wind,

solar, storage and interconnection is added to the system, conventional generation is expected to operate less, but sufficient conventional generation capacity will still be required. This conventional generation will spend much of its time in reserve for when needed – e.g. when required to balance the system in times of high demand and low wind/solar generation. It is anticipated that natural gas will form the vast majority, and more enduring, part of this conventional generation.

The Government has approved that:

- the development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation;
- it is appropriate that existing conventional electricity generation capacity, including existing coal, heavy fuel oil and biomass fired generation, should be retained until the new conventional electricity generation capacity is developed in order to ensure security of electricity supply;
- the connection of large energy users to the electricity grid should take into account the potential impact on security of electricity supply and on the need to decarbonise the electricity grid;
- it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply;
- it is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed in order to support security of electricity supply.

#### **7.4. National Energy Security Framework (April 2022)**

- 7.4.1. The National Energy Security Framework was prepared and adopted specifically in response to the Russian invasion of Ukraine and the implications for security of the EU and Ireland's energy security. The Framework notes that the level of dispatchable electricity generation capacity (i.e. capacity that does not rely on wind or solar

energy) needs to increase significantly over the coming years due to reduced reliability of existing plants, anticipated new power stations not being developed as planned, expected strong growth in demand for electricity, and the closure of existing generation. The Commission for Regulation of Utilities has statutory responsibility for ensuring security of electricity supply and is managing a programme of work to address this challenge which is being delivered in conjunction with the Department of the Environment, Climate and Communications and EirGrid.

- 7.4.2. It further notes that the continued supply of electricity to consumers in Ireland has not, to date, been impacted by the war in Ukraine. However, the situation is being monitored on a continuing basis by EirGrid. The level of dispatchable electricity generation capacity needs to increase significantly over the coming years in order to reliably meet the expected demand for electricity. The Commission for Regulation of Utilities, which has statutory responsibility for ensuring security of electricity supply, is managing a programme of work to address this challenge. This includes a programme of actions for the security of electricity supply. Chief amongst them in order to meet growing demand, replace retiring generators and support additional penetration of renewables, it is necessary to procure and deliver at least 2000MW of additional flexible gas-fired generation capacity by 2030 at the latest. This will be required in addition to procuring and delivering additional battery storage, low and zero-carbon system services, demand-side units and the delivery of additional interconnection capacity in the same period. Investment of this type, and at this scale, is critical to ensuring a secure transition and reaching the ambitious 2030 targets. EirGrid and the Department of the Environment, Climate and Communications are working closely with the Commission for Regulation of Utilities to implement this programme for work. The war in Ukraine and the potential for supply constraints has highlighted the need to urgently progress this work as a priority.

## **7.5. Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly**

- 7.5.1. Chapter 10 of this plan relates to infrastructure and section 10.3 relates to Energy. Its goal includes:

Support for the development of a safe, secure and reliable supply of electricity and the development of enhanced electricity networks as well as new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy will serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity. The strategy goes on to note that the Dublin Region is the major load centre on the Irish electricity transmission system. Approximately one third of total demand is located in the Dublin Metropolitan Area, similarly the Eastern Region is a major load centre on the Irish transmission system. The main urban demand centres are composed of a mix of residential, commercial and industrial demand, which is expected to grow up to 2025 and beyond. Developing the grid in the Region will enable the transmission system to safely accommodate more diverse power flows from renewable generation and also to facilitate future growth in electricity demand. These developments will strengthen the grid for all electricity users, and in doing so will improve the security and quality of supply. This is particularly important if the Region is to attract high technology industries that depend on a reliable, high quality, electricity supply.

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

## 7.6. **Fingal County Development Plan 2017 – 2023**

- 7.6.1. In terms of land use zoning, the site of the proposed substation is located in an area governed by the zoning objective HI – “to provide for heavy industry”. A utility facility is permitted in principle under this zoning objective.
- 7.6.2. The underground transmission cable from the point where it enters Bay Lane to the point where it reaches the 3<sup>rd</sup> roundabout within the Ballycoolin Industrial Estate, are

zoned GE - “general employment” – *to provide opportunities for general enterprise and employment.* A utility facility is permitted in principle under this zoning objective.

- 7.6.3. From this point onwards until the cable line reaches the Cruiserath Substation the lands are governed by the zoning objective HT – “High Technology”. A utility facility is permitted in principle under this zoning objective.
- 7.6.4. In terms of strategic policy, Action no. 18 seeks to secure the timely provision of infrastructure essential to the sustainable development of the County including energy supply.
- 7.6.5. Section 7.3 relates to Energy and Climate Change. It seeks to ensure adequate power capacity for the future needs of the County by co-operating and liaising with statutory and other energy providers, facilitating the development of enhanced sustainable energy supplies, encouraging in particular renewable energy sources and energy efficiency.
- 7.6.6. In terms of energy networks, the plan notes that the two main energy networks serving Fingal are electricity and gas. With Fingal’s location within the Greater Dublin Area and the potential for significant development of a residential and commercial nature likely to take place within the Plan period, it is important to ensure that the existing networks can be upgraded to provide appropriate capacity to facilitate the development of the County in line with the Settlement Strategy. The Council will work in partnership with existing service providers, particularly Eirgrid, ESB Networks, and Gas Networks Ireland to facilitate required enhancement and upgrading of existing infrastructure and networks. It will be the policy of the Council to support and protect strategic energy corridors. With this in mind, Objective EN 22 seeks to facilitate energy infrastructure provision at suitable locations, so as to provide for the further physical and economic development of Fingal.

## **7.7. Draft Fingal Development Plan**

- 7.7.1. It is anticipated that the Draft Plan will be finalised at the end of February 2023 and will be adopted 6 weeks after this date (mid April 2023). With this in mind and if the Board intend to make a decision on the current application beyond mid-April, the Board should have regard to the policies contained in the newly adopted plan. The

Draft Development Plan incorporates chapters on climate action and on infrastructure and utilities.

- 7.7.2. Section 5.5.3.1 relates to renewable energy, it notes that The National Climate Action Plan includes a commitment that 70% of our electricity needs will come from renewable sources by 2030. The plan states that achieving this target will involve phasing out coal and peat-fired electricity generation plants, increasing our renewable electricity, reinforcing our grid (including greater interconnection to allow electricity to flow between Ireland and other countries), and putting systems in place to manage intermittent sources of power, especially from wind.
- 7.7.3. Chapter 11 on infrastructure and utilities notes that The Council will continue to tackle issues that are contributing to Ireland's greenhouse gas emissions and will facilitate the delivery of numerous gas and electricity projects providing additional energy capacity across the county. The Council will continue to support the development of a safe, secure and reliable supply of electricity and encourage the development of enhanced electricity networks, facilitating new transmission infrastructure projects under EirGrid's Grid Development Strategy. Smart Grids and Smart Cities can significantly improve the efficiency and quality of complex systems such as electricity, water, waste, energy and transport services, thereby reducing their costs while contributing to the "green economy".
- 7.7.4. Fingal will continue to support energy utility providers in their efforts to reinforce and strengthen existing utility infrastructure and transmission / distribution networks and will support new infrastructure projects and technologies with particular emphasis on renewable, alternative, and decentralised energy sources, and those which are less carbon intensive in line with the Electricity and Gas Networks Sector Climate Change Adaptation Plan (2019). The Council will continue to support the development of a safe, secure, and reliable supply of electricity and to support the development of enhanced electricity networks and facilitate new transmission infrastructure projects including those under EirGrid's Grid Development Strategy, to service the existing and future needs of Fingal and the wider Eastern Region and to strengthen all-island energy infrastructure and interconnection capacity. The linkage of renewable energy proposals to the electricity and gas transmission grid will be actively supported by the Council.

- 7.7.5. Policy IUP27 – *Energy Networks and ICT Infrastructure* seeks to facilitate and promote the development of energy networks and ICT infrastructure where necessary to facilitate sustainable growth and economic development and support the provision of critical energy utilities and the transition to alternative, renewable, decarbonised, and decentralised energy sources, technologies, and infrastructure.
- 7.7.6. Policy IUP30 – *Enhancement and Upgrading of Existing Infrastructure And Networks* seeks to support EirGrid's Grid Development Strategy – “Your Grid, Your Tomorrow (2017), Implementation Plan 2017–2022 and Transmission Development Plan (TDP) 2016” and any subsequent plans prepared during the lifetime of this Plan, to provide for the safe, secure, and reliable supply of electricity.
- 7.7.7. Objective IUO44 – *Energy Utilities Support* seeks to support the development of enhanced electricity and gas supplies, and associated transmission and distribution networks, to serve the existing and future needs of the County, and to facilitate new transmission infrastructure projects and technologies.
- 7.7.8. Objective IUO45 – *Undergrounding of Utility Infrastructure*. Require that the location of local utility services such as electricity, telephone and television cables be located underground wherever possible, and to promote the undergrounding of existing overhead cables and associated equipment where possible in the interests of visual amenity and improved public realm.
- 7.7.9. In terms of development management standards (Chapter 14) Objective DMSO18 – *High Quality Design of New Utility Structures*. require new utility structures such as electricity substations and telecommunication equipment cabinets to be of a high-quality design and to be maintained to a high standard by the relevant service provider. This chapter also specifies that electricity substations should not be permitted on public open space and electricity substations should be sited at ground level.
- 7.7.10. Objective DMSO228 – *Location of New Utility Structures* seeks to locate, where possible, new utility structures such as electricity substations and telecommunication equipment cabinets, not adjacent to or forward of the front building line of buildings or on areas of open space.

- 7.7.11. Objective DMSO229 – *Design of New Utility Structures* requires that new utility structures such as electricity substations be of a high quality design and to be maintained to a high standard by the relevant service provider.
- 7.7.12. Objective DMSO231 – *Undergrounding of Cables*, seeks the placing underground of all electricity, telephone, utility and TV cables in urban areas. It is the intention of the Council to co-operate with other agencies as appropriate, and to use its Development Management powers in the implementation of this policy.

## 7.8. Natural Heritage Designations

- 7.8.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 site, The Rye Water Valley / Carton SAC (site code 001398) is located c. 8.67 km up catchment of the proposed development. There are a number of Natura 2000 sites located down catchment within the vicinity of Dublin Bay. The impact of the proposed development on these sites is assessed separately in the AA section of my assessment.

## 7.9. EIA Screening

A substation is not a class of development for which EIA is required. The Board will note that the application was accompanied by an Environmental Report, which assessed the main potential environmental impacts on the receiving environment. The main findings contained in this report are summarised in my report above.

## 8.0 Assessment

- 8.1. I have read the entire contents of the file, including the various reports submitted with the planning application, the submissions from 3<sup>rd</sup> parties and proscribed bodies and I have visited the subject site and its surroundings. I consider the pertinent issues concerning the current application before the Board are:

- Principle of development
- Impact on amenity
- Impact on archaeology
- Construction Impacts

- Impacts on ecology and biodiversity
- Impacts on Water Quality
- Issues raised in third party submission
- Community Gain Fund Issues
- Appropriate Assessment.

These issues are dealt with under individual headings below:

## 8.2. Principle of Development

### Strategic Policy

- 8.2.1. In terms of strategic policy, the proposed substation will serve a dual role in firstly, in providing a necessary and essential responsibility in processing and distributing electricity generated from the proposed gas turbine power generation station, should it be granted on an adjacent site, into the national grid. Secondly it will assist in augmenting national grid infrastructure in more general terms. Both are fully in accordance with strategic policy objectives set out in the various policy documents referred to previously in my report.
- 8.2.2. In this regard I make reference to The Climate Action Plan (2023) which seeks to decarbonise the electricity sector through the deployment of renewables and their successful integration into the power grid, and the increased use of higher-efficiency gas turbines. In more general terms the Action Plan aims to continue to strengthen the grid to ensure a secure supply of electricity. Section 12.1.3 of the Plan notes that the rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation before the second carbon budget period. The key performance indicators in the Action Plan include the provision of at least 2 GW of new flexible gas-fired generation by 2030.
- 8.2.3. In terms of the National Planning Framework, National Policy Objective 73c requires that planning authorities and infrastructure delivery agencies focus on the timely delivery of enabling infrastructure to priority zoned land in order to deliver planned growth and development.
- 8.2.4. Both the Policy Statement on Security of Electricity Supply (November 2021) and the National Energy Security Framework (April 2022) likewise recognise that the

development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply. Both documents also seek to support the growth of renewable electricity generation. Furthermore, the strategy notes it is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed in order to support security of electricity supply. The Regional Guidelines explicitly support the development of a safe, secure and reliable supply of electricity and the development of enhanced electricity networks as well as new transmission infrastructure projects that might be brought forward in the lifetime of the plan. This is recognised to be particularly important in the metropolitan area of Dublin where demand for such infrastructure is most significant.

- 8.2.5. Energy and climate policies in the current Fingal County Development Plan also seek to ensure adequate power capacity for the future needs of the County by co-operating and liaising with statutory and other energy providers, facilitating the development of enhanced sustainable energy supplies. The plan also seeks to ensure that the existing networks can be upgraded to provide appropriate capacity to facilitate the development of the County in line with the Settlement Strategy. Similar type policies to enhance the grid infrastructure are expressed in the current draft development plan whereby the Council will continue to support the development of a safe, secure and reliable supply of electricity and encourage the development of enhanced electricity networks, facilitating new transmission infrastructure projects under EirGrid's Grid Development Strategy.
- 8.2.6. It is clear therefore that substation and the associated underground cable will sit very comfortably with the policies espoused in the various strategic guidelines and policy documents referred to above.

### Zoning

- 8.2.7. There are 3 separate zoning provisions relating to the entirety of the development (the substation and the c 4.7 km route of underground cable linking the proposed

substation with the existing substation at Cruiserath Substation). Utility installations<sup>1</sup> are permitted in principle under the 3 land use zonings governing the site, namely High Technology (HT), General Employment (GE), Heavy Industry (HI). The proposed development therefore fully complies with the land use zoning provisions contained in the development plan and the lands in question have been identified as being lands which are suitable to accommodate the proposed substation and ancillary underground cabling.

- 8.2.8. Furthermore, and without any prejudice to the determination of the current application before Fingal County Council for the gas-fired power station under FW22A/0204 on contiguous lands it is appropriate to note that the juxtaposition of the gas turbine power generation station and the proposed substation can be considered compatible adjacent land-uses.

On the basis of the above I consider the proposed development to be acceptable in principle.

### 8.3. Impact on Amenity

- 8.3.1. The major impact on amenity arises from potential noise and visual impacts. It is my considered opinion that that the development in question must be viewed and assessed in the context of proposed power station on adjacent lands which the substation will serve. That is to say, in a scenario where planning permissions is not granted for the power station, it is extremely unlikely that the substation itself will proceed. It is an important consideration in assessing the amenity impacts arising from the proposal, because any such amenity impacts particularly in relation to visual and noise impacts will to a large extent be ancillary to and subsumed into the larger power station.
- 8.3.2. However, if the Board were to assess the proposed development in isolation, it is my considered opinion the effects of the proposed substation on surrounding amenity would be acceptable and generally be in accordance with the proper planning and sustainable development of the area. The main noise impacts would be associated with the construction phase, particularly in relation to laying the cables and

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<sup>1</sup> A public utility is defined in the development plan as a service that provides heat, electricity, telecommunications, water or sewage disposal or treatment.

construction the substation. In respect of cable laying the cables for the most part are to be located within the carriageway of the existing roads serving the commercial premises within the industrial estate and logistics park. There are a number of residential areas to the north of the cable line at Bay Meadows and Hollywoodrath and also the west of the cable route in Cruiserath at Curragh Hall and Ballentree Village. The maximum permissible noise levels at the façade of dwellings during construction (07:00 hrs to 1900 hrs) permits an  $L_{Aeq} (1 \text{ hr})$  of 70dB. The applicant proposes in this instance to limit noise levels at the façade of the nearest noise sensitive locations to 70 dB  $L_{Aeq} 1\text{hr}$  at the façade of residential dwelling and permit a limit of 75 dB  $L_{Aeq}$  at commercial locations. These limits in my view are acceptable having regard to the built-up nature of the existing environment where baseline noise levels are in the region of 65 to 70 dBA. Furthermore, the construction impacts associated with the laying of the cable will be temporary and short-term in nature. There will be no noise associated with the cable during the operational phase.

8.3.3. With regard to the substation, the greatest potential impact to arise will be associated with the construction phase. It is anticipated that there will be some elevated noise levels associated with the construction of the substation (and the adjoining power station) however these impacts as in the case of the laying of cable, will be temporary in nature. Information submitted with the application including noise contour mapping shows that existing baseline noise levels are relatively high due to high levels of traffic on national primary routes and arterial routes in the vicinity of the development and also the fact that the subject site is located in the vicinity and along the approach flight path to Dublin Airport. Any impacts associated with the construction phase must therefore be assessed in the context of the existing baseline noise environment. Thus, any temporary impacts arising from the construction phase will not have the same level of adverse impact as might occur in a rural area where ambient baseline noise levels would be much lower.

8.3.4. In terms of operational noise, studies referred to in the Environmental Report make reference to measured noise levels of 43 dB(A)  $L_{Aeq} 5\text{m}$  from the substation boundary. This is marginally above the WHO night-time noise level 42 dB. To avoid any noise impacts from 220kV substations at sensitive receptors it is recommended that a distance of 20 meters is maintained between the site boundary and the nearest noise sensitive receptor. The nearest noise sensitive locations are located

over 250 m away, at a location in proximity to the N2 where ambient noise levels are very high due to the traffic along this national primary route. It is extremely unlikely that any noise generation associated with the operation of the substation would contribute to elevated baseline noise levels, having regard to the separation distance between the proposal and the existing noise sensitive receptors. With the operation of the power station proposed, should it be granted on adjacent lands, the noise impacts which can be attributed directly to the substation in the context of the overall baseline noise environment would be negligible.

- 8.3.5. With regard to visual amenity the proposed substation (in conjunction with the power station) will result in a profound impact on the nature of the existing agricultural field. However, it should be borne in mind that the lands in question are zoned for heavy industry. It is likely therefore that any development in accordance with this zoning will have a profound impact on the character of the lands in question. In terms of landscape character, the site is designated as “low lying agriculture”. As can be expected, the site is not designated as a sensitive landscape in the Fingal Co. Development Plan. Therefore, having regard to the nature of the receiving environment, the land use designation pertaining to the site and the nature of land uses proposed, it is reasonable to conclude that the proposed development is acceptable in terms of visual amenity.

#### **8.4. Impact on Archaeology**

- 8.4.1. The archaeological impact assessment submitted it as part of the Environmental Report indicates that geophysical surveys and archaeological test excavations were carried out within the overall the development site. The surveys undertaken identified an enclosure and other archaeological artifacts and the preservation of these archaeological finds by record is being carried out at present. It is also noted that the cable line, notwithstanding the fact it is to be located within existing roadways, runs within an archaeological sensitive area particularly along Bay Lane. The portion of cable network along Cherryhound and Tyrellstown Link Road was also subject to archaeological assessment including both a geophysical survey and subsequent test trenching. Archaeological features along this section of the route have been preserved by record. Details of the archaeological features encountered are set out in the report. The archaeological report submitted recommends that, in order to

mitigate any potential impact on previously unknown archaeological remains, should they be present, archaeological monitoring of all groundworks should be conditioned with any grant of planning permission for this development. This should be carried out by a licensed archaeologist working under the direction and licence from the Department of Housing Local Government and Heritage.

8.4.2. I note that the above Department (Development Applications Unit) made a submission in respect of the proposed development and further noted that all archaeological material within the footprint of the substation will be subject to preservation by record. In this regard it recommends that a number of conditions be attached should the Board consider it appropriate to grant planning permission. It appears therefore that the Department are satisfied with the approach taken by the applicant, and I would concur with this conclusion. If the Board are therefore minded to grant planning approval, it is recommended that conditions similar to that suggested in the DAU submission be attached in any grant of planning approval issued by the Board.

## 8.5. **Construction Impacts**

8.5.1. As already mentioned above, one of the major impacts associated with the proposed construction phase relates to noise. I have argued above my assessment that due to the relatively high ambient noise environment and the separation distance between the proposed development and the noise sensitive receptors that noise impacts during the construction phase will not have a significant adverse impact on amenity. Any impact will also be temporary in nature.

8.5.2. I also am satisfied having regard to the Preliminary Construction and Environmental Management Plan, that appropriate mitigation measures will be put in place, to ensure that surface water drainage measures will be implemented to avoid any adverse impacts on surrounding water courses. The Management Plan has also identified and avoided any underground utilities in the vicinity of the works to be carried out. Details of the protection of trees identified to be retained, as well as those required to be cut back and felled are also set out in the Preliminary CEMP and Tree Survey and Report.

8.5.3. Details of the methodology for the topsoil and subsoil excavation as well as mitigation measures for arresting silt and suspended solids run-off are detailed. Methods for dust suppression and invasive species control are also set out. Mitigation measures for minimising light pollution, noise and vibration, spills and leaks and construction waste management are also set out. Reinstatement and monitoring details are also set out in the Plan. I am satisfied on the basis of the information contained in the preliminary CEMP that appropriate measures would be put in place so as to ensure that no significant adverse environmental impacts arise during the construction phase.

## 8.6. **Impacts on ecology and biodiversity**

8.6.1. Issues in relation to impacts on the Natura 2000 Site network are assessed under a separate heading below. The Environmental Report included a chapter on biodiversity. It involved field surveys. It notes that the site of the proposed development accommodates low levels of biodiversity and offers little to the ecological value of the area. No Annex 1 habitats were found on site. The site for the substation consists of intensively managed agricultural grassland. The majority of hedgerows surrounding the site are sparse with little maturity and are of medium to low ecological value. It is proposed to retain these hedgerows where possible. Mitigation measures will be put in place to protect the watercourses and ditches in the surrounding area. In terms of fauna, it is likely that the badger does not use the site and there was no evidence of any other non-volant mammals found on site. It is acknowledged that the proposed project has the potential to create adverse impacts to both bird and bat populations mainly during the construction phase. However, it is reiterated but this impact is temporary in nature and in my view refusal on these grounds alone would be disproportionate. A suite of mitigation measures are set out particularly in relation to the construction phase to minimise impacts on biodiversity. It is noted that only a small number of trees are to be removed from the site and the presence of other tree lines in the area will ensure that impacts on breeding bird populations and bats will be negligible. All works will be overseen by an Ecological Clerk of Works under qualified ecologist. No vegetation will be removed during the bird breeding season (March 1st to August 31<sup>st</sup>). The timing of works will be as short as possible to minimise potential disturbance effects. Details of other mitigation

measures during the construction phase in order to minimise impacts on the ecology and biodiversity of the area are set out in the Preliminary CEMP. No invasive species were encountered on site. The operational phase is not anticipated to have any impacts beyond the site boundary.

- 8.6.2. Having regard to the low ecological and biodiversity importance of the site which primarily comprises of improved agricultural grassland together with the proposed mitigation measures to be employed during the construction phase to minimise any adverse impacts on the ecology of the area, I am satisfied that the proposed development will not have an unacceptable impact on the diversity and ecology of the area and refuse planning approval for the proposal on this basis would be inappropriate.

## **8.7. Impact on the Water Environment**

- 8.7.1. The site where the proposed substation is to be located is currently a greenfield site. There are no streams or rivers traversing the site. The site contains a number of ditches which convey surface water runoff to the Huntstown Stream to the south of the site which runs northeast and links up with the Ward River which in turn discharges into Malahide Estuary. The nearest EPA water quality monitoring sites are on the Ward River at Coolatrath Bridge c.3.2 km to the north of the site which has a Q Rating of 3-4 (moderate status).

The potential impacts on land, soils, geology and hydrogeology are identified during the construction phase as:

- Increased sedimentation loading in surface water run-off from site.
- Accidental spill and leaks.

- 8.7.2. Silt and suspended particles may arise from surface water runoff from stockpiled material or from the pumping of water volumes through excavations.

- 8.7.3. The Preliminary CEMP will ensure that spoil heaps/stockpiles will not be located within 20m of the existing ditch system. Drainage diversion ditches between the stockpile area and the local ditch will be put in place. Furthermore, fuels, oils, greases and hydraulic fluids will be stored in bunded compounds and away from watercourses and ditches. Refueling of machinery shall be carried out in bunded

areas. Runoff from machine service and concrete mixing areas will not be allowed entre the watercourse. Settlement ponds will be constructed to reduce silt laden runoff. Temporary crossings will be suitably designed and water course banks will be left intact where possible. A variety of sediment control measures are set out in the preliminary CEMP including straw bales, silt fencing, silt barriers and diversion drains. All practical measures will be taken to prevent soils from entering the water courses.

- 8.7.4. The incorporation of the above mitigation measures, together with the dilution and dispersion available within the surface water network between the subject site and the higher order river network discharging into the Malahide Estuary (namely the River Ward and the River Broadmeadow) should ensure that the proposed development does not result in any deterioration of water quality in the receiving environment.
- 8.7.5. During the operational phase, surface water drainage from the substation will discharge directly into the existing ditch network. The surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff associated with the 1 in 100 year event. Discharge flow will be restricted to the greenfield equivalent runoff for the catchment area.
- 8.7.6. The only major impact during the operational phase relates to the increase in hard standing as a result of the development amounting to c. 1,657 sq.m. However, with the incorporation of SUDS, the change in the nature of the surface area will have a minor effect on local recharge to ground. I am satisfied on the basis of the information put before me, that no significant or adverse impacts on the water quality of the area will occur during the operational phase.
- 8.7.7. Petrol interceptors will be installed as part of the SuDS to capture any potential oil or hydrocarbon contamination prior to discharge this should ensure the protection of groundwater bodies. The fact that the aquifer underlying the site is classified as being of 'moderate vulnerability' should also ensure that groundwater will remain unaffected by the proposal.

## 8.8. Concerns raised in Third Party Submission

The specific concerns raised in the submission on behalf of Angela and Kevin Tonge are addressed below:

### Site Notices

- 8.8.1. It is argued that site notices should have been erected on the boundaries of the site to alert residents in the area and the general public to the proposed application. Details of the location of the site notices are indicated on Drawing A1071D-MMD-00-XX-DR-C-2223. Article 19(1) (c) of the Regulations require that site notices shall be (inter alia) *“securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from the public road, on or near all such entrances, are on any other part of the land our structure adjoining a public road so as to be easily visible and legible by persons using the public road and shall not be obscured or concealed at any time”*.
- 8.8.2. A new entrance and new roadway via a roundabout are proposed directly to serve the substation. This new entrance is to be provided off the Kilshane Road approximately 200 meters east of the junction with Bay Lane, close to the entrance with JW Casey Construction and PD Flaherty Logistics. The Board will note that a site notice has been erected at this location. In this regard the applicant has fully complied with the requirements of the Regulations. While the boundary of the entire site which includes both the substation on the power station runs along are proportion of the Kilshane Road to the northwest and north of the site, the boundary of the substation application does not meet the existing public road network at any point other than the location referred to above. On this basis I consider that there is no requirement for the applicant to place a planning notice for the substation at any location other than the proposed entrance to the substation off the existing road. In this regard I consider the applicant has fully complied with the requirements of Article 19 of the Regulations.

### Prematurity of the Proposed Development Pending the Determination of the Power Station Under Reg. Ref. FW22A/0204.

- 8.8.3. Two points are raised in respect of this issue, firstly the proposed access arrangements to the site cannot be considered until the application for the power

station is finalised. And secondly that the current application before the Board is being used as a lever in the council's consideration of the adjoining application for the turbine gas powered generation installation.

8.8.4. In relation to the first contention, it is apparent that the access road proposed at the location of the public notice on the Kilshane Road will serve both developments. The proposed substation has no road frontage other than that point on the Kilshane Road which is to provide a new access / entrance. It is therefore my considered opinion that the proposed access to serve the substation, can be assessed as a stand alone application and is no way reliant on a decision to be made on the adjoining application for the turbine gas powered generation installation.

8.8.5. In relation to the second contention, the application for the substation will be adjudicated and determined by the Board on its own merits and in accordance with the proper planning and sustainable development of the area. In accordance with the legislation, there is a requirement on the applicant to lodge two separate applications under the provisions of S34 and S182A as set out under the current 2000 Act (as amended). To suggest that the application is being split into two separate entities in order to use a grant of permission/ approval for one development as leverage to grant the larger development has no foundation. The applicant is required under law to lodge two separate applications each of which will be adjudicated separately. In the case that either one of the applications is granted and the other refused, there is no onus on the applicant to carry either development in the absence of the other, as such the Board is not in any way precluded from determining the application before it. Finally in relation to this matter I would refer to Section 34(13) of the Act whereby *a person shall not be entitled solely by reason of a permission under this section to carry out the development.* Thus, granting planning permission for the proposed development does not in any way confer any legal right in respect of carrying out a development that is in some way reliant on an planning permission on adjoining lands.

#### Lack of Consultation

8.8.6. The extent to which the applicant carried out any informal community consultations with the local community is not a matter for the Board. The applicant has complied with statutory consultation requirements set out under the Planning and

Development Act and the third parties, as is their statutory right, submitted observations in respect of the proposal which have been duly taken into consideration by the Inspector and the Board in determining the application.

## **8.9. Community Gain Fund**

- 8.9.1. The submission from Fingal Co Council supports the inclusion of a condition for a community gain fund, if the Board are minded to grant planning permission for the proposal. In relation to previous decisions by the Board in respect of substations, I note that no such condition in relation to a community gain fund has been attached. It might in my opinion therefore, be more appropriate to give consideration to attaching such a condition in respect of the larger gas-fired electricity power station on the adjacent site, rather than the ancillary substation development.

## **9.0 Appropriate Assessment**

### **9.1. Screening for Appropriate Assessment**

- 9.2. Article 6(3) of the Habitats 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. This section of the assessment considers the likelihood of significant effects on European Sites from the construction, operation of and commissioning of the proposed development.

- 9.2.1. The application site is not in itself located within a designated Natura 2000 Site, nor is it located in relative proximity to a such a Site. On this basis, the application was accompanied by a Screening for Appropriate Assessment. The Screening Assessment identified European Sites within the zone of influence (Zol) due to general proximity to the site and/or are hydrologically or otherwise connected to the subject site. It concludes that the proposed project is not foreseen to give rise to any significant adverse effects on any designated European sites alone or in combination

with other plans or projects. This evaluation was made in the context of the conservation objectives of the habitats or species for which the Natura 2000 Sites have been designated. On this basis it is concluded that a Stage 2 AA (NIS) is not required.

9.2.2. For the purposes of completeness, I propose to carry out an independent AA screening assessment commenting on potential adverse effects arising from the proposed development on qualifying interests and species of conservation interests in respect of the network of Natura 2000 Sites in the vicinity. Natura 2000 Sites that are located within the wider zone of influence and could theoretically be effected by the proposed development have been identified and are summarised in the Table below:

Site Code and name	Distance from Site	Qualifying Interests	Potential Impacts	Screened in/Out
Rye Water Valley /Carton SAC (Site Code 001398)	8.67km	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	Given the separation distances involved and the fact that this Natura 2000 Site is located up-stream of the site and therefore there are no hydrological pathways ways between the proposed development and the SAC in question, no impacts can occur.	Out
South Dublin Bay and River Tolka SPA (Site Code 004024)	9.5km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149]	The Conservation Objectives report for this Natura 2000 site notes that the SPA is sensitive to hydrological interactions and disturbance. Furthermore, there is a hydrological connection between the western section of the proposed cable route and the SPA, as the western section of the proposed route is located within Hydrometric Area No. 09 (Liffey and Dublin Bay) in the Tolka water management unit and is therefore connected with the River Tolka. However the relatively modest nature of the works proposed particularly along the cable route together with the separation distance, and the dilution together with dispersion rates available in the	

		<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	<p>receiving waters, will ensure no adverse impacts occur downstream either through disturbance of species, or water pollution or which could indirectly effect foraging or feeding habitats associated with the species of conservation interest.</p>	
<p>Malahide Estuary SAC (Site Code 000205)</p>	9.6 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>This SAC comprises of habitats only and is sensitive to hydrological interactions and direct land use management. While there is a hydrological connection between the subject site and the SPA, via the Huntstown Stream, Ward River and Broadmeadow River, the relatively modest nature of the works proposed, the separation distance, and the dilution together with dispersion rates available in the receiving waters, this will ensure that no indirect effects or no adverse impacts will occur downstream in terms of water pollution which could affect the habitats in question.</p>	
<p>Malahide Estuary SPA (Site Code 004025)</p>	9.74 km	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>	<p>This SPA is sensitive to hydrological interactions, direct land use management and disturbance effects. There is a hydrological connection between the subject site and the SPA, via the Huntstown Stream, Ward River and Broadmeadow River. The relatively modest nature of the works proposed, the</p>	

		<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	<p>separation distance, and the dilution together with dispersion rates available in the receiving waters, this will ensure that in indirect effects or no adverse impacts will occur downstream in terms of water pollution which could indirectly impact on the feeding or foraging habitats of the SPA nor could it adversely affect the species of conservation interest associated with the SPA through disturbance.</p>	
<p>North Dublin Bay SAC (Site Code 000206)</p>	<p>11.8km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila</i></p>	<p>This SAC comprises of habitats only and is sensitive to hydrological interactions and direct land use management. While there is a hydrological connection between the subject site and the SAC, as the western section of the proposed route is located within Hydrometric Area No. 09 (Liffey and Dublin Bay) in the Tolka water management unit and is therefore connected with the River Tolka . However the relatively modest nature of the works proposed, the separation distance, and the dilution together with dispersion rates available in the receiving waters, will ensure that no indirect effects or no adverse impacts will occur downstream in terms of water pollution which</p>	

		<p>arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>	could affect the habitats in question.	
<p>North Bull Island SPA (Site Code 004006)</p>	11.8 km	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p>	<p>The Conservation Objectives report for this Natura 2000 site notes that the SPA is sensitive to hydrological interactions and disturbance. Furthermore, there is a hydrological connection between the western section of the proposed cable route and the SPA, as the western section of the proposed route is located within Hydrometric Area No. 09 (Liffey and Dublin Bay) in the Tolka water management unit and is therefore connected with the River Tolka via Inner Dublin Bay. However, the relatively modest nature of the works proposed particularly along the cable route, the separation distance, and the dilution together with dispersion rates available in the receiving waters, will ensure no adverse impacts occur downstream either through disturbance of species, or water pollution or which could indirectly effect foraging or feeding habitats associated with the species of conservation interest.</p>	

		Black-headed Gull (Chroicocephalus ridibundus) [A179]  Wetland and Waterbirds [A999]		
South Dublin Bay SAC (Site Code 000210)	12.2 km	Mudflats and sandflats not covered by seawater at low tide [1140]  Annual vegetation of drift lines [1210]  Salicornia and other annuals colonising mud and sand [1310]  Embryonic shifting dunes [2110]	This SAC comprises of habitats only and is sensitive to hydrological interactions and direct land use management. While there is a hydrological connection between the subject site and the SAC, as the western section of the proposed route is located within Hydrometric Area No. 09 (Liffey and Dublin Bay) in the Tolka water management unit and is therefore connected with the River Tolka . However, the relatively modest nature of the works proposed, the separation distance, and the dilution together with dispersion rates available in the receiving waters, particularly in the Dublin Bay area will ensure that in indirect effects or no adverse impacts will occur downstream in terms of water pollution which could affect the habitats in question.	

9.2.3. The AA Screening Report makes reference to other sites within the 15 km radius of the subject site. These include Baldoyle SAC (Site Code 000199) and SPA (Site Code 004016), both of which are located 12.5 km from the subject site and Rogerstown Estuary SAC (Site Code 000208) Rogerstown Estuary SPA (Site Code 00415) located between 12.5km and 13 km from the site. The site has no direct hydrological connection between with the Natura 2000 Sites in question other than through coastal waters along the Irish Sea. It is on this basis that the later Natura 2000 sites can be screened out also.

9.2.4. In terms of cumulative and in combination effects, I note that the AA Screening Report identifies 44 planning applications / developments in the locality which could potentially give rise cumulative impacts. The vast majority of these projects are small with a localised impact. These are not considered to have a significant impact due to

the separation distance between the development in question and the Natura 2000 sites, together with the fact that the substation proposal will have virtually no potential to affect the sites in question. Cumulative or in-combination effects therefore will not arise.

- 9.2.5. Having reviewed the AA screening Assessment and the supporting documentation, including the assessments undertaken in the Environmental Report submitted. 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 to assess any potential impacts. I am satisfied that the information is sufficient to allow for an independent appropriate assessment screening to be undertaken by the Board of the proposed development and on this basis, a reasonable conclusion can be reached that Stage 2 AA and an NIS is not required.

## 10.0 Recommendation

- 10.1. Arising from my assessment above I consider the proposed development to be in accordance with the proper planning and sustainable development of the area and I further consider that the proposal will not have an adverse impact on the receiving environment, and I therefore recommend that planning approval be granted subject to conditions based on the reasons and considerations set out below.

## 11.0 Decision

Approve the proposed development under section 182A of the Planning and Development Act, 2000, as amended, for the following reasons and considerations and subject to the conditions set out below.

## 12.0 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;
- (d) national, regional and local policy support for developing the electricity transmission system and strengthening the national grid and in particular:

- National Planning Framework, 2018;
- Government Policy Statement on Security of Electricity Supply, 2021;
- National Energy Supply Framework 2022
- Climate Action Plan, 2023;
- Regional Spatial and Economic Strategy for the Eastern and Midlands Region; and
- Fingal County Development Plan, 2017-2023;

(e) the proximity of the site to the proposed gas-fired power station which is currently under consideration by Fingal County Council and adjacent power line at Kilshane;

(f) The proximity of the existing 220 kV substation at Cruiserath.

(g) the distance to dwellings or other sensitive receptors from the proposed development;

(h) the submissions on file from prescribed bodies, third parties and the Planning Authority;

(i) the documentation submitted with the application, including the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report; and

(j) the report of the Inspector.

## 13.0 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. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Report and other plans and 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.

3. 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.

4. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. 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.

6. Prior to commencement of development, the developer shall engage with the Irish Aviation Authority in order to confirm that the proposed development and any associated construction equipment would have no impact on the safety of flight operation along identified critical low level routes in support of operational requirements.

**Reason:** In the interests of air traffic safety.

7. 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.

8. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the preliminary CEMP 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 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;

(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.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. 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.

11. 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.

12. Hedgerows or trees to be removed on site shall not be removed during the bird nesting season of 1st March to 31st August.

**Reason:** In the interest of nature conservation.

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.

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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Paul Caprani  
Senior Planning Inspector

April 11<sup>th</sup> 2023