



An
Bord
Pleanála

Inspector's Report ABP-316283-23

Development

Proposed new 110kV substation with a 'loop-in / loop-out' connection to the existing 110kV Mullingar-Lanesborough overhead line and associated infrastructure.

Location

In the townlands of Clondardis and Slane More, Co. Westmeath.

Planning Authority

Westmeath County Council

Applicant(s)

Harmony Solar Mullingar Limited

Type of Application

Application under the provisions of Section 182A of the Planning and Development Act, 2000, as amended.

Prescribed Bodies

Department of Housing, Local
Government and Heritage
Health Service Executive

Observer(s)

None.

Date of Site Inspection

23rd October, 2023

Inspector

Robert Speer

1.0 Introduction

- 1.1. An application has been made by Harmony Solar Mullingar Ltd. under the provisions of section 182A of the Planning and Development Act, 2000, as amended ('the Act'), for the development of a 110kV electrical substation, an underground 'loop-in / loop-out' connection to the existing 110kV Mullingar-Lanesborough overhead line via 2 No. new interface towers, and associated infrastructure in the townlands of Clondardis and Slane More, Co. Westmeath.
- 1.2. The purpose of the proposed development is to facilitate the export of electricity from the permitted Clondardis Solar Farm (PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 as amended by PA Ref. No. 20/6132) to the national grid via an underground grid connection (over a distance of approximately 1,200m) extending between the proposed substation and the existing 110kV Mullingar-Lanesborough overhead line. The subject proposal replaces the 38kV substation permitted as part of the solar farm development and negates the requirement for the c. 5.1km underground grid connection between that solar farm and the existing ESB substation at Irishtown Townland, Mullingar, Co. Westmeath, which was previously deemed by the Board to constitute exempted development (please refer to ABP Ref. No. ABP-307927-20).
- 1.3. Following pre-application consultations (ABP Ref. No. ABP-314595-22), the Board determined that the proposed development would fall within the scope of section 182A of the Planning and Development Act, 2000, as amended, and thus would constitute Strategic Infrastructure Development thereby requiring an application to be made directly to the Board.

2.0 Site Location and Description

- 2.1. The proposed development site is located in the rural townlands of Clondardis and Slane More, Co. Westmeath, approximately 5km west of Mullingar Town and 2.6km southwest of Lough Owel, where it occupies a position alongside a minor tertiary roadway (Local Road No. L58021) between the R393 and R392 Regional Roads (to the north and south respectively). The surrounding countryside is characterised by a gently undulating rural landscape composed of agricultural fields, predominantly set

as pasture, separated by hedgerow and interspersed with instances / groupings of one-off rural housing, farmyards and associated outbuildings.

- 2.2. The site itself has a stated site area of 4.5 hectares, is irregularly shaped, and extends over a number of agricultural fields. Access is presently available via a series of field gates from a narrow roadway that extends westwards from its junction with Local Road No. L5802 before terminating in a cul-de-sac. This road provides access to a number of residential properties before serving as a privately held agricultural laneway (as evidenced by the presence of a gateway across the carriageway).
- 2.3. The substation compound will be located towards the westernmost end of the private roadway opposite a complex of farm buildings as well as a vacant two-storey dwelling house further west. It will be positioned within the south-western corner of a larger field with well-established mature hedgerow / tree lines defining the southeastern and southwestern perimeter site boundaries.
- 2.4. The proposed interface towers will be positioned off a spur road leading from the internal serviceway where the existing 110kV Mullingar-Lanesborough overhead line passes through the northern extent of the permitted solar farm.

3.0 Proposed Development

3.1. Context:

- 3.1.1. The proposed development will supersede the approved 38kV substation (which formed part of the solar farm development permitted under PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 as amended by PA Ref. No. 20/6132) and the 38kV underground cable (deemed to be exempted development by ABP Ref. No. ABP-307927-20) originally intended to serve the Clondardis Solar Farm with a 110kV substation and a 110kV underground grid connection. The stated need for this 110kV infrastructure is to facilitate the export of electricity from the permitted Clondardis Solar Farm to the national grid and to provide for a “node” on the transmission grid at a favourable geographic location so as to satisfy the requirements of Eirgrid.

3.2. Nature of the Proposal:

3.2.1. A ten-year permission has been sought for the following:

- Construction of a standard Eirgrid / ESB 110kV Air-Insulated Switchgear (AIS) loop-in substation and associated works within a site of approximately 4.5 hectares. The substation, comprising a total compound footprint of 1.29 hectares enclosed by palisade fencing, will comprise:
 - 1 No. single storey substation control building (435m²);
 - 1 No. single storey customer MV building (325m²);
 - Switchgear, Arc Suppression Coil, Cable Sealing Ends, Cable Chair, Circuit Breakers, Current Transformers, Disconnects, Post Insulators, Surge Arrestors, Grid Code Compliance Equipment and Voltage Transformers;
 - 8 No. lightning masts to a height of approximately 18m;
 - 1 No. telecommunications pole to a height of approximately 22m;
 - 2.6m high metal palisade guard railing with perimeter boundary fencing around the periphery of the compound for security and protection measures; and
 - Lighting to be provided by 4 No. lamp posts approximately 3m in height as well as exterior wall mounted lights on the control buildings.
- Erection of 2 No. line-cable interface masts (LCIMs) to enable a loop-in / loop-out connection to the existing Mullingar-Lanesborough 110kV overhead line. The steel lattice masts will extend to heights of 16m and 15m above existing ground level.
- Permanent access road (c. 1.1km in length) to allow access to the substation including a short spur (c. 0.1km) off the main access track to access the 2 No. line-cable interface masts. The entrance to the local road (L5802) will be shared with the consented Clondardis solar farm.
- Associated construction works and drainage infrastructure and the installation of a temporary construction compound.

3.2.2. The proposed 110kV substation will provide a connection to the existing 110kV Mullingar-Lanesborough overhead line via a loop-in / loop-out system. Underground cabling will be installed adjacent to the access track between the substation and the existing transmission area for a total length of c. 1.2km with the cable exiting the ground at the LCIMs to connect to the overhead line. The connection works will involve the installation of ducting, joint bays, drainage and ancillary infrastructure. Joint bays will be installed approximately every 700m – 850m along the UGC route to facilitate the jointing of 2 No. lengths of UGC. Communication chambers will also be provided at each joint bay location. The underground cable will be contained within the site boundary of the permitted solar farm. No stream crossings are required in the trenching / ducting works for the underground cabling.

3.3. **Documentation Submitted:**

3.3.1. In addition to the forms, notices and letters to relevant bodies etc., the application has been accompanied by the following:

- Planning and Environmental Report (Main Report) which addresses the following:
 - Description of the Development
 - Planning Policy and Consultation
 - EIA Screening
 - Landscape and Visual
 - Hydrology and Water Quality
 - Traffic and Transport
 - Biodiversity
 - Noise, Vibration and Air Emissions
 - Cultural Heritage
- Planning and Environmental Report (Appendices) which includes:
 - SID determination from An Bord Pleanala
 - Outline Construction Methodology Plan

- Ecological Impact Assessment
- Appropriate Assessment Screening Report
- Archaeological Assessment (as submitted for the solar farm)
- Landscape and Visual Impact Assessment (as submitted for the solar farm).

4.0 Consultations

4.1. Details of the application were circulated to the following prescribed bodies:

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

4.2. Responses were received from the Department of Housing, Local Government and Heritage (Development Applications Unit), the Health Service Executive (National Office for Environmental Health Services), and Westmeath County Council, which are summarised below.

5.0 Submissions

5.1. Prescribed Bodies:

5.1.1. Department of Housing, Local Government and Heritage (Development Applications Unit):

- Refers to the Project Environmental Considerations Report submitted as part of the application (which incorporates a desk-based Archaeological Impact Assessment of the proposed development) and states that the National Monuments Service is broadly in agreement with its findings in relation to archaeology and cultural heritage.
- Advises that the following condition should be included in any grant of permission:
 1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 10 of the PECR (John Cronin and Associates Ltd. dated 29th March, 2023) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this order.
 2. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 10 of the PECR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
 3. The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work / excavation required, following the completion of all archaeological work on site and any necessary post-

excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

These recommended conditions are stated as aligning with Sample Conditions C5 and C6 as set out in *OPR Practice Note PN03: Planning Conditions* (October, 2022), with appropriate site-specific additions / adaptations based on the particular characteristics of the development proposed and informed by the findings of the PECR.

5.1.2. Health Service Executive (National Office for Environmental Health Services):

- All construction works should be carried out in accordance with the Building Regulations and up-to-date design codes at the time of mobilisation. A waste management plan must also be implemented to mitigate against undue impacts.
- The site-specific Construction and Environmental Management Plan (CEMP) should include the following:
 - A brief description of the existing environmental conditions to include:
 - The location of nearby wells (within 150m of the construction site) used as a source of drinking water and other watercourses in the vicinity.
 - Measures to be employed during the construction phase to ensure that water quality is protected.
 - Measures to prevent the contamination of ground and surface water from fuel spills / leaks as well as the spillage of concrete (cementitious materials) during the construction stage.
 - During dewatering activities, a standard filtration system should be used to control the amount of sediment in surface water runoff.
 - Details of the scope of the work to be undertaken: This should include any changes resulting from the imposition of conditions in the event of a grant of permission.

- Duration of the works and operating hours: The following working hours limits are recommended:
 - Monday to Friday: 08.00-18.00
 - Saturday: 08.00-14.00
(if intended to work until later, the nearest sensitive receptors should be informed)
 - Sundays & Public Holidays: No noisy work on site.
- Machinery to be used on site: Machinery to be regularly checked to minimise potential noise impacts on sensitive receptors and to prevent the potential leakage of fuel.
- Proposed number of construction workers.
- Staff facilities / site compound: If a potable water supply is to be provided to the staff canteen then it should comply with the Drinking Water Regulations (S.I. No. 122 of 2014) (as amended). Furthermore, if portable toilet and wash facilities are to be provided, this should be from a licensed sanitation supplier and serviced on a weekly basis or where necessary.
- Proposals for traffic management.
- Proposals for monitoring and reporting: A designated member of construction staff should be responsible for dealing with complaints and queries from members of the public.
- Noise and dust minimisation plans should be developed for the construction phase.
- Mitigation measures outlined in the application to minimise noise during construction should be implemented in full.
- It is accepted that the measures outlined in the Construction Methodology document to minimise the impact of fugitive hydrocarbon discharges from the transformer are sufficient for the protection of surface and ground waters during the operational stage.
- Based on evidence undertaken by EirGrid (*'EirGrid Evidence Based Environmental Studies Study 8: Noise, May 2016'*) 'Corona noise' will not be

an issue with the proposed development, as this type of noise tends only to become apparent from 350-500kV. A low frequency humming noise is likely to be generated from the substation.

It is recommended that the transformer proposed be manufactured with a specified and guaranteed emission level in order to minimise the impact on sensitive receptors and that the minimising of noise is a criterion used for the selection and installation of substation equipment.

5.2. **Westmeath County Council:**

5.2.1. A submission dated 14th June, 2023 was received from the planning authority which includes a description of the proposed development, the site context, the relevant planning history, and the applicable national, regional and local planning policy considerations. It also includes a planning assessment of the proposal which considers the principle of the proposed development, the servicing arrangements, the impact on residential amenity (noise, air & visual amenity), flood risk, the carrying capacity and safety of the road network, cultural heritage considerations, and the applicable development contributions.

5.2.2. The main points of this submission can be summarised as follows:

- The District Engineer has no objection to the proposed development from an engineering perspective.
- The Environment Section notes the following:
 - While all European Sites (including the Lough Owel SAC / SPA) within a 15km zone of influence were screened out due to the separation distances involved and / or the absence of any pathways, the Board is the competent authority in making a determination on appropriate assessment.
 - The subject lands are not within a designated NHA site. Furthermore, given the nature of the development proposed and the separation distance to the nearest NHA (the Lough Derravarragh NHA c. 12km from the site), no likely impacts are envisaged.
 - A Construction and Environmental Management Plan should be submitted prior to the commencement of development as a condition of any grant of permission.

- A Construction and Demolition Resource Waste Management Plan should be submitted prior to the commencement of development as a condition of any grant of permission.
- The proposed development does not warrant Environmental Impact Assessment.
- The proposed development would accord with national and local planning policy objectives by supporting and securing the delivery of electricity to the grid on a demand responsive basis. It is an objective of the planning authority to *‘Co-operate and liaise with statutory and other energy providers in relation to power generation, in order to ensure adequate power capacity for the existing and future needs of the County’* (CPO 10.172).
- The proposal accords with Policy Objective CPO 10.176 of the Development Plan and will facilitate connection of the permitted Clondardis solar farm to the national grid while also providing a ‘node’ on the transmission grid for use by EirGrid.
- The Development Plan seeks to support *‘local, regional, national and international initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally acceptable manner and having particular regard to the requirements of the Habitats Directive’*. It is also acknowledged that *‘the provision of electricity infrastructure is necessary to sustain economic growth’*. Accordingly, the principle of the proposed development is acceptable, subject to satisfying all other planning considerations.
- With regard to the proposed servicing arrangements (including the transportation of potable drinking water to the site, the removal of wastewater by way of tanker, and the discharge of surface water to ground), the District Engineer has not raised any concerns.
- There are c. 20 No. dwellings within 1km of the permitted solar farm with the nearest such property approximately 350m from the site. Impacts on residential amenity are assessed as follows:

Noise:

The predicted cumulative noise impact arising during the construction phase at the nearest sensitive receptor is calculated as 44dB which is below the noise emission limit of 55dB conditioned as part of PA Ref. No. 206132.

It is recommended that a condition pertaining to construction noise be attached to any grant of permission.

The details provided in relation to the potential noise impacts arising during the operational phase of the development are considered reasonable and any outstanding matters can be satisfactorily addressed by way of condition in the event of a grant of permission.

Air:

Given the potential for dust and particulate matter generated during the construction phase to impact on air quality, a standard dust condition should be attached to any grant of permission.

Visual Amenity:

The details provided as regards the potential impact of the proposed development on visual amenity considerations are considered reasonable and any outstanding matters can be satisfactorily addressed by way of condition in the event of a grant of permission.

- From a flood risk management perspective, the details submitted are considered reasonable and any outstanding matters can be satisfactorily addressed by way of condition in the event of a grant of permission.
- The submitted particulars provide appropriate details in relation to the proposed road network. Furthermore, the traffic and transportation impacts associated with the permitted solar farm were already considered in the assessment of PA Ref. No. 17/6239 (ABP Ref. No. ABP-301116-18) and PA Ref. No. 20/6132. In this regard, it is considered that the additional traffic movements associated with the construction of the proposed 110kV substation will not be significant in the context of the permitted development.

- It is noted that a detailed Traffic Management Plan is to be prepared prior to the commencement of construction.
- The negative impact on the local road network as a result of construction related traffic will be ‘temporary’ to ‘short term’ in duration and ‘slight’ to ‘moderate’ in significance unless properly mitigated against through adequate construction stage planning and the implementation of the measures outlined in the submitted particulars.
- Given the small number of site visits expected during the operational phase, the impact on traffic and transport considerations will be ‘imperceptible’.
- The matter of the carrying capacity and safety of the road network have been considered by the District Engineer and no objections have been raised. There are no outstanding matters in this regard.
- Having regard to the siting of the proposed development, the separation distance from protected archaeological monuments, the absence of any protected structures associated with the subject lands, and the scale of the development proposed, it is considered that the proposed development will not impact negatively on cultural heritage considerations, subject to appropriate conditions(s) with regard to the undertaking of pre-development archaeological testing.
- The Westmeath County Council Development Contribution Scheme (2022) should be applied in the event of a grant of permission and will be subject to any applicable indexation of the Scheme at the time of payment.
- The proposed development is required to support the growth of renewable electricity and to ensure a security of supply in the short to medium term in accordance with the Policy Statement on Security of Electricity Supply, 2021 which states that *‘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’*.
- The proposal, by itself or in combination with other projects, would accord with European, national and regional policy.

- The proposed development, if permitted, would:
 - Make a positive contribution to Ireland’s national strategic policy on renewable energy and energy security and its move to a low energy carbon future;
 - Be capable of being integrated successfully at the subject site without undue adverse impact on the amenity of the area;
 - Not seriously injure the residential or visual amenities of the area;
 - Have an acceptable impact on the landscape;
 - Not be likely to have a significant adverse impact on any designated site or the conservation objectives pertaining to same;
 - Not be likely to adversely affect archaeological or natural heritage in the area; and
 - Be acceptable in terms of traffic safety and convenience.
- The proposal, by itself or in combination with other projects, accords with the local policy objectives of the Westmeath County Development Plan, 2021-2027 as follows:
 - Support the development of industries that create and employ green technologies and take measures to accelerate the transition towards a low carbon economy and circular economy (CPO 5.56).
 - Support renewable energy initiatives that support a low carbon transition (CPO 5.59).
 - Support the rural economy and initiatives in relation to diversification, agri business, rural tourism and renewable energy so as to sustain employment opportunities in rural areas (CPO 9.34).
 - Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability (CPO 9.35).

- To promote and support the use of renewable forms of energy as a contribution to the energy demand of all new buildings where it is consistent with the proper planning and sustainable development of an area (CPO 10.141).
- Support and promote the sustainable improvement and expansion of the electricity transmission and distribution network that supply the County, subject to landscape, residential, amenity and environmental considerations (CPO 10.169).
- Co-operate and liaise with statutory and other energy providers in relation to power generation, in order to ensure adequate power capacity for the existing and future needs of the County (CPO 10.172).
- Support and facilitate the development of enhanced electricity and gas supplies, which do not negatively impact on environmental quality, landscape, wildlife, habitats or residential amenity and which are critical to the economic development of the County (CPO 10.174).
- Support and facilitate the development of enhanced electricity, 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 including 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 (CPO 10.176).

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. Accordingly, subject to relevant environmental determinations (for which the Board is the Competent Authority), it is recommended that permission be granted for the proposed development, subject to conditions.

- Recommendations for conditions include:
 - Timescale of completion, operation and decommissioning.

- Construction and Environmental Management Plan (CEMP).
- Construction and Demolition Resource Waste Management Plan (CDRWMP).
- Construction Traffic Management Plan.
- Noise levels during construction and operation, including monitoring.
- Dust monitoring and management.
- Archaeological recording, reporting and any further mitigation arising from same.
- Mitigation and monitoring measures in the Planning & Environmental Report, CEMP and CDRWMP to be applied.
- Surface water management.
- Wastewater management.
- Development contributions.
- No signage.
- Pre and post construction works.

5.2.3. This submission has been accompanied by a copy of the minutes of a special meeting of the elected representatives of Westmeath County Council held on 7th June, 2023 with a view to recording their views on the proposed development. The salient points arising can be summarised as follows:

- It is acknowledged that there are issues with the upgrading of existing substations which has led to a lack of grid access for renewable energy projects permitted in the area.
- Renewable energy should have a major impact on utility bills / energy costs.
- The proposed development should not have any adverse impact on the local community.
- It is essential that developments such as that proposed are future-proofed in order to allow renewable energy projects to feed into the national grid.

- Concerns arise as regards the need for the larger 110kV substation (when compared to the 38kV substation originally approved) and the potential for it to act as a precursor to further wind energy development in the area.
- Provision should be made for the future expansion of existing hedgerows in the event of a grant of permission.

5.3. **Third Party Observations:**

5.3.1. None received.

6.0 **Applicant's Response to Submissions:**

- Considers all the submissions received to be reasonable and states that the applicant is amenable to complying with the conditions requested.
- With respect to the concerns raised by the elected representatives of Westmeath County Council that the proposed development might serve as a precursor to future wind energy development, neither the applicant nor its agent has any knowledge of any intentions for wind farm development in the area.
- The rationale for the increased substation size from 38kV to 110kV has been driven by a grid connection offer from EirGrid that has requested a 110kV substation at this location. This is consistent with EirGrid's approach on a national level to upgrade the network.

7.0 **Planning History**

7.1. **On Site:**

7.1.1. PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18. Was granted on appeal on 15th February, 2019 permitting Harmony Solar Mullingar Ltd. a 10-year permission for a ground mounted solar photovoltaic (PV) farm consisting of the following: up to an area of 139,520m² of solar panels on ground mounted steel frames within a site area of 46.3 hectares; a fenced electricity substation compound to include 1 No. electricity control building and hardstands for ancillary electrical equipment; 12 No. inverter/transformer stations; underground cable and ducts; internal access tracks

and hardstanding areas; boundary security fence; CCTV and all associated site services and works, 2 No. new site access points from the public road, one for construction / decommissioning traffic purposes only, and one for operational traffic, all at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath.

7.1.2. PA Ref. No. 20/6132. Was granted on 28th October, 2020 permitting Harmony Solar Mullingar Ltd. permission for the amendment of the development approved on appeal under ABP Ref. No. ABP-301116-18 (PA Ref. No. 17/6239). The amendments proposed provide for: An optimised Solar PV Panel configuration within the permitted site area, with the exception of a reduced buffer distance under the existing 110kV lines from c.56m to c.46m to comprise up to 252,000m² of solar panels to allow for solar panel array height increase from up to 2.8m to 3.2m; Modifications and enlargement of the on-site substation and substation compound. The substation will increase in size from c. 55m² as permitted to c. 150m² and the substation compound will increase in size from c. 700m² as permitted to c. 1,081m²; Omission of 2 No. inverter / transformer hardstanding areas and minor changes of position of hardstanding from the permitted solar development to allow for a total of 10 No. hardstanding areas which will provide the base for 20 No. inverter and transformer units housed in sound pressure containers. Permission was also approved for a period of 30 years from the date of the commencement of development.

7.1.3. ABP Ref. No. ABP-307927-20. Was determined on 9th April, 2021 wherein it was held that the provision of a c. 5.1km underground grid connection from the permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath, to the national grid via the existing ESB Mullingar 110kV substation at Irishtown Townland, Mullingar, Co. Westmeath, was development and was exempted development.

7.2. **Sites in the Immediate Vicinity:**

7.2.1. *(to the northwest)*

PA Ref. No. 22113. Was granted on 6th October, 2022 permitting Shanonagh PV Ltd. permission for a period of 10 years to construct and complete a Solar PV Energy Development with a total site area of 42.06 hectares, to include a single storey

electrical substation building, inverter substations, modules, solar PV ground mounted on support structures, a temporary construction compound, internal access tracks, security fencing, electrical cabling and ducting, CCTV and other ancillary infrastructure, drainage, additional landscaping and habitat enhancement as required and associated site development works. The solar farm will be operational for 35-years. All at Parcellstown and Shanonagh, Mullingar, Co. Westmeath.

7.2.2. *(to the north):*

PA Ref. No. 176028. Was granted on 5th July, 2017 permitting Grian PV Ltd. a 10-year permission for a solar farm with an export capacity of 12.458MW comprising photovoltaic panels on ground mounted frames with associated infrastructure including 7 no. inverter cabins, 1 no. control building, 1 no. customer cabin, 1 no. DNO substation, temporary construction compound, ducting and electrical cabling, perimeter agricultural fencing, mounted CCTV cameras and internal access tracks, all at Slanemore, Mullingar, Co. Westmeath.

PA Ref. No. 176224. Was granted on 4th April, 2018 permitting Grian PV Ltd. a 10-year permission for the development will consist of a proposed 4.392MW extension to a planning approval solar farm (Ref 17/6028). The proposed extension will comprise of photovoltaic panels on ground mounted frames with associated infrastructure including 2 no inverter cabins, temporary construction compound, ducting and electrical cabling, perimeter agricultural fencing, mounted CCTV cameras and internal access tracks. All at Slanemore, Mullingar, Co. Westmeath.

PA Ref. No. 2360200. Application by Grian PV Westmeath Ltd. for the amendment of the planning applications previously granted permission under references PL/17/6028 & PL/17/6224. The proposed amendments to the previously consented solar farm will include the following: • Provision of a new 38kV on-site substation control building & compound • Reconfiguration of consented solar array to optimise layout • Reconfiguration of internal maintenance/access roads • Provision of a new access from the R393 Regional Road • Adjustments to the red line boundary to cater for the new access and access track. All in the townland of Slanemore, Mullingar, Co. Westmeath. No decision to date.

7.2.3. *(to the northeast):*

PA Ref. No. 186215. Was granted on 8th October, 2018 permitting WEP Storage Ltd. permission for the construction of an Energy Storage Facility comprising battery containers and associated infrastructure including combined power conversion systems, grid connection compound, electrical substation, transformers and grid compliance equipment, temporary construction compound, ducting and electrical cabling, fencing, CCTV cameras, landscaping and access tracks. All at Slanemore, Mullingar, Co. Westmeath.

PA Ref. No. 2360306. Was refused by the Planning Authority on 10th November, 2023 refusing WEP Storage Ltd. for permission for a development amending the existing granted application (Planning Reference 18/6215) at this site. The amendment application will consist of permission to amend the design of the approved development (Planning Reference 18/6215) which comprises consent for a Battery Storage Facility. Proposed amendments include; (1) re-location of 3No. Battery Containers, 3No. HVAC units and 3No. Combined Power Conversion Systems and Transformers and (2) the project lifetime is proposed to be extended from 5 to 10 years. All at Slanemore, Mullingar, Co. Westmeath.

- Having regard to the deficiencies in provision of up-to-date information provided in associated with the proposed development, in particular the lack of information in relation to Ecology, Construction Environment Management Plan, (CEMP), Flood Risk Assessment, Transportation, Surface Water Drainage, Noise, Archaeology and Appropriate Assessment, it is considered that the Planning Authority is precluded from granting planning permission in this instance.
- Based on the information submitted it is considered that the applicant has not demonstrated to the satisfaction of the Planning Authority that the proposal, in absence of mitigation, would not adversely impact upon the conservation objectives of any Natura 2000 sites, accordingly the proposal would not be considered to be in accordance with the requirements of the Habitat Directive. Accordingly, the proposal as submitted is not considered to be in accordance with the proper planning and sustainable development of the area.

8.0 Policy and Context

8.1. National Policy

8.1.1. Climate Action Plan, 2023 – Changing Ireland for the Better:

This plan is the second annual update to Ireland’s Climate Action Plan, 2019 and is the first such plan to be prepared under the Climate Action and Low Carbon Development (Amendment) Act, 2021 as well as since the introduction of economy-wide carbon budgets and sectoral emissions ceilings in 2022. It implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. Moreover, it supports the accelerated delivery of renewable electricity generation to the national grid with a target of achieving 80% of electricity demand being met from renewable energy by 2030. This includes a target of providing up to 5GW of solar energy by 2025 with a longer-term target of 8GW by 2030. The Plan proceeds to list the actions needed to deliver on climate targets and sets emission ceilings reductions for each sector of the economy. These include an increased reliance on renewable energy sources with the following actions of particular relevance to the proposed development:

- EL/23/1: Establish a taskforce to accelerate renewables.
- EL/23/2: Publish the Renewable Electricity Spatial Policy Framework.
- EL/23/3: Publish a roadmap for the development and implementation of Regional Renewable Electricity Strategies.
- EL/23/5: Complete analysis to update Shaping Our Electricity Future to accommodate 80% renewables and align with carbon budgets and sectoral emissions ceilings for electricity.
- EL/23/6: 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.
- EL/23/27: Deliver an enhanced emissions reporting framework for electricity emissions for large energy users.
-

8.1.2. **The Programme for Government - Our Shared Future:**

The current programme commits to an average 7% reduction in greenhouse gas (GHG) emissions per annum over the 2021-2030 period (a 51% reduction over the decade) and the achievement of net zero emissions by 2050. It states that the reliable supply of safe, secure and clean energy is essential in order to deliver a phase-out of fossil fuels and commits to taking the necessary action to deliver at least 70% of renewable electricity by 2030, including the continuation of Eirgrid's programme 'Delivering a Secure, Sustainable Electricity System'.

8.1.3. **Project Ireland 2040: National Planning Framework, 2018:**

The National Planning Framework (NPF) sets out a vision for the future development of the country and includes strategic goals in respect of transitioning to a low carbon and climate resilient society. It contains a number of relevant National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) which can be summarised as follows:

- *NSO 8: Transition to a Low Carbon and Climate Resilient Society:*
Recognises that the diversification of energy production systems away from fossil fuels and towards a more renewables focused energy generation system (utilising sources such as wind, wave, solar and biomass) will be necessary. It includes an aim to deliver 40% of electricity needs from renewable sources by 2020, with further increases through to 2030 and beyond in accordance with EU and national policy. Reference is also made to the need to reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres.
- *NPO 21:* Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.
- *NPO 23:* Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities,

while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

- *NPO 53*: Support the circular and bio economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development.
- *NPO 54*: 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.
- *NPO 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.

8.1.4. **National Development Plan 2021-2030:**

The National Development Plan, 2021-2030 (NDP) sets out the Government's investment strategy and budget up to 2030. The NDP commits to increasing the share of renewable energy up to 80% by 2030 and acknowledges that this will require world-leading levels of wind and solar electricity penetration onto the national grid. Furthermore, the following is considered among the Strategic Investment Priorities for Energy:

'Significant expansion and strengthening of the electricity transmission and distribution grid onshore and offshore, including transmission cables and substations, to link renewable electricity generation to electricity consumers and to accommodate higher levels of renewables on the electricity system and reinforcement of the natural gas network by our system operators EirGrid, ESB Networks and Gas Networks Ireland'.

8.1.5. **Policy Statement on Security of Electricity Supply, November 2021 (Government of Ireland):**

The Policy Statement notes that electricity is vital for the proper functioning of society and the economy and states that in order to contribute to the achievement of the

targeted reductions in greenhouse gas emissions, the Government has committed that up to 80% of electricity consumption will come from renewable sources by 2030 on a pathway to net zero emissions. It emphasises that the continued security of electricity supply is a priority at national level and within the overarching EU policy framework in which the electricity market operates. The challenges to ensuring security of electricity supply are stated to include:

- ensuring adequate electricity generation capacity, storage, grid infrastructure, interconnection and system services are put in place to meet demand – including at periods of peak demand; and
- developing grid infrastructure and operating the electricity system in a safe and reliable manner.

Within the Policy Statement the Government recognises *inter alia* that ensuring security of electricity supply continues to be a national priority as the electricity system decarbonises towards net zero emissions and that there is a need for very significant investment in additional flexible conventional electricity generation, electricity grid infrastructure, interconnection, and storage in order to ensure security of electricity supply.

It also states that the Government has approved “*that 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*”.

8.1.6. **Energy Security in Ireland to 2030: Energy Security Package, November, 2023:**

This document outlines a new strategy to ensure energy security in Ireland for the decade, while ensuring a sustainable transition to a carbon neutral energy system by 2050. It has been published as part of an Energy Security Package, containing a range of supplementary analyses, consultations, and reviews, which have informed recommendations and actions related to energy security. The report sets out that Ireland’s future energy will be secure by moving from an oil- and gas-based energy system to an electricity-led system, maximising our renewable energy potential, flexibility and being integrated into Europe’s energy systems. It further states that energy security must be prioritised, monitored, and reviewed regularly, and includes

a range of measures to implement such an approach in the short and medium term by prioritising:

- Reduced and Responsive Demand
- A Renewables-Led System
- More Resilient Systems
- Robust Risk Governance

Under each of these four areas of actions, the report sets out a range of mitigation measures, including the need for additional capacity of indigenous renewable energy, but also energy imports, energy storage, fuel diversification, demand side response, and renewable gases.

8.2. Regional Policy:

8.2.1. Eastern & Midland Regional Economic and Spatial Strategy, 2019-2031:

The RSES provides a long-term strategic planning and economic framework for the development of the Eastern & Midland Region and represents a significant evolution of regional policy making which replaces the previous Regional Planning Guidelines. A key underlying principle of the Strategy is the need to enhance climate resilience and to accelerate a transition to a low carbon society. Relevant Policy Objectives include:

- *RPO 10.20:* Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of 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.
- *RPO 10.22:* Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people, including:

- Facilitating transboundary networks into and through the Region and between all adjacent Regions to ensure the RSES can be delivered in a sustainable and timely manner and that capacity is available at local, regional and national scale to meet future needs.
 - Facilitate the delivery of the necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.
 - Support the safeguarding of strategic energy corridors from encroachment by other developments that could compromise the delivery of energy networks.
- *RPO 10.23*: Support EirGrid’s Implementation Plan 2017-2022 and Transmission Development Plan (TDP) 2016 and any subsequent plans prepared during the lifetime of the RSES that facilitate the timely delivery of major investment projects subject to appropriate environmental assessment and the outcome of the planning process.

8.3. Local Policy:

8.3.1. Westmeath County Development Plan, 2021-2027:

Chapter 10: Transport, Infrastructure and Energy:

Section 10.22: Renewable Energy Sources:

Energy Policy Objectives:

CPO 10.139: Support local, regional, national and international initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally acceptable manner and having particular regard to the requirements of the Habitats Directive.

CPO 10.140: Facilitate measures which seek to reduce emissions of greenhouse gases and support the implementation of actions identified in the Westmeath County Council Climate Change Adaptation Strategy 2019-2024 and any future amendments.

CPO 10.141: Promote and support the use of renewable forms of energy as a contribution to the energy demand of all new buildings where it is consistent with the proper planning and sustainable development of an area.

Section 10. 24: *Solar Energy:*

Solar Energy Policy Objectives:

CPO 10.149: Support Ireland's renewable energy commitments outlined in national policy by facilitating solar power where such development does not have a negative impact on the surrounding environment, landscape, historic buildings or local amenities.

CPO 10.150: Encourage and support the development of solar energy infrastructure, including solar PV, solar thermal and seasonal storage facilities.

CPO 10.151: Ensure that proposals for solar farms consider the following criteria:

- The Landscape Character of the County.
- Visual impact particularly on raised/elevated sites.
- Zone of visual influence and visual impact of the structures.
- Glint and glare report and potential impact on adjoining road networks and dwellings.
- Road access and impact on road network serving the site during the construction phase (A pre and post construction impact report may be required).
- Archaeological Impact.
- Incorporation of security measures – use of CCTV/surveillance cameras and security fencing.
- The suitability/strength of the grid and accessibility to it.

- The suitability of the site, having regard to other land use policies, including the need to protect areas of important built and natural heritage.
- Decommissioning of obsolete infrastructure and after-use.

Section 10.29: *Non-Renewable Energy*:

Section 10.29.1: *Electricity (incl)*:

The Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure (July 2012) acknowledges the strategic and economic importance of investment in networks and energy infrastructure. The Government endorses the major investment underway in the high voltage electricity system under EirGrid's Grid 25 Programme. The Planning Authority recognises the need for development and renewal of energy networks, in order to meet both economic and social policy goals and where appropriate, will consider the impact of proposed developments on the electricity grid network.

EirGrid's grid development strategy, GRID25, is designed to ensure that the transmission network has the capacity to provide for growth in electricity demand between now and 2025 (although it is noted that this strategy is being updated and will be replaced by a new grid/transmission strategy plan). EirGrid and the ESB have a range of major electrical infrastructure projects planned for the coming years. More recent EirGrid projects undertaken in the County include a new 25km 110kv transmission line which ran from Mullingar to Killaskillen, Co. Meath which was essential to improve the security of electricity supply to the Mullingar region.

The Council will support EirGrid's Implementation Plan 2017 – 2022 and Transmission Development Plan (TDP) 2016 and any subsequent plans prepared during the lifetime of the RSES that facilitate the timely delivery of major investment projects subject to appropriate environmental assessment and the outcome of the planning process.

The Council will continue to support the infrastructural renewal and development of electricity and gas networks. A balanced progressive approach will be adopted to minimise the impact on the environment while providing for the County's energy

needs. The sustainable provision of energy networks is therefore encouraged provided that it can be demonstrated that:

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure.
- The route proposed has been identified with due consideration for social, economic, environmental and cultural impacts.
- Where impacts are inevitable mitigation features have been included.
- Where it can be shown the proposed development is consistent with international best practice.

CPO 10.168: Support and promote the sustainable improvement and expansion of the electricity transmission and distribution network that supply the County, subject to landscape, residential, amenity and environmental considerations.

CPO 10.169: Support the provision of electricity and gas transmission networks to Athlone and Mullingar to provide for the medium to long-term future needs of these towns, subject to landscape, residential, amenity and environmental considerations.

CPO 10.171: Co-operate and liaise with statutory and other energy providers in relation to power generation, in order to ensure adequate power capacity for the existing and future needs of the County.

CPO 10.172: Support the implementation of EirGrid's Grid 25 Investment Programme, subject to landscape, residential, amenity and environmental considerations.

CPO 10.173: Support and facilitate the development of enhanced electricity and gas supplies, which do not negatively impact on environmental quality, landscape, wildlife, habitats or residential amenity and which are critical to the economic development of the County.

CPO 10.174: Support roll-out of the Smart Grids and Smart Cities Action Plan enabling new connections, grid balancing, energy management and micro grid development.

CPO 10.175: 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 including 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.

Chapter 11: Climate Action:

Climate Action Policy Objectives:

CPO 11.1: Support the implementation and achievement of European, National, Regional and Local objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage) and having regard to the Climate mitigation and adaptation measures which have been outlined through the policy objectives in this Development Plan:

- National Mitigation Plan (2017 and any subsequent versions);
- National Climate Change Adaptation Framework (2018 and any subsequent versions);
- Climate Action Plan (2019 and any subsequent versions);
- Any Regional Decarbonisation Plan prepared on foot of commitments included in the emerging Regional Spatial and Economic Strategy for the Eastern and Midland Region;

- Relevant provisions of any Sectoral Adaptation Plans prepared to comply the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050; and
- Westmeath County Council Climate Change Adaptation Strategy 2019-2024.

Section 11.9: *Clean Energy*:

The Plan recognises the contribution that wind and solar energy make to meeting national renewable energy targets. In this regard, the plan strongly supports the development of renewable energy resources. In this regard, since the adoption of the Westmeath County Development Plan 2014-2020, the Council has granted permission for a number of solar farms within the County. The total number of photovoltaic panels permitted to date, on a total site area of approximate 330 hectares, which when operational will generate renewable energy output of approximately 130 MW. It is further noted that consent has been granted for a windfarm of 13 turbines at Coole with potential to generate 50MW of renewable energy.

It is acknowledged in the plan that the Council is open to new and innovative renewable energy sources and technological solutions to addressing climate change. In this regard, the Council will seek to collaborate with the Bord Na Mona Transition team and adjacent Local Authorities to progress the transition from brown to green energy.

Chapter 13: Landscape and Lake Amenities:

Section 13.10: *Character Area 4 Central Hills and Lakes:*

The Central Hills and Lakes Character Area is located to the north of the centre of the county. This area is typified by undulating hills and lakes, the most prominent of which are Lough Derravaragh and Lough Owel. These lakes are designated Areas of High Amenity, SAC and SPA. A number of fens occur throughout the area, the most notable being Scragh Bog which is of international importance. The high scenic

quality and amenity value of this area is reflected by the high number of preserved views. There are a number of demesne landscapes in the area and associated valuable areas of semi-natural woodland, including oak on some upland areas, such as around Lough Derravaragh at Knockeyon and Crookedwood.

This area has a number of small settlements such as Crookedwood, Multyfarnham and the larger settlement of Castlepollard. The Character Area reflects the historic landscape from Bronze Age Sites on Lough Derravaragh and Frewin Hill at Lough Owel to the monastic associations of Portloman Abbey and the Franciscan Friary at Multyfarnham. The lake edges are attractive locations for recreation and amenity.

Landscape Character Assessment Policy Objectives:

CPO 13.8: Protect the landscapes and natural environments of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

CPO 13.9: Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape in new development proposals.

CPO 13.10: Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness.

CPO 13.12: Require a Landscape and Visual Impact Assessment for proposed developments with the potential to impact on significant landscape features within the county.

Chapter 16: Development Management Standards:

Section 16. 13: *Climate:*

CPO 16.61: Assess applications for development, having consideration to any national guidelines and criteria set out under the sub-headings below in respect of sustainable building practices and renewable energy that

serve to reduce energy demand, reduce greenhouse gas emissions and address the necessity of adaptation to climate change in accordance with national and regional policy.

8.3.2. **Westmeath County Council Climate Change Adaptation Strategy, 2019-2014:**

This Adaptation Strategy forms part of the National Adaptation Framework (NAF) which was published in response to the provisions of the Climate Action and Low Carbon Development Act, 2015.

The local authority adaptation strategy takes on the role as the primary instrument at local level to:

- i. ensure a proper comprehension of the key risks and vulnerabilities of climate change.
- ii. bring forward the implementation of climate resilient actions in a planned and proactive manner.
- iii. ensure that climate adaptation considerations are mainstreamed into all relevant plans and policies and integrated into all operations and functions of the local authority.

This adaptation strategy serves Westmeath County Council in its two capacities namely:

- As an organisation with an obligation towards customer service, a focus on effectiveness in business, improving efficiencies and maintaining staff welfare and
- In the delivery of services and functions across the administrative and geographical area of County Westmeath.

Chapter 6 of the Strategy sets out Goals, Objectives and Actions and as a framework works towards greater climate resilience in the short to longer term. The actions specifically have been identified to enhance the capacity of Westmeath County Council and its communities to build resilience and adapt to climate change impacts.

The strategy is based around six thematic areas that are developed further as High-Level Goals. These goals identify the desired outcomes anticipated through the

effective implementation of the climate change adaptation strategy. They are supported by specific objectives and adaptation actions to achieve their desired outcomes.

8.4. Natural Heritage Designations

8.4.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Walshestown Fen Proposed Natural Heritage Area (Site Code: 001731), c. 215m southeast of the site.
- Royal Canal Proposed Natural Heritage Area (Site Code: 002103), c. 1.3km southwest of the site.
- Lough Owel Special Area of Conservation (Site Code: 000688), c. 2km northeast of the site.
- Lough Owel Proposed Natural Heritage Area (Site Code: 000688), c. 2km northeast of the site.
- Lough Owel Special Protection Area (Site Code: 004047), c. 2km northeast of the site.
- Lough Iron Special Protection Area (Site Code: 004046), c. 5.3km northwest of the site.
- Lough Iron Proposed Natural Heritage Area (Site Code: 000687), c. 5.5km north-northwest of the site.
- Scragh Bog Proposed Natural Heritage Area (Site Code: 000692), c. 5.7km northeast of the site.
- Scragh Bog Special Area of Conservation (Site Code: 000692), c. 5.7km northeast of the site.
- Ballynafid Lake and Fen Proposed Natural Heritage Area (Site Code: 000673), c. 6.0km northeast of the site.
- Lough Ennell Special Protection Area (Site Code: 004044), c. 6.0km southeast of the site.

- Lough Ennell Proposed Natural Heritage Area (Site Code: 000685), c. 6.0km southeast of the site.
- Lough Ennell Special Area of Conservation (Site Code: 000685), c. 6.0km southeast of the site.
- Lough Sheever Fen / Selvin's Lough Complex Proposed Natural Heritage Area (Site Code: 000690), c. 6.4km east-northeast of the site.
- Wooddown Bog Natural Heritage Area (Site Code: 000694), c. 8.5km east of the site.
- Nure Bog Natural Heritage Area (Site Code: 001725), c. 8.9km south of the site.
- Wooddown Bog Special Area of Conservation (Site Code: 002205), c. 9.7km east of the site.
- Lough Derravaragh Bog Natural Heritage Area (Site Code: 000684), c. 11.1km northeast of the site.
- Lough Derravaragh Special Protection Area (Site Code: 004043), c. 11.1km northeast of the site.
- Lough Garr Natural Heritage Area (Site Code: 001812), c. 11.2km north-northwest of the site.
- Garriskil Bog Special Protection Area (Site Code: 004102), c. 11.7km north of the site.
- Garriskil Bog Special Area of Conservation (Site Code: 000679), c. 11.7km north of the site.
- Garriskil Bog Proposed Natural Heritage Area (Site Code: 000679), c. 11.7km north of the site.
- Ballymore Fen Special Area of Conservation (Site Code: 002313), c. 13.8km west-southwest of the site.
- Glen Lough Special Protection Area (Site Code: 004045), c.14.3km northwest of the site.

- Glen Lough Proposed Natural Heritage Area (Site Code: 001687), c.14.3km northwest of the site.

9.0 EIA Screening

- 9.1. Section 4 of the Planning and Environmental Report submitted with the application relates to EIA screening and contends that the proposed 110kV substation and the associated 'loop-in / loop-out' connection to the existing 110kV Mullingar - Lanesborough overhead line does not fall within a class of development prescribed under Schedule 5 of the Planning and Development Regulations, 2001, as amended, and thus does not require Environmental Impact Assessment. It also includes, for the purposes of robustness, a screening exercise completed in the context of the criteria set out in Schedule 7 of the Regulations and Annex III of the EIA Directive which has concluded that the proposed development (both in isolation and cumulatively with other projects or proposals in the area) will not give rise to any significant impacts.
- 9.2. Notwithstanding that the applicant has undertaken a screening assessment with reference to the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 as amended, neither an electrical substation nor the proposed 110kV underground cabling fall within a class of development contained in Parts 1 or 2 of Schedule 5 of the Regulations which sets out the prescribed classes of development and thresholds that trigger the requirement for Environmental Impact Assessment.
- 9.3. Therefore, given that no element of the proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2, I am satisfied that the proposed development does not constitute sub-threshold development and neither a mandatory EIA, nor screening for EIA, is required.

10.0 Oral Hearing

- 10.1. None requested.

11.0 Assessment

11.1. Outline of Assessment:

11.1.1. From my reading of the file, inspection of the site, and assessment of the relevant policy provisions, I conclude that the key planning issues arising are:

- The principle of the development and planning policy
- Landscape and visual impact
- Traffic and road safety
- Drainage and water quality
- Impact on residential amenity
- Archaeological and cultural heritage
- Biodiversity
- Health & Safety
- Appropriate assessment

11.1.2. These are assessed as follows:

11.2. The Principle of the Development and Planning Policy:

11.2.1. The proposed development comprises the construction of a 110kV Air-Insulated Switchgear (AIS) substation, an underground 'loop-in / loop-out' connection to the existing 110kV Mullingar-Lanesborough overhead line via 2 No. new interface towers, and associated infrastructure, to facilitate the export of electricity from the permitted Clondardis Solar Farm (PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 as amended by PA Ref. No. 20/6132) to the national grid. It will serve to replace the 38kV substation previously permitted as part of the broader solar farm development and will also negate any requirement for the c. 5.1km underground grid connection to an existing substation at Irishtown Townland, Mullingar, Co. Westmeath, that was held to constitute exempted development by reference to ABP Ref. No. ABP-307927-20. In addition, the proposed development will also provide a new 110kV "node" on the transmission grid at a geographic location favourable to the requirements of Eirgrid.

- 11.2.2. Given the nature and stated purpose of the proposed development, it is apparent that it has a role to play in realising Ireland's international, European and national commitments as regards the provision of energy from renewable sources and achieving a reduction in greenhouse gas emissions. In this regard, there are a multitude of policy provisions at national, regional and local level which support the development of renewable energy projects, such as solar farms, with a view to transitioning to a low carbon and climate resilient society. For example, the Climate Action Plan, 2023 – 'Changing Ireland for the Better' aims to accelerate the delivery of renewable electricity generation to the national grid with a target of achieving 80% of electricity demand being met from renewable energy by 2030 (including a target of providing up to 5GW of solar energy by 2025 with a longer-term target of 8GW by 2030). The Government's Policy Statement on Security of Electricity Supply published in November 2021 also emphasises that ensuring the security of electricity supply will continue to be a national priority as the electricity system decarbonises towards net zero emissions and that it is appropriate for additional electricity transmission and distribution grid infrastructure to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply.
- 11.2.3. On the basis that the proposed substation will enable the connection of a permitted solar farm to the national grid and will also satisfy the need for a 110kV node on the transmission network in the area, in my opinion, it is entirely reasonable to consider the submitted proposal as encompassing an essential infrastructural component which is consistent with the broader national, regional and local policy provisions outlined in Section 8 of this report.

11.3. **Landscape and Visual Impact:**

- 11.3.1. In terms of assessing the visual impact of the proposed development, it is of relevance in the first instance to note that the subject site is located within the '*Central Hills and Lakes Landscape Character Area*' (LCA 4) as detailed in Figure 13.1: '*Landscape Character Assessment Map*' of the Westmeath County Development Plan, 2021-2027. This LCA is described as being typified by undulating hills and lakes, the most prominent of which are Lough Derravaragh and Lough Owel, while its high scenic quality and amenity value is reflected by the high number of preserved views. Reference is also made to the number of demesne landscapes

and associated areas of semi-natural woodland with the wider LCA described as reflecting the historic landscape from Bronze Age sites on Lough Derravaragh and Frewin Hill at Lough Owel to the monastic associations of Portloman Abbey and the Franciscan Friary at Multyfarnham. However, the proposed development site is not subject to any specific amenity designation nor is it located in an '*Area of High Amenity*' or an area of '*High Landscape Value*' as identified in the Development Plan. Similarly, the site will not be readily visible from any scenic route in the surrounding area (such as the Royal Canal Way or the Mullingar Cycle Hub) nor will it impinge on any view listed for protection, including those available from Viewpoint No. 20: 'Hill of Laragh' approximately 6.7km to the northwest. In this regard, I am inclined to concur with the analysis set out in Section 5.2.1 of the Planning and Environmental Report that the sensitivity of the landscape wherein the subject site is located can reasonably be considered to be in the order of '*Medium – Low*' having regard to the prevailing landscape character and the working agricultural nature of the area.

- 11.3.2. In a local context, the surrounding countryside is characterised by a gently undulating rural landscape composed of agricultural fields, predominantly set as pasture, separated by hedgerows and interspersed with instances / groupings of one-off rural housing, farmyards and associated outbuildings. Views of the site from the wider public road network are both limited and intermittent as a result of the prevailing topography and the levels of screening offered by roadside banking and / or planting and intervening features such as tree lines and existing development.
- 11.3.3. The proposed substation compound (including 8 No. lightning masts approximately 18m in height and a telecommunications pole c. 22m in height) will be located at a distance from the public road on the westernmost periphery of the development site alongside a private laneway and opposite a complex of farm buildings as well as a vacant two-storey dwelling house further west. It will occupy the south-western corner of a larger field and will be screened in part by well-established hedgerow / tree lines along the southeastern and southwestern site boundaries.
- 11.3.4. The proposed interface towers (measuring 15m & 16m in height) will be positioned off a spur road leading from the internal serviceway where the existing 110kV Mullingar-Lanesborough overhead line (and the associated electricity support poles / polesets) passes through the north-eastern extent of the permitted solar farm.

11.3.5. In its analysis of the visual and landscape impact of the proposed development, the Planning and Environmental Report states that the natural topography and hedgerow screening characteristics of the surrounding area will serve to limit the visual envelope and impact of the proposed works on the immediate landscape character as experienced from the public realm. In a wider context, it is further stated that the proposal will appear as a pattern of development contained within the existing field pattern and will not noticeably alter the prevailing landscape character. The report then references the Landscape and Visual Impact Assessment (LVIA) carried out for the solar farm which concluded that any views of that development would be predominantly confined to intermittent glimpses from public roads due to the screening effect offered by roadside planting and a gently undulating topography. Upon review of the aforementioned LVIA, it has been submitted that neither the proposed substation nor the LCIMs will be visible from the majority of viewpoints previously considered in the assessment of the solar farm, although it is possible that views may be available from Viewpoint Nos. VP4, VP5 & VP6 (as shown in Figure 5-1: '*Viewpoint Locations of the Clondardis Solar Farm*' of the Planning and Environmental Report). An assessment of the visibility of the proposed development from these vantage points is set out in Tables 5-3 to 5-6 (and the accompanying photomontages) with the key points arising summarised as follows:

- *VP4*: This viewpoint is positioned along Local Road No. L-5802, approximately 430m east of the nearest proposed LCIM tower, with View *VP4(b)* orientated towards the existing overhead line. The principle change in this view will be the removal of the poleset most distant from the viewpoint and its replacement with a taller steel lattice structure at a distance of c. 15m further west. While the new construction will be more visible than the original poleset due to the increased width and height of the tower, it will remain set back from the public road and will be mostly screened by intervening hedgerows. With additional mitigation provided through the planting / growth of hedging (as part of the permitted solar farm), the structure is not expected to be visible from this viewpoint.
- *VP5*: This viewpoint is located along the minor tertiary roadway (Local Road No. L58021) that extends westwards from Local Road No. L-5802 with View *VP5(a)* orientated towards the existing overhead line. The poleset apparent

from this position will be removed and a new LCIM constructed c. 15m further northwest. Although the new construction will be more visible than the original poleset, it will be screened in part by existing vegetation while its visual impact can be mitigated further by additional planting (as part of the permitted solar farm).

- *VP6*: This viewpoint is located further west along the minor tertiary roadway (Local Road No. L58021) at a position to the east of the proposed substation and southwest of the LCIM towers.
 - o View 6(a) includes the southernmost extent of the proposed substation. In this respect it is stated that while the tops of the proposed lightning masts may be visible when foliage is thin during winter months, it is anticipated that the screening effect of the mature treeline will obstruct approximately 90% of the masts without further mitigation resulting in a slight-imperceptible visual impact.
 - o View 6(c) is in a north-eastwards direction and the analysis states that the tops of the ICIM towers may be visible when foliage is thinner, although the screening effect of existing hedgerows / coverage will ensure that the impacts are slight-imperceptible.

11.3.6. In summary, it has been submitted that due to the undulating nature of the proposed development site and the surrounding area, in combination with the level of screening and visual containment offered by existing hedgerows and tree lines, the overall visibility of the proposed works will generally be imperceptible within the immediate environs while the wider landscape has the capacity to absorb the visual impact arising without detriment to its broader character.

11.3.7. Having conducted a site inspection, and following a review of the available information, while I would concede that elements of the proposed development will be visible to some extent from certain vantage points within the immediate site surrounds (such as along the minor roadway), given the surrounding topography, the specifics of the site context, the presence of intervening features such as roadside boundary hedgerows and treelines etc., and the mitigation to be provided by the new planting / landscaping approved as part of the wider Clondardis solar farm, in my

opinion, the overall visual impact of the proposal will be within acceptable limits and will not detract from the prevailing character of the wider landscape.

11.3.8. With regard to the potential cumulative impact of the proposal when taken in conjunction with existing and permitted developments in the surrounding area, including the Clondardis solar farm and the other solar array developments approved on adjacent lands, I am satisfied that any additional visual impact arising consequent on the proposed works will be of a minor nature given the emerging pattern of development in the area.

11.3.9. Therefore, having regard to the site context, including its location outside of any high amenity area or higher value landscape, the nature of the prevailing topography, the siting of the works within the development footprint of the permitted Clondardis solar farm, the design, scale and height of the proposed development, and the existing and proposed planting / screening measures, I am satisfied that the proposed development will not unduly impact on the character of the wider landscape or the visual amenities of the local area.

11.4. Traffic and Road Safety:

11.4.1. At present, the proposed development site is accessible via a series of field gates from the narrow laneway (Local Road No. L58021) that extends westwards from its junction with Local Road No. L5802 to serve a number of residential properties and agricultural holdings. However, the site layout plan indicates that the proposed development will be accessed solely by an internal serviceroad which will extend from the entrance arrangement onto Local Road No. L5802 previously approved as part of the solar farm solar farm development permitted under PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 (as amended by PA Ref. No. 20/6132). In this regard, it is of note that while approval has been given for an access point onto the adjacent tertiary roadway / laneway (Local Road No. L58021) for use during the operational phase of the solar farm, it is envisaged that all construction traffic will access the site via the entrance onto Local Road No. L5802. Clarity was provided in this respect through the imposition of Condition No. 6(g) of PA Ref. No. 20/6132 which expressly precludes any use of Local Road No. L5802-1 by construction traffic with all haulage restricted to the vehicular routes identified within the development site. Therefore, given that the proposed development will form an inherent part of the permitted solar

farm and will likely be constructed in tandem with same, and as the access arrangements shown on the submitted site layout plan correspond with those already permitted as part of the wider solar farm development, in my opinion, it is entirely permissible to allow the construction of the substation and interface towers etc. to avail of the access arrangements as proposed, subject to the caveat that Local Road No. L5802-1 is not used by construction traffic. This limitation can be incorporated into a Construction and Environmental Management Plan for agreement with the Planning Authority prior to the commencement of development.

- 11.4.2. With respect to the traffic impact of the proposed development, it should be noted that the proposed 110kV substation will replace the 38kV substation already approved as part of the solar farm while the proposed connection to the 110kV Mullingar-Lanesborough overhead line will supersede any requirement for the c. 5.1km underground grid connection originally planned between the site and the substation at Irishtown Townland, Mullingar, Co. Westmeath (which was deemed to be exempted development under ABP Ref. No. ABP-307927-20). Moreover, the traffic and transportation impacts associated with the consented solar farm have already been assessed and accepted by the Planning Authority (and the Board).
- 11.4.3. Within Section 7 of the Planning and Environmental Report submitted with the application it is stated that the combined average daily increase in HGV and LGV traffic for the permitted solar farm (and substation) will be 75 No. trips per day (42 No. LGV trips & 33 No. HGV trips), however, these figures do not appear to tally with the estimated construction traffic volumes provided in the 'Planning & Environmental Report' and 'Outline Construction and Environmental Management Plan' submitted with PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 wherein it was stated that construction of the solar farm etc. would generate a combined (HGV & LGV) average daily increase of 57 No. trips (over a period of 5 months). The rationale for this discrepancy is unclear, although I would acknowledge that the figures provided with the earlier application do not appear to account for the grid connection works while the timescales for construction would also appear to differ.
- 11.4.4. It has been submitted that the additional traffic movements associated with the construction of the proposed 110kV substation will not be significant in the context of the permitted development. In this regard, a breakdown has been provided of the anticipated traffic volumes associated with the construction of the substation (over a

14-month period) with the works expected to generate a combined (HGV & LGV) average daily increase of 19 No. trips per day. During the operational phase, it is estimated that the site will be visited 1-2 times per week by a light commercial vehicle for the purposes of routine maintenance and monitoring.

- 11.4.5. While it is regrettable that the traffic impact analysis set out in the Planning and Environmental Report does not provide for a direct comparison of the construction traffic volumes attributable to the previously permitted 38kV substation and those likely to be generated by the proposed 110kV substation, it can be reasonably surmised that although the increased size of the substation compound will necessitate the delivery of additional construction materials to the site, overall construction traffic levels will be offset to some extent by the fact that the proposed works will substitute the 38kV substation etc. already permitted.
- 11.4.6. Accordingly, on the basis of the available information, I am satisfied that the proposed development, taken in combination with the permitted solar farm and other existing and permitted development in the surrounding area, would not give rise to a traffic hazard or endanger the safety of other road users during the construction and operational phases, and that the comparatively minor additional traffic volumes arising can be accommodated without undue impact on the surrounding road network, subject to conditions, including the approval of construction traffic management protocols as part of a Construction and Environmental Management Plan to be agreed with the Planning Authority prior to the commencement of development.

11.5. Drainage and Water Quality:

- 11.5.1. The site of the proposed substation drains in a north-westerly direction via overland flow and perimeter ditches towards an unnamed stream approximately 220m northwest of the site which in turn drains into the Mill (Ballinacarrigy) River c. 500m west of the proposed substation before flowing into the Inney River (c. 10km northwest of the site) and onwards to Lough Ree. In this regard, it is of note that the proposed development site is not hydrologically linked to any of the nearest environmentally protected areas and is also situated in a different WFD sub-catchment than the Walshestown Fen pNHA and the Lough Owel SPA, SAC & pNHA. Accordingly, any potential impacts on surface water or groundwater quality at

the development site would be unlikely to impact on those protected sites. While the Royal Canal pNHA is relatively close and downgradient of the site as well as being within the same sub-catchment, it is a constructed water body lined by impermeable clays with embankments and berms to either side and thus is unlikely to accept drainage from field drains and would not be affected by any hydrological impacts at the proposed site.

11.5.2. Section 6.2.2 of the Planning and Environmental Report states that the proposed development site is not liable to flooding having consulted the Preliminary Flood Risk Assessment prepared by the Office of Public Works. In this respect, I would advise the Board that on examination of the most up-to-date flood mapping for the area compiled by the OPW as part of its CFRAM programme (which is available on www.floodinfo.ie), in addition to the Strategic Flood Risk Assessment prepared as part of the Westmeath County Development Plan, 2021-2027, it can be confirmed that there is no record of flood events on site. Therefore, it would appear that the entirety of the proposed development site is subject to a '*low probability*' of flooding (where the probability is less than 0.1% or 1 in 1,000 for river flooding) and is located within Flood Zone 'C' as defined by the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*'.

11.5.3. It has been acknowledged that the proposed development will result in an increase in hardstanding on site due to the construction of the substation and access tracks, although this is stated to be relatively minor with no disturbance to the existing drainage regime at the site. In support of the assertion that surface water runoff from this hardstanding will not be of significance, reference has been made to the construction of the access tracks from a permeable hardcore material and the small scale of the substation compound. Details of the proposed drainage arrangements are set out in Sections 2.1.1 & 6.2.2 of the Planning and Environmental Report as well as Drg. No. 05916-DR-218: '*Substation Layout Plan*'. In effect, it has been submitted that runoff from the access tracks will drain to ground while the majority of the substation compound will be surfaced in compacted but permeable stone with the only areas of impermeable concrete accommodating the slab of the control room, switchgear room and plinths. Drainage from these buildings is to be piped to a series of on-site soakaways with the wider compound draining to the permeable surfacing and existing perimeter ditches.

- 11.5.4. The drainage proposals set out in the subject application, particularly as regards the access tracks, differ moderately from those approved as part of the wider solar farm permitted under PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 (as amended by PA Ref. No. 20/6132). The permitted drainage arrangements for the solar farm include 'over the edge' arrangements for the access tracks, with water directed from these areas, the substation, hardstanding, and the temporary construction compound, to swales for discharge via a number of stilling ponds (in order to slow flow and treat any suspended solids). These arrangements were considered reasonable by the reporting inspector in that they would prevent any significant surface water flows within or from the site as a consequence of the more substantial infrastructure.
- 11.5.5. While noting the deviation from the drainage arrangements already permitted for the access tracks under ABP Ref. No. ABP-301116-18, I am cognisant that the Planning Authority has indicated its satisfaction with the submitted proposals and that the broader extent of the proposed access tracks has already been approved as part of the wider solar farm. Furthermore, it is of relevance to note that the proposed 110kV substation will replace the 38kV substation already approved elsewhere as part of the solar farm and thus will give rise to a comparatively minor increase in surface water runoff.
- 11.5.6. On balance, it is my opinion that any increase in surface water runoff consequent on the proposed development will be of minimal significance and that it would be appropriate to impose a condition requiring the final details of the proposed drainage arrangements to be agreed with the Planning Authority prior to the commencement of development.
- 11.5.7. Best environmental practice measures are to be employed during the construction of the proposed development and will include the implementation of silt protection controls such as silt traps and silt fencing. Such matters can be addressed as part of a detailed Construction and Environmental Management Plan to be agreed with the Local Authority prior to the commencement of development.

11.6. Impact on Residential Amenity:

- 11.6.1. The proposed development site forms part of a wider agricultural landholding in a predominantly rural area interspersed with instances / groupings of one-off rural

housing, farmyards and associated outbuildings. With the exception of a vacant derelict property to the south of the laneway adjoining the south-western periphery of the development site and those dwelling houses located within the same landholding as the permitted solar farm (the owners of which have consented to the lodgement of the subject application), the closest residential properties to the proposed substation and the interface towers are at distances of approximately 380m and 270m respectively with lesser distances to the route of the proposed internal site access road.

- 11.6.2. Section 9 of the Planning and Environmental Report considers the potential noise, vibration and air emissions attributable to the proposed development during both the construction and operational phases. It states that the existing noise environment is dominated by traffic on the surrounding road network as well as agricultural plant and machinery. It proceeds to note that in the absence of any specific statutory guidance relating to maximum permissible construction noise levels in Ireland, appropriate emission criteria may be found in BS 5228-1:2009+A1:2014 '*Code of Practice for Noise and Vibration Control on Construction and Open Sites – Noise*'.
- 11.6.3. Given the lack of any baseline noise measurements against which to assess the impact of the proposed development, as a conservative exercise, it has been assumed that the existing background and ambient noise levels in the area are low (i.e. the baseline noise environment is less than BS 5228 Category A) and thus a construction noise threshold limit of 65dB during weekdays should be applied in keeping with BS 5228. However, as the proposed substation etc. will be constructed in tandem with the permitted solar farm, it has been submitted that there will be a need for adherence to construction noise levels of 55dB by day and 45dB by night as required by Condition No. 10 of PA Ref. No. 20/6132 (with Condition No. 15 of ABP Ref. No. ABP-301116-18 requiring the submission of a Construction Management Plan to include details of appropriate mitigation measures for noise etc. and subsequent monitoring).
- 11.6.4. The analysis proceeds to assess the potential noise impact arising from typical construction activities on the closest noise sensitive receptor. In this regard, reference has been made to the closest receptor being c. 350m from the site which would broadly tally with the separation between the nearest third-party dwelling house and the proposed substation compound. A correction has been applied to the

noise levels for 350m over soft ground from the noise sources which equates to a noise reduction of c. 36dB (conservative approach). The predicted cumulative noise impact (arising from the operation of various machinery such as a tracked excavator, dump truck, dozer etc.) at the nearest receptor has been calculated as 44dB which is below the daytime thresholds sought by both BS 5228 and Westmeath County Council. On the basis that noise levels generated during construction of the proposed substation are expected to be within acceptable limits at the closest receptor, compliance at all other more distant receptors can be inferred.

- 11.6.5. With respect to any potential noise arising from the construction of the access tracks in closer proximity to receptors than the proposed substation, it has been submitted that any such impacts have already been considered in the assessment and approval of the wider solar farm. I would concur with this assessment.
- 11.6.6. Although the construction of the proposed interface towers will require deeper excavations for foundations along with associated shuttering and concrete pours, it is of relevance to note that these works will be undertaken as part of the wider solar farm at a distance of c. 270m from the closest receptors and will occur in tandem with the construction of the access tracks to be carried out at an intervening location. It should also be noted that the estimated construction time for the overhead line structures (as set out in the Outline Construction Methodology appended to the Planning and Environmental Report) is comparatively short at only 3 No. months when compared to a 14-month construction period for the proposed substation.
- 11.6.7. In terms of operational noise, reference is made to an extract from the *'Eirgrid Evidence Based Environmental Studies Study 8: Noise – Literature review and evidence-based field study on the noise effects of high voltage transmission development (May 2016)'* which states that to avoid any noise impacts from 110kV substations at sensitive receptors, it is recommended that a minimum distance of 5m be maintained between the substation and the land boundary of any noise sensitive property. Given that the proposed substation will be c. 380m from the nearest receptor, no significant operational noise impacts are expected to arise.
- 11.6.8. In relation to the potential for dust emissions from the construction works, Section 9.3 of the Planning and Environmental Report acknowledges this can result in elevated particulate concentrations as well as dust soiling, however, in line with the

permitted development, it is proposed to deploy a water bowser on the access track during dry periods in order to minimise dust generation.

11.6.9. With regard to the potential broader impact of the construction of the proposed development on the residential amenities of surrounding property, while I would acknowledge that nearby housing will likely experience some disturbance / inconvenience during the construction phase in terms of increased traffic, noise and dust emissions etc, given the limited scale of the works which are to be undertaken in tandem with the construction of wider solar farm already permitted on site, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily managed and mitigated by way of condition through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development. No long-term impacts are anticipated during the operational phase.

11.7. Archaeological and Cultural Heritage:

11.7.1. Section 10 of the Planning and Environmental Report considers the potential impact of the proposed development on the archaeological and cultural heritage of the area and is supported by the Archaeological Assessment (included at Appendix 5) prepared in respect of the now consented solar farm.

11.7.2. From a review of the available information, it can be confirmed that there are no national monuments, recorded archaeological sites, protected structures, or architectural conservation areas within the confines of the proposed development site. However, there are 4 No. recorded monuments within 1km of the site boundary as follows:

- RMP WM018-171: (Ring-ditch) c. 280m south of the site.
- RMP WM018-174: (Earthwork) c. 670m southwest of the site.
- RMP WM018-173: (Enclosure) c. 770m southwest of the site.
- RMP WM018-172: (Enclosure) c. 890m southwest of the site.

11.7.3. For the purposes of clarity, these monuments are identified in Table 10-2 of the Planning and Environmental Report while their locations have been verified by reference to the Record of Monuments and Places. The Board is also advised that the approximate distances as outlined above differ from those set out in Table 10-2

in that they have been measured to the nearest site boundary as opposed to the location of the proposed substation compound.

- 11.7.4. At this point, I would draw the Board's attention to certain discrepancies in the identification of recorded monuments in the vicinity of the subject site when compared to those considered in the Archaeological Assessment prepared in support of the permitted solar farm. In this regard, it would appear that despite all of the aforementioned monuments lying within 1km of the proposed solar farm site, none of them were included in the original archaeological assessment (as evidenced by reference to Figure 2 of that document). For example, RMP WM018-171 is closer to the site boundary of both the solar farm and the subject proposal than any of the recorded archaeological sites identified in the archaeological assessment undertaken for the solar farm. While these omissions are regrettable, I am satisfied that they would not have had any material impact on the assessment of the archaeological implications of the solar farm, particularly as the recorded monuments in question and their respective zones of influence / notification are all at a considerable remove from the development site.
- 11.7.5. With regard to the subject proposal, I would reiterate that there are no recorded monuments on site while the desk-top study and walkover survey which informed the archaeological assessment undertaken for the wider solar farm (inclusive of the subject site) did not identify any other archaeological features of interest on site. However, there is a large hawthorn tree located approximately 60m east of the proposed substation compound (within the south-western corner of Field 5 as identified in the original archaeological assessment) which is of folkloric interest in the form of a 'Fairy Tree'.
- 11.7.6. The proposed development will involve extensive subsurface ground disturbance, the most significant of which will be associated with the construction of the access / maintenance tracks, the temporary construction compound, the foundations of the two line-cable interface masts, and the linear cable trenches, particularly at the joint bays. Excavation works will also be required to formation level for the proposed substation, however, while these will cover a relatively large area, they will be to a shallower depth. Therefore, given the potential to impact on previously unknown subsurface features of archaeological interest, by way of mitigation, it is proposed to undertake a programme of pre-development archaeological testing by a suitably

qualified archaeologist in areas where extensive subsurface excavation works will be required (such as along the route of the access roads, cable trenches, temporary hardscaping areas and the substation and site storage area). This will take place in advance of the main construction works and as part of the pre-development archaeological testing already recommended prior to construction of the main solar farm development (the submission of an archaeological appraisal of the site, including details of any further archaeological requirements, prior to commencement of construction works, is required by Condition No. 14 of ABP Ref. No. ABP-301116-18 and is further obliged by Condition No. 2 of PA Ref. No. 20/6132). In the event that items of archaeological interest are encountered, it is proposed to agree an appropriate Method Statement and Programme of Works with the National Monuments Service in order to fully excavate and record the remains, as necessary.

- 11.7.7. With respect to the 'Fairy Tree', an exclusion zone has been placed around this feature as part of the consented solar farm with a view to avoiding damage to both the tree and its roots. Moreover, the tree itself is at a remove from the locations of the proposed substation, access tracks, underground grid connection and the LCIM towers and thus no impacts are anticipated.
- 11.7.8. In response to the archaeological assessment included in the Planning and Environmental Report, the Development Applications Unit of the Department of Housing, Local Government and Heritage has lodged a submission which broadly concurs with the applicant's findings in relation to the archaeological and cultural heritage implications of the proposed development. It subsequently recommends a series of conditions in the event of a grant of permission, including the implementation of the mitigation measures set out in Section 10.6 of the Planning and Environmental Report, the identification and assessment of any archaeological or cultural heritage constraints relevant to the proposed development within the Construction and Environmental Management Plan, and the furnishing of the Planning Authority and the Department of Housing, Local Government and Heritage with a final archaeological report describing the results of all archaeological monitoring and any investigative works required following the completion of all archaeological works on site and any necessary post-excavation specialist analysis. Notably, the applicant has indicated that it is amenable to the conditions requested.

- 11.7.9. While I would acknowledge the Department's recommendations, I would suggest that as the proposed development will be undertaken in conjunction with the construction of the permitted solar farm, it would be appropriate in the interests of consistency (and in order to avoid complication) to impose the same archaeological requirements as are attached to the extant grant of permission for the main solar farm works.
- 11.7.10. Having regard to the available information, including the mitigation measures set out in Section 10: '*Cultural Heritage*' of the submitted Planning and Environmental Report, the observations of the Department of Housing, Local Government and Heritage and the applicant's response to same, and the separation distances from known features of archaeological or cultural heritage interest in the wider area, I am satisfied that due cognisance has been taken of the archaeological implications of the proposed works and that the proposal is acceptable.

11.8. Biodiversity:

- 11.8.1. The subject proposal will be undertaken in tandem with the solar farm already approved under PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 (as amended by PA Ref. No. 20/6132) and will share in part the footprint of that development with the result that the proposed works will occur on lands where some degree of ground disturbance or habitat loss has already been authorised as part of the permitted solar farm. In this regard, I am mindful that it is not entirely necessary to revisit the ecological / biodiversity implications of the wider project.
- 11.8.2. In assessing the potential impact of the proposed development on ecological / biodiversity considerations, I would refer the Board to Section 8: '*Biodiversity*' of the Planning and Environmental Report which has been informed by an updated Ecological Impact Assessment (included at Appendix 3 of that report). Although an Ecological Impact Assessment (dated 2017) was previously prepared in support of PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18, the updated EclA incorporates a new desk-top study as well as the findings of a field assessment / site walkover conducted in November, 2022 with a view to determining whether there had been any changes in the habitats present on site over the intervening period (although the applicant has acknowledged that the habitat survey was conducted outside of the

flowering season of many species). New mammal surveys were also undertaken in 2022.

- 11.8.3. By way of summation, the updated EclA (in conjunction with the Appropriate Assessment Screening Report included at Appendix 4 of the Planning and Environmental Report) has determined that the proposed development will not impact on any designated protected sites (i.e. SACs, SPAs, NHA or pNHAs etc.) due to a lack of connectivity. It has further confirmed that there are no habitats within the proposed development site that conform to those listed under Annex I of the EU Habitats Directive with the land instead being dominated by Improved Agricultural Grassland (GA1), which possibly forms a mosaic with Wet Grassland (GS4) further east, in addition to Drainage Ditches (FW4) associated with Hedgerows (WL1), Treelines (WL2) and Stone Walls (BL1). No rare or protected flora species have been recorded on site nor are there any records of rare and / or protected flora within the 2km square grid surrounding the development held by the National Biodiversity Data Centre. The 2022 site walkover did not record any invasive plant species listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended, and although Sycamore and Snowberry are present within the managed south-eastern site boundary these will not be disturbed as part of the proposed development.
- 11.8.4. In terms of fauna, the EclA refers to the 27 No. bird species previously recorded over the entirety of the solar farm site in 2017 and notes that the conservation status of several of those species has changed favourably with Meadow Pipit having been downgraded to amber-listed and Mistle Thrush and Willow Warbler to green-listed. No Annex I species were recorded. During the 2017 surveys, Yellowhammer was thought likely to be associated with arable crops at the previously approved solar farm and in the wider area, however, the subject development will not impact on any arable crops. Meadow Pipit and Starling would be associated with open grassland and hedgerows while other species would likely use the development site and its hedgerows for foraging and / or nesting purposes. A desktop review of the National Biodiversity Data Centre's database has also highlighted that 2 No. green-listed bird species (i.e. Buzzard and Long-Eared Owl) have been recorded within the relevant 2km grid squares surrounding the proposed development.

- 11.8.5. With respect to non-volant mammals, Section 3.2.1.3 of the EclA states that brown rat, badger, pine marten, red fox, and hedgehog have all been recorded within the 2km grid square overlapping with the proposed development. Section 3.5.1 subsequently states that a live Irish Hare was observed in an open area of grassland on site. Furthermore, although evidence of badger activity was previously recorded within the consented solar farm, those setts were inactive and situated beyond the confines of the subject site while no signs of badger activity were recorded during the 2022 survey. No otter or suitable habitat have been recorded on site nor was any evidence of pine marten noted during the 2017 and 2022 surveys (although there are suitable den sites present in the form of stone walls).
- 11.8.6. No bat species have been recorded within the 2km grid squares overlapping the development site. Furthermore, the National Biodiversity Data Centre's 'Bat Landscape' shows the site to be in an area of low suitability for bats in general although the wider landscape is considered to be of high suitability for common pipistrelle, soprano pipistrelle and Leisler's Bat, and of moderate suitability for Natterer's Bat. While a small number of trees are to be removed as part of the proposed works, given their small size they are unlikely to offer potential roosting opportunities.
- 11.8.7. Other fauna recorded on site included several species of Lepidoptera and bumblebee which were primarily noted at habitats associated with field boundaries while Common Frog was also thought likely to be present (although not observed). One endangered, two near threatened and one data deficient water beetle were also identified within 2km of the proposed development (these records historically relate to Walshestown Fen beyond the proposed development site).
- 11.8.8. Section 4.0 of the updated EclA details the potential ecological impacts arising during the construction and operation phases of the proposed development. No impacts on designated sites (including Natura 2000 sites which are considered further in the screening for appropriate assessment) are anticipated for a variety of reasons, including the separation distances concerned, the lack of suitable habitat or foraging opportunities on site (such as wetlands), and the absence of any physical or hydrological connectivity between the subject lands and those designated sites.

- 11.8.9. While the proposed development will inevitably result in the loss of some habitat on site, this will generally be confined to those of a lower ecological value such as improved grassland. Furthermore, no rare or protected flora will be affected nor will there be any disturbance of any high impact invasive flora. Although the development will necessitate the removal of approximately 15m of hedgerow to install access tracks and cabling, the minor impact arising from this aspect of the works can be mitigated in part through the reinstatement of the hedgerow and the provision of root protection areas for adjacent trees during the construction works.
- 11.8.10. With respect to avifauna, it is acknowledged that the amber and red-listed species identified during field surveys are likely to use the habitats within the proposed development site. Ground nesting species such as Meadow Pipit may also be impacted by habitat loss, injury or disturbance as a result of the proposed works, particularly if the works were to take place during the breeding season in the absence of mitigation. Other species may use the site for foraging purposes with impacts arising from a loss of habitats. Given the site location and the nature of the works proposed, some degree of impact on certain bird species as a result of a loss of habitat or disturbance etc. is unavoidable, however, this must be taken in context given that the subject proposal will be carried out within the footprint of (and in tandem with) the already permitted solar farm. It should also be reiterated that the proposal will primarily result in the loss of lower order habitat of a lesser ecological value and that similar lands are readily available elsewhere in the immediate vicinity while the minor loss of hedgerow will be compensated in part through reinstatement proposals. The disturbance of birds during construction will be mitigated by ensuring that site clearance works are carried out outside of the breeding season and, where this is not possible, pre-construction surveys will be used to identify any nests present within the area to be cleared (where amber or red listed species nests are identified, these will be isolated until such time as the chicks have fledged or breeding has failed).
- 11.8.11. In relation to non-volant mammals, there are no active badger setts on site or within a 150m buffer and while badgers may use the site for commuting / foraging purposes, the impacts arising from the minor loss of hedgerow and other lower order habitat are considered to be slight when taken in context. With regard to those inactive setts known to be present in the wider area, by way of mitigation, it is

proposed to undertake a pre-construction assessment of the activity status of all known setts within a 150m zone of influence of the site with any identified setts to be marked and cordoned off during the construction stage. In the event that new setts are recorded, the NPWS is to be consulted with regard to appropriate mitigation.

- 11.8.12. Although no bat species have been recorded within the 2km grid squares overlapping the development site, this does not preclude the possibility that the area is used by bat species for commuting / foraging purposes. However, the limited size and extent of tree and hedgerow removal proposed is unlikely to have a significant impact on bat activity. With regard to the potential for the disturbance of bat species due to the use of lighting during both the construction and operational phases, and in keeping with the requirements of the Development Plan, it is proposed that lighting be cowled from hedgerows and treelines during construction; lighting will feature shielded luminaires so as to avoid the spillage of light into adjacent hedgerow; and lamps emitting wavelengths below 540nm and correlated colour temperature >2700K will be avoided. Bat boxes are also to be installed either on the substation building or within suitable hedgerow / treelines.
- 11.8.13. Any impacts on other fauna (such as species of bumblebee) are expected to be imperceptible given the minor loss of hedgerow involved.
- 11.8.14. Having considered the available information, while the proposed development will result in some loss of vegetation and a broader loss of predominantly lower value habitat with an associated potential for the disturbance / displacement of wildlife both on site and within adjacent lands, it is my opinion that the impacts identified are comparatively minor, particularly in the context of the development already consented on site, and can be satisfactorily mitigated by way of condition and through adherence to the measures set out in the submitted documentation. The residual impacts arising are not considered to be significant having regard to the relatively low ecological value of the existing habitats.

11.9. **Health & Safety:**

- 11.9.1. The submission received from the Health Service Executive (National Office for Environmental Health Services) has assessed the potential environmental health impacts of the proposed development and has recommended a series of items for

inclusion in any Construction and Environmental Management Plan to be agreed with the Local Authority.

- 11.9.2. While it has also been recommended that the transformer proposed be manufactured to satisfy a specified noise emission criterion in order to minimise the potential impact on sensitive receptors, on the basis of the information supplied with application as regards operational noise from the substation and the separation distances involved from nearby noise sensitive receptors, I am satisfied that the proposed development will not give rise to any significant operational noise impact.

12.0 **Appropriate Assessment**

12.1. **Compliance with Article 6(3) of the Habitats Directive:**

- 12.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

12.2. **Background on the Application:**

- 12.2.1. The applicant has submitted a screening exercise for Appropriate Assessment with the planning application (please refer to the '*Appropriate Assessment Screening Report*' dated April, 2023 contained in Appendix 4 of the Planning and Environmental Report).
- 12.2.2. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies the potential for significant effects on European Sites within a possible zone of influence of the development.
- 12.2.3. The applicant's AA Screening Report has concluded that it is beyond reasonable scientific doubt that there are not likely to be significant effects from the proposed development on any European sites, either alone or in combination with other plans or projects.
- 12.2.4. Having reviewed the documentation submitted with the application, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

12.3. **Screening for Appropriate Assessment- Test of likely significant effects:**

- 12.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 12.3.2. The proposed development is examined in relation to any possible interaction with European sites, i.e. designated Special Conservation Areas (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site.

12.4. **Brief description of the development:**

- 12.4.1. The applicant provides a description of the project in Section 2.2 (and Appendix 2) of the AA screening report and elsewhere e.g. Section 2 of the Planning and Environmental Report. In summary, the proposed development consists of the construction of a 110kV electrical substation, an underground 'loop-in / loop-out' connection to the existing 110kV Mullingar-Lanesborough overhead line via 2 No. new interface towers, and associated infrastructure in the townlands of Clondardis and Slane More, Co. Westmeath. The purpose of the proposed development is to facilitate the export of electricity from the permitted Clondardis Solar Farm (PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18 as amended by PA Ref. No. 20/6132) to the national grid via an underground grid connection extending between the proposed substation and the existing 110kV Mullingar-Lanesborough overhead line.
- 12.4.2. The application has been accompanied by a Planning and Environmental Report which includes an Outline Construction Methodology Plan, an Ecological Impact Assessment, and copies of the Archaeological Assessment and the Landscape & Visual Impact Assessment undertaken in support of the permitted Clondardis Solar Farm (PA Ref. No. 17/6239 / ABP Ref. No. ABP-301116-18).
- 12.4.3. The development site is described in Section 2.1 of the AA screening report as being dominated by Improved Agricultural Grassland (GA1) which forms a mosaic with Wet Grassland (GS4) further east as well as Drainage Ditches (FW4) associated with Hedgerows (WL1), Treelines (WL2) and Stone Walls (BL1). No rare or protected flora species have been recorded on site. No high impact or invasive plant species listed in Part (1) of the Third Schedule of the European Communities (Birds and

Natural Habitats) Regulations, 2011, as amended, have been recorded within the site boundary. The drainage ditches on site are described as draining to ground.

- 12.4.4. The site of the proposed substation drains towards an unnamed stream approximately 230m to the northwest which in turn drains into the Mill (Ballinacarrigy) River c. 500m west of the proposed substation before flowing into the Inney River (c. 10km northwest of the site) and onwards to Lough Ree which has been designated as a Special Area of Conservation (Site Code: 000440) and a Special Protection Area (Site Code: 004064).
- 12.4.5. The Brosna Stream which originates within the Walshestown Fen is located c. 170m southeast of the proposed access to the development (on the opposite side of the local road). That stream flows for c. 6km before entering Lough Ennell which has been designated as a Special Area of Conservation (Site Code: 000685) and a Special Protection Area (Site Code: 004044).
- 12.4.6. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
 - Construction phase impacts on surface water due to pollution or contamination with silt, chemicals, oils, hydrocarbons, etc.
 - Habitat disturbance / species disturbance (construction and / or operational).

12.5. **Submissions and Observations:**

- 12.5.1. All submissions and observations received from interested parties are set out in Section 5.0 of this report.

12.6. **European Sites:**

- 12.6.1. The development site is not located in or immediately adjacent to a European site. The closest European sites are the Lough Owel Special Area of Conservation (Site Code: 000688) and Special Protection Area (Site Code: 004047) c. 2km northeast of the site. Within the applicant's AA Screening Report, Table 2.1 considers the potential interactions of the proposed development with the environment and notes the potential for the disturbance of certain bird species due to noise and increased human activity / presence up to 1km from the works area. It also states that as the drainage ditches on site do not directly enter nearby watercourses any sedimentation

attributable to the release of surface water runoff will be localised to the site and drainage ditches. These considerations have thus informed the statement within Section 3.2 of the AA Screening Report that the likely Zone of Influence of the proposed development will extend for 1km beyond the proposed works. However, the Screening Report proceeds to consider whether there could be any ecological connectivity between the proposed development and the conservation interests of European sites with a 15km buffer as follows:

| European Site | Qualifying Interest / Special Conservation Interest | Distance from the proposed development | Connections (source-pathway-receptor) | Considered Further in Screening |
|---|---|--|---------------------------------------|---------------------------------|
| Lough Owel Special Area of Conservation (Site Code: 000688) | Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Transition mires and quaking bogs [7140] Alkaline fens [7230] Austroptamobius pallipes (White-clawed Crayfish) [1092] | c. 2km northeast of the site. | None. | No. |
| Lough Owel Special Protection Area (Site Code: 004047) | Shoveler (Anas clypeata) [A056] Coot (Fulica atra) [A125] Wetland and Waterbirds [A999] | c. 2km northeast of the site. | None. | No. |
| Lough Iron Special Protection Area (Site Code: 004046) | Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Shoveler (Anas clypeata) [A056] | c. 5.3km northwest of the site. | None. | No. |

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|---|---|----------------------------------|-------|-----|
| | <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p> | | | |
| Scragh Bog Special Area of Conservation (Site Code: 000692) | <p>Transition mires and quaking bogs [7140]</p> <p>Alkaline fens [7230]</p> <p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p> | c. 5.7km northeast of the site | None. | No. |
| Lough Ennell Special Protection Area (Site Code: 004044) | <p>Pochard (<i>Aythya ferina</i>) [A059]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Wetland and Waterbirds [A999]</p> | c. 6.0km southeast of the site. | None. | No. |
| Lough Ennell Special Area of Conservation (Site Code: 000685) | <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Alkaline fens [7230]</p> | c. 6.0km southeast of the site. | None. | No. |
| Wooddown Bog Special Area of Conservation (Site Code: 002205) | Degraded raised bogs still capable of natural regeneration [7120] | c. 9.7km east of the site. | None. | No. |
| Lough Derravaragh Special Protection Area (Site Code: 004043) | Whooper Swan (<i>Cygnus cygnus</i>) [A038] | c. 11.1km northeast of the site. | None. | No. |

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|--|---|---------------------------------------|-------|-----|
| | Pochard (<i>Aythya ferina</i>) [A059] Tufted Duck (<i>Aythya fuligula</i>) [A061] Coot (<i>Fulica atra</i>) [A125] Wetland and Waterbirds [A999] | | | |
| Garriskil Bog Special Protection Area (Site Code: 004102) | Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] | c. 11.7km north of the site. | None. | No. |
| Garriskil Bog Special Area of Conservation (Site Code: 000679) | Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] | c. 11.7km north of the site. | None. | No. |
| Ballymore Fen Special Area of Conservation (Site Code: 002313) | Transition mires and quaking bogs [7140] | c. 13.8km west-southwest of the site. | None. | No. |
| Glen Lough Special Protection Area (Site Code: 004045) | Whooper Swan (<i>Cygnus cygnus</i>) [A038] | c.14.3km northwest of the site. | None. | No. |

12.10. Identification of likely significant effects:

- 12.10.1. Given the separation distances involved, it is not considered that there is any pathway for the direct loss, alteration or fragmentation of habitats listed as qualifying interests within the Natura 2000 sites.
- 12.10.2. In relation to the potential for the disturbance of bird species of special conservation interest, it has been submitted that the proposed development site is located beyond the average foraging range of most of those species for which the Garriskil Bog SPA,

the Glen Lough SPA, the Lough Derravaragh SPA and the Lough Iron SPA have been designated. Although the proposed development site will lie within the foraging range of certain wetland species of conservation interest (for which the Lough Derravaragh SPA, the Lough Ennell SPA, the Lough Owel SPA and the Lough Iron SPA have been designated), the absence of any suitable wetland habitats on site for feeding / foraging purposes (and the availability of other foraging opportunities at a remove from the development site, such as at Walshestown South Turlough) would negate the likelihood of any significant effects on those species by way of disturbance.

- 12.10.3. The construction phase of the proposed development will involve earthworks and the disturbance of soil etc. which gives rise to the possibility of indirect negative impacts on downstream water quality through the accidental release of suspended solids / sediment etc. or the discharge of hydrocarbons and / or other pollutants by way of contaminated surface water runoff. In this regard, drains or watercourses can act as a hydrological conduit for contaminated surface waters between development sites and any downstream Natura 2000 sites with any associated deterioration in water quality having a potentially negative impact on downstream aquatic habitats and species identified as qualifying interests / special conservation interests (such as through changes in water chemistry or the loss of spawning grounds).
- 12.10.4. Within Table 3.1 of the AA Screening Report, it has been submitted that given the physical and hydrological separation distances concerned, the immobile nature of certain species of conservation interest, and the absence of any hydrological or ecological connectivity between the proposed works and the identified Natura 2000 sites, impacts on the Lough Ennell SAC, the Garriskil Bog SAC, the Ballymore Fen SAC, the Lough Owel SAC, the Scragh Bog SAC and the Wooddown Bog SAC can be ruled out. With respect to the Lough Owel SAC, it is further stated that there are no suitable waterbodies on the development site to support its Qualifying Species (i.e. White-Clawed Crayfish). This approach seems reasonable and the aforementioned Natura 2000 sites are screened out from further assessment.
- 12.10.5. With regard to the potential for in-combination effects, given that no significant effects have been identified, there is no likelihood of in-combination effects.

12.10.6. Therefore, having regard to the nature of the proposed development, the absence of wetland habitats on site, the separation distances between the site and nearby European sites and the absence of any tangible pathways, I am satisfied that there is no potential for likely significant effects on any designated site.

12.11. Mitigation Measures:

12.11.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

12.12. Screening Determination:

12.12.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the following:

- The nature, scale and design of the proposed development;
- The nature of the receiving environment; and
- The separation distances between the proposed development and the European Sites and the demonstrated lack of any ecological connections.

13.0 Recommendation

13.1. Having regard to the foregoing, I recommend that permission for the proposed development be granted, subject to conditions, for the following reasons and considerations.

14.0 Reasons and Considerations

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

- a) the nature, scale and extent of the proposed development,
- b) the characteristics of the site and of the general vicinity,

- c) European, national, regional and local policy support for developing renewable energy, in particular:
- Project Ireland 2040 National Planning Framework,
 - the Climate Action Plan, 2023,
 - Government Policy Statement on the Security of Electricity Supply, 2021,
 - the Eastern & Midland Regional Economic and Spatial Strategy, 2019-2031,
 - the Westmeath County Development Plan, 2021-2027,
- d) the distance to dwellings and other sensitive receptors from the proposed development,
- e) the nature of the landscape and absence of any specific conservation or amenity designation for the site,
- f) the planning history of the immediate area, including the proximity to the permitted solar PV development with this development serving as the grid connection for that generating asset infrastructure,
- g) the submissions on file from prescribed bodies and the planning authority,
- h) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely effects of the proposed development on European Sites, and
- i) the report of the Inspector.

Appropriate Assessment Screening:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for appropriate assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development,

either individually or in combination with other plans or projects, on these European Sites in view of the sites' conservation objectives.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the relevant site's conservation objectives.

This screening determination is based on the assessment of the nature and scale of the proposed development, the nature of the relevant European Sites identified in the Inspector's report, the Qualifying Interests/Special Conservation Interests and the substantial separation distance and absence of pathways between the relevant European Sites and the proposed development.

Proper Planning and Sustainable Development:

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 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 undertaker shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Planning and Environmental Report, and other particulars submitted with the application shall be implemented by the

undertaker 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 may be carried out shall be 10 years from the date of this Order.

Reason: In the interest of clarity and having regard to the scale and nature of the proposed development.

4. 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.

5. An underground sealed wastewater holding tank shall be installed on site with effluent to be removed to a licensed wastewater treatment facility for treatment and disposal at regular intervals. Details of the holding tank shall be submitted for the agreement of the planning authority prior to the commencement of development.

Reason: In the interests of environmental protection and public health.

6. The undertaker shall comply with the following requirements:

- a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.
- c) Cables within the site shall be located underground.
- d) All fencing, gates and exposed metalwork shall be dark green in colour. The roofs of the buildings within the substation compound shall be dark grey or black and the external walls shall be finished in neutral colours such as grey or off-white.

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

7. The undertaker shall comply with the transportation requirements of the planning authority and other relevant bodies 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 Outline Construction Methodology Plan submitted with the application. The CEMP shall incorporate the following:

- a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste;
- b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
- c) an emergency response plan; and
- d) 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 site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the undertaker and at the undertaker's expense on a daily basis.

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

10. 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.

11. Prior to commencement of development, the undertaker 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.

12. The undertaker 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 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 undertaker 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Robert Speer
Planning Inspector

24th November, 2023